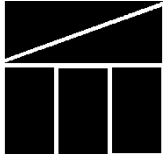


Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes  Not Needed

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

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**18 VAC 85-50 Regulations Governing the Practice of Physician Assistants**  
**Department of Health Professions**  
**Town Hall Action/Stage: 5168 / 8450**  
December 4, 2018

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### Summary of the Proposed Amendments to Regulation

Pursuant to a periodic review,<sup>1</sup> the Board of Medicine (Board) proposes to remove regulatory language that is inconsistent with 2016 legislative changes and to eliminate a redundant regulatory requirement.

### Result of Analysis

The benefits likely exceed the costs for all proposed changes.

### Estimated Economic Impact

The Board is proposing to eliminate ancillary language related to a previously-eliminated requirement that physician assistants (PAs) submit practice agreements to the Board for approval. The submittal requirement was eliminated in state statute with the passage of Chapter 450 of the 2016 Acts of Assembly (SB551) and implemented through an exempt regulatory action in 2016, but there still remains some language inadvertently suggesting that submittal to the Board is still required.<sup>2</sup> Further, the legislation removed the requirement that the PAs notify and provide information to the board prior to initiating practice. The legislation also required a

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<sup>1</sup> <http://townhall.virginia.gov/L/ViewPReview.cfm?PRid=1649>

<sup>2</sup> <http://townhall.virginia.gov/l/ViewStage.cfm?stageid=7650>

PA to enter into a written or electronic practice agreement with at least one supervising physician or podiatrist, to maintain evidence of such agreement, and to provide it to the Board upon request rather than submit to the Board for approval.

During the periodic review, the Physician Assistant Advisory Board identified several sections that are currently inconsistent with statute. In order to address these inconsistencies, the Board proposes to remove language requiring that a separate practice agreement be executed, remove language about Board forms for practice agreements which are no longer provided by the Board and no longer required to be submitted to the Board, etc.

In addition to the changes required to conform the regulation to statute, the Board also discovered a redundant regulatory requirement during the periodic review. The regulation currently requires applicants for prescriptive authority to submit evidence of successful passage of the National Commission on Certification of Physician Assistants exam while it is simultaneously required for licensure as a PA. This regulatory action would delete the exam requirement for prescriptive authority.

Because none of the proposed changes would have any impact on current practices followed by the Board, they are not expected to create any economic impact beyond improving the accuracy of existing requirements and the consistency between the statute and the regulatory text.

### **Businesses and Entities Affected**

The proposed amendments pertain to the 3,841 licensed physician assistants in the Commonwealth.

### **Localities Particularly Affected**

The proposed amendments would not disproportionately affect particular localities.

### **Projected Impact on Employment**

The proposed amendments would not affect employment.

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

The proposed amendments would not affect the use and value of private property.

### **Real Estate Development Costs**

The proposed amendments would 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 would not have costs or other effects on small businesses.

**Alternative Method that Minimizes Adverse Impact**

The proposed amendments would not impose adverse impacts on small businesses.

**Adverse Impacts:****Businesses:**

The proposed amendments would not impose adverse impacts on businesses.

**Localities:**

The proposed amendments would not adversely affect localities.

**Other Entities:**

The proposed amendments would 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.