



Economic Impact Analysis Virginia Department of Planning and Budget

12 VAC 5-66 – Regulations Governing Durable Do Not Resuscitate Orders
Virginia Department of Health
June 12, 2009

Summary of the Proposed Amendments to Regulation

The Board of Health (Board) proposes to amend its durable do not resuscitate (DDNR) regulations by adding several definitions, specifying that DDNR forms may be obtained from the Office of Emergency Medical Services' website and allowing legible electronic copies of DDNR orders to be used and recognized as valid by healthcare facilities.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

Current regulations require DDNR order forms to be a "unique document printed on distinctive paper". Current Board policy, however, allows authorized individuals to obtain DDNR order forms from the Office of Emergency Medical Services' website. The Board proposes to amend these regulations to remove language that requires orders to be printed on special paper and to specifically state that forms can be obtained electronically or in hard copy form from the Office of Emergency Medical Services. No regulated entity is likely to incur any costs on account of these regulatory changes. To the extent that these regulations have caused confusion because they seemed to contradict current Board policy, these regulatory changes will provide the benefits of consistency and clarity.

Current regulations require DDNR orders to be displayed at a patient's current location and require original DDNR orders to travel with that patient (from a nursing home where the usually reside to a hospital where they are receiving temporary care, for instance). Current regulations allow photocopies of DDNR orders for informational purposes only. Current

regulations specifically prohibit photocopied DDNR orders from being used as a basis to withhold cardiopulmonary resuscitation. This current limitation has proved problematic for patients who are transported between facilities as their orders are frequently misplaced and new orders have to be obtained and filled out. To address this issue, the Board proposes to allow health care personnel to honor legible photocopies of DDNR orders so that they may be used in lieu of the original orders. This change will benefit both patients and health care personnel; patients will have a greater chance of having their wishes for end of life care honored and health care personnel will no longer have to act contrary to patient wishes in cases where they know their patients has DDNR orders but they do not have the original with them.

Businesses and Entities Affected

The Virginia Department of Health reports that these regulatory changes will affect more than 100 inpatient and outpatient hospitals, 265 nursing facilities and all health care providers that care for patients who have DDNR orders. These proposed regulations will also affect all patients who now have DDNR orders or who will have them at some point in the future.

Localities Particularly Affected

No locality will be particularly affected by this proposed regulatory action.

Projected Impact on Employment

This regulatory action will likely have no impact on employment in the Commonwealth.

Effects on the Use and Value of Private Property

This regulatory action will likely have no effect on the use or value of private property in the Commonwealth.

Small Businesses: Costs and Other Effects

Small businesses in the Commonwealth are unlikely to incur any costs on account of this regulatory action.

Small Businesses: Alternative Method that Minimizes Adverse Impact

Small businesses in the Commonwealth are unlikely to incur any costs on account of this regulatory action.

Real Estate Development Costs

This regulatory action will likely have no effect on real estate development costs in the Commonwealth.

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.H of the Administrative Process Act and Executive Order Number 36 (06). Section 2.2-4007.H 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. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.H 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.