



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Robert F. McDonnell
Attorney General

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February 14, 2008

Evelyn B. Brown
Executive Director
Virginia Board of Counseling
9960 Mayland Drive, Suite 300
Richmond, VA 23233-1463

RE: Regulations Governing the Certification of Substance Abuse Counselors and Substance Abuse Counseling Assistants

Dear Ms. Brown:

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 amendment to conform regulations on grounds for action by the Board and for reinstatement to the law is exempt in accordance with § 2.2-4006 A 4, which provides an exemption for: "*Regulations that are...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 be "R. McDonnell", written over a light blue background.

Senior Assistant Attorney General

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