



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: Jack Barber, M.D.
Interim Commissioner
Department of Behavioral Health and Developmental Services

FROM: Braden J. Curtis
Assistant Attorney General

DATE: October 17, 2017

SUBJECT: *Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services*
Adding Occupational Therapists and Occupational Therapy Assistants to
Definitions of Qualified Professionals
12VAC35-105

I have reviewed the proposed amendments to 12VAC35-105, the *Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services*, which were adopted by the Board of Behavioral Health and Developmental Services on October 4, 2017. The Board has the authority to promulgate these emergency regulations pursuant to 2017 Va. Acts ch. 136, 2017 Va. Acts ch. 418, and Virginia Code § 37.2-203. The proposed emergency regulations are constitutional and do not conflict with existing federal or state laws or regulations.