



COMMONWEALTH of VIRGINIA
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February 8, 2010

Susan Tlusty
Division of Child and Adolescent Health
Virginia Department of Health
109 Governor Street
Richmond, Virginia 23219

Re: Regulations for the Virginia Hearing Impairment Identification and Monitoring System
12 VAC 5-80 *et seq.*

Dear Ms. Tlusty:

I have reviewed the amended regulations for the Virginia Hearing Impairment Identification and Monitoring System 12 VAC 5-80 *et seq.* The amended regulations do not conflict with other federal or state statutes or regulations and do not violate the United States or Virginia Constitutions.

However, I recommend changing “may” to “shall” in 12 VAC 5-80-40(B), because the guidance document is mandatory in the following section.

The Board of Health has the authority to promulgate the regulations under Va. Code §§ 32.1-12, and 32.1-64.1. The regulations are consistent with the Board's mandate to implement the procedures and standards for hearing impairment identification and monitoring. The Board of Health will not exceed its statutory authority by approving the regulations. Having satisfied all legal requirements, you may proceed to take the necessary steps to promulgate these regulations.

Very truly yours,

Robin V. Kurz

