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Exempt Action: Final Regulation Agency Background Document

Agency name	Board of Nursing, Department of Health Professions
Virginia Administrative Code (VAC) Chapter citation(s)	18VAC90-15
VAC Chapter title(s)	Regulations Governing Delegation to an Agency Subordinate
Action title	Exempt regulatory changes to allow agency subordinates to hear credentials cases
Final agency action date	July 1, 2023
Date this document prepared	May 22, 2023

This information is required for executive branch review pursuant to 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. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to 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*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

This action amends 18VAC90-15-10 to remove a limitation that agency subordinates be used only for disciplinary matters, consistent with the passage of [Ch. 191 of the 2023 Acts of Assembly](#). This change will allow boards that use agency subordinates to employ those agency subordinates to hear credentials, or applications, cases as well as disciplinary cases.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined

in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

The impetus for this action is the passage of [Ch. 191 of the 2023 Acts of Assembly](#), which statutory amendment allows regulatory boards of the Department of Health Professions to use agency subordinates to hear credentials cases at the informal fact-finding level.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On May 22, 2023, the Board of Nursing voted to amend 18VAC90-15-10, Delegation to an Agency Subordinate, by exempt action, effective July 1, 2023.