

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 85-110 Regulations Governing the Practice of Licensed Acupuncturists
Department of Health Professions
Town Hall Action/Stage: 5169 / 8451
December 5, 2018

Summary of the Proposed Amendments to Regulation

Pursuant to a periodic review,¹ the Board of Medicine (Board) proposes to use “dietary supplements” in lieu of “vitamins, minerals or food supplements” and update the name of the examination required for licensure.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

The Board is proposing to replace “vitamins, minerals or food supplements” acupuncturists are allowed to recommend to their patients with “dietary supplements.” According to the Department of Health Professions (DHP), the term “dietary supplements” is used by the Food and Drug Administration (FDA) and includes herbs and herb supplements in addition to vitamins and minerals. The currently used term “food supplements” is interpreted by DHP to include herbs and herb supplements. Consequently, this proposed change will have no impact on what acupuncturists are allowed to recommend. Thus, no significant economic impact is expected from this change beyond improving the consistency between the terms used by FDA and the Board.

¹ <http://townhall.virginia.gov/L/ViewPReview.cfm?PRid=1652>

The Board also proposes to update the name for the Point Location Examination which used to be referred to as Practical Examination of Point Location Skills. Similarly, this particular change is not expected to create any significant impact other than improving the accuracy of the regulatory language.

Businesses and Entities Affected

The proposed amendments pertain to 529 licensed acupuncturists in the Commonwealth.

Localities Particularly Affected

The proposed amendments would not disproportionately affect particular localities.

Projected Impact on Employment

The proposed amendments would not affect employment.

Effects on the Use and Value of Private Property

The proposed amendments would not affect the use and value of private property.

Real Estate Development Costs

The proposed amendments would not affect real estate development costs.

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

The proposed amendments would not have costs or other effects on small businesses.

Alternative Method that Minimizes Adverse Impact

The proposed amendments would not impose adverse impacts on small businesses.

Adverse Impacts:**Businesses:**

The proposed amendments would not impose adverse impacts on businesses.

Localities:

The proposed amendments would not adversely affect localities.

Other Entities:

The proposed amendments would 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 14 (as amended, July 16, 2018). 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.