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**MEMORANDUM**

**TO:** S. Hughes Melton, MD, MBA, FAAP, FABAM  
Commissioner  
Department of Behavioral Health and Developmental Services

**FROM:** Braden J. Curtis  
Assistant Attorney General

**DATE:** September 25, 2018

**SUBJECT:** *Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services*  
Including Behavior Analysts in the Definition of Licensed Mental Health Professional  
12VAC35-105-20

I have reviewed the proposed amendment to 12VAC35-105-20, the *Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services*, which was adopted by the Board of Behavioral Health and Developmental Services on April 11, 2018. The Board has the authority to adopt these regulations pursuant to 2018 Va. Acts ch. 572 and Virginia Code § 37.2-203. The proposed amendments are constitutional and do not conflict with existing federal or state laws or regulations.