



**COMMONWEALTH of VIRGINIA**  
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MEMORANDUM

**TO:** Karin Clark  
Virginia Department of Social Services

**FROM:** Jennifer C. Williamson  
Senior Assistant Attorney General

**DATE:** January 9, 2024

**SUBJECT:** Periodic Review of Licensed Adult Day Care Center Regulations;  
22VAC40-61

I have reviewed the Regulations for Licensed Adult Day Care Centers, 22VAC40-61, for the Board of Social Services. These regulations are undergoing periodic review in accordance with Virginia Code §§ 2.2-4007.1 and 2.2-4017 and Executive Order 19 (2022), including the Procedures of the Office of Regulatory Management.

In my opinion, the Board of Social Services had the authority under Virginia Code § 63.2-1733 to adopt the current regulations and the Board has the authority to retain, amend or repeal the regulations under Virginia Code § 63.2-1733, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 19 (2022).

If you have any questions, please feel free to call me at 804-225-3197.