



Virginia
Regulatory
Town Hall

Proposed Regulation Agency Background Document

Agency Name:	Board of Nursing/Department of Health Professions
VAC Chapter Number:	18 VAC 90-20-10 et seq.
Regulation Title:	Regulations Governing the Practice of Nursing
Action Title:	Advanced certification for certified nurse aides
Date:	4/4/02

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

Summary

Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The Board of Nursing has adopted amended regulations in compliance with the mandate in Chapter 448 of the 2001 Acts of the Assembly, which required the Board to promulgate regulations to establish a career advancement certification for certified nurse aides. Amendments establish the qualifications for advanced certification, the requirements for renewal and the criteria for an approved education and training program.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory

or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

18 VAC 90-20-10 et seq. Regulations Governing the Practice of Nursing was promulgated under the general authority of Title 54.1 of the Code of Virginia.

Chapter 24 establishes the general powers and duties of health regulatory boards including the responsibility to promulgate regulations, levy fees, administer a licensure and renewal program, and discipline regulated professionals.

§ 54.1-2400. General powers and duties of health regulatory boards.--The general powers and duties of health regulatory boards shall be:

- 1. To establish the qualifications for registration, certification or licensure in accordance with the applicable law which are necessary to ensure competence and integrity to engage in the regulated professions.*
- 2. To examine or cause to be examined applicants for certification or licensure. Unless otherwise required by law, examinations shall be administered in writing or shall be a demonstration of manual skills.*
- 3. To register, certify or license qualified applicants as practitioners of the particular profession or professions regulated by such board.*
- 4. To establish schedules for renewals of registration, certification and licensure.*
- 5. To levy and collect fees for application processing, examination, registration, certification or licensure and renewal that are sufficient to cover all expenses for the administration and operation of the Department of Health Professions, the Board of Health Professions and the health regulatory boards.*
- 6. To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 and Chapter 25 of this title.*
- 7. To revoke, suspend, restrict, or refuse to issue or renew a registration, certificate or license which such board has authority to issue for causes enumerated in applicable law and regulations.*
- 8. To appoint designees from their membership or immediate staff to coordinate with the Intervention Program Committee and to implement, as is necessary, the provisions of Chapter 25.1 (§ 54.1-2515 et seq.) of this title. Each health regulatory board shall appoint one such designee.*
- 9. To take appropriate disciplinary action for violations of applicable law and regulations.*
- 10. To appoint a special conference committee, composed of not less than two members of a health regulatory board, to act in accordance with § 9-6.14:11 upon receipt of information that a practitioner of*

the appropriate board may be subject to disciplinary action. The special conference committee may (i) exonerate the practitioner; (ii) reinstate the practitioner; (iii) place the practitioner on probation with such terms as it may deem appropriate; (iv) reprimand the practitioner; (v) modify a previous order; and (vi) impose a monetary penalty pursuant to § 54.1-2401. The order of the special conference committee shall become final thirty days after service of the order unless a written request to the board for a hearing is received within such time. If service of the decision to a party is accomplished by mail, three days shall be added to the thirty-day period. Upon receiving a timely written request for a hearing, the board or a panel of the board shall then proceed with a hearing as provided in § 9-6.14:12, and the action of the committee shall be vacated. This subdivision shall not be construed to affect the authority or procedures of the Boards of Medicine and Nursing pursuant to §§ 54.1-2919 and 54.1-3010.

11. To convene, at their discretion, a panel consisting of at least five board members or, if a quorum of the board is less than five members, consisting of a quorum of the members to conduct formal proceedings pursuant to § 9-6.14:12, decide the case, and issue a final agency case decision. Any decision rendered by majority vote of such panel shall have the same effect as if made by the full board and shall be subject to court review in accordance with the Administrative Process Act. No member who participates in an informal proceeding conducted in accordance with § 9-6.14:11 shall serve on a panel conducting formal proceedings pursuant to § 9-6.14:12 to consider the same matter.

12. To issue inactive licenses and certificates and promulgate regulations to carry out such purpose. Such regulations shall include, but not be limited to, the qualifications, renewal fees, and conditions for reactivation of such licenses or certificates.

The specific statutory mandate for the Board to establish an advanced certification for nurse aides is found in:

[§ 54.1-3025.1](#). *Advanced certification; renewal.*

A. The Board shall develop and promulgate regulations to establish a career advancement certification that will indicate enhanced competence in patient care tasks and enable certified nurse aides to expand the scope of the responsibilities and duties delegated to them. An advanced certificate shall be awarded upon successful completion of the required educational and training standards set by the Board. Each institution that desires to conduct programs to provide training for such advanced certificates shall be approved by the Board pursuant to § [54.1-3005](#).

B. An advanced certificate issued to a certified nurse aide shall be renewed biennially upon payment of any specified fee. The certified nurse aide shall submit proof of compliance with any requirements of law and regulation concerning competence as established by the Board.

The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The Board of Nursing is mandated by Chapter 448 of the 2001 Acts of the Assembly to promulgate regulations to establish a career advancement certification for certified nurse aides. As was stated in House Bill 1778, the purpose is “to establish a career advancement certification that will indicate enhanced competence in patient care tasks and enable certified nurse aides to expand the scope of the responsibilities and duties delegated to them.”

Since it is likely that additional responsibilities may be delegated to nurse aides with advanced certification, the Board has adopted requirements for education and training and a competency evaluation that are reasonably attainable but sufficiently rigorous to assure minimal competency of individuals working with a very vulnerable, frail population. Therefore, amended regulations establish qualifications for the applicant, continuing education requirements for renewal, and requirements for approval of a training program in order to protect the health, safety and welfare of the public.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.

Regulations establish the qualifications for advanced certification to include certification as a certified nurse aide for at least three years, no findings on the Nurse Aide Registry or disciplinary action, 120 hours of training including a competency evaluation, and a recommendation from a nursing supervisor. To renew advanced certification, a nurse aide must attest to having completed at least three hours of continuing education per year. Requirements for an approved advanced certification education program are also established to include a ratio of 10-1 for students to instructor, qualifications of instructional personnel, on-site review, a competency evaluation, record-keeping and curriculum content.

Issues

Please provide a statement identifying the issues associated with the proposed regulatory action. The term “issues” means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

Advantages or disadvantages to the public: If the advanced certification program is effective in producing more highly skilled, motivated nurse aides, as the advocates of the program have asserted, there will be definite advantages to the public, especially those who are patients in long-term care facilities. Nurse aides with advanced certification will be able to assume additional responsibilities assigned by supervising nurses – thus relieving the nursing staff of some of the more routine but essential tasks. It would be advantageous to have nurse aides who

are trained to assist in rehabilitation and restoration of daily functions for the elderly and who can recognize and treat the early stages of pressure ulcers. In addition, the advanced certification would train nurse aides as leaders and mentors to others, which may help with the severe problem of retention.

The businesses that employ nurse aides, especially long-term care facilities will benefit by having employees that are able to assume additional responsibilities. However, the success of the advanced certification program is likely to depend on the willingness and ability of the employers to compensate those with advanced certification at a higher rate.

Advantages or disadvantages to the agency: There are no particular advantages to the state agency that regulates nurses, since this is a new state mandate that exceeds the federal requirement for a Nurse Aide Registry. As such, there is no federal funding available. Program review and approval will have to be conducted by staff of the Board without the ability to charge the programs a fee. However, it is anticipated that the application and renewal fees paid by the nurse aides will cover most of the cost of an advanced certification program. No additional employees in the Department of Health Professions will be necessary to implement provisions of law and regulation.

Fiscal Impact

Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.

Projected cost to the state to implement and enforce:

(i) Fund source: As a special fund agency, the Board must generate sufficient revenue to cover its expenditures from non-general funds, specifically the renewal and application fees it charges to practitioners for necessary functions of regulation. Since this is a state rather than federal mandate, there is no federal funding available to support this program.

(ii) Budget activity by program or subprogram: There is no change required in the budget of the Commonwealth as a result of this program.

(iii) One-time versus ongoing expenditures: The agency will incur some one-time costs (approximately \$5,000) for mailings to the Public Participation Guidelines mailing lists, meetings of the ad hoc advisory committee, conducting a public hearing, and sending copies of final regulations to regulated entities. Every effort will be made to incorporate those into anticipated mailings and Board meetings already scheduled. On-going expenditures related to the proposed amendments should be covered by the application and renewal fees for advanced certification. With no data on which to support an estimate of the number of program that will seek approval or the number of

nurse aides who will apply for advanced certification, the Board has provided an estimate of expenditures as follows:

If 10 nurse aide education programs applied to have an advanced certification program, the approximate cost would be:

- \$750 for three hours of educational program reviewers' time per program to determine if all criteria had been met.
- \$1,150 for copying documents, staff support, per diem, travel, etc. for convening an Education Special Conference Committee to consider approval of the 10 programs.
- \$750 for annual paper review of approved educational programs at \$75 for professional staff time, communicating with programs, etc.
- \$1,500 for biennial review of approved programs at \$150 each, to include staff communication on deficiencies, re-reviews, etc.

Approximate total cost for 10 programs per biennium may be \$4,150. Eventually, there may be as many as 100 programs state-wide, which may result in approximately \$41,500 in costs for initial approval.

If 500 nurse aides (out of 34,000 certified in Virginia) applied for advanced certification during the next biennium, the approximate cost would be:

- \$5,000 for staff review of application, estimating to take ½ hour of time per applicant at \$20/hour, including phone calls, communications, etc.
- \$1,500 for two informal conferences to hear cases related to eligibility issues, estimated to involve 3% of applicants or 15 people.
- \$2,500 for 1% to 2% of renewals that will be incomplete (no supervisor signature, continuing education incomplete, etc. – will involve staff time to identify deficiency, communicate with CNA, issue letter of extension of time for CE, follow-up on compliance.
- \$2,500 for 1% to 2% of nurse aides who will fail to renew or qualify and will seek to reinstate their advanced certification – includes the cost of one informal conference.
- \$1,750 for investigation and review of 5 cases related to an expanded scope of practice for advanced certified nurse aides.
- \$1,850 for informal conference committee to hear 3 of those cases, including preparation of papers and the services of administrative proceedings.
- \$2,500 for a formal disciplinary hearing on one person, including the services of an assistant attorney general.

Approximate total cost for certifying 500 nurse aides over a biennium may be \$17,600. Costs for 3,400 advanced certified nurse aides or 10% of the total of the Nurse Aide Registry would be approximately \$147,900.

Revenue for 500 advanced certified nurse aides (including application and renewal fees) would be \$22,500 with expenditures (including approval of 10 programs) at \$21,750. Revenue for 3,400 certified nurse aides would be \$153,000 with expenditures (including approval of 100 programs) at \$189,400. Costs for programs would decrease after initial approval which must be given by an Education Special Conference Committee of the Board.

Note: The staff of the Board of Nursing has stated its concern about the number of nurse aides who will seek this certification. Given the fact that additional funding is not currently available to provide higher salaries to persons with advanced certification, it may be overly optimistic to assume that even 500 will seek this credential.

Projected cost on localities:

There are no projected costs to localities.

Description of entities that are likely to be affected by regulation:

Persons certified as nurse aides in Virginia will be eligible for voluntary advanced certification if they meet the qualifications set forth in this regulation. Nurse aide education programs that are currently approved by the Board are eligible to seek approval for offering advanced certification education and competency evaluation.

Estimate of number of entities to be affected:

There are approximately 35,000 persons certified as nurse aides by the Board of Nursing, but the number that will choose to seek additional training and advanced certification is not known. Likewise, there are 235 nurse aide education programs approved by the Board, but the number that will implement advanced certification training is unknown.

Projected costs to the affected entities:

The Virginia Health Care Association is supportive of the advanced certification and believes that many of the long-term care facilities that currently have a basic training program will institute a program for advanced certification. In those facilities, the program will be offered to employees at no cost as an incentive for retention and the possibility of increased duties and compensation.

In other settings where nurse aide education is offered – proprietary schools and community colleges – the programs range from \$400 to \$1,000 with the average in the \$400-\$500 range. Basic programs located in high schools are generally free, but it is doubtful that any of those programs will seek approval to offer advanced certification training.

There should be no cost to the advanced certified nurse aide to comply with the renewal requirement of three contact hours per year of continuing education and training in the competency areas. Currently, long-term care facilities are required to have nurse aides complete 12 hours of in-service training and assisted living facilities are required to have them complete 8 hours of training. To comply with board requirements for advanced certification, the certified nurse aide would need to ensure that three of those hours were directed at the competencies set forth in the training program, such as wound care or care of the cognitively impaired.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.

18 VAC 90-20-360. Denial, revocation or suspension.

The board has added performing acts beyond those authorized for an advanced certified nurse aide or assuming the duties of an advanced certified nurse aide without adequate training and competency to the list of acts for which it may deny, revoke or suspend a certificate or otherwise discipline a certificate holder.

18 VAC 90-20-361. Requirements for initial certification as an advanced certified nurse aide.

- In order to be certified as and use the title of “Advanced Certified Nurse Aide,” an applicant must meet the qualifications established in this section which include: 1) current certification as a certified nurse aide in Virginia; 2) certification for at least three years as a certified nurse aide; 3) no finding of abuse, neglect or misappropriation of patient property entered on the Nurse Aide Registry and no disciplinary actions taken within the five years preceding application for advanced certification; 4) a recommendation for advanced certification from a licensed nurse who has supervised the applicant in providing direct patient care for at least six months within the past year; and 5) Successful completion of a minimum of 120 hours of advanced training in an approved program which includes a competency evaluation acceptable to the board.
- An application fee of \$25 is established.

18 VAC 90-20-362. Renewal and reinstatement of certification as an advanced certified nurse aide.

- To be eligible to renew as an advanced certified nurse aide, a person must renew concurrently with basic certification as a nurse aide in Virginia and submit a completed renewal form and renewal fee of \$20. At least three contact hours per year of continuing education is required for renewal in any of the competency areas identified in the advanced certification training program as verified by the employer on the renewal form. The board may grant an extension or waiver of the continuing education requirement based on good cause shown by the certified nurse aide.
- An advanced certified nurse aide may renew certification for 90 days following the expiration date by meeting the renewal requirements.

- After 90 days, the advanced certification may be reinstated if the applicant for reinstatement by submission of a completed application, providing evidence of continuing education and payment of a reinstatement fee of \$30.

18 VAC 90-20-363. Requirements for an approved advanced certification education program.

- An advanced certification education program must also be an approved nurse aide education program as set forth in 18 VAC 90-20-330.
- An advanced certification education program must consist of a minimum of 120 hours including a minimum of 40 hours of clinical skills instruction in direct client care with on-site supervision by instructional personnel. When nurse aides are engaged in direct client care in the course of advanced certification training, the ratio shall not exceed 10 students to one instructor. The instructional personnel and the curricula in an approved advanced certification education program must meet the same requirements for those in a basic nurse aide education program.
- Each advanced certification program must develop an individual record of major skills taught and the date of performance by the student and must provide that to the student at the completion of the program.
- An advanced certification education program must develop and submit to the board a competency evaluation based on the required curriculum content. The evaluation must include both a written test on the curriculum and an assessment of manual skills. The program is required to keep a record of the reports of graduates' performance for a minimum of three years.
- The review of the program must be in accordance with requirements of 18 VAC 90-20-330 I and conducted concurrently with the on-site review of the basic nurse aide education program. Loss of board approval for the basic nurse aide education program automatically results in the loss of approval for the advanced certification education program.
- If an advanced certification education program closes, the provider must notify the board of the date of closing and submit a list of all graduates with their date of graduation.

18 VAC 90-20-364. Required curriculum content for an advanced certification education program.

- The curriculum for an advanced certification education program must include classroom and clinical instruction in: 1) Leadership and mentoring skills; 2) Care of the cognitively impaired client; 3) Restorative Care; and 4) Wound Care.

- Written objectives for each unit of instruction must be stated in behavioral terms that are measurable and are reviewed with the students at the beginning of each unit.

Alternatives

Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

Following introduction of HB 1778, the Board worked with representatives of the long term care industry to discuss alternatives and ideas for implementation of “career ladders” for certified nurse aides (CNA). Initially, the legislation contemplated multiple certifications in specialty skill areas, beyond that of the basic CNA. Examples of these advanced certifications might include: wound care, dementia, and rehabilitation. Information was provided indicating this model is used in Tennessee in the private sector, but the group was unaware of any other state regulatory authority that uses this model. Concerns were also expressed that the cost of the program using the model with a variety of advanced certifications based on specialized skill areas would be prohibitive. It may also be confusing to the public and less useful to employers.

Alternatively, the group discussed the option of a single advanced certification, beyond the basic CNA, which would include training modules for a variety of specialized tasks beyond the basic CNA scope of practice. Representatives from the industry indicated the single advanced certification would facilitate a higher quality of care, make the certificate holder more marketable, and be more useful and attractive to employers in the marketplace.

Few states have instituted an “advanced certification “ program for CNA’s, but the Ad Hoc Advisory Committee looked at two models. The first was the “C.N.A. II” certification offered in North Carolina, which has advanced certification for CNA’s based on a 160-hour additional training. The second was the Delaware program advanced certification program with three areas of competency.

North Carolina Certified Nurse Aide II Program

In North Carolina, a CNA is required to hold current, active certification as a CNA I in order to obtain and maintain a CNA II. An approved CNA II training program requires a minimum of 80 classroom hours and 80 clinical hours. A standard curriculum developed by the N.C. Board of Nursing must be used. No on-site review is conducted for approval of these programs, but an annual paper review is done. Competency testing is not standardized, but required by each training program.

An application for CNA II in North Carolina is \$12 (which includes a one year certification). After first year of certification, renewal is every two years with a biennial renewal fee is \$24. In addition, there is a renewal requirement is that CNA II work in patient care at least 8 hours during the biennial renewal cycle. Costs for the CNA certification and renewal will likely be

different in Virginia because there are less than half the number of certified nurse aides. Since NC requires all nurse aides working in any practice setting to be certified, there are approximately 85,000 current, active CNA I's. In Virginia, a requirement for certification is limited to employment in long-term care, so there are approximately 34,000 nurse aides holding certification. In NC, there are only approximately 11,570 persons who hold a current, active CNA II certification or 13% of the total. If 13% of those certified in Virginia obtained the advanced certification, there would eventually be approximately 4,400 persons so certified. Cost for the program, including Board approval of education and training, review of applications, and renewals would be borne by those individuals.

Delaware Advanced Certification Program

Although the Delaware program has only recently been established (there are no persons certified as yet), it had several components that the advisory committee supported. It uses a different term to describe the advanced certified nurse aide ("Senior Certified Nursing Assistant"), but it has qualification similar to those adopted in Virginia. The primary difference is in the number of hours required for education and training – in Delaware, only 50 hours are required, but their basic nurse aide education consists of 150 hours (versus 120 hours in Virginia). North Carolina requires 160 hours of education and skills training in its Nurse Aide II program, so the committee strongly recommended the 120-hour standard because of the addition of restorative and wound care – both of which require a higher level of knowledge and training and are not components of the advanced program in Delaware.

Other information reviewed in the development of these regulations included: 1) position descriptions for various levels of nursing assistants/health aides in the Veterans Administration; 2) the Training Needs Assessment Survey from the Virginia Geriatric Education Center; and 3) a questionnaire on training topics for staff completed by Directors of Nursing.

Public Comment

Please summarize all public comment received during the NOIRA comment period and provide the agency response.

Following the effective date of Chapter 448 of the 2001 General Assembly, the Board published a Notice of Intended Regulatory Action announcing its intention to establish a career advancement certification for certified nurse aides. It was posted on the Virginia Regulatory Townhall, sent to the Registrar of Regulations, and sent to persons on the PPG mailing list for the Board. Public comment was accepted until November 21, 2001.

During the 30-day comment period, an advisory committee for advanced nurse aide certification was convened to bring together all interested parties for the purpose of sharing information and developing draft regulations. Representatives of the Board, certified nurse aides, nurse aide education programs, long-term care facilities, the Virginia Association of Professional Nursing Assistants, the Virginia Association of Nonprofit Homes for Adults, the Virginia Hospital and Healthcare Association, the Virginia Health Care Association, and the Jefferson Area Board on

Aging were participants in a series of meetings to consider the issues, review information from varied sources and come to consensus on the essential components of an advanced certification program. Since all interested parties were present at the table, there was no additional comment received. The advisory committee held three meetings, and Board staff also met with members and staff from the Virginia Health Care Association to discuss ideas and craft regulatory language. Draft regulations were circulated and comments in response were shared with the Board prior to adoption of amendments, and several changes were made accordingly in the adoption of the proposal.

Clarity of the Regulation

Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

The proposed regulations were developed by an advisory committee that consisted of persons with all levels of licensure or certification in nursing, persons in the long term care and advocates for the legislation. In addition, draft regulations were circulated to members of the long-term care association and others to receive comment. Given the thorough review these regulations have already received, the Board has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

Periodic Review

Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.

Public participation guidelines require the Board to review its regulations each biennium or as required by Executive Order. Therefore, the Board intends to review regulations governing the practice of nursing during the 2004-05 fiscal year.

Family Impact Statement

Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

In its analysis of the proposed regulatory action, the agency has determined that there is no potential impact on the institution of the family and family stability, economic self-sufficiency, or the marital commitment. The proposed amendments may have a slight decrease in disposable family income for certified nurse aides who voluntarily seek advanced certification, but that

should be offset by additional compensation from an employer for increased training and responsibility.