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MEMORANDUM

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

FROM: Erin L. Barrett
Assistant Attorney General

DATE: September 13, 2018

SUBJECT: *Regulations Governing the Registration of Surgical Assistants and Surgical Technologists*
18VAC85-160-10 *et seq.*

I have reviewed the amendment to the *Regulations Governing the Registration of Surgical Assistants and Surgical Technologists*, 18VAC85-160-10 *et seq.* The proposed amendment requires surgical assistants with an original license based on a credential as a surgical assistant or surgical first assistant from one of three national credentialing bodies to attest that their national credential is current at the time of renewal of the Virginia registration. This change is consistent with changes in the Code of Virginia following the passage of 2018 Va. Acts Ch. 374. The proposed amendment is exempt from the operation of the Virginia Administrative Process Act and review by the Executive Branch in accordance with Virginia Code § 2.2-4000(A)(4)(a), which 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 Virginia Code § 54.1-2400. The proposed amendment is constitutional and does not conflict with existing federal or state laws or regulations.