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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 27, 2021

SUBJECT: *Regulations Governing the Practice of Physician Assistants*
18VAC85-50-10 *et seq.*

I have reviewed the amendments to the *Regulations Governing the Practice of Physician Assistants*, 18VAC85-50-10 *et seq.* The proposed amendments allow for one or more physicians to enter into a practice agreement with a physician assistant and eliminate the requirement that a supervising physician be responsible for all acts of the physician assistant. These amendments are consistent with changes made to the Code of Virginia by the 2021 Va. Acts Ch. 210. The 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.