



COMMONWEALTH of VIRGINIA
Office of the Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120

Mark R. Herring
Attorney General

MEMORANDUM

TO: William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

FROM: Erin L. Barrett
Assistant Attorney General

DATE: August 31, 2015

SUBJECT: *Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry and Chiropractic*
18VAC85-20-10 *et seq.*

I have reviewed the proposed amendments to the Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry and Chiropractic, 18VAC85-20-10 *et seq.* The proposed amendments provide requirements for the use of office-based anesthesia for procedures which are performed outside of the hospital setting. The amendments specify limits on the amount of anesthesia used, the total length of time for use, and provide requirements for informed consent, discharge of patients, record-keeping, and proximity to a hospital. The Board has the statutory authority to amend these regulations under Virginia Code §§ 54.1-2400 and 54.1-2912.1. The proposed amendments are constitutional and do not conflict with existing federal or state laws or regulations.