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**MEMORANDUM**

**TO:** William L. Harp, MD  
Executive Director  
Virginia Board of Medicine

**FROM:** Erin L. Barrett  
Assistant Attorney General

**DATE:** July 8, 2014

**SUBJECT:** *Regulations Governing the Practice of Occupational Therapy*  
18VAC85-80-45

I have reviewed the amendments to the *Regulations Governing the Practice of Occupational Therapy*, 18VAC85-80-45. The proposed amendments delineate the qualifications for practice as an occupational therapist or occupational therapist assistant by graduates of occupational therapy educational programs waiting for the results of licensure examinations. These proposed amendments are exempt in accordance with Va. Code § 2.2-4006(A)(4)(a) of the Virginia Administrative Process Act, which section provides an exemption for regulations “[n]ecessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved.” Va. Code § 2.2-4006(A)(4)(a). The Board of Medicine has the statutory authority to amend this Regulation under Va. Code §§ 54.1-2400(6) and 54.1-2956.1. The proposed amendments are constitutional and do not conflict with existing federal or state laws or regulations.

