



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

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**18 VAC 90-20 – Regulations Governing the Practice of Nursing**  
**Department of Health Professions**  
July 19, 2013

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### **Summary of the Proposed Amendments to Regulation**

As part of the regulatory reform initiative, the Board of Nursing (Board) proposes to amend its Regulations Governing the Practice of Nursing to: 1) allow a certificate of naturalization as proof of legal name change, 2) allow applicants for licensure 12 months from the date that their application is filed with the Board, rather than the currently allowed 6 months, to take their licensure examination and also to establish eligibility, 3) allow applicants for registration for voluntary practice by out-of-state licensees to provide an electronic copy of current licensure and to provide attestations that the applicants are in compliance with the current controlling statute and 4) repeal sections of these regulations that govern medication aide administration training programs and replace them with a new concurrently promulgated regulatory chapter.

### **Result of Analysis**

Benefits likely outweigh costs for these proposed regulations.

### **Estimated Economic Impact**

Currently, licensees who are seeking to change their name with the Board must provide a copy of a marriage certificate or a court order for name change as proof that the requested name change is legal. The Board now proposes to allow a certificate of naturalization to also serve as proof. No entity is likely to incur costs on account of this change. Licensees who are changing their names will benefit as the proposed regulation will give them more flexibility.

Current regulations require that applicants for licensure prove eligibility for licensure and take their licensure examination within 6 months of application. The Board proposes to extend

this time frame to 12 months. No entity is likely to incur additional costs on account of these changes. Applicants for licensure will benefit from the extra flexibility afforded by this change and may save money as they will not have to pay an additional application for licensure fee if they miss the 6 month window (the fee is \$190 for registered nurses and \$170 for licensed practical nurses).

Currently, out-of-state licensees who are volunteering for nursing duties in the Commonwealth must provide “a complete record of professional licensure in each state in which he has held a license and a copy of every current license” and also must provide a notarized statement from a representative of the non-profit organization with which they are volunteering that the organization is in compliance with subdivision 11 of §54.1-3001 of the Code of Virginia. The Board now proposes to ease these requirements by allowing out-of-state licensees to submit electronic evidence of unrestricted licensure in a U.S. jurisdiction and by allowing non-profit organizations to attest to their compliance with the controlling law. These changes will make it slightly easier for nurses licensed out-of-state to volunteer in Virginia and may save non-profits the small amount of money (probably less than \$5) that it may cost to get a statement notarized. No entity is likely to incur costs on account of these changes.

Current regulations include rules that govern medication aide training programs. The Board proposes to repeal these rules in this chapter and promulgate them in a separate chapter (18 VAC 90-21-10, et sec.-Medication Administration Training and Immunization Protocols) so that they are easier to search for and find. While these rules are being moved, they are not being changed. Therefore, no entity is likely to incur costs on account of this Board action.

### **Businesses and Entities Affected**

The Department of Health Professions (DHP) reports that there are 100,608 registered nurses, 31,276 licensed practical nurses, 426 clinical nurse specialists 5,250 registered medication aides and 201 approved medication aide training programs in the Commonwealth. All of these entities, as well as out-of-state licensees who are volunteering their skills and time in the state, will be affected by these regulatory changes.

### **Localities Particularly Affected**

No localities will be particularly affected by these proposed regulations.

## **Projected Impact on Employment**

These proposed regulatory changes are unlikely to have an appreciable impact on employment in the Commonwealth.

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

These proposed regulatory changes are unlikely to affect the use or value of private property in the Commonwealth.

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

No small business is likely to incur and additional expense on account of these regulatory changes.

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

No small business is likely to incur and additional expense on account of these regulatory changes.

## **Real Estate Development Costs**

This regulatory action will likely have no effect on real estate development costs in the Commonwealth.

## **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.