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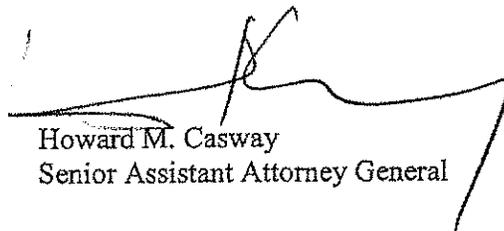
RE: 18 VAC 90-50-10 et seq. Regulations Governing the Practice of Massage Therapy

You have asked whether the proposed change to the above-cited regulations is exempt from the operation of Article 2 of the Administrative Process Act.

The proposed amendments in section 40, which sets out the examinations for initial certification, 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,



Howard M. Casway
Senior Assistant Attorney General

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