



COMMONWEALTH of VIRGINIA
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June 2, 2010

Elizabeth Scott Russell
Executive Director
Virginia Board of Pharmacy
9960 Mayland Drive, Suite 300
Richmond, VA 23233-1463

RE: 18VAC110-20-10 et seq., Regulations Governing the Practice of Pharmacy

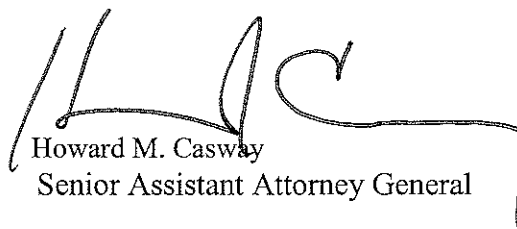
Dear Ms. Russell:

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 conform language in sections 10, 250, 285 and 290 of 18VAC110-20-10 et seq. to federal rules on electronic prescriptions in 21 CFR Part 1300, 21 CFR Part 1304, 21 CFR Part 1306 and 21 CFR Part 1311, effective June 1, 2010. Therefore, the action to amend regulations is exempt in accordance with § 2.2-4006 A 4 c, which provides an exemption for regulatory changes: "*Necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation, and the Registrar has so determined in writing. Notice of the proposed adoption of these regulations and the Registrar's determination shall be published in the Virginia Register not less than 30 days prior to the effective date of the regulation.*"

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