



## **Economic Impact Analysis Virginia Department of Planning and Budget**

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**18 VAC 90-30 – Regulations Governing the Licensure of Nurse Practitioners**  
**Department of Health Professions**  
January 3, 2007

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### **Summary of the Proposed Regulation**

The Board of Nursing and Medicine (board) proposes to amend the regulations governing the licensure of nurse practitioners (18 VAC 90-30) and specify the relationship of collaboration and consultation among physicians and certified nurse midwives, in response to changes in the Code of Virginia. The proposed regulations will replace the emergency regulations which became effective September 2006.

### **Results of Analysis**

The benefits likely exceed the costs for all proposed changes.

### **Estimated Economic Impact**

Chapter 750 of the 2006 Acts of the General Assembly clarifies the relationship between licensed physicians and nurse practitioners, categorized as certified nurse midwives, as one of collaboration and consultation, rather than as one of supervision. The board has promulgated an emergency regulation to modify the supervisory relationship of physicians and certified nurse midwives which became effective since September 2006. Now the board proposes to promulgate a permanent replacement regulation.

The proposed regulations will separate regulations for the practice of certified nurse midwives from the practice of other categories of licensed nurse practitioners for the purpose of describing the appropriate relationship with a licensed physician. Licensed physicians are defined as practice “under the supervision of a duly licensed physician”, whereas a certified nurse midwife renders care “in collaboration and consultation with a duly licensed physician”. According to the proposed regulations, “collaboration and consultation” means practice in

accordance with the Standards for the Practice of Nurse-midwifery (Revised 2003) defined by the American College of Nurse-midwives to include participation in the development of a written protocol including provision for periodic review and revision; development of guidelines for availability and ongoing communications that provide for and define consultation among the collaborating parties and the patient; periodic joint evaluation of services provided; and review of patient care outcomes. Guidelines for availability shall address at a minimum the availability of the collaborating physician proportionate to such factors as practice setting, acuity, and geography”.

The proposed regulations will likely facilitate the practice of certified nurse midwives,<sup>1</sup> while maintaining the quality of health care provided to the patients by means of written protocol including provisions for periodic review, guidelines for availability and ongoing communication on patient care, and periodic joint evaluation of the services delivered. The proposed regulatory changes will likely increase access to obstetrical care for women in Virginia. The Department of Health Professionals (DHP) estimates that there will be a small administrative cost of less than \$1,000 involved in mailings and conducting a public hearing, which will very likely be exceeded by the increased benefits.

## **Businesses and Entities Affected**

The proposed regulations will likely facilitate the practice of certified nurse midwives except for prescribing controlled substances and services by authorized certified nurse midwives. DHP reports that there are 192 persons licensed as nurse practitioners in the category of certified nurse midwives, and 144 of them have prescriptive authority. Hospitals and Clinics that grant privileges to certified nurse midwives may expect a small increase in the number of patients. The proposed regulations will likely benefit women in Virginia with increased access to obstetrical care while maintaining the quality of services.

## **Localities Particularly Affected**

The proposed regulation affects localities throughout the Commonwealth.

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<sup>1</sup> The practice that will be affected does not include prescribing controlled substances by the authorized nurse midwives. Section § [54.1-2957.01](#) of the Code of Virginia still requires that authorized nurse practitioners (including nurse midwives) prescribe controlled substances and services under the “direction and supervision” of a licensed physician.

## **Projected Impact on Employment**

The proposed regulations will likely increase the hours worked by certified nurse midwives and may have a small positive impact on the number of certified nurse midwives practicing in the Commonwealth.

## **Effects on the Use and Value of Private Property**

Private hospitals and clinics may experience a small positive impact from increased hours of services provided by certified nurse midwives and possibly increased number of patients, which may have a slight positive impact on the value of their asset.

## **Small Businesses: Costs and Other Effects**

Small clinics will likely benefit from the proposed regulations.

## **Small Businesses: Alternative Method that Minimizes Adverse Impact**

The proposed regulations will likely not have any adverse impact on small businesses.

## **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 21 (02). 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.