



## Periodic Review / Retain Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Health
<b>Virginia Administrative Code (VAC) citation</b>	12 VAC 5-542
<b>Regulation title</b>	Rules and Regulations Governing the Virginia Nurse Practitioner/Nurse Midwife Scholarship Program
<b>Document preparation date</b>	April 12, 2012

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

### Legal basis

*Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.*

The Board of Health has adopted these regulations to implement § 23-35.9 through 23-35.13 and is authorized to make, adopt, promulgate, and enforce these regulations by § 32.1-122.6:02. § 23-35.9 and 32.1-122.6:01 authorize the Board of Health to award annual scholarships to full-time graduate students enrolled in a nurse practitioner program or a nurse midwife program in the Commonwealth of Virginia.

### Alternatives

*Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.*

The State Health Commissioner, an executive officer of the Board of Health, does not see a viable alternative for achieving the purpose of the existing regulation.

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

Commenter	Comment	Agency response

VDH did not receive any public comments pertaining to the regulations during the periodic review period. An informal advisory group was not formed for the purposes of assisting in the periodic review.

**Effectiveness**

*Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.*

There are five (5) \$5,000 scholarships awarded per fiscal year. For every annual scholarship that is awarded, practitioners must provide medical care in a Virginia Medically Underserved Area (VMUA) for one year. This program has impacted public health by increasing the number of qualified nurse practitioners/nurse midwives practicing in medically underserved areas in the Commonwealth of Virginia.

**Result**

*Please state that the agency is recommending that the regulation should stay in effect without change.*

VDH recommends that the regulations should be retained. Amendments are not recommended at this time.

### Small business impact

*In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.*

---

This regulation is necessary in order to increase access to quality primary care for Virginia residents in medically underserved areas. Public comments were not received regarding this regulation. The regulation is very straight forward and does not overlap or duplicate other regulations. This regulation was last evaluated in 2009. This regulation is not burdensome to small businesses, and, in fact, may be of benefit to the establishment of clinical practices (many of which are small businesses) in Virginia.

### Family impact

*Please provide an analysis of the regulation's impact on the institution of the family and family stability.*

---

In general, this regulation has a positive influence on the institution of family and family stability. The medical scholarships assist nursing students with their educational expenses and enable students to save disposable family income and increase their future earnings. Increasing access to primary care in medically underserved areas promotes the health and well-being of families in these communities.