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Exempt Action: Final Regulation Agency Background Document

Agency name	Virginia Board of Health
Virginia Administrative Code (VAC) Chapter citation(s)	12VAC5-371-10 <i>et seq.</i>
VAC Chapter title(s)	Regulations for the Licensure of Nursing Facilities
Action title	Amend Regulation to Conform to Chapter 846 of the 2020 Acts of Assembly
Final agency action date	May 20, 2020
Date this document prepared	April 16, 2020

Although 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 (1VAC7-10), 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.

Chapter 846 of the 2020 Acts of Assembly amends Va. Code § 32.1-127(B), requiring the State Board of Health to promulgate regulations that “permit nursing home staff members who are authorized to possess, distribute, or administer medications to residents to store, dispense, or administer cannabidiol oil or THC-A oil to a resident who has been issued a valid written certification for the use of cannabidiol oil or THC-A oil in accordance with subsection B of § 54.1-3408.3 and has registered with the Board of Pharmacy.”

This exempt action is being utilized to conform 12VAC5-371-10 *et seq.* to the Code of Virginia.

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). "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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."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 mandate for this change is found in Chapter 846 of the 2020 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.

The State Health Commissioner approved this Final Action regarding the Regulations for the Licensure of Hospitals in Virginia, on behalf of the State Board of Health while the board was not in session on May 20, 2020.