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## Exempt Action: Final Regulation Agency Background Document

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|---------------------------------------------------------------|----------------------------------------------------------------------------------|
| <b>Agency name</b>                                            | Board of Nursing, Department of Health Professions                               |
| <b>Virginia Administrative Code (VAC) Chapter citation(s)</b> | 18VAC90-70                                                                       |
| <b>VAC Chapter title(s)</b>                                   | Regulations Governing the Practice of Licensed Certified Midwives                |
| <b>Action title</b>                                           | Changes to LCM practice agreement requirements pursuant to 2025 General Assembly |
| <b>Final agency action date</b>                               | 5/20/2025                                                                        |
| <b>Date this document prepared</b>                            | 5/20/2025                                                                        |

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), 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.*

Chapters 557 and 544 of the 2025 General Assembly amended the Code of Virginia to allow a licensed certified midwife who has 1,000 hours of practice to practice independently, similar to the requirements for certified nurse midwives. The legislation also allows midwives who have practiced independently for two or more years to supervise other midwives who do not currently qualify for independent 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). For purposes of executive branch review, "mandate" has the same meaning as defined*

*in the ORM procedures, “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.”*

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The mandate for this action is Chapters 557 and 544 of the 2025 Acts of Assembly.

### **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) that the agency has “adopted final amendments” to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, “On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)].”*

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On May 20<sup>th</sup>, 2025, the Board of Nursing adopted final amendments to Regulations Governing the Practice of Licensed Certified Midwives.