

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 60-21 Regulations Governing the Practice of Dentistry
Department of Health Professions
Town Hall Action/Stage: 4598 / 7618
August 23, 2016

Summary of the Proposed Amendments to Regulation

Under the current regulation minimal sedation encompasses both antianxiety medication and inhalation analgesia.¹ The Board of Dentistry (Board) proposes to establish a set of requirements for when only inhalation analgesia is administered. The proposed regulation would be less restrictive for administration of only inhalation analgesia. Additionally, the Board proposes to clarify that information in the patient record should include the patient's height and weight, and, if appropriate, the Body Mass Index.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

Under the proposed regulation versus the current regulation, the effective changes for administration of only inhalation analgesia include: 1) no pulse oximeter is required for continuous monitoring; 2) baseline vital signs do not need to include the respiratory rate and may be omitted if there are extenuating circumstances documented in the patient record (such as a child who refuses to keep a blood pressure cuff on his arm); and 3) continual clinical observation

¹ inhalation analgesia: the inhalation of nitrous oxide and oxygen to produce a state of reduced sensation of pain with minimal alteration of consciousness

is required but not continuous monitoring of vital signs. The Board believes that the proposed less restrictive requirements for administration of only inhalation analgesia will have no impact on health risks.² Inhalation analgesia is considered the safest form of sedation.³

All of these proposed changes will reduce costs, in dollars or staff time, for dental practices that only administer inhalation analgesia. The cost of a pulse oximeter could be saved. Different models of pulse oximeters vary greatly in price. A basic pulse oximeter can be purchased for approximately \$30. No longer requiring that the respiratory rate be included in baseline vital signs, and no longer requiring continuous monitoring of vital signs would save staff time. Given the cost savings and apparent lack of significant increase in health risk, the proposed less restrictive requirements for administration of only nitrous oxide should produce a net benefit.

The proposal to clarify that information in the patient record should include the patient's height and weight, and, if appropriate, the Body Mass Index would not affect requirements, but would be beneficial in that the actual requirements will be more easily understood by both practitioners and the public.

Businesses and Entities Affected

The proposed amendments potentially affect the 7,292 dentists and 5,722 dental hygienists licensed in the Commonwealth, as well as their practices.⁴ As of 2012 there were 3,049 dental offices in Virginia, all of which qualified as small businesses.⁵

Localities Particularly Affected

The proposed amendments do not disproportionately affect particular localities.

Projected Impact on Employment

The proposed amendments will not likely have a significant impact on employment.

Effects on the Use and Value of Private Property

The proposed amendments may moderately increase the likelihood that some dental practices will use inhalation analgesia.

² Source: Department of Health Professions

³ Ibid

⁴ Data source: Department of Health Professions

⁵ Data source: Virginia Employment Commission

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 less restrictive requirements for administration of only nitrous oxide will reduce costs for dental practices that administer only nitrous oxide.

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.

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