



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

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### **18 VAC 90-40-60; 70 – Regulations for Prescriptive Authority for Nurse Practitioners Department of Health Professions**

March 2, 2000

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The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 9-6.14:7.1.G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1.G 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. The analysis presented below represents DPB's best estimate of these economic impacts.

### **Summary of the Proposed Regulation**

The proposed regulation amends various fees paid by nurse practitioners with prescriptive authority to the Board of Nursing. The purpose of these fee increases is to bring the Board into compliance with the Board's interpretation of § 54.1-113 of the Code of Virginia. Section 54.1-113 requires all regulatory boards under the Department of Health Professions to revise their fee schedules if, after the close of any biennium, there is more than a 10 percent difference between revenues and expenditures. The proposed fee changes are as follows:

- The penalty for late renewal of prescriptive authority will decrease from \$25 to \$10;
- Reinstatement of a lapsed authorization (an authorization not renewed for at least one biennium after expiration) will increase from \$25 to \$60;
- Reinstatement of a suspended or revoked authorization will increase from \$25 to \$85;
- The cost of obtaining a duplicate authorization would be reduced from \$10 to \$5; and

- The returned check charge will increase from \$15 to \$25.

## Estimated Economic Impact

These regulatory amendments are part of a broader set of fee changes proposed for the Board of Nursing. Fee increases for nurses and certified nurse aides were published in the Virginia Register on November 22, 1999. The primary effect of the proposed fee changes will be to increase licensing costs for all licensees under the Board of Nursing in Virginia by approximately \$4.8 million biannually.<sup>1</sup> No changes are proposed to the application and renewal fees paid by licensed nurse practitioners with prescriptive authority.

Under the current fee structure, the Board of Nursing projects a \$5.2 million deficit for the 2000-2002 biennium.<sup>2</sup> The proposed fee increases would substantially reduce the projected deficits during the 2000-2002 biennium and thereafter would begin to generate a modest surplus, thereby bringing the Board into compliance with the Code.

According to the Board of Nursing, several circumstances have been responsible for the failure of fee revenue to keep up with expenditures. Such circumstances include implementation of the Health Practitioner Intervention Program and, to a lesser extent, staff pay raises and related benefit increases included in the Governor's budget, Y2K compliance, installation of a new computer system, and relocation of the Department of Health Professions (DHP). These circumstances have increased costs despite other efforts to improve efficiency (i.e., the privatization of certain functions, reductions in staff, etc...) undertaken by the Department and the Board during the past five years. According to DHP, the proposed fee increases are necessary so that the Board of Nursing can continue to perform its essential functions of licensing, investigations of complaints, adjudication of disciplinary cases, and the review and approval of nursing education programs. These functions sustain the supply of nurses in Virginia and protect the public from continued practice by incompetent or unethical nurses.

The level of the proposed fee increases is based on revenue and expenditure projections prepared by DHP for the Board of Nursing. The proposed amounts were selected such that

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<sup>1</sup> This figure reflects the difference between projected revenue for the Board of Nursing under the current fee structure and Proposal #2 (\$5,946,750 and \$10,311,590). Also included is the difference between projected revenues for the Certified Nurse Aide program (\$816,250 under the current fees and \$1,221,250 under the proposed \$45 renewal fee).

projected revenues would be sufficient to cover projected expenditures but would not result in anything more than a modest surplus. The changes in fee structures are largely based on DHP's *Principles for Fee Development* and are discussed below.<sup>3</sup>

#### Reinstatement and Late Renewal Fees

The existing regulations require all individuals who do not renew by the expiration date to reinstate their authorization. Reinstatement includes submission of a reinstatement application and a fee of \$25. This policy does not differentiate between persons who are merely a day late in renewing their authorization from persons who have chosen to let their authorization lapse for a lengthy period of time (i.e., someone who had left the state to practice in another jurisdiction, and then has returned to Virginia). The proposed rules would establish a \$10 late fee for licensees renewing within one biennium of the expiration date and require reinstatement for the renewal of any authorizations (now lapsed) beyond the biennium. The proposed reinstatement fee of \$60 includes \$25 for application processing and document review, a \$10 late fee, and the \$25 biennial license renewal fee. Applicants reinstating a suspended or revoked license would be required to pay an additional \$25 (total fee of \$85) since a disciplinary reinstatement hearing must be held.

The Board estimates that 25 nurse practitioners with prescriptive authority will benefit from a reduction in the late fee from \$25 to \$10. According to DHP, the proposed fee more accurately reflects the costs incurred by the Department for processing late renewals, which cannot be processed through the automated system but must be manually entered. The estimated number of nurse practitioners with prescriptive authority who will request reinstatement of lapsed or suspended/revoked licenses is under 10. Licensing costs for these individuals would increase under the proposal.

#### Miscellaneous Fees

Almost all of the other proposed fee changes are intended to represent more accurately the actual cost of service. For example, the fee charged for a duplicate license is reduced from \$10 to \$5 and the returned check charge is raised from \$15 to \$25. By charging individuals for

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<sup>2</sup> This figure reflects the sum of the \$4,615,498 deficit projected for the Board of Nursing plus the \$624,744 deficit projected for the Certified Nurse Aide Program.

the full costs incurred on their behalf, the proposed changes are both more efficient and equitable.

### Summary

The proposed regulation amends certain fees charged by the Board of Nursing for nurse practitioners with prescriptive authority in Virginia. According to DHP, the proposed fee increases are necessary to prevent a delay in the performance of or the elimination of investigations and discipline, license renewals, and educational program approvals, a delay which could negatively affect public health and safety and reduce the supply of nurses and nurse practitioners in Virginia.

### **Businesses and Entities Affected**

There are currently 1,747 nurse practitioners with prescriptive authority licensed by the Board of Nursing in Virginia.

### **Localities Particularly Affected**

The proposed fee changes will not affect any particular localities since they apply statewide.

### **Projected Impact on Employment**

The proposed fee changes are not expected to have any significant impact on employment of nurse practitioners with prescriptive authority in Virginia.

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

The proposed fee changes are not expected to have any significant effects on the use and value of private property in Virginia.

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<sup>3</sup> This document, dated May 20, 1999, outlines the principles by which DHP sets its licensing fees. The principles are intended to provide structure, consistency, and equity for all the professionals regulated within the Department.

