



COMMONWEALTH of VIRGINIA
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April 21, 2009

Elizabeth A. Carter, Ph.D.
Executive Director
Virginia Board of Optometry
9960 Mayland Drive, Suite 300
Richmond, VA 23233-1463

RE: 18VAC105-20-10 et seq., Regulations Governing the Practice of Optometry

Dear Dr. Carter:

You have asked whether the proposed changes to the above-cited regulations are exempt from the operation of Article 2 of the Administrative Process Act.

The proposed amendments, to conform regulations to changes in the Code pursuant to SB1282, are exempt in accordance with § 2.2-4006 A 4, which provides an exemption for regulations: "*Necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved.*"

Having satisfied all legal requirements, you may proceed to take the necessary steps to promulgate this exempt regulation with the Registrar of Regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric A. Lofgren".

Assistant Attorney General

c: Elaine J. Yeatts, Agency Regulatory Coordinator
Department of Health Professions