



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

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July 31, 2014

Marissa J. Levine, M.D., M.P.H.
State Health Commissioner
Virginia Department of Health
109 Governor Street
Richmond, Virginia 23219

Re: State Medical Facilities Plan
12 VAC 5-230 *et seq.*

Dear Dr. Levine:

I have conducted a periodic review of the State Board of Health's State Medical Facilities Plan in 12 VAC 5-230 *et seq.* In my view, as counsel to the State Board of Health, the promulgation of these regulations was within the statutory authority of the State Board of Health pursuant to Title 32.1 of the Code of Virginia. Moreover, the regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law currently in effect.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the regulations.

Very truly yours,

Robin V. Kurz
Assistant Attorney General III