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Exempt Action: Final Regulation Agency Background Document

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| Agency name | Board of Medicine, Department of Health Professions |
| Virginia Administrative Code (VAC) Chapter citation(s) | 18VAC85-21 |
| VAC Chapter title(s) | Regulations Governing Prescribing of Opioids and Buprenorphine |
| Action title | Changes to patient counseling regarding opioid prescriptions pursuant to HB699 |
| Final agency action date | June 13, 2024 |
| Date this document prepared | June 13, 2024 |

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.

The Board of Medicine adopted amendments to 18VAC85-21 as directed by [HB699](#), Chapter 448 of the 2024 Acts of Assembly. The Board of Medicine adopted amendments that mirror the language in the legislation, which requires specific patient counseling prior to initiation of opioid treatment, regardless of the length of treatment.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

This action is mandated by [HB699](#), Chapter 448 of the 2024 Acts of Assembly.

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 June 13, 2024, the Board of Medicine voted to amend 18VAC85-21, Regulations Governing Prescribing of Opioids and Buprenorphine, as directed by legislation from the 2024 General Assembly Session.