



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

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**12 VAC 5-481 – Virginia Radiation Protection Regulations**  
**Department of Health**  
March 17, 2012

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

The State Board of Health (Board) proposes to amend these regulations to: 1) reflect changes to federal regulations, 2) reflect new X-ray modalities in the medical field, 3) reduce the frequency of required inspections for lower-risk equipment, 4) update definitions, and 5) update formatting and style to meet the current *Virginia Register Form, Style, and Procedure Manual*.

### **Result of Analysis**

The benefits likely exceed the costs for all proposed changes.

### **Estimated Economic Impact**

The proposed amendments to reflect federal regulations will not change requirements for the regulated community since they are already required to follow federal rules. Amending the state regulations to reflect the federal rules will be beneficial in that it will improve clarity.

The Board proposes to permit the use of portable hand-held x-ray dental equipment under specified requirements. Currently these are not permitted. The devices are considered safe and are known to be in demand. Thus this proposal should produce a net benefit.

The Board also proposes to change the frequency of the radiation survey requirement for analytical x-ray systems from once every year to once every five years. Due to the nature of the equipment, safety is not expected to be adversely affected. Private inspectors charge

approximately \$250 per unit inspection.<sup>1</sup> There are approximately 1250 units in the Commonwealth.<sup>2</sup> Thus, there would be approximately \$250,000 savings annually.<sup>3</sup>

## **Businesses and Entities Affected**

Currently, the X-ray program registers approximately 7,500 entities, including medical offices, hospitals, laboratories, courts, etc. Approximately 7,000 of these entities meet the small business criteria.<sup>4</sup> Also, the proposal to permit the use of portable hand-held x-ray dental equipment under specified requirements will affect the manufacturers and sellers of these devices.

## **Localities Particularly Affected**

The proposed amendments do not disproportionately affect particular localities.

## **Projected Impact on Employment**

The proposed amendments are unlikely to significantly affect employment.

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

The proposal to change the frequency of the radiation survey requirement for analytical x-ray systems from once every year to once every five years would save private users of analytical x-ray systems \$200 per unit average over each five-year period.<sup>5</sup> The proposal to permit the use of portable hand-held x-ray dental equipment under specified requirements will increase the use of these devices and likely increase profits for the manufacturers and sellers of the devices.

## **Small Businesses: Costs and Other Effects**

The proposal to change the frequency of the radiation survey requirement for analytical x-ray systems from once every year to once every five years would save small businesses that use analytical x-ray systems \$200 per unit average over each five-year period.<sup>6</sup>

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<sup>1</sup> Source: Interview with a Virginia private inspector

<sup>2</sup> Source: Virginia Department of Health

<sup>3</sup>  $\$250 \times 1250 \times 4/5 = \$250,000$

<sup>4</sup> Source: Virginia Department of Health

<sup>5</sup>  $\$250 \times 4/5 = \$250$

<sup>6</sup> Ibid

## **Small Businesses: Alternative Method that Minimizes Adverse Impact**

The proposed regulations do not adversely affect small businesses.

## **Real Estate Development Costs**

The proposed amendments are unlikely to significantly affect real estate development costs.

## **Legal Mandate**

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 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. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.