



## **Economic Impact Analysis Virginia Department of Planning and Budget**

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### **18 VAC 85-110 – Regulations Governing the Practice of Licensed Acupuncturists Department of Health Professions (Board of Medicine)**

February 22, 2001

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The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 9-6.14:7.1.G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1.G requires that such economic impact analyses include, but need not be limited to, 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. The analysis presented below represents DPB's best estimate of these economic impacts.

### **Summary of the Proposed Regulation**

Section 54.1-2956.9 of the *Code of Virginia* requires that, prior to performing any acupuncture procedure, an acupuncturist not licensed to practice medicine, osteopathy, chiropractic, or podiatry, must either (i) obtain written documentation that the patient has received a diagnostic evaluation by a licensed medical practitioner with regard to the ailment or condition to be treated or (ii) provide a written recommendation for such an examination to the patient. The proposed regulatory action requires use of a standardized form for recommending a diagnostic evaluation and specifies that the form must be signed by the patient, that one copy shall be maintained in the patient's file, and that another copy be provided to the patient.

### **Estimated Economic Impact**

The existing requirement that patients be made aware of the need for a diagnostic examination by a licensed physician arises from concerns that a medical problem may go undiagnosed and untreated during the course of acupuncture treatment.

Currently, there is no required standard form for the written recommendations. Pursuant to Chapter 814 of the 2000 Acts of the Assembly, the proposed regulations require the use of a standard form specified by the Board of Medicine for written recommendations. The specific form developed by the board requires the signatures of both the patient and the acupuncturist, explains why the form is required, provides instructions to the acupuncturist explaining how many copies of the form are required, how it should be filled out, and what to do when the patient does not understand English. The Department of Health Professions (DHP) indicates that the specific form developed by the board is similar to what most acupuncturists have been using in practice. The degree of similarity between the proposed standard form and the forms have been used in practice is unknown. Especially, DHP does not know whether the forms used in practice included signatures of the patient and the physician. Because similar forms have been used in practice, the proposed changes are not expected to have significant economic impact in many cases.

In some cases, the proposed changes may result in small costs and benefits. The proposed regulations require all the patients and the physicians to devote some time to fill out and sign the form. Some of the patients and physicians may not have been filling out a specific type of information or signing the form, but are required to do so under the proposed regulations. This may cost some physicians and patients a small amount of time. The loss of about ten to twenty seconds per additional person may add up to a non-negligible amount of time that could be used elsewhere. In addition, for those practitioners who do not already maintain this documentation, there are likely to be very small compliance costs associated with copying the required form and maintaining a copy in the patient's file. On the other hand, the proposed regulations may provide some benefits since the signatures of both the patient and the acupuncturist on the form will make it possible to determine if the patient received the required information should there be a disagreement. No such disagreements have been reported to date.<sup>1</sup>

## **Businesses and Entities Affected**

The proposed changes will affect 108 licensed acupuncturists in Virginia and their patients. However, the number of patients receiving acupuncture treatment is unknown.

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<sup>1</sup> Source: DHP

## **Localities Particularly Affected**

All localities in Virginia will be potentially affected.

## **Projected Impact on Employment**

The proposed regulatory change is not expected to have any significant impact on employment.

## **Effects on the Use and Value of Private Property**

The proposed regulatory change is not expected to significantly affect the use and value of private property.