



Virginia  
Regulatory  
Town Hall

## Exempt Action Final Regulation Agency Background Document

<b>Agency Name:</b>	Board of Medicine, Department of Health Professions
<b>VAC Chapter Number:</b>	18 VAC 85-20-10 et seq.
<b>Regulation Title:</b>	Regulations Governing the Practice of Medicine, Osteopathy, Podiatry and Chiropractic
<b>Action Title:</b>	Conformity to law
<b>Date:</b>	6/5/03

Where an agency or regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file with the Registrar and publish their regulations in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

This agency background document may be used for actions exempt pursuant to § 9-6.14:4.1(C) at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar at the proposed stage.

In addition, agency actions exempt pursuant to § 9-6.14:4.1(B) of the APA are not subject to the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and therefore are not subject to publication. Please refer to the *Virginia Register Form, Style and Procedure Manual* for more information.

### Summary

*Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

In conformity with amendments to Chapter 29 of Title 54.1 made by Chapters 996, 473 and 762 of the 2003 Acts of the Assembly, the Board of Medicine has amended sections 122, 210 and 280 of its regulations for licensed doctors of medicine, osteopathy, podiatry and chiropractic.

Chapter 996 changes the number of years from three to two for graduates of non-approved medical schools who are required to complete satisfactory postgraduate training in a hospital approved for internship or residency training. Regulations for graduates and former students of institutions not approved by an accrediting agency recognized by the Board (section 122) have been modified accordingly to change the required training from three to two years.

Chapter 473 authorizes the Board of Medicine to issue a limited license to practice medicine to a person of professorial rank whose knowledge and special training will benefit a medical school or college or an educational program sponsored by the medical school in an affiliated hospital. The foreign medical school graduate can only practice in the hospitals and outpatient clinics or affiliated hospitals for the length of his service as a full-time or an adjunct faculty member. The terms “employed” or “employment” are replaced in the law with the terms “serves” or “service”. To conform to the law, those terms are so amended in section 210 of the regulation and reference is made to meeting the requirements of § 54.1-2936 of the Code of Virginia.

Chapter 472, relating to the disciplinary procedures by health regulatory boards, amended § 54.1-2400.2 to eliminate subsection D, requiring disciplinary orders and notices to be disclosed. That requirement was also set forth in subsection G, now amended to subsection F, so the duplication was eliminated. Section 280 of the regulations (as amended effective 7/2/03), relating to information to be reported on the physician profile, references subsection D of § 54.1-2400.2, but the regulation must now reference subsection F of § 54.1-2400.2 to retain its meaning.

**Statement of Final Agency Action**

*Please provide a statement of the final action taken by the agency including the date the action was taken, the name of the agency taking the action, and the title of the regulation.*

On June 5, 2003, the Virginia Board of Medicine adopted amendments to 18 VAC 85-20-10 et seq. (Regulations Governing the Practice of Medicine, Osteopathy, Podiatry and Chiropractic) to conform its regulations to changes in the Code of Virginia that become effective July 1, 2003.

**Additional Information**

*Please indicate that the text of the proposed regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, a copy of any documents to be incorporated by reference are attached.*

*Please state that the Office of the Attorney General (OAG) has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law. Note that the OAG’s certification is not required for Marine Resources Commission regulations.*

*If the exemption claimed falls under § 9-6.14:4.1(C) (4)(c) of the APA please include the federal law or regulations being relied upon for the final agency action.*

The text of the amended regulation is attached to this submission.

The Assistant Attorney General has certified that amendments to 18 VAC 85-20-10 et seq. are “necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved”. Therefore, § 2.2-4006 (A) (4) is applicable and the amendments are exempt from Article 2 of the Administrative Process Act.

### Family Impact Statement

*Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

The Board determined that there is no impact on the family or family stability as a result of these amendments to regulations.