

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 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

18 VAC 112 •20 Regulations Governing the Practice of Physical Therapy
Department of Health Professions
Town Hall Action/Stage: 4971 / 8164
January 22, 2018

Summary of the Proposed Amendments to Regulation

The Board of Physical Therapy (Board) proposes to allow physical therapists and physical therapist assistants to count up to two hours of required Type 2 continuing education hours to be satisfied by attending a board meeting, an informal conference, or a formal hearing.

Result of Analysis

The benefits likely exceed the costs for the proposed amendment.

Estimated Economic Impact

In order to renew an active license biennially, a physical therapist or a physical therapist assistant must complete at least 30 contact hours of continuing learning activities within the two years immediately preceding renewal. Up to 10 of the contact hours required for physical therapists and 15 of the contact hours required for physical therapist assistants may be Type 2 activities or courses. The current regulation states that Type 2 activities may include but not be limited to consultation with colleagues, independent study, and research or writing on subjects related to practice. Up to two of the Type 2 continuing education hours may be satisfied through delivery of physical therapy services, without compensation, to low-income individuals receiving services through a local health department or a free clinic organized in whole or primarily for the delivery of health services. The Board proposes to allow attendance at a meeting of the Board or

disciplinary proceeding conducted by the Board to count for up to two hours of required Type 2 continuing education hours. According to the Department of Health Professions, continuing education hours would be granted on a one-for-one basis for the time of attendance (up to the two-hour limit).

Similar to consultation with colleagues, attendance of board meetings or disciplinary proceeding would help practitioners be aware of current issues affecting the profession. Attendance of Board meetings would enable licensees to hear discussion of the statutes and regulations that directly affect physical therapy licensure and practice, including for recent examples, discussions about dry needling, consideration of participation in a physical therapy licensure compact, and tools available for physical therapists to gauge continuing competency, as well as possible legislation and regulatory proposals. Attendance of disciplinary proceedings would give licensees an opportunity to see/hear first-hand the practice issues/violations that are seen by the Board in disciplinary cases and how the Board sanctions violations. This would not only be an educational experience, it may also have a deterrent impact by virtue of educating practitioners about actions or conduct they should avoid in their practice.

Businesses and Entities Affected

The proposed amendment potentially affects the 8,032 physical therapists and 3,348 physical therapist assistants licensed in the Commonwealth.¹ Many physical therapists and physical therapist assistants work for large health systems. It is unknown how many work for small businesses.

Localities Particularly Affected

The proposed amendment does not disproportionately affect particular localities.

Projected Impact on Employment

The proposed amendment does not significantly affect employment.

Effects on the Use and Value of Private Property

The proposed amendment does not significantly affect the use and value of private property.

¹ Data source: Department of Health Professions

Real Estate Development Costs

The proposed amendment does 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 amendment does not significantly affect costs for small businesses.

Alternative Method that Minimizes Adverse Impact

The proposed amendment does not adversely affect small businesses.

Adverse Impacts:

Businesses:

The proposed amendment does not adversely affect businesses.

Localities:

The proposed amendment does not adversely affect localities.

Other Entities:

The proposed amendment does 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 Number 17 (2014). 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.