



**COMMONWEALTH of VIRGINIA**  
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**MEMORANDUM**

**TO:** Alison G. Land, FACHE  
Commissioner  
Department of Behavioral Health and Developmental Services

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

**DATE:** August 28, 2020

**SUBJECT:** *Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services*  
Amendments to align with enhanced behavioral health services  
12VAC35-105

I have reviewed the proposed amendments to 12VAC35-105, the *Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services*, which were adopted by the Board of Behavioral Health and Developmental Services on July 15, 2020. The Board has the authority to promulgate these emergency regulations pursuant to 2020 Va. Acts ch. 1289 and Virginia Code § 37.2-203. The proposed emergency regulations are constitutional and do not conflict with existing federal or state laws or regulations.