



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

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### **18 VAC 85-20 Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic Board of Medicine**

**Town Hall Action/Stage: 6708 / 10704**

May 4, 2026

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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 (Code) and Executive Order 19. The analysis presented below represents DPB's best estimate of the potential economic impacts as of the date of this analysis.<sup>1</sup>

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

The Board of Medicine (Board) seeks to make two changes that would make the regulation internally consistent with changes made in a 2025 regulatory action.

### **Background**

The Board conducted a periodic review of the *Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic* (18 VAC 85-20) in 2022<sup>2</sup> and subsequently made changes that became effective in 2025.<sup>3</sup> The Board seeks to make two corrections to reflect changes made in the 2025 action that applied to all providers under this regulation; the proposed changes would resolve inconsistencies within the regulation.

The Board seeks to amend 18 VAC 85-20-330B(2), which currently states that,

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<sup>1</sup> Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis 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.

<sup>2</sup> See <https://townhall.virginia.gov/L/ViewPReview.cfm?PRid=2147>.

<sup>3</sup> See <https://townhall.virginia.gov/L/ViewStage.cfm?stageid=9843>.

“Any doctor who administers office-based anesthesia without the use of an anesthesiologist or certified registered nurse anesthetist shall obtain four hours of continuing education in topics related to anesthesia within the **60** hours required each biennium for licensure renewal, **which are subject to random audit by the board**” (emphasis added).

To make this section consistent with the 2025 changes, the Board seeks to (i) replace 60 with 30 because the continuing education requirement for all doctors has been reduced to 30 hours in 18 VAC 85-20-235A, and (ii) strike the clause regarding random audits because this requirement has been removed from 18 VAC 85-20-235D.

### **Estimated Benefits and Costs**

The proposed amendments would benefit readers of the regulation by correcting inconsistencies and avoiding any confusion regarding the continuing education requirements for doctors who administer office-based anesthesia without the use of an anesthesiologist or certified registered nurse anesthetist. The proposed amendments would not create any new costs.

### **Businesses and Other Entities Affected**

The proposed amendments would affect readers of the regulation, which may include physicians, their employers, and providers of continuing education.

The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.<sup>4</sup> An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.<sup>5</sup> Because the proposed changes are corrections that would conform the language to the requirements currently in effect, an adverse impact is not indicated.

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<sup>4</sup> Pursuant to Code § 2.2-4007.04(D): 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.

<sup>5</sup> Statute does not define “adverse impact,” state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.

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**Small Businesses<sup>6</sup> Affected:<sup>7</sup>**

The proposed changes would not adversely impact small businesses.

**Localities<sup>8</sup> Affected<sup>9</sup>**

No locality would be disproportionately affected. Local governments would not be affected.

**Projected Impact on Employment**

The proposed amendments are not expected to have an impact on total employment.

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

The proposed amendments are not expected to affect the use or value of private property. Real estate development costs would not be affected.

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<sup>6</sup> 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.”

<sup>7</sup> 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.

<sup>8</sup> “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

<sup>9</sup> § 2.2-4007.04 defines “particularly affected” as bearing disproportionate material impact.