

**Agency Response to Economic Impact Analysis  
Posted by the Department of Planning & Budget on January 21, 2010**

The Board of Nursing does not concur with the analysis of the Department of Planning and Budget for the proposed amendments to Regulations of the Board of Nursing, to increase fees for the following reasons:

- 1) The Board does not agree that “sharply higher fees” for certified nurse aides might have an ameliorative effect on the poor behavior of this group.
  - There is absolutely no historic evidence for any health regulatory board to support the assertion that a sharp increase in fees would cause the professionals to police themselves and the behavior of their cohorts. On July 14, 2004, there was a 36% increase in the renewal fees for registered nurses. For the fiscal year ending June 30, 2005, number of complaints per 1,000 licensees for registered nurses was 5.21; for the fiscal year ending June 30, 2006, the number per 1,000 was 5.64.
  - While there are a large number of complaints filed and disciplinary proceedings held for certified nurse aides, the rate of complaints is far less than many other professions. During the 2007-08 fiscal year, the complaint rate for certified nurse aides was 9.95 per 1,000; for licensed practical nurses, the rate was 13.15 and for nurse practitioners, the rate was 13.25. There are a large number of cases because there are a large number of certified nurse aides (typically 42,000 to 43,000).
  - The problem is that the Board of Nursing is not permitted by federal law to charge a fee to place a person on the Nurse Aide Registry (charge an application fee), and the profession is not highly compensated so its renewal fees alone cannot support the disciplinary and administrative costs of operation. Other similar professions, such as pharmacy technicians, do not support the activities associated with investigating and disciplining the profession with their renewal fees alone.
- 2) The Board has no authority to consider measures that would pass on the costs for the nurse aide registry to the employers, as is suggested in the EIA. Further, the purchase of a surety bond, as recommended in the EIA, could not accrue to the budget of the Board. A surety bond protects against financial losses to the facility or institution making such a purchase; it would not make them responsible for poor behavior on the part of their employees.
- 3) In order to make fees for certified nurse aides sufficient to cover expenditures related to that portion of the budget, the current fee of \$50 per biennium would need to be

increased to approximately \$170, just to offset the accumulated shortfall. That action would likely deplete the workforce that primarily provides care in all long-term care facilities and many other patient settings.

- 4) The EIA notes that one would expect to see some marginal decrease in the number of individuals choosing to be licensed, certified or registered – affecting total employment in these professions. In 2003 and 2004, there was a substantial increase in fees for nurses; yet the number of licensed nurses increased from 122,653 in FY03 to 126,454 in FY04 and 127,858 in FY05. Clearly, there are factors other than a biennial renewal fee that determine licensure and employment in a health care profession such as nursing.