



COMMONWEALTH of VIRGINIA
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MEMORANDUM

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

FROM: Karen A. Taylor
Senior Assistant Attorney General

DATE: August 3, 2017

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

In accordance with Code of Virginia § 2.2-4017 and Executive Order 17 (2014), I have reviewed the *Regulations to Govern Temporary Leave from State Mental Health and State Mental Retardation Facilities*, 12 VAC 35-210-10 et seq. These regulations are undergoing periodic review. In my opinion, the Board of Behavioral Health and Developmental Services (Board) had the authority under Virginia Code §§ 37.2-203 and 37.2-837 to adopt the current regulations, and the Board has the authority to amend the regulations.