



COMMONWEALTH of VIRGINIA  
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**MEMORANDUM**

**TO:** Nelson Smith  
Commissioner  
Department of Behavioral Health and Developmental Services

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

**DATE:** May 24, 2024

**SUBJECT:** *Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services*  
Amendments to ensure that licensing and human rights regulations support high-quality mental health services  
12VAC35-105 and 12VAC35-115

I have reviewed the proposed amendments to the *Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services*, 12VAC35-105, and the *Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services*, 12VAC35-115, that were adopted by the State Board of Behavioral Health and Developmental Services ("Board") on May 14, 2024. This action is exempt from the provisions of the Administrative Process Act (§ 2.2-4000 *et seq.* of the Code of Virginia) pursuant to 2024 Va. Acts ch. 795 (S.B. 569). The Board has the authority to adopt these regulations pursuant to Virginia Code § 37.2-203. The proposed regulations are constitutional and do not conflict with existing federal or state laws or regulations.