



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

---

### **18 VAC 85-160 – Regulations Governing the Registration of Surgical Assistants and Surgical Technologists**

**Department of Health Professions**

October 15, 2014 (revised November 25, 2014)

---

### **Summary of the Proposed Amendments to Regulation**

Pursuant to Chapter 531 of the 2014 Act of the Assembly, the Board of Medicine (Board) proposes to promulgate new regulations for the registration of surgical assistants and surgical technologists.

### **Result of Analysis**

There is insufficient information to ascertain whether benefits will outweigh costs for this regulatory program.

### **Estimated Economic Impact**

Currently, surgical assistants and surgical technologists are not registered or licensed by the Commonwealth of Virginia. The General Assembly passed legislation this year that will set up certain criteria that individuals can meet in order to register with the Board of Medicine. Chapter 531 will not require all surgical assistants and surgical technologists to register but does require that they not hold themselves out as registered surgical technologists or registered surgical assistants unless they have taken steps to actually register with the Board. Chapter 531 will require that surgical technologists either 1) hold a certification in their field from the National Board of Surgical Technology and Surgical Assisting, 2) have completed an appropriate training program while serving as a member of any branch of the armed forces of the United States or 3) have practiced in the field of registration any time in the six months prior to July 1, 2014 (so long as the register with the Board by July 1, 2015). Chapter 531 also will require that surgical assistants either 1) hold a certification in their field from the National Board of Surgical Technology and Surgical Assisting, the Surgical Assistant Association or the National

Commission for Certification of Surgical Assistants, 2) have completed an appropriate training program while serving as a member of any branch of the armed forces of the United States or 3) have practiced in the field of registration any time in the six months prior to July 1, 2014 (so long as the register with the Board by July 1, 2015)

The Board now proposes to promulgate a new regulation to implement Chapter 531. The proposed regulation varies from the text of the legislation only to require a current name and address for registrants and to set fees for initial registration, renewal of registration, late renewal of registration and returned checks. The Board proposes to charge \$75 for initial registration, \$70 for renewal (due in the birth month of the registrant in even numbered years), an additional \$25 for individuals who renew after their renewal due date but within the next renewal cycle and \$35 for any returned checks.

Individuals who worked at some point in the first six months of 2014 in their field and choose to register with the Board by July 1, 2015, and individuals who received appropriate training while serving in the military, will only incur initial registration costs of \$75 plus very nominal time costs for providing required information to the Board. Individuals who qualify for registration because they hold certification from the National Board of Surgical Technology and Surgical Assisting, or one of the other Certifying entities named in Chapter 531, will incur the same costs but may see a net savings at registration renewal. Chapter 531 does not require individuals to maintain certification in order to renew registration so individuals who do not need to stay certified as a requirement for their job may choose to just renew their registration with the Board of Medicine for \$70 while choosing not to renew their certification at a cost of at least several hundred dollars.

Individuals who currently practice in these fields (or who may practice in these fields in the future) but do not qualify for registration on account of work done in the first six months of 2014 and have not been trained in the military will face much higher costs to become registered since meeting the criteria for certification with the National Board can cost many thousands of dollars. The likely result of this disparity in costs is that a smaller percentage of individuals practicing in these fields in the future will choose to become registered when compared to current practitioners in these fields.

## **Businesses and Entities Affected**

Board staff reports that this proposed regulation will affect any individuals who currently work as surgical technologists and surgical assistants or who might work in these fields in the future. The Board estimates that there are approximately 500 surgical assistants and 2,000 surgical technologists currently working in the Commonwealth.

## **Localities Particularly Affected**

No localities will be particularly affected by these proposed regulatory changes.

## **Projected Impact on Employment**

This regulatory action will likely have little impact on employment in the Commonwealth.

## **Effects on the Use and Value of Private Property**

This regulatory action will likely have no effect on the use or value of private property in the Commonwealth.

## **Small Businesses: Costs and Other Effects**

No affected small business is likely to incur costs on account of these proposed regulations.

## **Small Businesses: Alternative Method that Minimizes Adverse Impact**

No affected small business is likely to incur costs on account of these proposed regulations.

## **Real Estate Development Costs**

This regulatory action will likely have no effect on real estate development costs in the Commonwealth.

## **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 # 4236/Stage # 7040