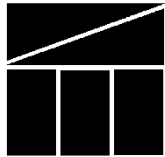


Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes Not Needed

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 115-20 Regulations Governing the Practice of Professional Counselors;
18 VAC 115-50 Regulations Governing the Practice of Marriage and Family Therapy;
18 VAC 115-60 Regulations Governing the Licensure of Substance Abuse Professionals
Department of Health Professions
Town Hall Action/Stage: 4856/7979
September 18, 2017**

Summary of the Proposed Amendments to Regulation

The Board of Counseling (Board) proposes to 1) eliminate continuing education requirements for the first renewal of a license issued by examination; and 2) amend the licensure by endorsement requirements to make it possible for persons who hold other behavioral health licenses to obtain a substance abuse treatment professional license.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

The Board proposes to no longer require continuing education for the first renewal of a license issued by examination. This change applies to licensed professional counselors, marriage and family therapists, and substance abuse treatment practitioners. Currently, affected professionals are required to complete 20 hours of continuing education for each yearly license renewal cycle. The requirement could be satisfied many different ways including taking academic courses, continuing education classes, participating in workshops, seminars, conferences, publication of articles, books, etc. The proposed change will provide different types of benefits to different individuals. Some may benefit not having to pay fees for courses or classes; some may benefit from not having to spend the time to complete the activity required;

some may benefit from not having to travel; some may benefit from a combination of all of these choices. The Board has determined that the exemption from continuing education for newly licensed persons will not affect the public health and safety since their competency to practice has been determined by examination, education and a supervised residency within the period immediately prior to licensure. Thus, this change is expected to provide a net benefit.

The Board also proposes to delete language requiring transcripts documenting certain education for licensure by endorsement of substance abuse treatment practitioners. According to the Department of Health Professions (DHP), as written, the current requirement amounts to requiring an additional master's degree in substance abuse as a condition of licensure by endorsement. That requirement negates the possibility of licensure by endorsement as it requires the applicants to satisfy the same education requirements as those who are initially licensed through examination. Thus, removal of this language will eliminate a barrier to practicing in Virginia if one has satisfied the educational requirements in another jurisdiction. The proposed regulation would benefit substance abuse treatment professionals licensed in another state who are seeking licensure in the Commonwealth. Additionally, making it easier to obtain licensure may encourage more substance abuse professionals to come to Virginia to practice. This change opens a new pathway for those licensed in another jurisdiction who have specific coursework and training in the field. Therefore, it should not introduce risks of unqualified applicants becoming licensed in Virginia.

Businesses and Entities Affected

The proposed regulation applies to licensed professional counselors, marriage and family therapists, and substance abuse treatment practitioners. DHP reports that in the first nine months of 2017, there were 443 licenses issued. Most of those were likely first time licensees and will qualify for an exemption on their first renewal.

Localities Particularly Affected

The proposed regulation will not affect any particular locality more than others.

Projected Impact on Employment

The proposed elimination of continuing education during the first renewal cycle will reduce the demand for such services. The proposed regulation may also encourage substance

abuse treatment professionals licensed in other states to come to Virginia to practice and increase their supply. However, the magnitude of any such effect is not known.

Effects on the Use and Value of Private Property

No effect 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

The proposed regulation does not directly apply to small businesses. However, if an affected practitioner works for a small business it may be indirectly beneficial to that small business as the proposed regulation eliminates continuing education requirement in the first renewal cycle and makes it easier to obtain a substance abuse treatment license by endorsement. The majority of affected professionals are estimated to operate their practices within a small business.

Alternative Method that Minimizes Adverse Impact

The proposed regulation does not introduce an adverse impact on small businesses.

Adverse Impacts:

Businesses:

The proposed regulation does not have an adverse impact on businesses.

Localities:

The proposed regulation will not adversely affect localities.

Other Entities:

The proposed regulation 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.

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