



COMMONWEALTH of VIRGINIA

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February 10, 2009

Ms. Carolyn C. Eddy
Office of Licensure and Certification
Virginia Department of Health
9960 Mayland Drive, Suite 401
Richmond, Virginia 23233

Re: State Medical Facilities Plan, 12 VAC 5-230-10 *et seq.*

Dear Ms. Eddy:

I have reviewed the proposed exempt amendments to the Rules and Regulations for the Licensure of Hospice, 12 VAC 5-230-10, *et seq.*. The amendments are constitutional and do not conflict with existing state or federal statutes or regulations.

The Board of Health has the authority to promulgate the regulations under Va. Code §§ 32.1-12 and 32.1-102.2. The regulations are consistent with the Board's mandate as set forth in these sections. The regulations are exempt from the public participation provisions of the Administrative Process Act under Va. Code § 2.2-4006(a)(3), because they are necessary to correct technical errors in the regulations. The Board of Health will not exceed its statutory authority in promulgating these regulatory amendments.

If I may be of further assistance, please do not hesitate to contact me.

Very truly yours,

Matthew M. Cobb
Assistant Attorney General

cc: Chris Durrer, Director

Office of Licensure and Certification
Douglas R. Harris
Adjudication Officer and
Administrative Coordinator