



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 90-20 – Regulations Governing the Practice of Nursing
Department of Health Professions
September 9, 2009

Summary of the Proposed Amendments to Regulation

The Board of Nursing (Board) proposes to amend its Regulations Governing the Practice of Nursing to allow two new forms of identification as proof of primary residency for the purposes of obtaining a license with multistate licensure privileges. The Board also proposes to allow foreign nurses who are in the United States on a visa and are applying for licensure in Virginia to declare either Virginia or their country of origin as their primary state of residence.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

Current regulations allow Virginia to issue a license with a multistate licensure privilege, for nurses who are currently licensed in Virginia or who are applying for licensure in Virginia, so long as the primary residence of the nurse seeking such a license is in Virginia. Currently, nurses may offer 1) a driver's license with a home address listed, 2) a voter registration card with a home address listed or 3) a federal or state tax return declaring Virginia as primary state of residence as evidence that they meet the requirements for the multistate licensure privilege.

The Board proposes to add two new forms of identification, 1) Military Form No. 2058—state of legal residence and 2) form W2 from the United States Government or any bureau, division or agency thereof indicating Virginia as a declared state of residence, to this list of acceptable proof of residence. The Board also proposes to allow foreign nurses who are in the United States on a visa, and are applying for Virginia licensure, to choose whether they will list Virginia or their home country as their primary state of residence. If a foreign nurse declares his

or her home country as the primary state of residence, he/she will only be eligible for a single state (Virginia) license. These proposed changes will make Virginia regulations consistent with the model rules for the compact that governs multistate licensure.

Since the proposed changes do not impose any new restrictions on licensees, no entity is likely to incur any additional costs on account of this regulatory action. Licensed Nurses, and applicants for nursing licensure, are likely to benefit from being able to use a wider variety of proof of residency as this will allow nurses who, for instance, have recently moved to Virginia and who have changed their addresses on their W2s... but who have not yet obtained a Virginia driver's license or registered to vote... to obtain multistate licensure.

Businesses and Entities Affected

The Department of Health Professions (DHP) reports that the Board currently licenses 5,200 registered nurses and 784 licensed practical nurses.

Localities Particularly Affected

No locality will be particularly affected by this proposed regulatory action.

Projected Impact on Employment

This regulatory action will likely have no impact on employment in the Commonwealth.

Effects on the Use and Value of Private Property

This regulatory action will likely have no effect on the use or value of private property in the Commonwealth.

Small Businesses: Costs and Other Effects

Small businesses in the Commonwealth are unlikely to incur any costs on account of this regulatory action.

Small Businesses: Alternative Method that Minimizes Adverse Impact

Small businesses in the Commonwealth are unlikely to incur any costs on account of this regulatory action.

Real Estate Development Costs

This regulatory action will likely have no effect on real estate development costs in the Commonwealth.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.H of the Administrative Process Act and Executive Order Number 36 (06). Section 2.2-4007.H 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. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.