



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: May 22, 2014

SUBJECT: Proposed Regulation 22 VAC 40-72-10 et seq.
Standards for Licensed Assisted Living Facilities

I have reviewed the above-referenced proposed regulation to determine if the State Board of Social Services ("State Board") has the statutory authority to promulgate the proposed regulation.

Virginia Code § 63.2-1805 authorizes the State Board to promulgate regulations related to admissions and discharge from assisted living facilities. The changes to the regulation are necessary to reflect the changes to § 63.2-1805 and § 63.2-1808 by the adoption of Chapter 320 of the 2013 Acts of Assembly. It appears that the State Board has the authority to promulgate the proposed regulation, subject to compliance with the provisions of Article 2 of the APA and Executive Order 14 (2010), and has not exceeded that authority.

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