

## 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/Chief  
Health Services Section

DATE: September 5, 2008

SUBJECT: Model Public Participation Guidelines  
(12 VAC 35-11-10 et seq.)

I have reviewed the proposed Model Public Participation Guidelines that have been adopted by the State Mental Health, Mental Retardation and Substance Abuse Services Board. The Board has the authority to promulgate the Guidelines as regulations under Va. Code § 37.2-203, and is required to do so under Va. Code § 2.2-4007.02 of the Administrative Process Act.

The regulations are the Model Public Participation Guidelines and are constitutional and do not conflict with any federal or state statutes or regulations. The Guidelines are also exempt from the provisions of Article 2 of Chapter 20 of Title 2.2 in accordance with 2008 Acts of Assembly, cc. 321 and 575.

If you have any questions, please give me a call at 786-1927.

cc: Wendy V. Brown

JDH\PPGuidelines(spp)