

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 Governing the Practice of Nursing**  
**Department of Health Professions**  
**Town Hall Action/Stage: 5058 / 8294**  
June 4, 2018

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### Summary of the Proposed Amendments to Regulation

The Board of Nursing (Board) proposes to clarify that the designations "R.N. Applicant"<sup>1</sup> and "L.P.N. Applicant"<sup>2</sup> are applicable to authorized nurse licensure applicants for 90 days following graduation from an approved nursing education program, rather than 90 days following receipt of the authorization letter from the Board.

### Result of Analysis

The benefits likely exceed the costs for all proposed changes.

### Estimated Economic Impact

Code of Virginia § 54.1-3001<sup>3</sup> authorizes the Board to allow a nursing applicant for licensure to practice for 90 days *following graduation from a nursing education program*. The current regulatory language implies that the applicant has 90 days to practice *following receipt of the authorization letter from the Board*. According to the Department of Health Professions (DHP), the Board has often encountered confusion among applicants about the timing of the 90 days of authorized practice. The Board proposes to clarify the use of titles by applicants, so

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<sup>1</sup> "R.N." is registered nurse.

<sup>2</sup> "L.P.N." is licensed practical nurse.

<sup>3</sup> See <https://law.lis.virginia.gov/vacode/title54.1/chapter30/section54.1-3001/>

employers and applicants will clearly understand the limitations. Consequently, the proposed amendment would not affect requirements or opportunities, but would be beneficial in that it may reduce confusion among the public and affected entities.

### **Businesses and Entities Affected**

The proposed amendment affects nursing education graduates who wish to become authorized to practice prior to obtaining full licensure. According to DHP, the Board issues 50 to 100 authorization letters per week.

### **Localities Particularly Affected**

The proposed amendments does not disproportionately affect particular localities.

### **Projected Impact on Employment**

The proposed amendments does not significantly affect employment.

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

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

### **Real Estate Development Costs**

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

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

The proposed amendments does not adversely affect small businesses.

### **Adverse Impacts:**

#### **Businesses:**

The proposed amendment does not adversely affect businesses.

**Localities:**

The proposed amendment does not adversely affect localities.

**Other Entities:**

The proposed amendment does 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.