



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

18 VAC 85-101 Regulations Governing the Licensure of Radiologic Technology
Department of Health Professions
Town Hall Action/Stage: 6120 / 9839
August 2, 2023

The Department of Planning and Budget (DPB) 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 19. The analysis presented below represents DPB's best estimate of the potential economic impacts as of the date of this analysis.¹

Summary of the Proposed Amendments to Regulation

As the result of a 2022 periodic review,² the Board of Medicine (Board) proposes to remove text from various portions of 18 VAC 85-101 *Regulations Governing the Licensure of Radiologic Technology* (regulation).

Background

Each portion of text proposed for removal qualifies as one of the following: 1) refers to another regulation that is not used in this regulation, 2) obsolete, 3) imposes a rarely used \$10 fee that costs more to administer than the amount of the fee, or 4) not relevant to the practice of individuals licensed under this regulation.

Estimated Benefits and Costs

According to DHP, the \$10 fee, which applies to an individual who is licensed out-of-state and wishes to register for voluntary practice in Virginia, is rarely used and costs more

¹ Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis 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.

² See <https://townhall.virginia.gov/L/ViewPReview.cfm?PRid=2151>.

administratively to collect than the \$10 that it generates. Thus, eliminating the fee would be beneficial in that it would both reduce cost for respiratory therapists licensed out-of-state seeking to volunteer in Virginia and net costs for the Board.

Removing the other instances noted above – text that refers to another regulation that is not used in this regulation, is obsolete, or not relevant to the practice of individuals licensed under this regulation – would have no impact on requirements for regulated entities or the public.

Businesses and Other Entities Affected

The proposed amendments affect the 5,051 radiologic technologists, 526 radiologic technologists-limited, and 17 radiologist assistants licensed in the Commonwealth,³ as well as their patients and employers. According to survey data from the most recently published Virginia Healthcare Workforce Data Center report on radiologic technologists,⁴ the primary type of employers of radiologic technologists in the Commonwealth are distributed as follows:

<u>Establishment Type</u>	<u>Percentage</u>
Physician Office	21%
Outpatient/Community Clinic	19%
General Hospital, Inpatient Department	17%
Diagnostic Imaging Center, Stationary	17%
General Hospital, Outpatient Department	10%
Diagnostic Imaging Center, Mobile	3%
Academic Institution	2%
Skilled Nursing Facility	0.34%
Device Manufacturer/Distributor	0.23%
Dentist Office	0.03%
Other Practice Setting	10%

³ Source: <https://www.dhp.virginia.gov/about/stats/2023Q3/04CurrentLicenseCountQ3FY2023.pdf>

⁴ See <https://www.dhp.virginia.gov/media/dhpweb/docs/hwdc/medicine/0120RadTech2021.pdf>

The Code of Virginia requires the DPB to assess whether an adverse impact may result from the proposed regulation.⁵ An adverse impact is indicated if there is any increase in net cost or reduction in net revenue for any entity, even if the benefits exceed the costs for all entities combined. As no proposed amendment increases costs or reduces net revenue for any entity, no adverse impact is indicated.

Small Businesses⁶ Affected:⁷

The proposed amendments do not appear to adversely affect small businesses.

Localities⁸ Affected⁹

The proposed amendments do not disproportionately affect any particular localities, nor introduce costs for local governments.

Projected Impact on Employment

The proposed amendments do not appear to affect total employment.

Effects on the Use and Value of Private Property

The proposed amendments do not appear to affect the use and value of private property or real estate development costs.

⁵ Pursuant to Code § 2.2-4007.04(D): 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. Statute does not define “adverse impact,” state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

⁶ 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.”

⁷ 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.

⁸ “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

⁹ § 2.2-4007.04 defines “particularly affected” as bearing disproportionate material impact.