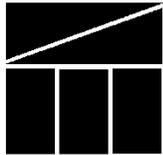


Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes Not Needed

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 60-25 Regulations Governing the Practice of Dental Hygienists
Department of Health Professions
Town Hall Action/Stage: 4917/8288
May 3, 2018

Summary of the Proposed Amendments to Regulation

The Board of Dentistry (Board) proposes to establish continuing education requirements for dental hygienists to practice under remote supervision.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

Chapter 497 of the 2016 Acts of Assembly¹ authorized dental hygienists to practice, with certain requirements and restrictions, under the remote supervision of a licensed dentist. One of the requirements was that the dental hygienist complete a continuing education course with specific content to cover issues related to remote supervision. Chapter 410 of the 2017 Acts of Assembly² further clarified the continuing education requirement. Effective November 2017 the Board established a two-hour continuing education requirement related to remote supervision and its specified content in an emergency regulation.³ The Board now proposes to make the emergency regulation permanent.

¹ <http://lis.virginia.gov/cgi-bin/legp604.exe?161+sum+SB712>

² <http://lis.virginia.gov/cgi-bin/legp604.exe?171+sum+HB1474>

³ <http://townhall.virginia.gov/ViewStage.cfm?stageid=8070>

The proposed required two-hour remote supervision continuing education course will be counted toward the currently required 15 hours of annual continuing education required for renewal of a license. Thus, there should not be any significant additional costs beyond meeting the 15 hours of continuing education currently required. The main difference will be what is covered in two of the 15 hours. The proposed regulation prescribes two hours of education with specific content to cover issues related to remote supervision. Because the specific education content will help address issues that may arise in a remote supervision setting without any discernible costs, the proposed regulation should produce net benefits.

Businesses and Entities Affected

There are 6,889 dental hygienists licensed in Virginia. It is unknown how many may practice under remote supervision.

Localities Particularly Affected

The proposed amendment does not affect any particular locality more than others.

Projected Impact on Employment

The proposed regulation establishes only the duration and content of the statutorily required continuing education and not the remote supervision itself. Thus, it is not expected to have any significant impact on employment.

Effects on the Use and Value of Private Property

No effect on the use and value of private property is expected.

Real Estate Development Costs

No impact on real estate development costs is expected.

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 amendment should not significantly affect small businesses.

Alternative Method that Minimizes Adverse Impact

The proposed amendment does not have costs and other significant effects on small businesses.

Adverse Impacts:

Businesses:

The proposed amendment does not have adverse impacts on businesses.

Localities:

The proposed amendment will not adversely affect localities.

Other Entities:

The proposed amendment will 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.