



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

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**18 VAC 80-30 Opticians Regulations**  
**Department of Professional and Occupational Regulation**  
**Town Hall Action/Stage: 5579 / 9037**  
August 21, 2020

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### **Summary of the Proposed Amendments to Regulation**

The Board for Hearing Aid Specialists and Opticians (Board) proposes to amend language concerning apprenticeships to reflect current requirements in practice.

### **Background**

In order to become licensed as an optician, the current regulation states that the applicant must successfully complete one of two options for the education requirement:

A board-approved two-year course in a school of opticianry, including the study of topics essential to qualify for practicing as an optician; or

A two-year apprenticeship with a minimum of one school year of related instruction or home study while registered in the apprenticeship program in accordance with the standards established by the state Department of Labor and Industry [DOLI], Division of Registered Apprenticeship, and approved by the board;

According to the Department of Professional and Occupational Regulation, the phrase “a minimum of one school year of related instruction or home study” is antiquated language that does not reflect the standards of DOLI registered apprenticeships. DOLI registered apprenticeships require related technical instruction every year of the apprenticeship, and do not provide a “home study” alternative. The Board proposes to remove “with a minimum of one school year of related instruction or home study” from the regulation, and replace it with “including all required related technical instruction.”

### **Estimated Benefits and Costs**

The proposal does not affect requirements in practice, but is beneficial in that it may reduce confusion among readers of the regulation.

## **Businesses and Other Entities Affected**

The proposal may particularly affect individuals considering an apprenticeship in opticianry. There are currently 95 registered optician apprenticeships.<sup>1</sup> The proposal does not produce costs.

### **Small Businesses<sup>2</sup> Affected:**

The proposal does not substantively affect small businesses.

### **Localities<sup>3</sup> Affected<sup>4</sup>**

The proposal does not substantively affect localities.

## **Projected Impact on Employment**

The proposal does not affect employment.

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

The proposal does not substantively affect the use and value of private property or real estate development costs.

## **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(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 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

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<sup>1</sup> Data source: Department of Professional and Occupational Regulation via Department of Labor and Industry

<sup>2</sup> 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.”

<sup>3</sup> “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.

<sup>4</sup> § 2.2-4007.04 defines “particularly affected” as bearing disproportionate material impact.

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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.