



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Robert F. McDonnell
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

August 6, 2008

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

RE: Public Participation Guidelines of the Board 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 repeal of current public participation guidelines and adoption of model guidelines are exempt under Chapter 321 of the 2008 Acts of the Assembly, which provides: *"Agency action in adopting the model public participation guidelines in accordance with clause (a) shall be exempt from the operation of Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia. The repeal of any existing public participation guidelines shall occur in the same regulatory action as the promulgation of the model public participation guidelines required by this section."*

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. Gregory".

Eric A. Gregory
Assistant Attorney General

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