



COMMONWEALTH of VIRGINIA  
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July 22, 2010

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

**RE: 18VAC90-40-10 et seq., Regulations for Prescriptive Authority for Nurse Practitioners**

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 § 54.1-2525 of the Code, 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 read "Howard M. Casway".

Howard M. Casway  
Senior Assistant Attorney General

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