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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Board of Nursing, Department of Health Professions
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	18VAC90-30 18VAC90-40
<b>VAC Chapter title(s)</b>	Regulations Governing the Licensure of Advanced Practice Registered Nurses Regulations for Prescriptive Authority for Advanced Practice Registered Nurses
<b>Action title</b>	Implementation of 2026 periodic review for 18VAC90-30 and 40
<b>Date this document prepared</b>	6/4/2026

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), 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, 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 the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).*

Following a periodic review of regulations, the Boards of Nursing and Medicine have decided to amend regulations governing APRNs in 18VAC90-30 and 18VAC90-40. The boards have identified areas that will be reviewed, which are detailed below.

### Acronyms and Definitions

*Define all acronyms or technical definitions used in this form.*

N/A

### 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, 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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”*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 impetus of this action is the 2026 periodic review of regulations of 18VAC90-30 and 18VAC90-40.

### Legal Basis

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.*

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Regulations of the Board of Nursing are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Virginia Code § 54.1-2400(6) specifically states that the general powers and duties of health regulatory boards shall be “[t]o promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) that are reasonable and necessary to administer effectively the regulatory system.”

### Purpose

*Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.*

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The purpose of this action is to amend 18VAC90-30 and 18VAC90-40 following a periodic review of regulations that identified necessary areas of change. This action is essential to protect the health, safety, and welfare of citizens because these regulations are outdated and reflect legacy information and legislative mandates. Updating these regulations to better reflect modern practice will ensure all citizens are well-informed of requirements for APRNs and may help them receive the highest level of care.

### Substance

*Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.*

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The boards will consider the following intended changes:

- Clean up regulatory language for clarity;
- Remove obsolete language and sections related to issuance of prescriptive authority and previous legislative requirements;
- Remove copied and pasted language from the Code;
- Coordinate provisions with legislative changes made in the last ten years; and
- Update opioid and buprenorphine prescribing regulations consistent with federal changes, Board of Medicine changes, and the recommendations of the 2024 regulatory advisory panel on opioid and buprenorphine prescribing.

### Alternatives to Regulation

*Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.*

There is no alternative to regulation. The periodic review will amend existing regulations, which may only be done by a regulatory action.

### Periodic Review and Small Business Impact Review Announcement

This NOIRA is not being used to announce a periodic review or a small business impact review.

### Public Participation

*Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia, describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.*

The Board of Nursing is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, email or fax to Matt Novak, Agency Regulatory Coordinator, 9960 Mayland Drive, Henrico, VA 23233 or [matthew.novak@dhp.virginia.gov](mailto:matthew.novak@dhp.virginia.gov) or by fax to (804) 915-0382. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.