

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

12 VAC 5-66 Regulations Governing Durable Do not Resuscitate Orders
Department of Health
Town Hall Action/Stage: 4523/7484
May 26, 2016

Summary of the Proposed Amendments to Regulation

The State Board of Health (Board) proposes to clarify that a Physician Orders for Scope of Treatment (POST) form is an authorized form of a Durable Do Not Resuscitate (DNR) Order.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

A Durable DNR Order is a written physician's order issued in a form or forms authorized by the Board to withhold cardiopulmonary resuscitation from an individual in the event of a cardiac or respiratory arrest. According to the Virginia Department of Health (VDH), some hospitals in Virginia started utilizing the POST form as a form of a Durable DNR Order with the approval of the Board about five years ago. However, some hospitals have been hesitant to use the POST form as an alternate form despite the Board's policy in the absence of it being addressed in regulation. The proposed change clarifies that the POST form is an authorized form of a Durable DNR order. Thus, the main effect of the proposed change is the clarification of the Board's existing policy on what is considered an authorized Durable DNR Order.

Businesses and Entities Affected

According to VDH, there are more than 51,000 physicians, nurse practitioners, and physician assistants in the Commonwealth. In addition, there are approximately 100 hospitals and 279 nursing facilities. The number of outstanding Durable DNR Orders or POST forms in Virginia is not known.

Localities Particularly Affected

The proposed changes apply statewide.

Projected Impact on Employment

The proposed change is not anticipated to create any impact on employment.

Effects on the Use and Value of Private Property

The proposed change is not anticipated to create any effects on the use and value of private property.

Real Estate Development Costs

No significant impact on real estate development costs is expected.

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

Most physician offices and nursing facilities are considered small businesses. The proposed change is not anticipated to create any significant costs or other effects on them.

Alternative Method that Minimizes Adverse Impact

No adverse impact on small businesses is expected.

Adverse Impacts:**Businesses:**

Most hospitals are considered non-small business. The proposed change is not anticipated to create any adverse impact on them.

Localities:

No adverse impact on localities is expected.

Other Entities:

No adverse impact on other entities is expected.

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.

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