



Exempt Action Final Regulation Agency Background Document

Agency name	Board of Nursing, Department of Health Professions
Virginia Administrative Code (VAC) citation	18VAC90-20-10 et seq.
Regulation title	Regulations Governing the Practice of Nursing
Action title	Amends for consistency with the Code of Virginia
Final agency action date	5/17/05
Document preparation date	5/17/05

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 21 (02) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Regulations of the Board of Nursing need to be amended for consistency with the Code of Virginia. In Chapter 762 of the 2003 Acts of the Assembly, the minimum period for reinstatement of a license after revocation was set at three years.

§ 54.1-2408.2. Three-year minimum period for reinstatement after revocation.

When the certificate, registration or license of any person certified, registered or licensed by one of the health regulatory boards has been revoked, the board may, after three years and upon the payment of a fee prescribed by the Board, consider an application for reinstatement of a certificate, registration or license in the same manner as the original certificates, registrations or licenses are granted. The reinstatement of a certificate, registration or license shall require the affirmative vote of three-fourths of the members at a meeting. In the discretion of the board, such reinstatement may be granted without further examination.

Currently, regulations of the Board in section 230 D state that a nurse cannot reapply after revocation for two years. For consistency with the Code, the rule should state that a nurse cannot reapply for three years after revocation.

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 May 17, 2005, the Board of Nursing adopted an exempt action to amend Section 230 for consistency with § [54.1-2408.2](#) of the Code of Virginia. Although required to comply with the Virginia Register Act, the agency is exempt from provisions of the Administrative Process Act for the implementation of these regulations pursuant to § 2.2-4006 A 4, which grants an exemption if the action is: “Necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved.”

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

There is no impact of this regulatory action on the institution of the family and family stability.