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MEMORANDUM

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

FROM: Erin L. Barrett
Assistant Attorney General

DATE: August 24, 2020

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

I have reviewed the amendments to the *Regulations Governing the Licensure of Surgical Assistants and the Registration of Surgical Technologists*, 18VAC85-160-10 *et seq.* The proposed amendments change the regulatory status of surgical assistants from registration to licensure. These amendments are consistent with changes in the Code of Virginia following the passage of 2020 Va. Acts Ch. 1222. These proposed amendments are exempt from the operation of the Virginia Administrative Process Act and review by the Executive Branch in accordance with Virginia Code § 2.2-4006(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 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.

