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**MEMORANDUM**

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

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

**DATE:** October 31, 2018

**SUBJECT:** *Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic*  
18VAC85-20-10 *et seq.*;  
*Regulations Governing the Practice of Respiratory Therapists*  
18VAC85-40-10 *et seq.*;  
*Regulations Governing the Practice of Physician Assistants*  
18VAC85-50-10 *et seq.*;  
*Regulations for Licensure of Occupational Therapists*  
18VAC85-80-10 *et seq.*;  
*Regulations Governing the Licensure of Radiologic Technology*  
18VAC85-101-10 *et seq.*;  
*Regulations Governing the Practice of Licensed Acupuncturists*  
18VAC85-110-10 *et seq.*;  
*Regulations Governing the Licensure of Athletic Trainers*  
18VAC85-120-10 *et seq.*;  
*Regulations Governing the Practice of Licensed Midwives*  
18VAC85-130-10 *et seq.*;  
*Regulations Governing the Practice of Polysomnographic Technologists*  
18VAC85-140-10 *et seq.*;  
*Regulations Governing the Practice of Behavior Analysis*  
18VAC85-150-10 *et seq.*;  
*Regulations Governing the Registration of Surgical Assistants and Surgical Technologists*  
18VAC85-160-10 *et seq.*;  
*Regulations Governing the Practice of Genetic Counselors*  
18VAC85-170-10 *et seq.*

I have reviewed the proposed amendments to the: *Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic*, 18VAC85-20-10 *et seq.*; *Regulations Governing the Practice of Respiratory Therapists*, 18VAC85-40-10 *et seq.*; *Regulations Governing the Practice of Physician Assistants*, 18VAC85-50-10 *et seq.*; *Regulations for Licensure of Occupational Therapists*, 18VAC85-80-10 *et seq.*; *Regulations Governing the Licensure of Radiologic Technology*, 18VAC85-101-10 *et seq.*; *Regulations Governing the Practice of Licensed Acupuncturists*, 18VAC85-110-10 *et seq.*; *Regulations Governing the Licensure of Athletic Trainers*, 18VAC85-120-10 *et seq.*; *Regulations Governing the Practice of Licensed Midwives*, 18VAC85-130-10 *et seq.*; *Regulations Governing the Practice of Polysomnographic Technologists*, 18VAC85-140-10 *et seq.*; *Regulations Governing the Practice of Behavior Analysis*, 18VAC85-150-10 *et seq.*; *Regulations Governing the Registration of Surgical Assistants and Surgical Technologists*, 18VAC85-160-10 *et seq.*; and *Regulations Governing the Practice of Genetic Counselors*, 18VAC85-170-10 *et seq.* The proposed amendments update references to communications sent to licensees, registrants, and certificate holders to include email. These proposed amendments follow the passage of 2018 Va. Acts Ch. 101, which allowed the Board of Medicine to provide such communications electronically. The Board of Medicine has the statutory authority to amend these regulations under Virginia Code § 54.1-2400. The proposed amendments are constitutional and do not conflict with existing federal or state laws or regulations.