



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

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### **18 VAC 100-20 – Board for Opticians Regulations Department of Professional and Occupational Regulations March 24, 2004**

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The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.G of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007.G 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. The analysis presented below represents DPB's best estimate of these economic impacts.

### **Summary of the Proposed Regulation**

Pursuant to a legislative mandate, the Board of Opticians (board) proposes to establish registration for voluntary practice by out-of-state licensees.

### **Estimated Economic Impact**

Chapter 740 of the 2002 Acts of the Assembly mandates that the board promulgate regulations to permit individuals licensed as opticians in other states to volunteer their services in Virginia without needing to obtain a Virginia license. The legislation sets very narrow criteria for who may qualify. Only individuals who are licensed in other states, but not in Virginia, and who volunteer "to provide free health care in an underserved area of the Commonwealth under the auspices of a publicly supported, nonprofit organization with no paid employees that sponsors the provision of health care to populations of underserved people throughout the

world”<sup>1</sup> may register to perform volunteer optician work in the Commonwealth without a Virginia optician license.

The board’s proposed regulatory language essentially describes the application process. There is no fee for registration.

The legislative requirement that not only must the volunteer not receive remuneration, but that the nonprofit organization have no paid employees is very restrictive. Many, if not most, charitable organizations would not meet this criterion. For example, the Red Cross has paid employees, and an out-of-state optician could not volunteer to provide services through the Red Cross in Virginia under this provision. The requirement that the nonprofit organization sponsors the provision of health care to populations of underserved people throughout the world is vague and potentially extremely restrictive. It seems to exclude all non-international organizations. Read literally, it also seems to exclude international organizations that do not provide health care to populations of underserved people in all areas of the world. Since this legislation was passed in 2002, no one has contacted or otherwise expressed interest to the Department of Professional and Occupational Regulation (DPOR) concerning registration. Given how highly restrictive the qualification criteria are, it is unlikely that more than a very small number of individuals will apply for voluntary optician registration in the future.

For the small population of individuals who could potentially meet the qualification criteria and wish to perform volunteer optician work in Virginia, the registration for voluntary practice could be beneficial. Otherwise such individuals would need to become licensed in Virginia. Obtaining registration would take considerably less time than licensure.<sup>2</sup> Also, while there are no fees for registration, there is a \$55 fee for licensure, and an additional \$75 fee for contact lens endorsement for individuals following the licensure route.<sup>3</sup>

When an out-of-state optician applies for and qualifies for registration and performs their volunteer work, citizens in Virginia will benefit by receiving services that they may not have otherwise received. The Code of Virginia (§ 54.1-1701) stipulates that the voluntary services must be for an underserved population and thus will most likely not provide competition for

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<sup>1</sup> Source: Section § 54.1-1701 of the Code of Virginia

<sup>2</sup> Source: Department of Professional and Occupational Regulation

<sup>3</sup> The board is currently proposing to raise the licensure fee to \$100, and the contact lens endorsement fee to \$100.

existing services. Since registration for volunteer services is expected to happen very infrequently, the proposed regulatory amendment will have little effect.

### **Businesses and Entities Affected**

The proposed amendments will likely affect very few Virginians. Given the highly restrictive nature of the registration qualifications, very few out-of-state opticians are expected to register to provide volunteer services for underserved Virginians.

### **Localities Particularly Affected**

The proposed regulations, if used at all, will mostly affect rural areas of the Commonwealth.

### **Projected Impact on Employment**

The proposed amendments will not significantly affect employment levels.

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

The proposed amendments will not have a large impact on the use and value of private property.