



**COMMONWEALTH of VIRGINIA**  
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**MEMORANDUM**

**TO:** William L. Harp, M.D.  
Executive Director

**FROM:** Erin L. Barrett  
Assistant Attorney General

**DATE:** August 9, 2012

**SUBJECT:** *Regulations Governing the Practice of Occupational Therapy*  
18VAC85-80

I have reviewed the amendments to the *Regulations Governing the Practice of Occupational Therapy*, 18VAC85-80, which have been submitted as an exempt action. The proposed amendments in 18VAC85-80-90 and 18VAC85-80-100, which amend the definition of the practice of occupational therapy, are exempt in accordance with Va. Code § 2.2-4006(A)(4)(a). That section of the Virginia Administrative Process Act 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 has the statutory authority to amend these Regulations under Va. Code § 54.1-2400. The proposed amendments are constitutional and do not conflict with existing federal or state laws or regulations.