

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

18 VAC 85-101 Regulations Governing the Practice of Radiologic Technology
Department of Health Professions
Town Hall Action/Stage: 4519/7464
March 24, 2016

Summary of the Proposed Amendments to Regulation

The Board of Medicine (Board) proposes to clarify that a radiologic technologist's scope of practice must be consistent with his or her education and certification and that he or she can submit evidence of passage of a certification examination without the need to submit evidence of a passing score.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

One of the conditions for licensure as a radiologic technologist is passage of an examination resulting in certification by the American Registry of Radiologic Technologists (ARRT) or the Nuclear Medicine Technology Certification Board (NMTCB). These entities issue primary pathway certifications in radiography, nuclear medicine technology, radiation therapy, magnetic resonance imaging, or sonography. Despite different subspecialty certifications, Virginia statutes recognize only one type of licensure and use the generic title "radiologic technologist" for any of the subspecialty certifications.¹ Since the Board does not have the authority to issue subspecialty certifications under the statute, it proposes to clarify that

¹ See Virginia Code sections 54.1-2956.8:1 and 54.1-2956.8:2.

a radiologic technologist's scope of practice must be consistent with his or her education and certification.

In addition, the current regulation requires submission of evidence of "certification with a minimum passing score acceptable to the Board." However, the Board does not determine the minimum passing score and requires only a certification which is granted upon passage of the examination based on a score determined by ARRT or NMTCB. Thus, the Board proposes to eliminate the language requiring submission of evidence of minimum passing score acceptable to the Board.

Both of the proposed changes are mere clarifications and are not expected to create any significant economic effect other than improving the clarity of the regulation.

Businesses and Entities Affected

Currently, there are 3,893 licensed radiologic technologists in Virginia. Specific subspecialty certifications of the licensed radiologic technologists are not tracked.

Localities Particularly Affected

The proposed changes apply statewide.

Projected Impact on Employment

No impact on employment is expected.

Effects on the Use and Value of Private Property

No impact on the use and value of private property is expected.

Real Estate Development Costs

No impact on real estate development costs is expected.

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

Radiologic technologists work in many types of practices and employment settings, some of which may be small businesses. However, the proposed changes are not anticipated to have any significant economic impact on them other than improving the clarity of the regulation.

Alternative Method that Minimizes Adverse Impact

No adverse impact on small businesses is expected.

Adverse Impacts:

Businesses:

The proposed amendments do not have an adverse impact on non-small businesses.

Localities:

The proposed amendments will not adversely affect localities.

Other Entities:

The proposed amendments will not adversely affect other entities.

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.

000