



COMMONWEALTH of VIRGINIA  
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March 11, 2011

Sandra K. Reen  
Executive Director  
Virginia Board of Dentistry  
9960 Mayland Drive, Suite 300  
Richmond, VA 23233

**RE: 18 VAC 60-20-10 et seq. Regulations Governing Dental Practice**

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 eliminate reference to board approval of radiation certification courses, for which the Board has no statutory authority. Therefore, the changes conform regulations to the Code and 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 "H. Casway", written over a horizontal line.

Howard M. Casway  
Senior Assistant Attorney General

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