



COMMONWEALTH of VIRGINIA
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March 31, 2009

Jay P. Douglas
Executive Director
Virginia Board of Nursing
9960 Mayland Drive, Suite 300
Richmond, VA 23233-1463

RE: Regulations of the Board of Nursing

Dear Ms. Douglas:

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

The proposed amendments, to conform regulations to changes in the Code pursuant to SB1282, are exempt in accordance with § 2.2-4006 A 4, which provides an exemption for regulations: *“Necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved.”*

Having satisfied all legal requirements, you may proceed to take the necessary steps to promulgate this exempt regulation with the Registrar of Regulations.

Sincerely,

A handwritten signature in black ink, appearing to be "C. Mims", written over a light blue rectangular background.

Senior Assistant Attorney General

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