



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 105-10 – Public Participation Guidelines
Department of Health Professions
March 19, 2007

Summary of the Proposed Regulation

The Board of Optometry (Board) proposes to amend its Public Participation Guidelines. The Board proposes to require that notification of all final regulatory actions, as well as the text of the regulations being changed, be posted to the Board's website before the 30 day adoption period begins. The Board also proposes to extend the time limit under which ad hoc committees function and eliminate language that requires the Board review its regulations at least every two years.

Result of Analysis

The benefits likely exceed the costs for these proposed regulatory changes.

Estimated Economic Impact

Current regulation requires the Board to notify individuals on its notification lists, either by regular mail or email, whenever a final-stage regulation is about to enter its 30 day adoption period. This current regulatory notification requirement is more stringent than what is required by either the Administrative Process Act or Executive Order 36 (both of these rule making documents are silent on this matter). The Board proposes to delete this portion of its public participation guidelines and, instead, will post notices of adoption of final regulation, as well as the text of the regulation being changed, on the Board's website. The Board believes that the changed notification requirements in the proposed regulation will allow staff time to be used more efficiently while still protecting the public's ability to be involved in the final stage of the rule-making process. Individuals who are following Board regulations through the process may be slightly inconvenienced by having to go to the Board's website to get information rather than

having that information mailed to them. These individuals, and the public generally, will likely benefit slightly from having staff time spent on more important tasks.

Current regulation requires that the Board review all of its regulations every two years “unless otherwise directed by executive order”. The proposed regulation will require the Board to conduct “periodic review of its regulations consistent with an executive order of the Governor and with §2.2-4007.1 of the Code of Virginia”. Currently it takes, on average, approximately 18 months for all regulatory requirements for a new or amended regulation to be met. Given this, the public will likely benefit (slightly) from the removal of language that likely sets an unrealistic timeline for the periodic review of regulations.

Current regulation limits ad hoc committees to 12 months existence before they must be dissolved. The proposed regulation will extend this term limit to 18 months and allow the Board to authorize continuance of ad hoc committees past their regulatory time limit if their set task has not been completed. This proposal will likely have no economic impact on the citizens of the Commonwealth.

Businesses and Entities Affected

The proposed regulation will affect all individuals who involve themselves in the administrative rule-making actions of the Board.

Localities Particularly Affected

The proposed regulation will affect all localities in the Commonwealth.

Projected Impact on Employment

The proposed regulation is unlikely to have any affect on employment in the Commonwealth.

Effects on the Use and Value of Private Property

The proposed regulation will likely have no affect on the use or value of private property within the Commonwealth.

Small Businesses: Costs and Other Effects

The proposed regulation will likely have no adverse impact on any small businesses in the Commonwealth.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed regulation will likely have no adverse impact on any small businesses in the Commonwealth.

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.H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007.H 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.H 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.