

Office of Regulatory Management
Economic Review Form

Agency name	Board of Nursing, Department of Health Professions
Virginia Administrative Code (VAC) Chapter citation(s)	18VAC90-26
VAC Chapter title(s)	Regulations for Nurse Aide Education Programs
Action title	Amendments to regulations governing Nurse Aide Education Programs
Date this document prepared	October 18, 2022

Cost Benefit Analysis

Table 1a must be completed for all actions. Tables 1b and 1c must be completed for actions (or portions thereof) where the agency is exercising discretion, including those where some of the changes are mandated by state or federal law or regulation. Tables 1b and 1c are not needed if **all** changes are mandated, and the agency is not exercising any discretion. In that case, enter a statement to that effect.

- (1) Direct Costs & Benefits: Identify all specific, direct economic impacts (costs and/or benefits), anticipated to result from the regulatory change. (A direct impact is one that affects entities regulated by the agency and which directly results from the regulatory change itself, without any intervening steps or effects. For example, the direct impact of a regulatory fee change is the change in costs for these regulated entities.) When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo. One bullet has been provided, add additional bullets as needed.
- (2) Quantitative Factors:
 - (a) Enter estimated dollar value of total (overall) direct costs described above.
 - (b) Enter estimated dollar value of total (overall) direct benefits described above.
 - (c) Enter the present value of the direct costs based on the worksheet.
 - (d) Enter the present value of the direct benefits based on the worksheet.
- (3) Benefits-Costs Ratio: Calculate d divided by c OR enter it from the worksheet.
- (4) Net Benefit: Calculate d minus c OR enter it from the worksheet.
- (5) Indirect Costs & Benefits: Identify all specific, indirect economic impacts (costs and/or benefits), anticipated to result from the regulatory change. (An indirect impact is one that results from responses to the regulatory change, but which are not directly required by the regulation. Indirect impacts of a regulatory fee change on regulated entities could include a change in the prices they charge, changes in their operating procedures or employment levels, or decisions to enter or exit the regulated profession or market. Indirect impacts also include responses by other entities that have close economic ties to the regulated entities, such as suppliers or partners.) If there are no indirect costs or benefits, include a specific statement to that effect.

- (6) Information Sources: Describe the sources of information used to determine the benefits and costs, including the source of the Quantitative Factors. If dollar amounts are not available, indicate why they are not.
- (7) Optional: Use this space to add any further information regarding the data provided in this table, including calculations, qualitative assessments, etc.

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

<p>(1) Direct Costs & Benefits</p>	<ul style="list-style-type: none"> <p>Allows skills training experience to occur in a clinical setting, not just a nursing facility.</p> <p>Direct Costs: No additional costs related to this.</p> <p>Direct Benefits: No monetary benefits that can be calculated at this time, but students will be able to complete clinical training and enter the workforce faster. Programs will be able to operate at full capacity, unlike post-COVID, which has seen the ability of programs to get students into clinical programs diminished due to restrictions on access at nursing facilities.</p> <p>Eliminates requirement that five of the 40 clinical hours of a program provide direct client care in a geriatric long-term care facility.</p> <p>Direct Costs: No additional costs.</p> <p>Direct Benefits: No monetary benefits that can be calculated at this time, but students will be able to complete clinical training and enter the workforce faster. Programs will be able to operate at full capacity, unlike post-COVID, which has seen the ability of programs to get students into clinical programs diminished due to restrictions on access at nursing facilities.</p> <p>RN instructors need only one year of direct client care experience, at any level of nursing, to act as instructional personnel, and the direct client care no longer has to be in a geriatric facility. LPN instructors only need one year of direct client care experience to act as instructional personnel, and the direct client care no longer has to be at a geriatric facility.</p> <p>Direct Costs: No costs.</p> <p>Direct Benefits: Allows for programs to pull from a larger pool of prospective instructors by including fewer limitations on instructional personnel.</p>
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(2) Quantitative Factors	Estimated Dollar Amount	Present Value	
Direct Costs	(a) see (7) below	(c) see (7) below	
Direct Benefits	(b) see (7) below	(d) see (7) below	
(3) Benefits-Costs Ratio	see (7) below	(4) Net Benefit	see (7) below
(5) Indirect Costs & Benefits	see (7) below		
(6) Information Sources	see (7) below		
(7) Optional	<p>All other changes contained in this action reorganize language to enhance understanding of program requirements and readability. There are no additional changes to requirements.</p> <p>This action was passed by the Board in March 2022, but was not certified by the OAG until six months later. The changes made in this regulatory action are important to the education programs to allow students to obtain clinical education, graduate, and enter the workforce. The Board was not required to produce this form at the time the action was passed by the Board and does not now have time to obtain dollar amounts to ascertain the costs and benefits of these changes without significantly slowing down the regulatory review process going forward.</p>		

Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

This table addresses current requirements and the implications of not making any changes. In other words, describe the costs and benefits of maintaining the current regulatory requirements as is.

(1) Direct Costs & Benefits	<ul style="list-style-type: none"> • Skills training experience must occur in a nursing facility. <p>Direct Costs: Limits the facilities in which students can obtain skills training. Post-COVID, many nursing facilities have restrictions in place which limit outside involvement in day-to-day activities. This limits the ability of nurse aide students to receive skills training.</p> <p>Direct Benefits: No benefits to the public of keeping this restriction.</p>
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	<p>Five of the 40 clinical hours of a program must provide direct client care in a geriatric long-term care facility.</p> <p>Direct Costs: Limits the facilities in which students can obtain clinical training. Post-COVID, many geriatric long-term care facilities have restrictions in place which limit outside involvement in day-to-day activities. This limits the ability of nurse aide students to receive clinical training.</p> <p>Direct Benefits: No benefits to the public of keeping this restriction.</p> <ul style="list-style-type: none"> • RN instructors must have had at least one year of direct client geriatric care experience at the level of registered nurse. Licensed practical nurse instructors are required to have had two years of direct client geriatric care experience. <p>Direct Costs: Limits available instructional personnel.</p> <p>Direct Benefits: No benefits to the public of keeping this restriction.</p>		
(2) Quantitative Factors	Estimated Dollar Amount	Present Value	
Direct Costs	(a) see (7) below	(c) see (7) below	
Direct Benefits	(b) see (7) below	(d) see (7) below	
(3) Benefits-Costs Ratio	see (7) below	(4) Net Benefit	see (7) below
(5) Indirect Costs & Benefits	see (7) below		
(6) Information Sources	see (7) below		
(7) Optional	<p>This action was passed by the Board in March 2022, but was not certified by the OAG until six months later. The changes made in this regulatory action are important to the education programs to allow students to obtain clinical education, graduate, and enter the workforce. The Board was not required to produce this form at the time the action was passed by the Board and does not now have time to obtain dollar amounts to ascertain the costs and benefits of these changes without significantly slowing down the regulatory review process going forward.</p>		

Table 1c: Costs and Benefits under an Alternative Approach

This table addresses an alternative approach to accomplishing the objectives with different requirements. These alternative approaches may include the use of reasonably available alternatives in lieu of regulation, or information disclosure requirements or performance standards instead of regulatory mandates.

(1) Direct Costs & Benefits	<ul style="list-style-type: none"> • There are no alternative approaches. 		
(2) Quantitative Factors	Estimated Dollar Amount	Present Value	
Direct Costs	(a)	(c)	
Direct Benefits	(b)	(d)	
(3) Benefits-Costs Ratio		(4) Net Benefit	
(5) Indirect Costs & Benefits			
(6) Information Sources			
(7) Optional			

Impact on Local Partners

- (1) Describe the direct costs and benefits (as defined on page 1) for local partners in terms of real monetary costs and FTEs. Local partners include local or tribal governments, school divisions, or other local or regional authorities, boards, or commissions. If local partners are not affected, include a specific statement to that effect and a brief explanation of the rationale.
- (2) Quantitative Factors:
 - (a) Enter estimated dollar value of total (overall) direct costs described above.
 - (b) Enter estimated dollar value of total (overall) direct benefits described above.
- (3) Indirect Costs & Benefits: Describe any indirect benefits and costs (as defined on page 1) for local partners that are associated with all significant changes. If there are no indirect costs or benefits, include a specific statement to that effect.

- (4) Information Sources: describe the sources of information used to determine the benefits and costs, including the source of the Quantitative Factors. If dollar amounts are not available, indicate why they are not.
- (5) Assistance: Identify the amount and source of assistance provided for compliance in both funding and training or other technical implementation assistance.
- (6) Optional: Use this space to add any further information regarding the data provided in this table, including calculations, qualitative assessments, etc.

Note: If any of the above information was included in Table 1, use the same information here.

Table 2: Impact on Local Partners

(1) Direct Costs & Benefits	None.
(2) Quantitative Factors	Estimated Dollar Amount
Direct Costs	(a)
Direct Benefits	(b)
(3) Indirect Costs & Benefits	
(4) Information Sources	
(5) Assistance	
(6) Optional	

Economic Impacts on Families

- (1) Describe the direct costs and benefits (as defined on page 1) to a typical family of three (average family size in Virginia according to the U. S. Census) arising from any proposed regulatory changes that would affect the costs of food, energy, housing, transportation, healthcare, and education. If families are not affected, include a specific statement to that effect and a brief explanation of the rationale.
- (2) Quantitative Factors:
 - (a) Enter estimated dollar value of direct costs.
 - (b) Enter estimated dollar value of direct benefits.

- (3) Indirect Costs & Benefits: Describe any indirect costs and benefits (as defined on page 1) to a typical family of three that are most likely to result from the proposed changes.
- (4) Information Sources: describe the sources of information used to determine the benefits and costs, including the source of the Quantitative Factors. If dollar amounts are not available, indicate why not.
- (5) Optional: Use this space to add any further information regarding the data provided in this table, including calculations, qualitative assessments, etc.

Note: If any of the above information was included in Table 1, use the same information here.

Table 3: Impact on Families

(1) Direct Costs & Benefits	None.
(2) Quantitative Factors	Estimated Dollar Amount
Direct Costs	(a)
Direct Benefits	(b)
(3) Indirect Costs & Benefits	
(4) Information Sources	
(5) Optional	

Impacts on Small Businesses

- (1) Describe the direct costs and benefits (as defined on page 1) for small businesses. For purposes of this analysis, “small business” means the same as that term is defined in § 2.2-4007.1. If small businesses are not affected, include a specific statement to that effect and a brief explanation of the rationale.
- (2) Quantitative Factors:
 - (a) Enter estimated dollar value of direct costs.
 - (b) Enter estimated dollar value of direct benefits.
- (3) Indirect Costs & Benefits: Describe the indirect benefits and costs (as defined on page 1) for small businesses that are most likely to result from the proposed changes.

- (4) Alternatives: Add a qualitative discussion of any equally effective alternatives that would make the regulatory burden on small business more equitable compared to other affected business sectors, and how those alternatives were identified.
- (5) Information Sources: describe the sources of information used to determine the benefits and costs, including the source of the Quantitative Factors. If dollar amounts are not available, indicate why not.
- (6) Optional: Use this space to add any further information regarding the data provided in this table, including calculations, qualitative assessments, etc.

Note: If any of the above information was included in Table 1, use the same information here.

Table 4: Impact on Small Businesses

(1) Direct Costs & Benefits	None.
(2) Quantitative Factors	Estimated Dollar Amount
Direct Costs	(a)
Direct Benefits	(b)
(3) Indirect Costs & Benefits	
(4) Alternatives	
(5) Information Sources	
(6) Optional	

Changes to Number of Regulatory Requirements

For each individual VAC Chapter amended, repealed, or promulgated by this regulatory action, list (a) the initial requirement count, (b) the count of requirements that this regulatory package is adding, (c) the count of requirements that this regulatory package is reducing, (d) the net change in the number of requirements. This count should be based upon the text as written when this stage was presented for executive branch review. Five rows have been provided, add or delete rows as needed.

Table 5: Total Number of Requirements

	Number of Requirements			
Chapter number	Initial Count	Additions	Subtractions	Net Change
18VAC90-26	166*	0	4	-4

*These numbers are rough counts and should not be considered final.