



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 90-25; 26 – Regulations Governing Certified Nurse Aides; Regulations for Nurse Aide Education Programs
Department of Health Professions
July 16, 2013

Summary of the Proposed Amendments to Regulation

The Board of Nursing (Board) proposes to 1) accept a certificate of naturalization as evidence of a name change for nurse aides, 2) allow electronic submission of an address change, 3) allow for electronic verification of registration, certification, or licensure by another state for applicants seeking certification by endorsement, 4) allow completion of one clinical nursing course within the past 12 months to qualify an applicant for registration, and 5) streamline the initial and continued approval processes for nurse aide education programs.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

Several proposed changes will reduce the regulatory burden on the nurse aides. These include allowing the Board to accept a certificate of naturalization as evidence of a name change in addition to a marriage certificate or a court order, allowing electronic submission of an address change rather than requiring the information be sent in writing, and allowing for electronic verification of registration, certification, or licensure by another state for applicants seeking certification by endorsement instead of requiring submission of written verification. These proposed changes will reduce the costs associated with time and effort the nurse aides would normally incur to produce and submit required documents and information to the Board. In addition, electronic submission and verification of documents and information may reduce administrative costs of the Department of Health Professions (DHP) by a small margin.

One of the proposed changes will also allow completion of one clinical nursing course within the past 12 months to qualify an applicant for registration instead of requiring current enrollment in a nursing education program. This change will allow an applicant to qualify for registration without incurring the time and costs of completing a nurse aide education course for a possible savings of \$200.

Finally, the proposed changes will streamline the initial and continued approval processes for nurse aide education programs. Currently, a committee of the Board (Education Special Conference Committee) receives and reviews the initial applications and makes a recommendation to the Board. If the recommendation is to deny approval, the program must request a hearing before the full Board or a panel. Under the proposed changes, initial approval may be issued upon determination that requirements for establishing a program have been met by the Board's professional staff. If the program is denied approval following the staff review, then no further action will be necessary unless the program requests an informal conference with the committee of the Board. If the decision of the committee is to uphold the denial, the program may request a hearing before the full Board or the panel. This proposed change will eliminate the need to convene the committee of the Board and the possible delay in the approval process. In case of a denial following the staff review, an informal conference instead of a hearing before the full Board or a panel will be utilized.

Similarly, current regulations require the committee to receive and review the report of the site visit or program evaluation report and make a recommendation to the Board to grant continued approval, place a program on conditional approval, or deny continued approval. Under the proposed regulation, the Board will be able to delegate that determination to the professional staff, so there would be no need to convene the committee and no delay in continued approval process. Also, an informal conference instead of a hearing before the full Board or a panel will be utilized in cases of denial or conditional approval.

The proposed, more streamlined, initial and continued approval processes are expected to shift a significant portion of the review and appeal process from the Board members to the Board staff and provide administrative cost savings and reduce possible delays.

Businesses and Entities Affected

There are currently 53,877 registered certified nurse aides and 230 nurse aide education programs in the Commonwealth.

Localities Particularly Affected

The proposed regulations do not affect any particular locality more than others.

Projected Impact on Employment

The proposed electronic submission and verification of documents may provide small savings in staff time at DHP. However, the proposed changes to initial and continued approval process for nurse aide education programs will shift some administrative workload from Board members to the staff.

Effects on the Use and Value of Private Property

To the extent streamlined initial and continued approval and appeal process reduce compliance costs, a positive impact on the asset value of nurse aide education programs may be expected.

Small Businesses: Costs and Other Effects

Most of the 230 nurse aide education programs in the Commonwealth are likely to be small businesses. The proposed changes do not impose costs on them.

Small Businesses: Alternative Method that Minimizes Adverse Impact

No adverse impact on small businesses is expected.

Real Estate Development Costs

No impact on real estate development costs is expected.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, a determination of the public benefit, 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 an adverse effect on small businesses, Section 2.2-4007.04 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.