

Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes  Not Needed

If/when this economic impact analysis (EIA) is published in the *Virginia Register of Regulations*, notification will be sent to each member of the General Assembly (COV § 2.2-4007.04.B).



## Virginia Department of Planning and Budget Economic Impact Analysis

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**18 VAC 90 -19 Regulations of the Board of Nursing**  
**Department of Health Professions**  
**Town Hall Action/Stage: 4725 / 7881**  
May 11, 2017

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### Summary of the Proposed Amendments to Regulation

In response to a petition for rulemaking,<sup>1</sup> the Board of Nursing (Board) proposes to amend the requirements for nurses' identification badges.

### Result of Analysis

The benefits likely exceed the costs for all proposed changes.

### Estimated Economic Impact

The current regulation requires that registered nurses (RNs) and licensed practical nurses (LPNs) wear identification that indicates the person's first and last name. It also provides for exceptions by stating that "Any person practicing in hospital emergency departments, psychiatric and mental health units and programs, or in health care facilities units offering treatment for clients in custody of state or local law-enforcement agencies may use identification badges with first name and first letter only of last name and appropriate title."

The Board proposes to eliminate the requirement that the badge indicates the person's first and last name, and instead state that "Name identification on a badge for identification of health care practitioners shall follow the policy of the health care setting in which the nurse is

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<sup>1</sup> More information about the petition can be found on the Virginia Regulatory Town Hall at <http://townhall.virginia.gov/l/viewpetition.cfm?petitionid=249>.

employed.”<sup>2</sup> In both the current and proposed regulations, the identification badge would be required to have the person’s appropriate title for the license, registration, or student status under which she is practicing.

In a survey of 320 nurses in the Commonwealth conducted by the Virginia Nurses Association, 81% preferred that the badge not include their full name.<sup>3</sup> Concerns with safety and an increase in stalking were cited. The proposal to allow employers flexibility concerning name identification on the badge would potentially be beneficial in that some or many employers may choose to not have the full name listed, which may reduce the occurrences of stalking and harassment of nurses.

The proposed regulation keeps the requirement that the badge have the person’s appropriate title, but does not require a minimum for name identification. An employer could potentially choose to not have the name on the badge at all. It seems likely though, that most employers would prefer to have a form of name (first name and last initial for example) on the badge so that patients or family members could correctly identify a nurse being referenced. Overall, the proposed amendments likely produce a net benefit.

### **Businesses and Entities Affected**

The proposed amendments affect the 29,831 LPNs and 104,956 RNs licensed in the Commonwealth and their employers<sup>4</sup> Most nurses work for medical practices, long-term care facilities, or hospital systems.

### **Localities Particularly Affected**

The proposed amendments do not disproportionately affect particular localities.

### **Projected Impact on Employment**

The proposed amendments do not affect employment.

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

The proposed amendments do not affect the use and value of private property.

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<sup>2</sup> The petition for rulemaking requested that the requirement that nurses include first and last name on identification badges be replaced with a requirement for only first name and last initial.

<sup>3</sup> See <http://townhall.virginia.gov/L/viewcomments.cfm?commentid=55675>

<sup>4</sup> Data source: Department of Health Professions

## **Real Estate Development Costs**

The proposed amendments do not affect real estate development costs.

## **Small Businesses:**

### **Definition**

Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “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.”

### **Costs and Other Effects**

The proposed amendments do not significantly affect costs for small businesses.

### **Alternative Method that Minimizes Adverse Impact**

The proposed amendments do not adversely affect small businesses.

## **Adverse Impacts:**

### **Businesses:**

The proposed amendments do not adversely affect businesses.

### **Localities:**

The proposed amendments do not adversely affect localities.

### **Other Entities:**

The proposed amendments do not adversely affect other entities.

## **Legal Mandates**

**General:** The Department of Planning and Budget has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order Number 17 (2014). Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

**Adverse impacts:** Pursuant to Code § 2.2-4007.04(C): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period.

If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

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