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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Virginia Department Health, Office of Health Equity
Virginia Administrative Code (VAC) Chapter citation(s)	<u>12-VAC5-542</u>
VAC Chapter title(s)	Rules and Regulations Governing the Virginia Nurse Practitioner/Nurse Midwife Scholarship Program
Date this document prepared	3-3-2023

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

VDH: Virginia Department of Health
OHE: Office of Health Equity

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The Board of Health is authorized to make, adopt, promulgate, and enforce regulations pursuant to § 32.1-12. Virginia Code §§ 32.1-122.5 and 32.1-122.6:02 requires the Board of Health to:

1. Award Virginia nurse practitioner/nurse midwife scholarships to eligible students;
2. Adopt, promulgate, and enforce the general terms and conditions applicable to the obligation of each recipient of a nurse practitioner/nurse midwife scholarship to practice full time as a nurse practitioner/nurse midwife in a medically underserved area of Virginia, as identified by the Board of Health by regulations; and
3. Adopt, promulgate, and enforce the penalties for a recipient's failure to fulfill the practice requirements of the Virginia Nurse Practitioner/Nurse Midwife Scholarship Program.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

The Board of Health is required by Virginia Code §§ 32.1-12, 32.1-122.5, and 32.1-122.6:02 to establish the Virginia nurse practitioner/nurse midwife nursing scholarship program and promulgate regulations by which the program is administered. There are no viable alternatives to comply with the statutory requirements in the Code of Virginia.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review and provide the agency's response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No comments were received during the public comment period.

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

Pursuant to § 2.2-4017 of the Code of Virginia, the Virginia nurse practitioner/nurse midwife nursing scholarship program regulations meet the criteria set out in Executive Order 19. Such regulations allow the Board of Health to set the general terms and conditions necessary to administer a scholarship program that is a key strategy for the protection of public health and welfare throughout the Commonwealth. The regulations are comprehensible, clear, and consistent.

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

The Board of Health is proposing to amend the Virginia nurse practitioner/nurse midwife nursing scholarship program to adhere to the Style Guide administered by the Virginia Registrar. Amendments will ensure that the language is readable, clear, and consistent and in the public's interest.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

The Regulations for Virginia nurse practitioner/nurse midwife nursing scholarship program are required by Virginia Code and there is continued need for them. VDH did not receive any comments during the public comment period. The regulations are not complex, nor do they overlap with or duplicate any state/federal regulations. Technical amendments were made and effective in 2016. Style updates are necessary in order to adhere to the Style Guidelines administered by the Virginia Registrar. There has been no change in technology or other conditions since the 2016 regulatory action that would necessitate a substantive change to scholarship program or regulations. The program administered by these regulations promotes nursing recruitment and retention, which is intended to address the nursing shortages throughout the Commonwealth. As such, facilities that provide nursing services and that qualify as a small business benefit from the implementation of the regulations. The regulations have no adverse economic impact on small business.
