



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Kenneth T. Cuccinelli, II
Attorney General

September 20, 2012

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

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

Dear Ms. Reen:

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 sections 20, 30, 90, and 91 are necessary to conform regulations for temporary and faculty licenses to Chapters 20 and 116 of the 2012 Acts of the Assembly. Proposed amendments to section 220 are necessary to conform regulations for dental hygienists to Chapter 102 of the 2012 Acts of the Assembly.

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 "Howard M. Casway".

Howard M. Casway
Senior Assistant Attorney General

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