



***COMMONWEALTH of VIRGINIA***  
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September 13, 2018

M. Norman Oliver, M.D., M.A.  
State Health Commissioner  
Virginia Department of Health  
109 Governor Street  
Richmond, Virginia 23219

Re: List of Reportable Diseases  
12 VAC 5-90-80

Dear Dr. Oliver:

I have reviewed the Virginia Department of Health's amended list of diseases that shall be reported. The amended regulations do not conflict with other federal or state statutes or regulations and do not violate the United States or Virginia Constitutions.

The Board of Health has the authority to promulgate the regulations under Va. Code § 32.1-12 and Va. Code § 32.1-35. The regulations are consistent with the Board's mandate as set forth in these sections. The regulations are exempt from the Administrative Process Act pursuant to Va. Code § 2.2-4002(A)(22) under an exemption for "[t]he Board of Health in promulgating the list of diseases that shall be reported to the Department of Health pursuant to § 32.1-35" and also under Va. Code § 2.2-.4006(A)(3) as exemptions to style and form. The Board of Health will not exceed its statutory authority in promulgating these regulatory amendments.

Very truly yours,

Robin V. Kurz  
Senior Assistant Attorney General