



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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MEMORANDUM

To: Kelley Smith, Executive Director
Board for Hearing Aid Specialists and Opticians
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, VA 23233

From: Elizabeth B. Peay
Senior Assistant Attorney General

Date: May 28, 2023

Subject: Letter of Assurance for Periodic Review of Regulations – Board for Hearing Aid Specialists and Opticians Public Participation Guidelines18-VAC-80-11

Pursuant to the Code of Virginia and Executive Order 19 (2022), a periodic review of a regulation shall include an examination by the Office of the Attorney General to ensure statutory authority. In that regard, I have reviewed the Board for Hearing Aid Specialists and Opticians' Public Participation Guidelines referenced above. In my view, as counsel to the Department of Professional and Occupational Regulation, these regulations may be promulgated pursuant to § 54.1-201 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.

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.