



**COMMONWEALTH of VIRGINIA**  
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May 17, 2005

Jay P. Douglas, R.N.  
Executive Director  
Virginia Board of Nursing  
6603 West Broad Street  
Richmond, VA 23230-171.2

**RE: 18V AC90-20-10 et seq. Regulations Governing the Practice of Nursing**

Dear Ms. Douglas

You have asked whether the following proposed changes to the above-cited regulations are exempt from the operation, of Article 2 of the Administrative Process Act.

The proposed amendment to 18V AC90-20-230 is made to conform regulations to Chapter 762 of the 2003 Acts of the Assembly, in which the minimum period for reinstatement of a license after revocation was set at three years rather than two years as stated in regulation.

Since they are "necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved", § 2.2-4006 (A) (4) is applicable and the amendments are exempt from Article 2 of the Administrative Process Act.

Sincerely,

A handwritten signature in blue ink, appearing to read "Howard M. Casway".

Howard M. Casway  
Assistant Attorney General

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