



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 90-30 –Regulations Governing the Licensure of Nurse Practitioners Boards of Nursing and Medicine, Department of Health Professions January 13, 2006

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.G of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007.G 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. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the Proposed Regulation

The proposed regulations will specify that a provisional license for a nursing practitioner expire after six months from the date of issuance, or when a permanent license is issued, or when the practitioner receives the results of an unsuccessful certification exam, whichever occurs first.

Estimated Economic Impact

These regulations contain rules for initial certification of nurse practitioners. The current regulatory language provides that a provisional license may be granted until the release of the results of the first national certifying examination for which an applicant is eligible following the application. Based on the current language, it is difficult to determine when a provisional license expires. According to the Department of Health Professionals (DHP), applicants now have the option of taking computerized exams at a time of their choosing. Thus, it is difficult for DHP to determine when the certification test must have been and/or may have been taken by a provisional licensee.

Because of the difficulty in enforcing the current language, it is possible for an individual with a provisional license to continue to practice, even though he or she may have failed the certification exam. The possibility of unqualified individuals practicing the tasks of a nursing practitioner poses health and safety risks for the public. However, there is no available data to identify how many times, if any, an individual with a provisional license continued to practice following an unsuccessful certification exam.

Also, the current language does not allow a provisional license to remain in effect between the time the result of the certification test is obtained and the time a permanent license is issued. A literal interpretation of this language could prohibit qualified nursing practitioners practicing their profession for a couple of weeks. Even though DHP have not been enforcing this language in practice, it could cause some confusion.

In order to address the two problems embedded in the current language, the Boards of Nursing and Medicine are proposing to establish that a provisional license for a nursing practitioner expire after six months from the date of issuance, or when a permanent license is issued, or when the practitioner receives the results of an unsuccessful certification exam, whichever occurs first.

The main benefit of the proposed change is reducing the possibility of unqualified individuals practicing the tasks of a nursing practitioner and consequently reducing the potential health and safety risks. The fact that it is not in the best interest of a provisional licensee who failed a certification exam to notify DHP adds to the benefits expected from this proposed change. Another benefit associated with the proposed changes is clarifying a potentially confusing language and avoiding costs that may result from that confusion.

The main costs of the proposed changes will fall on the provisional licensees who would not otherwise notify DHP of an unsuccessful certification exam. These costs are expected to be primarily in terms of lost or lower wages.

Businesses and Entities Affected

The proposed regulations apply to individuals holding a provisional nursing practitioner license. In fiscal year 2005, 75 individuals were issued a provisional license.

Localities Particularly Affected

The proposed regulations should not affect any locality more than others.

Projected Impact on Employment

The proposed regulations are not expected to have any direct effect on employment.

Effects on the Use and Value of Private Property

No significant effect is expected on the use and value of private property.

Small Businesses: Costs and Other Effects

The proposed regulations should not introduce any direct costs or other effects on small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed regulations are not expected to create an adverse effect on small businesses.