



***COMMONWEALTH of VIRGINIA***  
***Office of the Attorney General***  
***Richmond 23219***

Mark R. Herring

900 East Main Street  
Richmond, Virginia 23219  
804-786-2071  
804-371-8947 TDD

**MEMORANDUM**

**TO:** Dr. Jack Barber  
Acting Commissioner  
Department of Behavioral Health and Developmental Services

**FROM:** Braden J. Curtis  
Assistant Attorney General

**DATE:** October 5, 2015

**SUBJECT:** *Requirements for Virginia Early Intervention System*  
12 VAC 35-225

I have reviewed the proposed replacement regulations, *Requirements for Virginia Early Intervention System*, 12 VAC 35-225, that were proposed by the Department of Behavioral Health and Developmental Services on September 9, 2015. These regulations were previously adopted by the Department as emergency regulations pursuant to 2013 Va. Acts ch. 806, Item 315 H.4. The Department, as state lead agency for implementing Virginia's early intervention system, has the authority to promulgate these replacement regulations pursuant to Virginia Code § 2.2-5304. The proposed regulations are constitutional and do not conflict with existing federal or state laws or regulations.