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Exempt Action: Final Regulation Agency Background Document

Agency name	Board of Physical Therapy, Department of Health Professions
Virginia Administrative Code (VAC) Chapter citation(s)	18VAC112-20
VAC Chapter title(s)	Regulations Governing the Practice of Physical Therapy
Action title	Exempt action to implement SB1005 and HB2359
Final agency action date	July 1, 2023
Date this document prepared	May 11, 2023

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Board is amending 18VAC112-20-121 by exempt action to reflect changes made by Chapters [136](#) and [137](#) of the 2023 Acts of Assembly.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

The impetus for this change is the enactment of Chapters [136](#) and [137](#) of the 2023 Acts of Assembly, which amended the Code of Virginia to state exclude dry needling from invasive procedures which may only be performed under the referral and direction of a doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On May 11, 2023, the Board voted to amend 18VAC112-20, Regulations Governing the Practice of Physical Therapy, by exempt action, effective July 1, 2023.