

May 27, 2003

Jay P. Douglas, R.N., M.S.A., C.S.A.C.
Executive Director
Virginia Board of Nursing
6606 West Broad Street
Richmond, Virginia 23230-1717

**RE: 18 VAC 90-20-10, et seq.,
Regulations Governing the Practice of Nursing**

Dear Ms. Douglas:

I have reviewed the Emergency Regulation, 18 VAC 90-20-10 et seq., in accordance with the Administrative Process Act. The amended regulation, 18 VAC 90-20-30, is constitutional and conforms with statutory provisions contained in Chapter 762 of the 2003 Acts of the Assembly.

The “emergency situation” which exists is specified in § 2.2-4011 of the Code of Virginia as one in which the agency is required by statutory law to have a regulation in effect within 280 days from the enactment of the law. Having satisfied all legal requirements, you may proceed to take the necessary steps to promulgate this emergency regulation in accordance with the requirements of the Administrative Process Act.

Sincerely,

Howard M. Casway
Senior Assistant Attorney General

cc: Robert a. Nebiker, Director
Department of Health Professions