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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Board of Medicine, Department of Health Professions
Virginia Administrative Code (VAC) Chapter citation(s)	18VAC85-20
VAC Chapter title(s)	Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic
Date this document prepared	October 6, 2022

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.

MD = medical doctor
DO = doctor of osteopathy
DPM = doctor of podiatric medicine
DC = doctor of chiropractic

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 the Board of Medicine are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Virginia Code § 54.1-2400(6) specifically states that the general powers and duties of health regulatory boards shall be “[t]o promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) that are reasonable and necessary to administer effectively the regulatory system.”

Virginia Code § 54.1-2929 prohibits any individual from holding himself out as qualified to practice medicine, osteopathy, podiatry, or chiropractic without obtaining a license to practice from the Board.

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.

Regulations set forth in 18VAC85-20 are necessary for the licensure and discipline of MDs, DOs, DPMs, and DCs to protect public health and safety in the delivery of services provided by these practitioners. There is no alternative to regulation.

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.

The Board received no public comment on the periodic review for Chapter 20.

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 Board of Medicine is necessary for the protection of public health, safety and welfare because it sets for the requirements for licensure and standards of practice for MDs, DOs, DPMs, and DCs. These regulations are necessary to continue to renew licenses for and to issue new licenses for MDs, DOs, DPMs, and DCs, which the General Assembly determined is a necessary component of the provision of healthcare in the Commonwealth. These regulations are additionally necessary to protect public health, safety, and welfare by providing a basis for disciplinary actions against practitioners. The Board of Medicine 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 Board decided to retain and amend Chapter 20.

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 regulations are needed for the reasons stated above. The General Assembly requires these professions to be licensed and regulated by the Board. The Board cannot do that without regulations. The Board has received no complaints or comments regarding Chapter 20. The chapter is not unnecessarily complex, as explained above. The regulations do duplicate some state law; those provisions will be eliminated in the subsequent action. This chapter has been revised eight times since the last periodic review in 2018. Any changes in technology, economic conditions, or other factors have changed would have been considered with each of the eight revisions. The regulations affect practitioners, not businesses, so there is no impact on small businesses.
