



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Board of Nursing, Department of Health Professions
<b>Virginia Administrative Code (VAC) citation</b>	18VAC90-20-10 et seq.
<b>Regulation title</b>	Regulations Governing the Practice of Nursing
<b>Action title</b>	Workforce data collection
<b>Final agency action date</b>	5/19/09
<b>Document preparation date</b>	5/19/09

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 21 (02) and 58 (99).

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

Chapter 382 of the 2009 Acts of the Assembly amended § 54.1-3012.1 of the Code of Virginia specifying the criteria for collection of workforce data by the Board of Nursing and the limitation of the release of such data. An amendment to § 54.1-3012.1 requires that the collection of information on nurses be consistent with provisions of § 54.1-2506.1, which sets out the authorization of the Department of Health Professions to collect data on individuals licensed, certified or registered by a health regulatory board.

Currently, information obtained through workforce data collection could not be released in any form or manner that could identify individual nurses. The amendment to § 54.1-3012 allows release of information that does identify individuals, for the purpose of determining shortage designations, to certain qualified personnel, if pertinent to research or a study. There must be a written agreement that the identities will not be further divulged.

**Statement of final agency action**

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

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On May 19, 2009, the Board of Nursing acted to amend its regulations in Regulations Governing the Practice of Nursing (Chapter 20) to conform requirements for collection of workforce data collection to changes in §§ 54.1-3012.1 and 54.1-2506.1 of the Code of Virginia. The action is exempt in the Administrative Process Act under § 2.2-4006 of the Code of Virginia and will become effective on July 8, 2009.

**Family impact**

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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This action has no impact on the institution of the family and family stability.