



COMMONWEALTH of VIRGINIA
Office of the Attorney General
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April 7, 2011

C Kimberly S. Barnes
Virginia Department of Health
109 Governor Street
Richmond, Virginia 23219

Re: Regulations Governing the Advance Health Care Directive Registry
12 VAC 5-67 *et seq.*

Dear Kim:

I have reviewed the Virginia Department of Health's regulations governing the advance health care directive registry. The regulations do not conflict with other federal or state statutes or regulations and do not violate the United States or Virginia Constitutions.

The Board of Health has the authority to promulgate the regulations under Va. Code §§ 32.1-12 and 54.1-2994 *et seq.* The regulations are consistent with the Board of Health's mandate, and the Board will not exceed its statutory authority by approving the regulations. Having satisfied all legal requirements, you may proceed to take the necessary steps to promulgate these regulations.

Very truly yours,

Robin V. Kurz
Special Counsel