



townhall.virginia.gov

Periodic Review and Small Business Impact Review Report of Findings

Agency name	Department of Health Professions
Virginia Administrative Code (VAC) Chapter citation(s)	18VAC76-10
VAC Chapter title(s)	Regulations Governing the Health Practitioners' Monitoring Program for the Department of Health Professions
Date this document prepared	November 6, 2023

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

HPMP = Health Practitioners' Monitoring Program

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Regulations of HPMP are promulgated under the authority of Virginia Code § 54.1-2516(A).

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

There are no alternatives to regulation. HPMP must operate under statute and regulation, and enacting statutory language requires the Director to promulgate regulations.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency's response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No public comment was received.

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

This chapter of the regulations of the Department of Health Professions is necessary for the protection of public health, safety and welfare because it sets forth the program operations and requirements related to HPMP. These regulations are necessary to continue operation of HPMP and to continue assisting practitioners dealing with substance abuse and impairment issues who are otherwise safe to practice. These regulations are additionally necessary to protect public health, safety, and welfare by providing a mechanism for oversight of individuals that may not be safe to practice without adequate monitoring. The agency has reviewed this chapter and determined that it is clearly written and understandable.

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

The agency has decided to retain and amend these regulations.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

The statutory requirement to for regulations to implement HPMP still exists in Code; therefore the regulations are needed. Additionally, HPMP is used by thousands of practitioners that recognize the need to obtain treatment to continue practicing in a healthcare field. The agency has not received any comments related to this periodic review. The regulations are not complex. The regulation does not overlap, duplicate, or conflict with state or federal law or regulation. This chapter has been amended seven times in the last twenty years.
