



COMMONWEALTH of VIRGINIA  
Office of the Attorney General

William C. Mims  
Attorney General

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

June 25, 2009

William L. Harp, M.D.  
Executive Director  
Virginia Board of Medicine  
9960 Mayland Drive, Suite 300  
Richmond, VA 23233-1463

**RE: Regulations of the Board of Medicine**

Dear Dr. Harp:

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 Chapter 687 of the 2009 Acts of the Assembly, 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 blue ink that reads "Amy Marschean".

Amy Marschean  
Senior Assistant Attorney General

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