

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 85-50 Regulations Governing the Practice of Physician Assistants
Department of Health Professions
Town Hall Action/Stage: 4943 / 8217
April 16, 2018

Summary of the Proposed Amendments to Regulation

The Board of Medicine (Board) proposes to 1) add a provision in the regulation on pharmacotherapy for weight loss to clarify that a physician assistant can conduct the physical examination, review tests, and prescribe drugs, if so authorized in a practice agreement with a supervising physician, and 2) amend supervision language to improve clarity.

Result of Analysis

The benefits likely exceed the costs for the proposed changes.

Estimated Economic Impact

The Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic (18 VAC8 5-20) specify that “If specifically authorized in his practice agreement with a supervising or collaborating physician, a physician assistant or nurse practitioner may perform the physical examination, review tests, and prescribe Schedules III through VI controlled substances for treatment of obesity,” Nevertheless, the Advisory Board on Physician Assistants (Advisory Board) has noted that not all pharmacies are filling prescriptions written by physician assistants for weight loss.¹ The Advisory Board stated that “It

¹ See

http://townhall.virginia.gov/L/GetFile.cfm?File=C:\TownHall\docroot\meeting\26\25460\Minutes_DHP_25460_v2.pdf

was thought that adding this [language to the physician assistant regulation] would remove any confusion pharmacists might have regarding physician assistants writing prescriptions for weight loss medications.”

Thus, the Board proposes to add (for physician assistants) the above quoted language in the Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic to the Regulations Governing the Practice of Physician Assistants. This would be beneficial in that it would help ensure that pharmacists and anyone else who only reads the physician assistant regulation are aware that physician assistants are legally permitted to prescribe drugs in these circumstances and to conduct the other listed activities.

Businesses and Entities Affected

The proposed amendments affect current and future physician assistants in the Commonwealth, and their supervising physicians. There are 3,612 persons who hold a current Virginia license as a physician assistant, each of whom may have multiple supervising physicians.²

Localities Particularly Affected

The proposed amendments do not disproportionately affect particular localities.

Projected Impact on Employment

The proposed amendments do not significantly affect employment.

Effects on the Use and Value of Private Property

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

Real Estate Development Costs

The proposed amendments do 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

² Data source: Department of Health Professions

(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 do not significantly affect costs for small businesses.

Alternative Method that Minimizes Adverse Impact

The proposed amendments do not adversely affect small businesses.

Adverse Impacts:

Businesses:

The proposed amendments do not adversely affect businesses.

Localities:

The proposed amendments do not adversely affect localities.

Other Entities:

The proposed amendments do 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.