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HOUSE BILL NO. 2405

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions  
on January 27, 2009)

(Patron Prior to Substitute—Delegate Tyler)

A BILL to amend and reenact §§ 54.1-2506.1 and 54.1-3012.1 of the Code of Virginia, relating to the submission of information to the Department of Health Professions.

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2506.1 and 54.1-3012.1 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2506.1. Submission of required information.

A. The Department is authorized to require individuals applying for initial licensure, certification, registration, or a multistate licensure privilege, and individuals who are licensed to practice medicine, osteopathic medicine, dentistry, or to practice as a physician assistant, nurse practitioner or dental hygienist, certified, or registered by or who hold a multistate licensure privilege issued by a health regulatory board to provide information in addition to that which is required to determine the individual's qualifications to be licensed. Such additional information shall identify include identification of the individual's specialty self-designated specialties and subspecialty subspecialties; credentials and certifications issued by professional associations, institutions and boards; and locations of each practice site, and number of hours spent practicing at each practice site location, and demographic information. The Department, in consultation with the health regulatory boards, may establish criteria to identify additional data elements deemed necessary for workforce and health planning purposes. Such information shall be collected and maintained by the Department for manpower workforce and health planning purposes in cooperation with agencies and institutions of the Commonwealth and shall be released by the Department only in the aggregate without reference to any licensee's person's name or other individual identifying particulars identifiers; however, the Department may release any information that identifies specific individuals for the purpose of determining shortage designations and to qualified personnel if pertinent to an investigation, research, or study, provided a written agreement between such qualified personnel and the Department, which ensures that any person to whom such identities are divulged shall preserve the confidentiality of those identities, is executed. Prior to collecting any information described in this section from individual licensees individuals, the Department shall first attempt to obtain from other sources information sufficient for manpower workforce planning [LR1] purposes.

B. For the purpose of expediting the dissemination of public health information, including notice about a public health emergency, the Department is authorized to require certain licensed, certified or registered persons and persons holding a multistate licensure privilege to report any email address, telephone number and facsimile number that may be used to contact such person in the event of a public health emergency or to provide information related to serving during a public health emergency. In the event of an animal health emergency, the Department shall provide to the State Veterinarian the email addresses, telephone numbers and facsimile numbers that may be used to contact licensed veterinarians.

Such email addresses, telephone numbers and facsimile numbers shall not be published, released or made available for any other purpose by the Department, the Department of Health, or the State Veterinarian.

The Director, in consultation with the Department of Health and the Department of Emergency Management, shall adopt regulations that identify those licensed, certified or registered persons and persons holding a multistate licensure privilege to which the requirement to report shall apply and the procedures for reporting.

§ 54.1-3012.1. Nursing workforce information.

A. With such funds as are appropriated for this purpose, and consistent with the provisions of § 54.1-2506.1, the Board shall collect, store, and make available nursing workforce information regarding the various categories of nurses certified, licensed or registered under the provisions of this chapter. In addition to appropriated funds, the Board may also accept donations or grants from private sources in addition to any licensure or certification fee to any certified, licensed or registered nurse to carry out the provisions of this section. The information to be collected on nurses shall include, but not be limited to: (i) demographic data; (ii) level of education; (iii) employment status; (iv) employment setting such as in a hospital, physician's office, or nursing home; (v) geographic location of employment; (vi) type of nursing position or area of specialty; and (vii) number of hours worked per week. Such information shall be collected and updated biennially, and shall be published, in aggregate form and in a

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60 format accessible to the public, on the Department of Health Professions website. ~~Information could~~  
61 ~~identify individual nurses shall not be released in any form or manner.~~ *However, the Board may release*  
62 *information that identifies specific individuals for the purpose of determining shortage designations and*  
63 *to qualified personnel if pertinent to an investigation, research, or study, provided a written agreement*  
64 *between such qualified personnel and the Department, which ensures that any person to whom such*  
65 *identities are divulged shall preserve the confidentiality of such identities, is executed.*

66 B. The Board shall promulgate regulations to implement the provisions of this section. Such  
67 regulations shall include: (i) the specific number and types of nursing workforce data elements to be  
68 collected; (ii) the process by which the information is collected, stored, and made available to interested  
69 parties; (iii) provisions to ensure the confidentiality of the data to be collected and to protect the identity  
70 of all individuals submitting information; and (iv) other provisions as determined by the Board.