



# **COMMONWEALTH of VIRGINIA**

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## **MEMORANDUM**

**TO:** KARIN CLARK  
Virginia Department of Social Services

**FROM:** ALLEN T. WILSON  
Senior Assistant Attorney General

**DATE:** February 5, 2013

**SUBJECT:** Proposed Fast Track Regulation 22 VAC 40-100-10 et seq.  
Minimum Standards for Licensed Child Caring Institutions

I have reviewed the above-referenced proposed fast track action to determine if the State Board of Social Services ("State Board") has the statutory authority to promulgate the proposed regulation and if the proposed regulation comports with applicable state law.

It appears that the State Board has the authority to promulgate the regulation, subject to compliance with the provisions of Article 2 of the APA, and Executive Order 14 (2010), and has not exceeded that authority. This action appears to be noncontroversial and may be promulgated as a fast-track regulation pursuant to Virginia Code § 2.2-4012.1.

It should be noted that if an objection to the use of the fast-track process is received within the public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the Department shall (i) file notice of the objection with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process set out in the APA.

If you have any questions, please feel free to call me at 786-0095.

