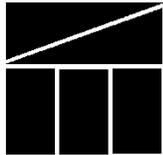


Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes<sup>1</sup>  Not Needed

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

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**18 VAC 76-40 Regulations Governing Emergency Contact Information**  
**Department of Health Professions**  
**Town Hall Action/Stage: 5271 / 8603**  
May 28, 2019

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### Summary of the Proposed Amendments to Regulation

The Department of Health Professions (DHP) proposes to amend the types of contact information that health professionals are to provide for notification in the event of a public health emergency or for dissemination of public health information.

### Result of Analysis

The benefits likely exceed the costs for all proposed changes.

### Estimated Economic Impact

Code of Virginia § 54.1-2506.1 states that:

For the purpose of expediting the dissemination of public health information, including notice about a public health emergency, the Department is authorized to require certain licensed, certified or registered persons to report any email address, telephone number and facsimile number that may be used to contact such person in the event of a public health emergency or to provide information related to serving during a public health emergency.

The current regulation requires, upon a request from DHP, that specified persons or entities report the following contact information: 1) a telephone number at which he may be contacted during weekday business hours (8 a.m. to 5 p.m.), 2) a telephone number at which he may be

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<sup>1</sup> 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.

contacted during nonbusiness hours (5 p.m. to 8 a.m. weekdays and on weekends or holidays), 3) a fax number at which he may be sent information concerning the emergency; and 4) an e-mail address at which he may be sent information concerning the emergency.

DHP proposes to no longer require the first three items listed above, continue to require the email address, and to newly require “a number at which he may be contacted or sent information by text.” According to DHP, the contact information is solely used by the Virginia Department of Health (VDH) in the event of a public health emergency or for dissemination of important public health information; and VDH has indicated that the proposed forms of contact information are more relevant and useful in the event of a public health emergency or for dissemination of important public health information than the contact information types currently listed in the regulation. Thus, the proposed amendments would be beneficial for VDH and for the public in that communication may be improved during public health emergencies and dissemination of important public health information may be improved. According to DHP, no one would be required to purchase a cell phone or submit his number if there is an objection. Thus, the proposed amendments do not introduce costs.

### **Businesses and Entities Affected**

The proposed amendments affect the 650 assisted living facility administrators, 1,690 athletic trainers, 8,726 massage therapists, 3,541 clinical psychologists, 6,806 clinical social workers, 7,463 dentists, 6,010 dental hygienists, 1,543 funeral service licensees, 2 embalmers, 36 funeral directors, 542 licensed acupuncturists, 28,858 licensed practical nurses, 5,417 licensed professional counselors, 237 medical equipment suppliers, 911 nursing home administrators, 15,153 pharmacists, 14,213 pharmacy technicians, 8,925 physical therapists, 4,005 physician assistants, 4,432 radiologic technologists, 109,603 registered nurses, 4,018 respiratory care practitioners, 40 surface transportation and removal service registrants, 4,435 veterinarians, and 81 wholesaler distributors of pharmaceuticals regulated by DHP.<sup>2</sup>

### **Localities Particularly Affected**

The proposed amendments do not disproportionately affect particular localities.

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<sup>2</sup> Data Source: the most recent available DHP Current Count of Licenses report. All figures are as of September 30, 2018. <http://www.dhp.virginia.gov/About/stats/2019Q1/04CurrentLicenseCountQ1FY2019.pdf>

## **Projected Impact on Employment**

The proposed amendments do not affect employment.

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

The proposed amendments are unlikely to significantly affect the use and value of private property.

## **Real Estate Development Costs**

The proposed amendments do 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 amendments do not significantly affect costs for small businesses.

### **Alternative Method that Minimizes Adverse Impact**

The proposed amendments do not adversely affect small businesses.

## **Adverse Impacts:**

### **Businesses:**

The proposed amendments do not adversely affect businesses.

### **Localities:**

The proposed amendments do not adversely affect localities.

### **Other Entities:**

The proposed amendments do 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.