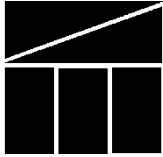


Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes Not Needed

If/when this economic impact analysis (EIA) is published in the *Virginia Register of Regulations*, notification will be sent to each member of the General Assembly (COV § 2.2-4007.04.B).



Virginia Department of Planning and Budget Economic Impact Analysis

18 VAC 85-120 Regulations Governing the Licensure of Athletic Trainers
Department of Health Professions
Town Hall Action/Stage: 5170 / 8452
December 6, 2018

Summary of the Proposed Amendments to Regulation

Pursuant to a periodic review,¹ the Board of Medicine (Board) proposes to add a definition for “direction” by a physician.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

The statutory definition of “practice of athletic training” (§ 54.1-2900) includes the phrase “under the direction of” but the meaning of direction is not spelled out either in statute or in the regulation.

*"Practice of athletic training" means the prevention, recognition, evaluation, and treatment of injuries or conditions related to athletic or recreational activity that requires physical skill and utilizes strength, power, endurance, speed, flexibility, range of motion or agility or a substantially similar injury or condition resulting from occupational activity immediately upon the onset of such injury or condition; and subsequent treatment and rehabilitation of such injuries or conditions **under the direction of** the patient's physician **or under the direction of** any doctor of medicine, osteopathy, chiropractic, podiatry, or dentistry, while using heat, light, sound, cold, electricity, exercise or mechanical or other devices.(emphasis added)*

¹ <http://townhall.virginia.gov/ViewPReview.cfm?PRid=1653>

During the periodic review, several athletic trainers sought clarification as to the meaning of “direction.” In response to those inquiries, the Board proposes to adopt the model language developed by the National Board of Certification for the Athletic Trainer:

"Direction" means authorization by a doctor of medicine, osteopathy, chiropractic, podiatry, or dentistry for care and treatment by a verbal order if the doctor or dentist is present or by written order, telecommunication, plans of care, protocols, or standing orders if the doctor or dentist is not present.

The proposed definition is consistent with the statute and the current interpretation of the word “direction” by the Board. Therefore, no significant economic effect is expected from this change beyond adding the clarity sought by several trainers on what “direction” means in the context of athletic training.

Businesses and Entities Affected

The proposed change pertains to the 1,589 licensed athletic trainers in the Commonwealth.

Localities Particularly Affected

The proposed amendment would not disproportionately affect particular localities.

Projected Impact on Employment

The proposed amendment would not affect employment.

Effects on the Use and Value of Private Property

The proposed amendment would not affect the use and value of private property.

Real Estate Development Costs

The proposed amendment would not affect real estate development costs.

Small Businesses:

Definition

Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

Costs and Other Effects

The proposed amendment would not have costs or other effects on small businesses.

Alternative Method that Minimizes Adverse Impact

The proposed amendment would not impose adverse impacts on small businesses.

Adverse Impacts:

Businesses:

The proposed amendment would not impose adverse impacts on businesses.

Localities:

The proposed amendment would not adversely affect localities.

Other Entities:

The proposed amendment would not adversely affect other entities.

Legal Mandates

General: The Department of Planning and Budget has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 14 (as amended, July 16, 2018). Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

Adverse impacts: Pursuant to Code § 2.2-4007.04(C): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period.

If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.