

Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes Not Needed

If/when this economic impact analysis (EIA) is published in the *Virginia Register of Regulations*, notification will be sent to each member of the General Assembly (COV § 2.2-4007.04.B).



Virginia Department of Planning and Budget Economic Impact Analysis

18 VAC 90 -27 Regulations Governing Nursing Education Programs
Department of Health Professions
Town Hall Action/Stage: 4926 / 8077
November 16, 2017

Summary of the Proposed Amendments to Regulation

The Board of Nursing (Board) proposes to add a definition for “full approval” of a nursing education program and to change the timing of a required criminal background check for nursing students from requiring the check prior to admission to prior to the clinical experience involving direct patient care.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

Sections 150 and 160 of the regulation reference “full approval,” but the current regulation does not define “full approval.” The Board proposes to add a definition to improve clarity. The proposed definition is consistent with the meaning as it has been interpreted. To the extent that adding the definition reduces confusion among potential readers of the regulation, the proposal would be beneficial.

The current regulation provides that “Except for high school students, all applicants to a nursing education program shall be required to submit to a criminal background check **prior to**

admission.”¹ The Board proposes to instead provide that “Except for high school students, all students enrolled in a nursing education program shall be required to submit to a criminal background check **prior to a clinical experience involving direct patient care.**”² This proposed amendment should not affect health and safety since the students will still be checked prior to direct patient care. The proposed amendment is beneficial in that the expense of criminal background checks can be saved for applicants who are not granted admission. The Virginia State Police fee for a national criminal background check for employees or volunteers providing care to children, the elderly and disabled is \$25 for employees and \$19 for volunteers.³

According to the Department of Health Professions, hospitals and clinics where students are engaged in a clinical experience require a criminal background check prior to providing direct patient care. Typically, there is a gap of months or even years between the time a check was submitted prior to admission and the time of the clinical experience. Therefore, the clinical settings often require a second check to ensure that there has not been any criminal activity during that gap period. By just requiring that there be criminal background check prior to a clinical experience involving direct patient care rather than prior to admission may thus effectively reduce the number of background checks that admitted nursing students are subjected to from two to one. Consequently, the cost for background checks for admitted students may decrease as well.

Businesses and Entities Affected

The proposed amendments affect the 138 programs⁴ approved by the Board to provide education for practical and professional nursing.

Localities Particularly Affected

The proposed amendments do not disproportionately affect particular localities.

Projected Impact on Employment

The proposed amendments do not significantly affect employment.

¹ Bold is for emphasis and is not in the regulation.

² Ibid

³ See <http://www.vsp.state.va.us/downloads/SP-024.pdf>

⁴ Data source: Department of Health Professions

Effects on the Use and Value of Private Property

The proposed amendments do not significantly affect the use and value of private property.

Real Estate Development Costs

The proposed amendments do not affect real estate development costs.

Small Businesses:

Definition

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.”

Costs and Other Effects

The proposed amendments do not significantly affect costs for small businesses.

Alternative Method that Minimizes Adverse Impact

The proposed amendments do not adversely affect small businesses.

Adverse Impacts:

Businesses:

The proposed amendments do not adversely affect businesses.

Localities:

The proposed amendments do not adversely affect localities.

Other Entities:

The proposed amendments do not adversely affect other entities.

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 Number 17 (2014). 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(C): 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.

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.