

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

18 VAC 90-60 – Regulations Governing the Registration of Medication Aides
Department of Health Professions
Town Hall Action/Stage: 4560/7551
July 21, 2016

Summary of the Proposed Amendments to Regulation

The Board of Nursing (Board) proposes to clarify that medication aides¹ may not administer any medications other than insulin, glucagon and auto-injectable epinephrine by subcutaneous² route.

Result of Analysis

Benefits likely outweigh costs for this proposed change.

Estimated Economic Impact

Current regulation prohibits medication aides from transmitting verbal orders to pharmacies; making an assessment of a client or deviating from the medication regime ordered by the prescriber; or mixing, diluting or reconstituting two or more drug products (with the exception of insulin and glucagon). Medication aides are also currently prohibited from administering any medication except glucagon via nasogastric or percutaneous endoscopic gastric tube and any medications by intramuscular or intravenous routes. Although medication

¹ Medication aides are registered with the Board of Nursing, work in assisted living facilities licensed by the Board of Social Services and are authorized by Code to administer drugs that would normally be self-administered by residents of such facilities.

² Subcutaneous means located beneath the skin. Subcutaneous injections deliver medication to the fatty tissue just under the skin.

aides are not allowed to administer any medications by intravenous or intramuscular injection, they are currently trained to administer three types medication via subcutaneous injections: insulin, glucagon and auto-injectable epinephrine.

Board staff reports that they have had inquiries from both medication aides, and the assisted living facilities where they are employed, as to whether they are allowed to administer any subcutaneous injections other than insulin, glucagon or auto-injectable epinephrine. Code of Virginia (COV) § 54.1-3408 (M) requires, among other things, that medication aides practice in accordance with regulations governing their practice promulgated by the Board of Nursing. Board of Nursing regulation 18 VAC 90-60-120 (2) (b) prohibits medication aides from "assuming duties and responsibilities within the practice of medication aides without adequate training or when competency has not been maintained." Because of this language in the COV and regulation, it is the Board's position that medication aides may not administer any subcutaneous injections other than the three on which they are specifically trained. To clarify this, the Board now proposes to add administering any subcutaneous injections, other than of insulin, glucagon and auto-injectable epinephrine, to the list of prohibited acts for medication aides.

Board staff reports that no assisted living facilities are known to currently allow medication aides to administer subcutaneous injections other than those for which they are specifically trained. Therefore, no assisted living facilities are likely to incur any costs on account of this proposed regulatory change. Medication aides and assisted living facilities, as well as the clients at such facilities, will benefit from this change as it will clear up any confusion that might exist about the limits of practice for medication aides vis-a-vis subcutaneous injections.

Businesses and Entities Affected

Board staff reports that there are approximately 6,000 registered medication aides currently registered with the Board. All of these individuals, as well as any individuals who become registered in the future, will be affected by this proposed regulatory change.

Localities Particularly Affected

No locality will be particularly affected by these proposed regulatory changes.

Projected Impact on Employment

This proposed regulatory change is unlikely to affect employment in the Commonwealth.

Effects on the Use and Value of Private Property

This proposed change will likely not affect the use or value of private property in the Commonwealth.

Real Estate Development Costs

This proposed regulatory change is unlikely to affect real estate development costs in the Commonwealth.

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

No small businesses are likely to incur any additional costs on account of this clarifying change.

Alternative Method that Minimizes Adverse Impact

No small businesses are likely to incur any additional costs on account of this clarifying change.

Adverse Impacts:**Businesses:**

No businesses are likely to incur any additional costs on account of this clarifying change.

Localities:

Localities in the Commonwealth are unlikely to see any adverse impacts on account of this proposed regulatory change.

Other Entities:

No other entities are likely to be adversely affected by this proposed change.

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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