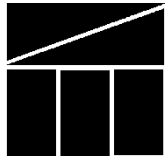


Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes¹ Not Needed

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: 5354 / 8713

October 7, 2019

Summary of the Proposed Amendments to Regulation

In response to a petition for rulemaking, the Board of Audiology and Speech-Language Pathology (Board) proposes to establish that health care organizations accredited by DNV GL Healthcare are approved sources of continuing education.

Background

Regulations Governing the Practice of Audiology and Speech-Language Pathology (Regulation) require that in order to renew an active license, a licensee shall complete at least 10 contact hours of continuing education prior to the renewal date each year. The current regulation specifies that the continuing education must be activities, programs, or courses related to audiology or speech-language pathology, depending on the license held, and offered or approved by one of the following accredited sponsors or organizations sanctioned by the profession:

1. The Speech-Language-Hearing Association of Virginia or a similar state speech-language-hearing association of another state;
2. The American Academy of Audiology;
3. The American Speech-Language-Hearing Association;

¹ Adverse impact is indicated if there is any increase in net cost or reduction in net revenue for any entity, even if the benefits exceed the costs for all entities combined.

4. The Accreditation Council on Continuing Medical Education of the American Medical Association offering Category I continuing medical education;
5. Local, state, or federal government agencies;
6. Colleges and universities;
7. International Association of Continuing Education and Training; or
8. Health care organizations accredited by the Joint Commission on Accreditation of Healthcare Organizations.

The Joint Commission on Accreditation of Healthcare Organizations has changed its name to The Joint Commission. The Board proposes to amend that entity's name in the regulation to reflect that change. Also, the Board proposes to state in the regulation that health care organizations accredited by DNV GL Healthcare are also approved sources of continuing education.

Starting in 2008, the federal Department of Health and Human Services, Centers for Medicare & Medicaid Services (CMS) has granted accreditation deeming authority to DNV GL Healthcare as an option to accreditation by The Joint Commission for participation in Medicare. On February 26, 2019, a petition for rulemaking² was submitted to the Board to “recognize health care organizations accredited by DNV-GL Healthcare for approval of continuing education.” Twenty-two hospital systems nationally, including the Riverside and Sentara health systems in Virginia, are now accredited by DNV GL rather than The Joint Commission.³

Estimated Benefits and Costs

To the extent that accreditation from DNV GL signifies as much competence to provide quality continuing education pertaining to audiologists and speech-language pathologists as does accreditation from The Joint Commission, the proposed amendment appears to be beneficial. Audiologists and speech language pathologists would have additional sources of quality continuing education available. This would be particularly convenient, and perhaps lower cost, for licensees who are employees of a healthcare organization accredited by DNV GL. Such individuals could potentially newly have training provided by their employer qualify for continuing education. If these licensees would otherwise have obtained these hours of continuing

² See <https://townhall.virginia.gov/l/viewpetition.cfm?petitionid=293>

³ Source: Department of Health Professions

education from other sources, these other sources may encounter reduced demand for their services, potentially resulting in reduced revenue.

Businesses and Other Entities Affected

The proposed amendments potentially affect the 542 licensed audiologists and 4,351 licensed speech-language pathologists in the Commonwealth, and their employers.⁴ Licensees who are employees of a healthcare organization accredited by DNV GL would be particularly affected. There are two healthcare organizations accredited by DNV GL in Virginia. Providers of continuing education to audiologists and speech-language pathologists would also potentially be affected. Data for the number of providers of continuing education to audiologists and speech-language pathologists is not available.⁵ The proposal would not increase implementation or compliance costs.

Localities⁶ Affected⁷

The proposed amendments apply statewide. Employees of healthcare organizations accredited by DNV GL would be particularly affected. The two Virginia healthcare organizations currently accredited by DNV GL have locations in: the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg; and the Counties of Accomack, Essex, Gloucester, Hanover, Isle of Wight, King William, Lancaster, Mathews, Middlesex, New Kent, Northampton, Northumberland, Richmond, Sussex, and York. The proposed amendments do not introduce costs for local governments.

Projected Impact on Employment

The proposed amendments are not likely to substantially affect total employment.

Effects on the Use and Value of Private Property

The proposal to establish that health care organizations accredited by DNV GL Healthcare are approved sources of continuing education would likely increase the number of sources of qualifying continuing education for audiologists and speech-language pathologists,

⁴ The Department of Health Professions licenses individual audiologists and speech-language pathologists, but not their employers. Consequently, the number of licensed individuals is available, but the number of employers is not.

⁵ The Department of Health Professions does not license providers of continuing education and thus does not collect associated data.

⁶ “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

⁷ § 2.2-4007.04 defines “particularly affected” as bearing disproportionate material impact.

potentially reducing the cost of obtaining such continuing education. To the extent that these costs are incurred or partially incurred by firms that employ audiologists and speech-language pathologists, this may moderately increase the net value of such firms.

The proposal may also result in some private providers of continuing education facing additional competition for their services, potentially moderately reducing revenue. This may moderately reduce the net value of such continuing education providers.

The proposed amendments do not affect real estate development costs.

Adverse Effect on Small Businesses⁸:

Types and Estimated Number of Small Businesses Affected

The proposal to establish that health care organizations accredited by DNV GL Healthcare are approved sources of continuing education potentially may moderately reduce demand for services from some small providers of continuing education to audiologists and speech-language pathologists. Data is not available to estimate the number of such small businesses.

Costs and Other Effects

The proposed amendments do not increase costs. Some small providers of continuing education may encounter reduced demand for their services, and consequently reduced revenue.

Alternative Method that Minimizes Adverse Impact

The proposal to establish that health care organizations accredited by DNV GL Healthcare are approved sources of continuing education creates benefit for licensed audiologists and licensed speech-language pathologists. The benefit cannot be achieved without the resulting potential loss of business for some small continuing education providers.

⁸ 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.”

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(D): 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.