



COMMONWEALTH of VIRGINIA
Office of the Attorney General

William C. Mims
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

September 3, 2009

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 amendment, to correct an error in citing a regulation in section 106 of Chapter 20, is exempt in accordance with § 2.2-4006 A 3, which provides an exemption for: "*Regulations that consist only of changes in style or form or corrections of technical errors.*"

The proposed amendment, to conform language in 18VAC110-20-270 B to provisions of § 54.1-3320 D, is exempt in accordance with § 2.2-4006 A 4, which provides an exemption for regulatory changes: "*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 read "H. Casway", written over a horizontal line.

Howard M. Casway
Senior Assistant Attorney General

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