



Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Virginia Department of Health (VDH)
Virginia Administrative Code (VAC) citation	12 VAC 5 - 510
Regulation title	Guidelines for General Assembly Nursing Scholarships
Action title	Amendments to this regulation include the office name and address change, and application process.
Date this document prepared	January 5, 2011

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*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

VDH administers the Nursing Scholarship program, which provides annual nursing scholarships for students enrolled part-time and/or full-time in undergraduate and graduate nursing programs. Selected recipients agree to engage in full-time nursing practice in the Commonwealth. Sections 23-35.9 through 23-35.13 of the *Code of Virginia* authorize an Advisory Committee, appointed by the State Board of Health (board), to select scholarship recipients.

The amendments being proposed for this regulation are technical in nature and reflect changes regarding the name of the office that administers this program, the address where applicants should send their applications and application processes and procedures.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

The board originally adopted these regulations in order to implement §§ 23-35.9 through 23-35.13 and as authorized by §§ 32.1-122.6:01 and 54.1-3011.2 of the *Code of Virginia*. Sections 23-35.9 and 32.1-122.6:01 of the *Code* authorize the Board to award annual scholarships for students enrolled in undergraduate and graduate nursing programs in Virginia.

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

The intent of the nursing scholarship program is to increase the number of qualified nurses serving the Commonwealth. Well over 100 future nurses receive these scholarships annually, and most recipients will graduate and become licensed practitioners serving in Virginia. The amendments proposed for this regulation are pertinent so that prospective nursing scholarship applicants are aware of which office administers this program, where to send their applications and are aware of the most current application processes and procedures.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.

1. All areas in the regulation that mention the name, "Office of Public Health Nursing" will change to the "Virginia Department of Health, Division of Primary Care and Rural Health."
2. The address of the Office of Public Health Nursing will be removed.
3. 12 VAC 5-510-60 will be updated to reflect actual current procedures regarding "How to Apply." Applications will no longer be available from the Deans/Directors Offices at the nursing programs; rather, an online application is made available to prospective students.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

VDH sees no viable alternative for the proposed regulatory action. The action is necessary to assure consistency with the name of the office that administers the regulations. In addition, an online application process is being implemented to reduce waste and streamline the application and review process.

Public participation

Please indicate whether the agency is seeking comments on the intended regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the

alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.

Because the proposed changes are technical in nature, VDH is not seeking comments on the intended regulatory action. A public hearing is not needed to receive comments on this notice.

Participatory approach

Please indicate, to the extent known, if advisers (e.g., ad hoc advisory committees, regulatory advisory panels) will be involved in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.

VDH is not using the participatory approach in the development of the proposal because the regulatory changes, as described under the “substance” section, are minimal and do not affect the implementation of the regulations.

Family impact

Assess the potential 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.

The proposed regulatory action is technical in nature and will not have an impact on the institution of the family and family stability.

Periodic review

*Per Executive Order 14 (2010), each existing regulation shall be reviewed **at least once every four years**.*

If this NOIRA is not the result of a periodic review of the regulation, please delete this entire section.

If this NOIRA is the result of a periodic review, please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and (2) indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

Commenter	Comment	Agency response
N/A	None Received	N/A

The VDH did not receive any public comment regarding the regulations during the periodic review period.