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Exempt Action: Final Regulation Agency Background Document

Agency name	Boards of Nursing and Medicine, Department of Health Professions
Virginia Administrative Code (VAC) Chapter citation(s)	18VAC90-30 18VAC90-40
VAC Chapter title(s)	Regulations Governing the Licensure of Nurse Practitioners Regulations Governing Prescriptive Authority for Nurse Practitioners
Action title	Conforming nurse practitioner regulations to changes in the Code
Final agency action date	8/6/21
Date this document prepared	8/6/21

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

Amendments to regulations for the licensure of nurse practitioners and prescriptive authority for nurse practitioners are adopted to conform to the following legislative actions that amended the Code

HB1737 – Reduction of requirement for years in clinical practice from 5 to 2 years for autonomous practice of nurse practitioners without practice agreement; expiration of July 1, 2022.

HB1747 – Establishment of licensure and practice of clinical nurse specialists (CNSs) as nurse practitioners under the joint Boards of Nursing and Medicine; requirement for a practice agreement; prescriptive authority for clinical nurse specialists who qualify.

HB1817 – Reduction of requirement for years in clinical practice for practice of without physician consultation; sets 1,000 hours of clinical practice under a practice agreement with a patient care team physician OR another certified nurse midwife with at least two years of experience required for autonomous practice.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

The impetus for this regulatory change is conformity to changes in the Code of Virginia stemming from passage of HB1737, HB1747, and HB1817, relating the licensure and practice of nurse practitioners.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On July 20, 2021, the Board of Nursing and on August 6, 2021, the Board of Medicine adopted amendments to 18VAC90-30-10 et seq., Regulations Governing the Licensure of Nurse Practitioner and 18VAC90-40-10 et seq., Regulations Governing Prescriptive Authority for Nurse Practitioners in accordance with changes to the Code of Virginia by the 2021 Acts of the Assembly.