



Virginia Department of Planning and Budget **Economic Impact Analysis**

**18 VAC 85-20 – Regulations Governing the Practice of Medicine, Osteopathic Medicine,
Podiatry and Chiropractic**
Department of Health Professions
August 15, 2014

Summary of the Proposed Amendments to Regulation

The Board of Medicine (Board) proposes to specify that nurse practitioners (NPs) and physician assistants (PAs) are allowed to treat obesity, including prescribing appropriate Schedule III through VI drugs, so long as they are supervised by, or collaborating with, a physician and so long as such treatment is specifically authorized in the NP's or PA's practice agreement.

Result of Analysis

Benefits likely outweigh costs for this proposed regulatory change.

Estimated Economic Impact

Current Board regulation requires that individuals seeking treatment for obesity must see a physician even though treating patients with obesity and prescribing Schedule III and IV drugs for weight loss are within the scope of practice for NPs (and are within the competency of PAs). In order to allow both NPs and PAs to treat obesity, inclusive of prescribing drugs that they are competent to prescribe, the Board now proposes to amend this regulation to allow this. Under the proposed regulation, both NPs and PAs will be allowed to treat obesity, including prescribing appropriate Schedule III through VI drugs, so long as they are supervised by, or collaborating with, a physician and so long as such treatment is specifically authorized in the NP's or PA's practice agreement.

This change will likely benefit PAs and NPs as it will allow them to treat all conditions that they are competent to treat. This change will also likely benefit physicians who employ PAs

and NPs as it will allow them to delegate treatment of obesity patients so that they can better budget their time and help more patients. Obesity patients will benefit, also, because they are likely to find it easier to get appointments and treatment from an expanded pool of professionals who are authorized to treat them.

Businesses and Entities Affected

Because the Board does not license physicians by specialty, Board staff does not have an estimate of how many individuals this regulatory change will affect. Generally, it will affect all PAs and NPs who work with doctors that offer obesity treatment.

Localities Particularly Affected

No locality will be particularly affected by this proposed regulatory action.

Projected Impact on Employment

This proposed regulation will increase the number of individuals who are authorized to treat obesity and, so will increase employment geared toward this treatment.

Effects on the Use and Value of Private Property

If this proposed regulation increases the number of patients that can be seen for obesity treatment, the value of supervising physician's practices may increase.

Small Businesses: Costs and Other Effects

No small business is likely to incur any costs on account of the proposed regulation.

Small Businesses: Alternative Method that Minimizes Adverse Impact

No small business is likely to incur any costs on account of the proposed regulation.

Real Estate Development Costs

This proposed regulation is unlikely to affect real estate development costs.

Legal Mandate

General: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order Number 17 (2014). Section 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:

- the projected number of businesses or other entities to whom the proposed 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.

Small Businesses: If the proposed regulation will have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include:

- an identification and estimate of the number of small businesses subject to the proposed regulation,
- 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,
- a statement of the probable effect of the proposed regulation on affected small businesses, and
- a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

Additionally, pursuant to § 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 (JCAR) is notified at the time the proposed regulation is submitted to the *Virginia Register of Regulations* for publication. This analysis shall represent DPB's best estimate for the purposes of public review and comment on the proposed regulation.

AMH

Town Hall ID: Action # 4211/Stage # 7008