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September 9, 2008

Lisa Russell Hahn  
Executive Director  
Virginia Board of Funeral Directors and Embalmers  
9960 Mayland Drive, Suite 300  
Richmond, VA 23233

**RE: Public Participation Guidelines of the Board of Funeral Directors and Embalmers**

Dear Ms. Hahn:

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 blue ink that reads "Amy Marschean".

Amy Marschean  
Senior Assistant Attorney General

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