

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: 5359 / 8719

October 11, 2019

Summary of the Proposed Amendments to Regulation

The Board of Audiology and Speech-Language Pathology (Board) proposes to permit the granting of licensure by endorsement for an applicant who graduated from an accredited program in audiology or speech-language pathology within 12 months immediately preceding application, without evidence of active practice, if the applicant holds either (1) a current and unrestricted Certificate of Clinical Competence in the area in which he seeks licensure issued by the American Speech-Language-Hearing Association or (2) a certification issued by the American Board of Audiology or any other accrediting body recognized by the Board.

Background

The Regulations Governing the Practice of Audiology and Speech-Language Pathology require applicants for Virginia licensure in audiology or speech-language pathology who have been licensed in another United States jurisdiction to apply via the licensure by endorsement route. Under the current regulation applicants for licensure by endorsement must, among other requirements, submit documentation of evidence of either a) active practice in another United States jurisdiction for at least one of the past three years, or b) practice for six months with a

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.

provisional license and by provide evidence of a recommendation for licensure by his or her supervisor. This active practice requirement is designed to ensure current competency for the health and safety of patients or clients.² Since the applicants affected by the proposed amendment would have completed their education and examination within the past 12 months, the Board does not believe the active practice requirement is necessary to ensure that these individuals have current competency. Additionally, the standard route to initial Virginia licensure contains no active practice requirement.

Estimated Benefits and Costs

Under the current regulation, applicants for Virginia licensure as audiologists or speech-language pathologists who are licensed in another United States jurisdiction, and have graduated from an accredited program in audiology or speech-language pathology within 12 months immediately preceding application, would be required to spend six months in a provisional status under the supervision of a Virginia licensee prior to gaining Virginia licensure. The proposed amendment would affectively negate this requirement and permit such individuals to become fully licensed right away. This is clearly beneficial for the affected individuals in that their initial job opportunities and earnings are likely to be higher. Additionally, employers of audiologists and speech-language pathologists may gain a slightly larger pool of fully licensed applicants to choose from. There does not appear to be any cost associated with the proposed amendment.

Businesses and Other Entities Affected

The proposed amendment affects applicants for Virginia licensure as audiologists or speech-language pathologists who are licensed in another United States jurisdiction and have graduated from an accredited program in audiology or speech-language pathology within 12 months immediately preceding application, as well as their potential employers.³ The Department of Health Professions reports that it knows of fewer than 10 past applicants who would have been affected by the amendment. Thus the likely number of affected entities is small. The proposed amendment does not appear to impose costs.

² Source: Department of Health Professions

³ 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.

Localities⁴ Affected⁵

The proposed amendment applies statewide, and does not disproportionately affect any particular locality. The proposed amendment does not appear to introduce costs for local governments.

Projected Impact on Employment

The proposed amendment is not likely to substantially affect total employment.

Effects on the Use and Value of Private Property

The proposal may allow a few firms to employ audiologists or speech-language pathologists who are licensed in another United States jurisdiction and have graduated from an accredited program in audiology or speech-language pathology within 12 months without supervision. This may moderately reduce their costs, moderately increasing their net value.

The proposed amendment does not affect real estate development costs.

Adverse Effect on Small Businesses⁶:

The proposed amendment does not appear to adversely affect small businesses.

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

⁴ “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.

⁵ § 2.2-4007.04 defines “particularly affected” as bearing disproportionate material impact.

⁶ 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.”

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.