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Exempt Action: Final Regulation
Agency Background Document

Agency name	Board of Nursing, Department of Health Professions
Virginia Administrative Code (VAC) Chapter citation(s)	18VAC90-19 18VAC90-25 18VAC90-27 18VAC90-30 18VAC90-50 18VAC90-60
VAC Chapter title(s)	Regulations Governing the Practice of Nursing Regulations Governing Certified Nurse Aides Regulations for Nursing Education Programs Regulations Governing the Licensure of Advanced Practice Registered Nurses Regulations Governing the Licensure of Massage Therapists Regulations Governing the Registration of Medication Aides
Action title	Two step fee increase pursuant to Virginia Code § 54.1-113
Final agency action date	November 17, 2026
Date this document prepared	November 17, 2026

While 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 Virginia Regulatory Town Hall using this form. 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, Style, and Procedure Manual for Publication of Virginia Regulations.*

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 must amend regulations to ensure it obtains sufficient operating funds pursuant to Virginia Code § 54.1-113. Under the current fee structure, the Board will carry a negative balance of $(2,548,279) in FY2025 and $(8,191,878) in FY2026.

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, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in Executive Order 17 (2026), "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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part." For changes in response to federal mandates, indicate the extent of discretion related to the proposed regulatory changes, the rationale for the changes, and briefly indicate how the federal mandate aligns with the best interest of public welfare.

The mandate for this action is the requirement in Virginia Code § 54.1-113 which directs regulatory boards of DHP to ensure fees are sufficient to cover operating expenses.

These regulatory changes are exempt pursuant to Virginia Code § 54.1-113.

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) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

On November 17, 2026, the Board of Nursing adopted final amendments to the Regulations Governing the Practice of Nursing, the Regulations Governing Certified Nurse Aides, the Regulations for Nursing Education Programs, the Regulations Governing the Licensure of Advanced Practice Registered Nurses, the Regulations Governing the Licensure of Massage Therapists, and the Regulations Governing the Registration of Medication Aides.