



COMMONWEALTH of VIRGINIA
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August 29, 2008

Lisa R Hahn, M.D.
Executive Director
Virginia Board of Long-Term Care Administrators
9960 Mayland Drive, Suite 300
Richmond, VA 23233

RE: Exempt Regulations 18 VAC 95-20-10 and 18 VAC 95-20-225, Regulations Governing the Licensure of Nursing Home Administrators by Endorsement

Dear Ms. Hahn:

You have asked whether the proposed changes to the above-cited regulations are exempt from the operation of Article 2 of the Administrative Process Act.

The proposed amendment to eliminate the state examination requirement for persons seeking licensure by endorsement is exempt in accordance with § 2.2-4006 A 3, which provides an exemption for: "Regulations that consist only of changes in style or form or corrections of technical errors." Effective July 24, 2008, the Virginia Board of Long-Term Care Administrators (Board) Regulations governing the practice of Nursing Home Administrators eliminated the state licensing exam. However, a technical error occurred in that the change was made to the section for initial licensure and the concomitant change to the section on licensure by endorsement was not done. Also, the elimination of the state licensing exam requirement means the definition, "state examination," can be removed, as well. The Board now instead requires all applicants to attest that they have read and understood and will remain current with the applicable Virginia laws and regulations relating to the administration of nursing homes.

Having satisfied all legal requirements, you may proceed to take the necessary steps to promulgate this exempt regulation with the Registrar of Regulations.

Sincerely,

A handwritten signature in blue ink that reads "Amy Marschean".

Amy Marschean
Senior Assistant Attorney General

cc: Elaine J. Yeatts, Agency Regulatory Coordinator
Department of Health Professions