



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Kenneth T. Cuccinelli, II
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

MEMORANDUM

TO: **BRIAN MCCORMICK**
Regulatory and Manual Section Manager
Department of Medical Assistance Services

FROM: **ELIZABETH A. MCDONALD** *EAM*
Assistant Attorney General

DATE: **July 23, 2012**

SUBJECT: **Proposed Regulations Concerning the Utilization of Mental Health Services**

I have reviewed the attached proposed regulations regarding the utilization of mental health services, which includes standards for provider qualifications. It is my view that the Director, acting on behalf of the Board pursuant to Va. Code § 32.1-324, has the authority to promulgate these regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act and has not exceeded that authority. The authority for these proposed regulations derives from Chapter 890, Item 297 YY of the 2011 *Acts of Assembly*.

cc: Kim F. Piner, Chief
Senior Assistant Attorney General