



Exempt Action Final Regulation Agency Background Document

Agency name	Department of Health Professions
Virginia Administrative Code (VAC) citation	18VAC76-20-10 et seq.
Regulation title	Regulations Governing the Prescription Monitoring Program
Action title	Access by prescriber to his own prescribing record Correction to name of Health Practitioners Monitoring Program
Final agency action date	6/7/13
Document preparation date	6/7/13

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

An amendment to section 50 on criteria for mandatory disclosure of information in the Prescription Monitoring Program by the director is adopted pursuant changes in § 54.1-2516, amended by the 2009 General Assembly in Chapter 472. The name of the Health Practitioners' Intervention Program was changed to the Health Practitioners' Monitoring Program, and subsection B of 18VAC76-20-50 was not amended accordingly at that time.

An amendment to section 60 on criteria for discretionary disclosure of information in the Prescription Monitoring Program by the director is adopted pursuant to changes to § 54.1-2523, amended by the 2013 General Assembly in Chapter 739 (HB1704). The amendment authorizes the director to disclose information to a prescriber for the purpose of obtaining a record of

prescriptions issued by that prescriber. Such authorization was added to § 54.1-2523 on Confidentiality of data; disclosure of information; discretionary authority of Director.

Section 2.2-4006 A 4 specifies that “regulations necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved” are exempt for the operation of the Administrative Process Act.

Statement of final agency action

Please 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 June 7, 2013, the Director of the Department of Health Professions amended sections 50 and 60 of 18VAC76-20-10 et seq., Regulations Governing the Prescription Monitoring Program.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

There is no impact of this action on the institution of the family and family stability.