

MEMORANDUM

TO: James S. Reinhard, M.D.
Commissioner
Department of Mental Health, Mental Retardation and
Substance Abuse Services

FROM: Jane D. Hickey
Senior Assistant Attorney General/Chief
Health Services Section

DATE: May 4, 2009

SUBJECT: Proposed Amendments to Public Participation Guidelines
12 VAC 35-12-10 *et seq.*

I have reviewed the proposed amendments to the Public Participation Guidelines, 12 VAC 35-12-10 *et seq.* under the fast track process. The amendments will include the Department of Behavioral Health and Developmental Services, the new name of the Department of Mental Health, Mental Retardation and Substance Abuse Services effective July 1, 2009, within the definition of agency so that it may adopt regulations for the Part C Early Intervention Program under Va. Code § 2.2-5304. The State Board of Mental Health, Mental Retardation and Substance Abuse Services has the authority to adopt the Public Participation Guidelines under Va. Code §§ 37.2-203. The proposed amendments to the Public Participation Guidelines are constitutional and do not conflict with other federal or state laws or regulations.

If you have any questions concerning any of these Guidelines, please give me a call at 786-1927.

cc: Wendy V. Brown

JDH\PPGApprovalMemo(spp)