



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 90-20 –Regulations of the Board of Nursing
Department of Health Professions
October 5, 2011

Summary of the Proposed Amendments to Regulation

The Board of Nursing (Board) proposes to add the following to the definition of unprofessional conduct as grounds for disciplinary action: 1) failure to report evidence of child abuse or neglect, and 2) failure to report evidence of elder abuse or neglect. The reporting requirements are already contained within the Code of Virginia,¹ but are not currently enumerated in this regulation's list of grounds for disciplinary action. The Office of the Attorney General suggested that boards who administer professions to which this reporting requirement pertains specifically include such language in their regulatory text. This action is being taken to implement that recommendation.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

As referred to above, licensed nurse practitioners, registered nurses and licensed practical nurses are already required by statute to report evidence of child abuse or neglect as well as evidence of elder abuse or neglect. Further, Virginia Code § 54.1-3007 states that the Board may take disciplinary action for unprofessional conduct. Given that the Code already requires the reporting of evidence of abuse or neglect, failure to report can reasonably be considered unprofessional conduct which could be considered grounds for discipline. Thus the proposal to add failure to report evidence of child abuse or neglect and failure to report evidence of elder

¹ The requirement to report evidence of child abuse or neglect is contained within Virginia Code § 63.2-1509 while the requirement to report evidence of elder abuse or neglect is contained within Virginia Code § 63.2-1606.

abuse or neglect to the definition of unprofessional conduct is beneficial in that it adds clarity to the definition, but does not otherwise effectively change the law.

Businesses and Entities Affected

The proposed amendment potentially applies to the 6,525 licensed nurse practitioners, 90,050 registered nurses and 31,020 licensed practical nurses in the Commonwealth.

Localities Particularly Affected

The proposed amendment does not disproportionately affect particular localities.

Projected Impact on Employment

The proposed amendment is unlikely to significantly affect employment.

Effects on the Use and Value of Private Property

The proposed amendment is unlikely to significantly affect the use and value of private property.

Small Businesses: Costs and Other Effects

The proposed amendment is unlikely to significantly affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed amendment does not adversely affect small businesses.

Real Estate Development Costs

The proposed amendment will not affect real estate development costs.

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, 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 2.2-4007.04 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.