



COMMONWEALTH of VIRGINIA
Office of the Attorney General

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February 19, 2010

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

RE: Regulations of the Board of Counseling

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 reduce fees charged to regulants is exempt in accordance with § 2.2-4006 A 7, which provides an exemption for: "*Regulations of the regulatory boards served by (i) the Department of Labor and Industry pursuant to Title 40.1 and (ii) the Department of Professional and Occupational Regulation or the Department of Health Professions pursuant to Title 54.1 that are limited to reducing fees charged to regulants and applicants.*"

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 "H. Casway".

Howard M. Casway
Senior Assistant Attorney General

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