



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 90-30 – Regulations Governing the Practice of Nurse Practitioners
Department of Health Professions
October 10, 2013

Summary of the Proposed Amendments to Regulation

Pursuant to Chapter 213 of the 2012 Acts of the Assembly, the Boards of Nursing and Medicine (Boards) propose to amend these Regulations Governing the Practice of Nurse Practitioners so that they are consistent with the model of collaboration for patient care teams. Specifically, the Boards propose to:

1. Add definitions for collaboration and consultation identical to those added to the Code of Virginia (Code) by Chapter 213,
2. Replace references to “licensed physician” with ”patient care team physician” to conform the language of these regulations to Code changed by Chapter 213,
3. Remove the requirement for a written protocol and, again to conform these regulations to Code, replace it with a requirements for a practice agreement between nurse practitioners and patient care team physicians,
4. Remove the requirement for supervision of the practice of nurse practitioners and replace it with a requirement for collaboration and consultation with a patient care team physician and
5. Add language that specifically identifies the rules (which are not changing) that certified registered nurse anesthetists (CRNA) work under because revisions to the Code retained supervision requirements for CRNA’s.

Result of Analysis

Benefits likely outweigh costs for this proposed regulatory change.

Estimated Economic Impact

In 2012, the Virginia General Assembly passed legislation (Chapter 213) that restructured how most nurse practitioners may work in collaboration with physicians. This restructuring revised terminology that is used to describe this collaboration and its participants. It also substituted a statutory requirement for a written practice agreement that includes all elements that were in the formerly required written protocols plus provision for periodic review of patients' charts and provision for patient care team physicians to have appropriate input for complex cases and patient emergencies. Chapter 213 also replaced requirements that nurse practitioners, except for CRNA's, be supervised with a structure of collaboration and consultation between physicians and the nurse practitioners with whom they work.

The Boards now propose to revise these regulations to bring them into conformance with Code of Virginia (Code) changes brought about by Chapter 213. Most of these changes are not substantive as they are just making regulatory terminology consistent with that used in Code or are separating rules that are not changing so that they are easily found. No such changes are likely to cause any extra costs of affected entities and all such changes provide the benefit of consistency between regulatory text and Code.

Regulatory changes that set out the content of practice agreements reflect Code changes; the things required in these agreements are more comprehensive than what was formerly required in Code for protocols between physicians and nurse practitioners. As practice agreements will likely be longer than protocols, licensees may incur more time costs in crafting them. These costs are likely outweighed by both the benefit to licensees in having greater definition for their roles in the agreement and by the benefit of having these regulations conform to Code text.

Businesses and Entities Affected

The Department of Health Professions (DHP) reports that there are 7,408 licensed nurse practitioners who will be affected by these proposed regulations.

Localities Particularly Affected

No localities will be particularly affected by these proposed regulatory changes.

Projected Impact on Employment

This regulatory action will likely have little impact on employment in the Commonwealth.

Effects on the Use and Value of Private Property

This regulatory action will likely have little effect on the use or value of private property in the Commonwealth.

Small Businesses: Costs and Other Effects

No affected small business is likely to incur any net costs on account of these proposed regulations.

Small Businesses: Alternative Method that Minimizes Adverse Impact

No affected small business is likely to incur any net costs on account of these proposed regulations.

Real Estate Development Costs

This regulatory action will likely have no effect on real estate development costs in the Commonwealth.

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.H of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.H 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.H 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.