



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

18 VAC 90-19 Regulations Governing the Practice of Nursing
Department of Health Professions
Town Hall Action/Stage: 5479 / 8891
March 16, 2020

Summary of the Proposed Amendments to Regulation

The Board of Nursing proposes to allow approved registered nurse (RN) applicants with education from countries other than the United States and Canada to use the “RN Applicant” designation in their name tags or when signing documents while their application is pending passage of the licensure examination.

Background

This action results from a petition for rulemaking.¹ All applicants for licensure as a RN whose basic nursing education was received in other countries are required to submit evidence showing: 1) that their secondary and nursing education is comparable to those required for RNs in the Commonwealth, and 2) that they are proficient in English. Applicants who meet these conditions are then allowed to practice for up to 90 days following approval of an application. Currently, during the 90 days, approved applicants with domestic or Canadian education backgrounds are designated as “RN Applicants,” but other applicants are designated as “foreign nurse graduates.” The petition seeks to use the “RN Applicant” designation for applicants from other counties during the 90-day period.

Estimated Benefits and Costs

The comments supporting the petition indicate that there is a perceived issue of discrimination due to differing name tags based on the origin of nursing education, and point out that there should be no difference in name tag designation or when signing documents as the foreign educational credits must be deemed comparable to those from domestic or Canadian

¹ <https://townhall.virginia.gov/l/viewpetition.cfm?petitionid=311>

sources. The proposed amendment would allow all approved applicants to use the same designation and is expected to eliminate the perceived issue of discrimination.

Businesses and Other Entities Affected

The proposed amendment would primarily affect approved RN applicants up to 90 days whose education credits are earned in countries other than the U.S. or Canada. The Department of Health Professions does not track the number of applicants based on education background, but reports that in the first quarter of fiscal year 2020, there were 3,025 new licenses issued for RNs.

Small Businesses² Affected:

The proposed amendment does not appear to adversely affect small businesses.

Localities³ Affected⁴

The proposed amendment does not appear to affect localities.

Projected Impact on Employment

The proposed amendment does not appear to affect employment.

Effects on the Use and Value of Private Property

The proposed amendment does not appear to affect the use and value of private property.

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 14 (as amended, July 16, 2018). 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(D): 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.

² 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.”

³ “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

⁴ § 2.2-4007.04 defines “particularly affected” as bearing disproportionate material impact.

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.