



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: 5869 / 9467
November 16, 2021

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 14 (as amended, July 16, 2018). The analysis presented below represents DPB's best estimate of these economic impacts.¹

Summary of the Proposed Amendments to Regulation

The Board of Medicine (Board) proposes to update the names of two organizations within 18 VAC 85-110 *Regulations Governing the Practice of Licensed Acupuncturists* (regulation).

Background

The regulation contains education requirements that must be satisfied in order to obtain acupuncture licensure in the Commonwealth. One of the requirements in the current regulation is that the candidate complete the Clean Needle Technique course as administered by the Council of Colleges of Acupuncture and Oriental Medicine. Another is that the candidate graduate from a school or college for acupuncture accredited by the Accreditation Commission for Acupuncture and Oriental Medicine or any other accrediting agency approved by the Board.

The organization formerly called the Council of Colleges of Acupuncture and Oriental Medicine has changed its name to the Council of Colleges of Acupuncture and Herbal Medicine.

¹ 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.

The organization formerly called the Accreditation Commission for Acupuncture and Oriental Medicine has changed its name to the Accreditation Commission for Acupuncture and Herbal Medicine. The Board proposes to substitute the former names of the two organizations with their new names wherever they appear in the regulation.

Estimated Benefits and Costs

The proposed amendments would have no impact on requirements in practice, but may be beneficial in that individuals seeking the names of the relevant organizations would be better informed.

Businesses and Other Entities Affected

The proposed amendments potentially affect applicants for acupuncture licensure. The Department of Health Professions reports that there are approximately 50-55 new licenses issued each year.

The Code of Virginia requires the Department of Planning and Budget to assess whether an adverse impact may result from the proposed regulation.² An adverse impact is indicated if there is any increase in net cost or reduction in net revenue for any entity, even if the benefits exceed the costs for all entities combined. No adverse impact is indicated for this proposal.

Small Businesses³ Affected:⁴

The proposed amendments do not adversely affect small businesses.

² 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. 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.

³ 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.”

⁴ 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.

Localities⁵ Affected⁶

The proposed amendments neither disproportionately affect any particular locality, nor introduce costs for local governments.

Projected Impact on Employment

The proposed amendments do not appear to affect total employment.

Effects on the Use and Value of Private Property

The proposed amendments do not appear to substantively affect the use and value of private property. The proposed amendments do not affect real estate development costs.

⁵ “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.

⁶ § 2.2-4007.04 defines “particularly affected” as bearing disproportionate material impact.