

MEMORANDUM

TO: James S. Reinhard, M.D.
Commissioner
Department of Mental Health, Mental Retardation and
Substance Abuse Services

FROM: Jane D. Hickey
Senior Assistant Attorney General

DATE: March 2, 2005

SUBJECT: Proposed *Regulations to Govern Temporary Leave from State Mental Health and Mental Retardation Facilities*, 12 VAC 35-210-10 *et seq.*

I have reviewed the proposed *Regulations to Govern Temporary Leave from State Mental Health and Mental Retardation Facilities*, 12 VAC 35-210-10 *et seq.* The State Mental Health, Mental Retardation and Substance Abuse Services Board has the authority to promulgate the *Regulations* under Va. Code § 37.1-98(B) and is required to do so if the Department uses such leave. The proposed *Regulations* are constitutional and do not conflict with existing State or federal law or regulations.

Please contact this Office if we may be of assistance in the promulgation of these regulations.

cc: Wendy Brown