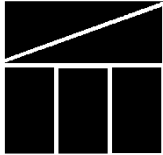


Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes  Not Needed

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

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**18 VAC 85-80 Regulations for Licensure of Occupational Therapists**  
**Department of Health Professions**  
**Town Hall Action/Stage: 4849 / 7972**  
August 18, 2017

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

The Board of Medicine (Board) proposes to 1) eliminate the requirement for completion of the Continued Competency Activity and Assessment Form, 2) no longer specify the frequency of random audits, and 3) change the title of the chapter from *Regulations Governing the Licensure of Occupational Therapists* to *Regulations Governing the Practice of Occupational Therapy*.

### **Result of Analysis**

The benefits likely exceed the costs for the proposed changes.

### **Estimated Economic Impact**

Currently license renewal is completed electronically with an attestation that the licensee has met the continued competency requirements. The proposal to clarify that it is not required for a licensee to complete the Continued Competency Activity and Assessment Form in order to renew biennially will have no impact on requirements. Nonetheless it would be beneficial in that it may reduce potential confusion and associated time wasted in determining administrative requirements.

The current regulation specifies that the Board shall “periodically conduct a random audit of at least one to two percent of its active licensees to determine compliance.” The Board

proposes to amend the language to “periodically conduct a random audit of its active licensees to determine compliance.” The amended language would allow the number of audits to be consistent with staffing levels and other factors as they arise.

Amending the title of the regulation will not have a large impact. The chapter includes regulations for licensure of occupational therapy assistants as well as for occupational therapists. It also regulates the individual and supervisory responsibilities of practitioners and includes the standards of practice for the profession. Thus the proposed title is a better indicator of the regulation’s contents.

### **Businesses and Entities Affected**

The proposed amendments potentially affect the 3,803 persons with a current license as an occupational therapist and 1,384 with a current license as an occupational therapy assistant. Only 2% work in private practices, either in a group or solo practice.<sup>1</sup> All such private practices would likely be small businesses.

### **Localities Particularly Affected**

The proposed amendments do not disproportionately affect particular localities.

### **Projected Impact on Employment**

The proposed amendments do not significantly affect employment.

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

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

### **Real Estate Development Costs**

The proposed amendments do 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.”

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<sup>1</sup> Data source: Department of Health Professions

### **Costs and Other Effects**

The proposed amendments do not significantly affect costs for small businesses.

### **Alternative Method that Minimizes Adverse Impact**

The proposed amendments do not adversely affect small businesses.

### **Adverse Impacts:**

#### **Businesses:**

The proposed amendments do not adversely affect businesses.

#### **Localities:**

The proposed amendments do not adversely affect localities.

#### **Other Entities:**

The proposed amendments do 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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