



**COMMONWEALTH of VIRGINIA**

*Office of the Attorney General*

Kenneth T. Cuccinelli, II  
Attorney General

900 East Main Street  
Richmond, Virginia 23219  
804-786-2071  
FAX 804-786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

**MEMORANDUM**

**TO:** **BRIAN MCCORMICK**  
Regulatory Coordinator  
Department of Medical Assistance Services

**FROM:** **ELIZABETH A. MCDONALD** *EAM*  
Assistant Attorney General

**DATE:** **April 30, 2013**

**SUBJECT:** **Fast track regulations regarding repealing assisted living facility regulations (12 VAC 30-120-450 et seq.)**

I have reviewed the attached proposed repeal regulations regarding assisted living facilities. Based on that review, it is my view that the Director, acting on behalf of the Board pursuant to Va. Code § 32.1-324, has the authority to repeal these regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act and has not exceeded that authority.

Pursuant to Virginia Code § 2.2-4012.1, if an objection to the use of the fast-track process is received within the public comment period from 10 or more persons, any member of the applicable standing committee of either House of the General Assembly or of the Joint Commission on Administrative Rules, the Department of Medical Assistance Services shall (i) file notice of the objection with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process set out in this article with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

If you have any questions or need any additional information, please feel free to call me at 786-2071.

cc: Kim F. Piner  
Senior Assistant Attorney General

Attachment