



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 85-110 – Regulations Governing the Practice of Licensed Acupuncturists Department of Health Professions July 26, 2002

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 9-6.14:7.1.G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1.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

The Board of Medicine (board) proposes to 1) change the licensure requirements for individuals who attend acupuncture school in a foreign country, 2) remove the prohibition of part-time study of more than five years, 3) eliminate a requirement that individuals wishing to reactivate their inactive license provide information on any practice and licensure in other jurisdictions for the period in which the license was inactive, and 4) make several clarifying changes.

Estimated Economic Impact

The Department of Health Professions (department) explains that individuals who have received their acupuncture education outside of the United States are caught in a regulatory bind which the board has now determined is unnecessary. Currently, if such an individual wishes to be licensed to perform acupuncture in Virginia, he must repeat his acupuncture education in the U.S. or be licensed by another American state and practice there for at least four years. The

board proposes to eliminate this requirement. Instead, the applicant could submit his transcripts to a foreign credential evaluation service. If the foreign credential evaluation service determines that the individual's education and training was at least equivalent to that required for National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) certification, then the board would deem the applicant to have met the education requirement for licensure.

This proposed change will likely produce a net benefit. Some individuals who are judged to have adequate training are currently being prevented from providing acupuncture services. Allowing these individuals to legally sell and provide their acupuncture services is clearly beneficial to them. The public will also benefit by having access to a larger supply of acupuncture services from practitioners deemed sufficiently trained. The larger supply may reduce market prices for acupuncture services in some areas.

The current regulations prohibit an individual from satisfying the education requirement for initial licensure through part-time study of more than five years. The board proposes to eliminate this restriction. Rescinding this rule is beneficial since some potentially skilled acupuncturists may not be in a position to be a full-time student or otherwise finish their education within five years. Thus, the elimination of this restriction could produce a small increase in the number of individuals providing acupuncture services. Since these individuals will still be required to pass a qualifying exam and complete the same amount and type of coursework as other licensure applicants, there is no evidence or reasonable rationale to indicate that these acupuncturists would be any less competent than other licensed acupuncturists.

The board also proposes to rescind a requirement that individuals wishing to reactivate their inactive license provide information on any practice and licensure in other jurisdictions for the period in which the license was inactive in Virginia. The department points out that this is not required for other professions regulated by the board. Since the board deems the information of little benefit, and providing the information does involve cost for the affected acupuncturists, the elimination of this requirement produces a net benefit.

Businesses and Entities Affected

The proposed regulations affect the 157 acupuncturists licensed in Virginia, individuals interested in becoming licensed acupuncturists, and the 62 schools and colleges that either have or are seeking ACAOM accreditation.¹

Localities Particularly Affected

The proposed regulations potentially affect all Virginia localities.

Projected Impact on Employment

The proposed elimination of the prohibition on part-time study of more than five years and the proposed change to the licensure requirements for individuals who attended acupuncture school in a foreign country may increase acupuncture employment by a small amount.

Effects on the Use and Value of Private Property

The proposed elimination of the prohibition on part-time study of more than five years and the proposed change to the licensure requirements for individuals who attended acupuncture school in a foreign country may enable a small number of individuals to create an acupuncture practice who otherwise would not have. The proposed rescinding of the requirement that individuals wishing to reactive their inactive license provide information on any practice and licensure in other jurisdictions for the period in which the license was inactive will reduce costs for those acupuncturists and will moderately increase the value of their practices.

¹ Numbers provided by the Department of Health Professions