



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 85-101 – Regulations Governing Public Participation Guidelines Department of Health Professions September 26, 2002

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.G of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007.G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the Proposed Regulation

The Department of Health Professions (department) proposes to promulgate regulations to provide guidelines for public participation in the regulatory process of the department.

Estimated Economic Impact

The department administers the regulations of 14 boards, as well as its own regulations. All 14 boards have existing Public Participation Guidelines (PPGs), which are identical to each other. The department proposes to promulgate PPGs for the agency's own regulations that are identical to the existing 14 board PPGs, with the exception of language on the response to petitions for rulemaking. In accordance with amendments to the Administrative Process Act by the 2002 General Assembly, the department proposes to set the time limit for response to a petition for rulemaking at 90 days following a 21-day comment period. The other 14 PPGs administered by the department state that the response to a petition for rulemaking be made

within 180 days, which is in accordance with the APA prior to the 2002 General Assembly. All boards with PPGs must abide by the language of the 2002 APA.

Currently, the department has one regulation in effect, “Regulations Governing the Health Practitioners' Intervention Program for the Department of Health Professions.” This regulation is exempt from the Administrative Process Act (APA) and thus has not been subject to public participation rules. The department is now proposing a second regulation, “Regulations Governing the Prescription Monitoring Program,” which is subject to the APA. The department is concurrently proposing these public participation guidelines, as required by the APA.

PPGs define how boards maintain lists of parties interested in specific regulations and how and when those interested individuals are notified of proposed amendments to the regulations. PPGs also specify requirements for public hearings and petitions for rulemaking. The introduction of the proposed regulations will have no economic impact.

Businesses and Entities Affected

The proposed amendments affect all individuals interested in being notified of action promulgated by the department. There are currently three entities listed on the mailing list created by the department to receive comment on the Notice of Intent for Regulatory Action for the establishment of the “Regulations Governing the Prescription Monitoring Program.”

Localities Particularly Affected

The proposed regulations affect all Virginia localities.

Projected Impact on Employment

The proposed amendments will not affect employment levels.

Effects on the Use and Value of Private Property

The proposed amendments will not effect the use and value of private property.