



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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MEMORANDUM

TO: Carolyn Eddy
Office of Licensure and Certification

FROM: Matthew M. Cobb
Assistant Attorney General

DATE: January 2, 2008

SUBJECT: Hospice Regulations

I have reviewed the proposed revisions to the Regulations for the Licensure of Hospice, 12 VAC 5-391-10, *et seq.* The proposed regulations are constitutional and in conformity with the existing statutory provisions of the Code of Virginia.

The Board of Health has the authority to promulgate this regulation pursuant to Va. Code §§ 32.1-12 and 32.1-162.5. The regulations are consistent with the Board's mandate as set forth in these sections. The Board of Health will not exceed its statutory authority in promulgating this regulatory amendment. The State Health Commissioner has the authority to promulgate these regulations on behalf of the Board of Health pursuant to Virginia Code § 32.1-20.

Having satisfied all legal requirements, you may proceed to take the necessary steps to promulgate these regulations in accordance with the requirements of the Administrative Process Act. Please feel free to call me with any questions at (804) 225-4028.