



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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August 6, 2012

Ms. Jay P. Douglas
Executive Director
Virginia Board of Nursing
9960 Mayland Drive, Suite 300
Richmond, VA 23233

RE: 18 VAC 90-40-10 et seq. Regulations Governing Prescriptive Authority for Nurse Practitioners

Dear Ms. Douglas:

I have reviewed the Emergency Regulation, 18VAC90-40-10 et seq., in accordance with the Administrative Process Act. The amended regulations for prescriptive authority for nurse practitioners are constitutional and in conformity with statutory provisions of Chapter 213 of the 2012 Acts of the Assembly.

The "emergency situation" which exists is specified in §2.2-4011 of the Code of Virginia as one in which the agency is required by statutory law to have a regulation in effect within 280 days from the enactment of the Act. Having satisfied all legal requirements, you may proceed to take the necessary steps to promulgate this emergency regulation.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Casway", with a long horizontal flourish extending to the right.

Howard M. Casway
Senior Assistant Attorney General

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