



**COMMONWEALTH of VIRGINIA**  
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**MEMORANDUM**

**TO:** Daryl Washington  
Commissioner  
Virginia Department of Behavioral Health and Developmental Services

**FROM:** Helen M. Yorke  
Assistant Attorney General

**DATE:** May 1, 2026

**SUBJECT:** *Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services*  
12VAC35-105

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, which were adopted by the State Board of Behavioral Health and Developmental Services on April 22, 2026. The State Board of Behavioral Health and Developmental Services has the authority to adopt these regulations under Code § 37.2-203. The regulations are emergency regulations pursuant to Code § 2.2-4011(B), as directed by Item 293 of the 2025 Appropriations Act. The proposed amendments are constitutional and do not conflict with existing federal or state laws or regulations.