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Exempt Action: Final Regulation Agency Background Document

Agency name	Boards of Medicine and Nursing, Department of Health Professions
Virginia Administrative Code (VAC) Chapter citation(s)	18VAC90-40
VAC Chapter title(s)	Regulations for Prescriptive Authority for Advanced Practice Registered Nurses
Action title	Changes to patient counseling regarding opioid prescriptions pursuant to HB699
Final agency action date	June 13, 2024; July 23, 2024
Date this document prepared	July 23, 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 Boards of Medicine and Nursing adopted amendments to 18VAC90-40 as directed by [HB699](#), Chapter 448 of the 2024 Acts of Assembly. The Boards 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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."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 18VAC90-40, Regulations for Prescriptive Authority for Advanced Practice Registered Nurses, as directed by legislation from the 2024 General Assembly Session. On July 23, 2024, the Board of Nursing voted to amend 18VAC90-40, Regulations for Prescriptive Authority for Advanced Practice Registered Nurses, as directed by legislation from the 2024 General Assembly Session.