



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 85 - 40 – Regulations Governing the Practice of Respiratory Care Practitioners
Department of Health Professions
April 16, 2013

Summary of the Proposed Amendments to Regulation

The Board of Medicine (Board) proposes to allow an option for respiratory care practitioner licensure of an applicant who has been licensed in another state but who does not have “active practice,” defined as 160 hours of professional practice within the 24-month period immediately preceding application. The applicant would be allowed to demonstrate competency through documentation of 20 hours of continuing education within the 24-month period.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

The current regulations require individuals applying for Virginia licensure as a respiratory care practitioner, who are already licensed or certified in any other jurisdiction, to provide documentation of active practice as a respiratory care practitioner and verification that there has been no disciplinary action taken or pending in that jurisdiction. The regulations define “active practice” as “a minimum of 160 hours of professional practice as a respiratory care practitioner within the 24-month period immediately preceding renewal or application for licensure if previously licensed or certified in another jurisdiction.”

The purpose of the proposed amendment is to provide a pathway to Virginia licensure for respiratory therapists who have been licensed in another state but who do not have the requisite hours of active practice to qualify under current regulations. By substitution of hours of continuing education, the Board has some assurance of competency in the knowledge and skills of the therapists; so public health and safety is protected. The proposed regulation eliminates a

potential barrier to licensure for a candidate who may be otherwise qualified, while ensuring competence. Thus the proposed amendment should provide a net benefit.

Businesses and Entities Affected

The proposed amendment affects individuals applying for Virginia licensure as a respiratory care practitioner who are already licensed or certified in another jurisdiction, but who do not have the requisite hours of active practice to qualify under the current regulations.

Localities Particularly Affected

The proposed amendment does not disproportionately affect particular localities.

Projected Impact on Employment

The proposed amendment is unlikely to significantly affect total employment. A small number of respiratory care practitioners who are licensed or certified in another jurisdiction, but who do not have the requisite hours of active practice to qualify for Virginia licensure under the current regulations, may find it easier to find employment in Virginia.

Effects on the Use and Value of Private Property

For the small number of respiratory care practitioners who are licensed or certified in another jurisdiction, but who do not have the requisite hours of active practice to qualify for Virginia licensure under the current regulations, the proposed amendment has the potential to increase their net worth in that they may find it easier to find employment in Virginia.

Small Businesses: Costs and Other Effects

The proposed amendment does not increase costs for small businesses. It has the potential to moderately decrease costs for some small firms that employ respiratory care practitioners in that the potential pool of viable candidates for respiratory care practitioner positions may moderately increase.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed amendments do not adversely affect small businesses.

Real Estate Development Costs

The proposed amendments do not affect real estate development costs.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, a determination of the public benefit, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has an adverse effect on small businesses, Section 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.