



Economic Impact Analysis Virginia Department of Planning and Budget

**18 VAC 85-20 – Regulations Governing the Practice of Medicine, Osteopathic Medicine,
Podiatry and Chiropractic**
Department of Health Professions
March 12, 2008

Summary of the Proposed Amendments to Regulation

The Board of Medicine (Board) proposes to exempt the mixing, diluting or reconstituting of vaccines that is performed by personnel under the supervision of a doctor from the requirement for a second check by a doctor, pharmacist, or by a physician assistant or registered nurse who has been specifically trained.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

These regulations require that

Doctors of medicine or osteopathic medicine who engage in immediate-use mixing, diluting or reconstituting shall: ...

2. Ensure that all personnel under their supervision who are involved in immediate-use mixing, diluting or reconstituting are appropriately and properly trained in and utilize the practices and principles of disinfection techniques, aseptic manipulations and solution compatibility;

3. Establish and implement procedures for verification of the accuracy of the product that has been mixed, diluted, or reconstituted to include a second check performed by a doctor of medicine or osteopathic medicine or a pharmacist, or by a physician assistant or a registered nurse who has been specifically trained pursuant to subdivision 2 of this subsection in immediate-use mixing, diluting or reconstituting. Mixing, diluting or reconstituting that is performed by a doctor of medicine or osteopathic medicine, a pharmacist, or by a specifically trained

physician assistant or registered nurse or mixing, diluting or reconstituting of vaccines does not require a second check;

The Board proposes to exempt vaccines from the requirement that a second check be performed to assess the accuracy of the product that has been mixed, diluted, or reconstituted. According to the Department of Health Professions (Department) the work with vaccines is straight forward and low risk, while the work with some other medications can be more complex and higher risk.

The Department also states that

... the benefit of having physicians spend their time seeing patients rather than checking vaccines outweighs any potential risk. Doctors are required to ensure that all personnel under their supervision who are involved in mixing, diluting or reconstituting are appropriately trained and utilize the practices and principles of disinfection techniques and solution compatibility. Therefore, the Board believes the amendment is beneficial to the health and safety of patients in those practices.

Given the apparent low risk associated with the mixing, diluting or reconstituting of vaccines and the training that staff doing this work will have, the value of having physicians (and physician assistants and registered nurses) spend additional time seeing patients likely outweighs what appears to be a minute increase in risk to patients' health associated with the physicians (and physician assistants and registered nurses) not performing a second check. Thus, the proposed amendment most likely produces a net benefit.

Businesses and Entities Affected

The proposed amendment potentially affects the 4317 offices of physicians in the Commonwealth, their staff, and patients. All but one of the 4317 offices qualify as small businesses.¹

Localities Particularly Affected

The proposed amendment does not disproportionately affect specific localities.

Projected Impact on Employment

The proposed amendment likely will not significantly affect total employment, but will allow physicians and their staff to use their labor hours more effectively.

¹ Data Source: Quarterly Census of Employment and Wages (QCEW) for 2006, Quarter 4 - (Private ownerships). Offices of mental health physicians are not included.

Effects on the Use and Value of Private Property

The proposed amendment will allow some offices of physicians to use their staff time more efficiently; physicians can spend more time seeing patients and in other productive activities. This may lead to a moderate increase in the value of some practices.

Small Businesses: Costs and Other Effects

The proposed amendment produces a cost savings (reduced labor time) and does not introduce any new cost for small businesses

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed amendment does not produce an adverse impact for small businesses.

Real Estate Development Costs

The proposed amendment does not affect real estate development costs.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 36 (06). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the

regulation. The analysis presented above represents DPB's best estimate of these economic impacts.