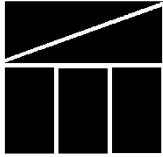


Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes  Not Needed

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

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**18 VAC 85-130 – Regulations Governing the Practice of Licensed Midwives**  
**Department of Health Professions**  
**Town Hall Action/Stage: 4944/8115**  
December 15, 2017

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

The Board of Medicine (Board) proposes to amend its Regulations Governing the Practice of Licensed Midwives to change the time during which a person who is enrolled in a midwifery education program, or completing her portfolio,<sup>1</sup> is allowed to perform tasks related to the practice of midwifery under direct and immediate supervision.<sup>2</sup>

### **Result of Analysis**

Benefits likely outweigh costs for all proposed changes.

### **Estimated Economic Impact**

Current regulation allows individuals enrolled in an accredited midwifery education program, or who are completing their portfolio, to perform midwifery tasks under direct and immediate supervision without being licensed until those individuals have either taken and received the results for the examination required for the Certified Professional Midwife (CPM) or for a period of three years, whichever occurs sooner. Current regulation also allows individuals who are practicing under supervision to request, “for good cause shown”, an

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<sup>1</sup> The North American Registry of Midwives’ (NARM) Portfolio Evaluation Process allows candidates who have been educated outside of established pathways to have their qualifications evaluated for credentialing. In order to be licensed in Virginia, midwives must have NARM’s Certified Professional Midwife credential.

<sup>2</sup> Licensed doctors of medicine or osteopathic medicine, certified nurse midwives and licensed midwives may provide supervision.

extension not to exceed one year in length to the three-year limit on supervised practice. The Board now proposes to extend the time limitation on supervised practice to 10 years and to eliminate the extension allowance. Under the proposed regulation, individuals working toward midwife licensure will be able to work under supervision for a maximum of 10 years, rather than the maximum four years that is currently allowed.

As all practice under this provision will still have to be directly and immediately supervised, the new time limits does not raise safety concerns. Accordingly, no affected entities are likely to incur any additional costs on account of the proposed regulatory change. This proposed change will benefit those who are working to obtain midwife licensure because it allows them greater flexibility to get “on-the-job experience” as they complete their educational requirements.

### **Businesses and Entities Affected**

This regulatory action will affect all individuals who may wish to pursue midwife licensure in the future. Board staff does not know how many individuals are currently enrolled in midwifery education programs or completing a NARM portfolio but does report that there were seven individuals licensed as midwives in 2016-2017.

### **Localities Particularly Affected**

No locality will be particularly affected by this regulatory action.

### **Projected Impact on Employment**

These proposed regulatory changes are unlikely to affect employment in the Commonwealth.

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

These proposed regulatory changes are unlikely to affect the use or value of private property in the Commonwealth.

### **Real Estate Development Costs**

These proposed regulatory changes are unlikely to affect real estate development costs in the Commonwealth.

**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**

No small businesses are likely to incur any additional costs on account of these proposed regulatory changes.

**Alternative Method that Minimizes Adverse Impact**

No small businesses are likely to incur any additional costs on account of these proposed regulatory changes.

**Adverse Impacts:****Businesses:**

No businesses are likely to incur any additional costs on account of these proposed regulatory changes.

**Localities:**

Localities in the Commonwealth are unlikely to see any adverse impacts on account of these proposed regulatory changes.

**Other Entities:**

No other entities are likely to be adversely affected by these proposed changes.

**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.