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Exempt Action Final Regulation Agency Background Document

Agency name	Department of Health Professions
Virginia Administrative Code (VAC) citation(s)	18VAC76-10-10 et seq.
Regulation title(s)	Regulations Governing the Health Practitioners Monitoring Program
Action title	Clarifications from periodic review
Final agency action date	3/12/19
Date this document prepared	3/12/19

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please 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.

The Director of the Department of Health Professions has adopted amendments relating elimination of an unnecessary definition and clarification of the process whereby boards are notified that a participant in the Program is noncompliant and may no longer be eligible for a stay of disciplinary action.

Mandate and Impetus

Please 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, board decision, etc.). "Mandate" is defined as "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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."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 the regulatory change is the periodic review to clarify and update regulations. This action is exempt from the operation of the Administrative Process Act and review by the Executive Branch pursuant to Virginia Code § 2.2-4002(B)(18), as these are regulations for the implementation of the Health Practitioners' Monitoring Program. The Director has authority to promulgate these regulations under Virginia Code § 54.1-2516.

Statement of Final Agency Action

Please 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 March 12, 2019, the Director of the Department of Health Professions amended 18VAC76-10-10 et seq., Regulations Governing the Health Practitioners Monitoring Program.