



COMMONWEALTH of VIRGINIA

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MEMORANDUM

TO: Karen Remley, M.D., M.B.A., F.A.A.P.
Commissioner, Virginia Department of Health

CC: Carrie Eddy
Policy Analyst, Virginia Department of Health

FROM: Ishneila Moore
Assistant Attorney General

DATE: October 5, 2011

SUBJECT: 12 VAC 5-391-350; 12 VAC 5-391-430

I have reviewed the proposed changes to 12 VAC 5-391-350 and 430. Pursuant to Virginia Code § 32.1-20, the Commissioner of the Virginia Department of Health adopted these proposed changes on August 20, 2011 when the Board of Health was not in session. The Commissioner has authority to adopt these regulations pursuant to Virginia Code § 32.1-127.

The proposed changes are constitutional and do not conflict with existing federal or state laws or regulations. Pursuant to Virginia Code § 2.2-4006(A)(4)(a), this regulatory change is exempt from the regulatory review process of the Administrative Process Act.

Please do not hesitate to contact me at imoore@oag.state.va.us or 804-371-6019 with any questions.