

Department of Planning and Budget 2016 Fiscal Impact Statement

1. Bill Number: HB1388

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: McClellan, J.

3. Committee: General Laws

4. Title: Review of potential anti-competitive actions of state agencies, and promulgation of regulations.

5. Summary: Requires the director of each agency in the executive branch of state government that has a regulatory board composed, in whole or in part, of members participating in the professions or occupations that the board regulates, to be responsible for determining if decisions on licensing practitioners, disciplining non-licensees, setting prices or rates, adopting regulations, developing codes of ethics or standards of conduct, or issuing guidance documents or advisory letters, etc., have a potential adverse impact on competition, and if so, whether such action is consistent with clearly articulated state policy. The agency director shall then (i) approve the board action if he determines the action is consistent with clearly articulated state policy, (ii) remand the action to the board if he determines the action is not consistent with clearly articulated state policy, or (iii) remand the action to the board to obtain more information on specific market issues. The decision of the agency director shall be made in writing and shall be made a part of the administrative record.

For case decisions made by a regulatory boards that may have an impact on competition, the agency director shall (i) approve the case decision if he determines it is consistent with clearly articulated state policy, (ii) remand the case to the regulatory board if he determines it is not consistent with clearly articulated state policy, or (iii) remand the case to the regulatory board to obtain more information on specific issues.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Indeterminate, see item #8

8. Fiscal Implications: The bill would require additional staff time for affected agencies to gather information, perform analysis, draft documents, and staff more or lengthier board meetings.

9. Specific Agency or Political Subdivisions Affected: Department of Health Professions, Department of Professional and Occupational Regulation, Board of Accountancy, Office of the Attorney General, and other agencies that have case decisions and are subject to the Administrative Process Act.

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/9/16