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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 13, 2021

SUBJECT: *Regulations Governing the Practice of Genetic Counselors*
18VAC85-170-10 *et seq.*

I have reviewed the amendment to the *Regulations Governing the Practice of Genetic Counselors*, 18VAC85-170-150. The proposed amendment deletes the conscience clause provision of 18VAC85-170-150(B). This amendment is consistent with the repeal of Virginia Code 54.1-2957.21 by the 2021 Va. Acts Ch. 240. The proposed amendment is 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 this regulation under Virginia Code § 54.1-2400. The proposed amendment is constitutional and does not conflict with existing federal or state laws or regulations.

