



**COMMONWEALTH of VIRGINIA**  
*Office of the Attorney General*  
Richmond 23219

**Robert F. McDonnell**  
Attorney General

900 East Main Street  
Richmond, Virginia 23219  
804 - 786 - 2071  
804 - 371 - 8946 TDD

August 3, 2006

Elizabeth A. Carter, Ph.D.  
Executive Director  
Virginia Board of Optometry  
6603 West Broad Street  
Richmond, VA 23230-1712

**RE: Regulations of the Board of Optometry**

Dear Dr. Carter:

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 certain fees charged to regulated entities 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 blue ink, appearing to read "E. Wingfield".

Emily O. Wingfield  
Assistant Attorney General

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