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MEMORANDUM

TO: David Brown, Director
Department of Health Professions

FROM: Charis A. Mitchell
Assistant Attorney General

DATE: September 10, 2021

SUBJECT: *Regulations Governing the Licensure of Nurse Practitioners*
18 VAC 90-30-10, *et seq.*; and
Regulations Governing Prescriptive Authority for Nurse Practitioners
18 VAC 90-40-10, *et seq.*

I have reviewed the amendments to the *Regulations Governing the Licensure of Nurse Practitioners*, 18 VAC 90-30-10, *et seq.* and the *Regulations Governing Prescriptive Authority for Nurse Practitioners*, 18 VAC 90-40-10, *et seq.* The proposed amendments were adopted by the Board of Nursing on July 20, 2021, and adopted by the Board of Medicine on August 6, 2021. The proposed amendments are exempt from the operation of the Virginia Administrative Process Act and review by the Executive Branch in accordance with Virginia Code § 2.2-4006(A)(4)(a), which provides an exemption for regulations “[n]ecessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved.” Va. Code § 2.2-4006(A)(4)(a). The changes are necessary to conform to Chapter 157 of the 2021 Acts of Assembly. The Boards have the statutory authority to amend these regulations under Virginia Code § 54.1-2957. The proposed amendments are constitutional and do not conflict with existing federal or state laws or regulations.