



COMMONWEALTH of VIRGINIA

**Office of the Attorney General
Richmond 23219**

Mark R. Herring
Attorney General

202 North Ninth Street
Richmond, Virginia 23219
804 - 786 - 2071
804 - 225 - 4541 TDD

MEMORANDUM

To: Evelyn McGill
Executive Director
Virginia Workers' Compensation Commission

From: Joshua E. Laws
Assistant Attorney General

Date: August 25, 2021

Subject: Letter of Assurance for Proposed Regulations – Final Rule for Regulations Governing Medical Fee Schedules found at 16 VAC 30-110

I have reviewed the Virginia Workers' Compensation Commission's (the Commission) proposed regulations governing Medical Fee Schedules found at 16 VAC 30-110 that was posted on the Virginia Regulatory Town Hall on August 23, 2021. In my view, as counsel to the Virginia Workers' Compensation Commission, these regulations may be promulgated pursuant to Title 65.2 of the Code of Virginia. The regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law currently in effect.

Further, I certify that the proposed changes are exempt from the Administrative Process Act in accordance with § 2.2-4006(A)(15) of the Code of Virginia, which exempts regulations adopted pursuant to § 65.2-605 of the Code of Virginia, including regulations that adopt, amend, adjust, or repeal Virginia fee schedules for medical services, provided the commission (i) utilizes a regulatory advisory panel constituted as

provided in subdivision (F)(2) of § 65.2-605 to assist in the development of such regulations and (ii) provides an opportunity for public comment on the regulations prior to adoption.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the proposed regulations.