



COMMONWEALTH of VIRGINIA
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Kimberly S. Barnes
Virginia Department of Health
109 Governor Street
Richmond, Virginia 23219

Re: Regulations Governing the Advance Health Care Directive Registry
12 VAC 5-67 *et seq.*

Dear Ms. Barnes:

I have reviewed the Virginia Department of Health's regulations governing the advance health care directive registry. The amended regulations do not conflict with federal or state statutes or regulations and do not violate the United States or Virginia Constitutions.

The Board of Health has the authority to promulgate the regulations under Va. Code §§ 32.1-12 and 54.1-2994 *et seq.* The Board may promulgate these regulations as emergency regulations pursuant to Va. Code § 2.2-4011, because Acts 2008, cc 301 and 696 require that the regulations be effective in 280 days or less from their enactment. The regulations shall become effective upon approval by the Governor and filing with the Registrar of Regulations. The regulations are consistent with the Board's mandate, and the Board will not exceed its statutory authority by approving these regulations.

Very truly yours,

Robin V. Kurz
Special Counsel