



Fast Track Proposed Regulation Agency Background Document

Agency name	Boards of Nursing and Medicine; Department of Health Professions
Virginia Administrative Code (VAC) citation	18VAC90-20-10
Regulation title	Regulations Governing the Practice of Nursing
Action title	Consistency with Compact rules
Date this document prepared	7/24/09

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

The proposed amendments to regulations for nursing will make Board regulations for the issuance of a multistate licensure privilege consistent with the Model Rules of the Nurse Licensure Compact. Two new identification forms would be acceptable evidence as primary residency, and a nurse from another country would have a choice of declaring either the country of origin or Virginia as the primary state. Additionally, a new regulation would specify that a single state license should be clearly marked that it is valid only in the state of issuance.

Statement of final agency action

The Board of Nursing adopted the amendments to 18VAC90-20-10 et seq., Regulations Governing the Practice of Nursing on July 21, 2009.

Legal basis

Chapter 24 of Title 54.1 establishes the general powers and duties of health regulatory boards including the responsibility to promulgate regulations.

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

- 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...*

Article 6 of Chapter 30 in Title 54.1 establishes the legal framework for Virginia’s participation in the Nurse Licensure Compact.

Purpose

The purpose of the action is to update requirements for issuance of a license with a multistate licensure privilege. Consistency with Model Rules for the Compact is necessary to ensure that nurses with a multistate privilege are appropriately licensed and able to provide services to protect the health and safety of patients in Virginia. If a Compact state has restricted the privilege and only issued a single state license, such action must be acknowledged on the license.

Rationale for using fast track process

The Board is merely conforming language in its regulations with the Model Rules for the Nurse Licensure Compact, so the changes are not more restrictive and not expected to be controversial.

Substance

Two new identification forms would be acceptable evidence as primary residency, and a nurse from another country would have a choice of declaring either the country of origin or Virginia as the primary state. Additionally, a new regulation would specify that a single state license should be clearly marked that it is valid only in the state of issuance.

Issues

- 1) There are no advantages or disadvantages to the public.
- 2) The primary advantage to the agency is consistency with the Nurse Licensure Compact of which Virginia is a member.
- 3) There are no pertinent issues.

Requirements more restrictive than federal

There are no federal requirements.

Localities particularly affected

There are no localities particularly affected.

Economic impact

<p>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures</p>	<p>a) 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; b) The agency will incur some one-time costs (less than \$1,000) for mailings to the Public Participation Guidelines mailing lists, conducting a public hearing, and sending notice of final regulations to regulated entities. Every effort will be made to incorporate those into anticipated mailings and Board meetings already scheduled.</p> <p>There will be no on-going expenditures related to this action.</p>
<p>Projected cost of the regulation on localities</p>	<p>There are no costs to localities.</p>
<p>Description of the individuals, businesses or other entities likely to be affected by the regulation</p>	<p>The individuals affected by this regulation would be persons who are applying for a multistate licensure privilege in nursing, who might not have possessed one of the currently accepted documents as evidence of residency.</p>
<p>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>There is no estimate of how many persons might be affected, but it is expected to be very small.</p>
<p>All projected costs of the regulation for affected individuals, businesses, or other entities. Please be specific. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses.</p>	<p>There should be no costs associated with this action.</p>

Alternatives

There are no alternatives to adoption of language currently found in the Model Rules and Regulations if the Board intends to have its rules consistent with the Compact to the extent possible.

Family impact

There is no impact on the institution of the family or family stability.

Detail of changes

Current section number	Current requirement	Proposed change and rationale
Section 181	Sets out the requirements for primary state of residence for issuance of a multistate licensure privilege	<p>In subsection A, there are two form added that may be used as evidence of an applicant’s primary state of residence:</p> <ul style="list-style-type: none"> 4. A Military Form No. 2058 – state of legal residence; or 5. A W2 from the United States Government or any bureau, division or agency thereof indicating the declared state of residence. <p><i>It is unlikely that someone would not have a driver’s license, a voter registration card, or a federal or state tax return, but the additional forms will expand the types of evidence that the board may accept to declare Virginia as the primary state of residence.</i></p> <p>Subsection B is added: A nurse on a visa from another country applying for licensure in Virginia may declare either the country of origin or Virginia as the primary state of residence. If the foreign country is declared as the primary state of residence, a single state license shall be issued by Virginia.</p> <p><i>The addition of this subsection will clarify that nurses on a visa have an option of declaring their country of origin or Virginia as the primary state of residence.</i></p> <p>Subsection D is added: A license issued by a party state is valid for practice in all other party states, unless clearly designated as valid only in the state which issued the license. When a party state issues a license authorizing practice only in that state and not authorizing practice in other party states, the license shall be clearly marked with words indicating that it is valid only in the state of issuance.</p> <p><i>The addition of subsection D is necessary for consistency among all Compact states, so it is clearly stated on the license if it is a single state license and not valid in other Compact states. Otherwise, it is presumed to be a multistate licensure privilege and valid for practice in</i></p>

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