

Memo

CONFIDENTIAL/ATTORNEY-CLIENT PRIVILEGED

TO: Keith Hare, President and CEO, VHCA

FROM: W. Scott Johnson, Esq.
Benjamin H. Traynham, Esq.

DATE: March 21, 2020

RE: Board of Nursing Waivers in Response to COVID-19

Below is a summary of the five temporary waivers to regulations governing nursing issued by David Brown, D.C., Director of the Department of Health Professions, on March 19, 2020. These waivers are authorized under Governor Northam's Executive Order 51. Each waiver expires on June 10, 2020 unless otherwise stated or sooner amended.

RN AND LPN

- Waive application and reapplication fees if NCLEX not taken within 12 months of the date the Board determined the applicant to be eligible (18VAC90-19-110(C)(3)(a))
- Waive 90-day practice requirement between date of completion of nursing education program and date of NCLEX results, not to exceed 90 days beyond expiration of EO 51 (18VAC90-19-110 (F)(1))
 - Same for 90-day requirement of designation of "RN Applicant" and "LPN Applicant"
- Waive sufficient number of clinical hours requirement for licensure by endorsement and allow person who graduated from approved nursing education program to obtain licensure by endorsement (18VAC90-19-120 (A)(1))

NURSE PRACTITIONER

- Waive 6-month time limit on provisional license so applicant may practice until they are able to take certification exam, not to exceed 90 days beyond expiration of EO 51 (18VAC90-30-80(B))
- Waive requirement for submission of evidence of certification and transcript for licensure by endorsement and rely solely on verification of licensure in another U.S. jurisdiction (18VAC90-30-85(A)(2) & (B))
- Waive automatic lapse of license and discipline by Board if licensee fails to renew by the expiration date (18VAC90-30-100(2)(D))

REGISTERED MEDICATION AIDE

- Waive 120-day limit on provisional practice, allowing medication aide to practice until the applicant can pass the test required for registration (18VAC90-60-91(B) & (D))

NURSING EDUCATION PROGRAM

- Waive minimum hour requirement for direct client care under supervision (500 for RN and 400 for LPN) for those students on schedule to meet requirements for graduation/completion (18VAC90-27-100(A))
- Waive limits on simulation hours (25% of total clinical hours and 50% in a single course) for those on schedule to meet requirements for graduation/completion (18VAC90-27-100(D)(1) & (2))

NURSE AID EDUCATION PROGRAM

- Waive requirement that other instructional personnel assisting primary instructor be RNs or LPNs (18VAC-90-26-30(C))
- Waive requirement that nurse aide instructional personnel demonstrate competence to teach adults (18VAC90-26-30(D))

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