Virginia Department of Planning and Budget
Economic Impact Analysis

18 VAC 60-21 Regulations Governing the Practice of Dentistry
Department of Health Professions
Town Hall Action/Stage: 6980 / 11129 Fast-Track
July 6, 2026

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

The Board of Dentistry (Board) proposes to no longer require a periodic quality assurance audit of oral and maxillofacial surgeons (OMSs).

Background

Currently, this regulation requires that the Board conduct a random audit of charts for patients receiving cosmetic procedures that are performed by certified OMSs no less than once every three years for quality assurance purposes. According to the Department of Health Professions (DHP), the Board investigators/inspectors select the cases randomly for review by an independent expert qualified to perform cosmetic procedures. However, DHP states that this audit has never indicated any wrongdoing by OMSs and is a financial drain on the Board. Thus, the Board proposes to repeal this random audit requirement for OMSs.

Estimated Benefits and Costs

In this action, the Board aims to reduce the financial strain on its resources following a staff review of existing requirements. This audit has been conducted on a three-year cycle since 2002, at a total cost of approximately $37,053 for each cycle (equivalent to $12,351 annually) in

[1] See Code § 2.2-4007.04 (A).

terms of indirect costs for staff time and direct costs for expert fees. The Board estimates that DHP's investigators/inspectors spend approximately 12 hours at $58.34 per hour on each of the 39 OMSs who have a cosmetic procedure permit, which adds up to a total of $27,303 per cycle.[2] Additionally, it is estimated that the expert fees for review add up to a total of $9,750 per cycle; this is based on 2.5 hours per permittee at a cost of $100 per hour.[3] However, according to DHP, this random audit is not necessary because no systemic or egregious issue has been identified by the audits. Instead, the Board plans to rely on its main enforcement mechanism, which is complaint-based.

Based on the information available, it appears that the proposed repeal of the audit would reduce the Board's direct expenses by $9,750 over three years; free approximately 468 hours of staff time (equivalent to $27,303 in indirect costs) that the Board plans to dedicate to other tasks. Moreover, the Board does not expect any impediments to the quality of cosmetic procedures performed by OMSs, as it believes the complaint-based enforcement mechanism would be adequate to identify any problems should they arise.

Businesses and Other Entities Affected

The random audit requirement currently applies to 39 OMSs certified to perform cosmetic procedures. No regulated entity appears to be disproportionately affected.

The Code requires DPB to assess whether an adverse impact may result from the proposed regulation.[4] An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.[5] As noted above, the proposal would eliminate the fees paid to an independent expert to review the cases selected by the Board staff. Thus, an adverse impact on the experts performing such review is indicated.

[2] 39 permits x 12 hours x $58.34 per hour = $27,303.

[3] 39 permits x 2.5 hours x $100 per hour =$9,750.

[4] See Code § 2.2-4007.04 (D).

[5] 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. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

Small Businesses[6] Affected:[7]

To the extent the independent expert reviewing the cases affiliated with a small business, there may be an adverse impact on such a small business. Otherwise, the proposal does appear to adversely affect small businesses directly.

Localities[8] Affected[9]

The proposed amendments do not introduce costs for localities, nor do they disproportionately affect any locality.

Projected Impact on Employment

The proposed repeal of the audit would free some staff time for the Board which would be dedicated to other tasks. However, the need to hire an independent expert to review selected cases would no longer exist.

Effects on the Use and Value of Private Property

No direct effect on the use and value of private property is expected. To the extent the independent expert reviewing cases operate as a business, its revenues and asset value may be negatively affected. No impact on real estate development costs is expected.

[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] See Code § 2.2-4007.04 (A.2). and Code § 2.2-4007.1 (C).
[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] Code § 2.2-4007.04 defines “particularly affected" as bearing disproportionate material impact.