

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 30 •21 Regulations Governing the Practice of Audiology and Speech-Language Pathology

Department of Health Professions

Town Hall Action/Stage: 5007 / 8225

April 20, 2018

Summary of the Proposed Amendments to Regulation

The Board of Audiology and Speech-Language Pathology (Board) proposes to: 1) credit the provisional licensure fee paid when charging the application licensure fee, and 2) clarify that an audiologist or speech-language pathologist who has been licensed in another state must apply for licensure by endorsement.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

Fees

The regulation provides that applicants may be issued a provisional license in order to obtain clinical experience that is required in order to obtain initial full licensure. A provisional license may also be issued to applicants who are seeking: 1) licensure by endorsement and have not actively practiced for at least one of the past three years, 2) reactivation of an inactive license, or 3) reinstatement of a lapsed license. Under the current regulation, an individual with a provisional license who is applying for full licensure pays the full license fee.

	Full License	Provisional License	Difference
Audiology	\$135	\$50	\$85
Speech-language Pathology	\$135	\$50	\$85
School Speech-language Pathology	\$70	\$50	\$20

The Board proposes only to charge such applicants the difference between the provisional license fee and the full licensure fee. In other words, all applicants for full licensure who have a provisional license would have their fee reduced by \$50. This is, of course, beneficial for these applicants.

Licensure by Endorsement

The current regulation states that individuals who have been licensed in another United States jurisdiction in audiology or speech-language pathology and seek licensure in Virginia **may** apply for licensure by endorsement in Virginia, provided that they: 1) meet specified continuing education hours, 2) meet specified clinical competence certification, 3) have passed a qualifying examination from an accrediting body recognized by the Board, 4) have no disciplinary action that is pending or unresolved, and 5) either have had active practice in another United States jurisdiction for at least one of the past three years or practice for six months with a Virginia provisional license. The Board proposes to change the “**may**” to “**shall**,” in order to make clear that applicants for Virginia licensure who have been licensed in other United States jurisdictions are to apply for licensure by endorsement, rather than the process intended for those who have never been licensed. According to the Department of Health Professions, applicants who have been licensed out-of-state and have expressed interest in Virginia licensure have in practice been told to apply for licensure by endorsement.

Allowing individuals who have been licensed in another United States jurisdiction to apply for licensure through the route intended for those who have never been licensed would potentially enable those with unresolved disciplinary actions to become licensed in Virginia without the Board’s knowledge of past problematic practice. Thus, the proposal to make clear that applicants for Virginia licensure who have been licensed in other United States jurisdictions

are to apply for licensure by endorsement would be beneficial in that it reduces the likelihood that incompetent or unethical practitioners may become licensed in Virginia.

The Board also proposes to add that the out-of-state license must be current and unrestricted, or if lapsed is eligible for reinstatement. This further helps reduce the likelihood that incompetent or unethical practitioners may become licensed in Virginia.

Businesses and Entities Affected

The proposed amendments directly affect individuals applying for licensure as an audiologist, a speech-language pathologist, or as a school speech-language pathologist, and indirectly firms and schools that employ them. In the year 2017, there were 30 new licenses issued for audiologists, 381 for speech language pathologists, and 35 for school speech-language pathologists.¹

Localities Particularly Affected

The proposed amendments do not disproportionately affect particular localities.

Projected Impact on Employment

The proposed amendments do not significantly affect total 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 (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 affect significantly costs for small businesses.

¹ Source: Department of Health Professions

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.