



Fast Track Proposed Regulation Agency Background Document

Agency name	Board of Nursing, Department of Health Professions
Virginia Administrative Code (VAC) citation	18VAC90-20-10 et seq.
Regulation title	Regulations Governing the Practice of Nursing
Action title	Approved providers of continuing education
Date this document prepared	July 17, 2014

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes.

In response to a petition for rulemaking, the Board has amended subsection B of section 221 to add “a state or federal government agency” to the list of entities and organizations that may recognize or approve courses, seminars, conferences or workshops relating to nursing practice for continuing education credits.

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.

On July 15, 2014, the Board of Nursing adopted an amendment to 18VAC90-20-10 et seq., Regulations Governing the Practice of Nursing.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person’s overall regulatory authority.

Chapter 24 of Title 54.1 establishes the general powers and duties of health regulatory boards including the responsibility to promulgate regulations.

§ 54.1-2400. General powers and duties of health regulatory boards.--The general powers and duties of health regulatory boards shall be:

1. To establish the qualifications for registration, certification, licensure or the issuance of a multistate licensure privilege in accordance with the applicable law which are necessary to ensure competence and integrity to engage in the regulated professions...

6. To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system...

12. To issue inactive licenses or certificates and promulgate regulations to carry out such purpose. Such regulations shall include, but not be limited to, the qualifications, renewal fees, and conditions for reactivation of licenses or certificates.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

In April of 2014, a petition for rulemaking was received requesting that the Board consider amending the section on continuing competency requirements to accept CE hours approved by a federal or state government agency. Currently, subsection B of section 221 lists 12 organizations or entities that may recognize or approve continuing competency hours. Encouraging nurses who work for a government agency to take advantage of learning opportunities that relate to the practice of nursing within the context of their work at the agency may improve their effectiveness in protecting the health and safety of citizens of the Commonwealth.

Rationale for using fast track process

Please explain the rationale for using the fast track process in promulgating this regulation. Why do you expect this rulemaking to be noncontroversial?

The action is in response to a petition for rulemaking; there were no comments on the petition. The rulemaking is less restrictive and noncontroversial and should be promulgated as a fast-track action.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (Provide more detail about these changes in the “Detail of changes” section.) Please be sure to define any acronyms.

The Board has amended subsection B of section 221 to add “a state or federal government agency” to the list of entities and organizations that may recognize or approve courses, seminars, conferences or workshops relating to nursing practice for continuing education credits.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If there are no disadvantages to the public or the Commonwealth, please indicate.

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- 1) The primary advantage of the amendment is more options and opportunities for nurses to obtain the hours of continuing competency activities necessary for renewal. There are no disadvantages.
 - 2) There are no advantages or disadvantages to the Commonwealth.
 - 3) There are no other pertinent issues.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There is no requirement more restrictive than federal requirements

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

There are no localities particularly affected.

Regulatory flexibility analysis

Pursuant to §2.2-4007.1B of the Code of Virginia, please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

There are no alternative methods consistent with health and safety of the public.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact. Please keep in mind that we are looking at the impact of the proposed changes to the status quo.

<p>Description of the individuals, businesses or other entities likely to be affected (positively or negatively) by this regulatory proposal. Think broadly, e.g., these entities may or may not be regulated by this board</p>	<p>Nurses who work for a federal or state agency may benefit from this regulatory action.</p>
<p>Agency’s best estimate of the number of (1) entities that will be affected, including (2) small businesses affected. Small business means a business, including affiliates, that is independently owned and operated, employs fewer than 500 full-time employees, or has gross annual sales of less than \$6 million.</p>	<p>The Healthcare Workforce Data Center at DHP reports that the number of registered nurses who listed a government entity as their primary employer in 2013 was: 7656 in state/local government; 1527 in the U. S. military; 1339 in the Veterans Administration; and 571 in other U. S. government agencies. Of those in state government, many of those are associated with hospitals or academic institutions which are already listed as approved providers/endorsers of continuing education.</p>
<p>Benefits expected as a result of this regulatory proposal.</p>	<p>If a nurse is required to obtain continuing education through his employing state or federal agency that pertains to his practice as a nurse, he will be able to count those hours for renewal of licensure.</p>

	Therefore, the proposal is a potential cost-savings for some licensees.
Projected cost to the state to implement and enforce this regulatory proposal.	None
Projected cost to localities to implement and enforce this regulatory proposal.	None
All projected costs of this regulatory proposal for affected individuals, businesses, or other entities. Please be specific and include all costs, including projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses, and costs related to real estate development.	There are no projected costs.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

There are no viable alternatives to the proposed regulatory action that would achieve the intent of expanding the opportunities for obtaining continuing education relating to the practice of nursing.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

There is no impact on the family.

Detail of changes

Please list all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action.

Current section number	Current requirement	Proposed change, intent, and likely impact of proposed requirements
221	Sets out the requirements for	An amendment to subsection B of section

	<p>continuing competency for each renewal cycle and lists the providers that may approve or recognize coursework offerings.</p>	<p>221 to add “a state or federal government agency” to the list of entities and organizations that may recognize or approve courses, seminars, conferences or workshops relating to nursing practice for continuing education credits.</p> <p><i>In her petition, the nurse noted that other state agencies, such as VDH, DBHDS, DCJS and DSS, offer or endorse courses that relate to her practice as a nurse providing services to citizens of the Commonwealth through those agencies. For example, courses in suicide intervention skills and substance abuse are important to her work in mental health. The Board concurred that other federal and state government agencies should be able to provide or endorse continuing education. Subsection A specified that all such courses or continuing competency activities must be directly related to the practice of nursing, so the courses approved by a government agency would be acceptable within that context.</i></p>
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