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**MEMORANDUM**

**TO:** Jack Barber, M.D.  
Interim Commissioner  
Department of Behavioral Health and Developmental Services

**FROM:** Braden J. Curtis  
Assistant Attorney General

**DATE:** April 25, 2018

**SUBJECT:** *Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services*  
Revisions to 12VAC35-105 as an Emergency Action to comply with the Settlement Agreement between the United States Department of Justice and the Commonwealth of Virginia

I have reviewed the amendments to the *Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services*, 12VAC35-105, which were adopted by the Board of Behavioral Health and Developmental Services (“Board”) on April 11, 2018. The Board has the authority to adopt these amended regulations pursuant to Virginia Code § 37.2-203, and in accordance with Virginia Code § 2.2-4011(A), assuming the Governor approves, the Board has the authority to adopt these as emergency regulations. The proposed amendments are constitutional and do not conflict with existing federal or state laws or regulations.