



COMMONWEALTH of VIRGINIA
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May 19, 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 18VAC90-20-10 et seq., Regulations Governing the Practice of Nursing, 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 Chapter 382 of the 2009 Acts of the Assembly, 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 background.

Senior Assistant Attorney General

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