

MEMORANDUM

TO: JAMES A. ROTHROCK
Commissioner
Department of Rehabilitative Services

FROM: DANA MARTIN JOHNSON
Assistant Attorney General

DATE: November 12, 2003

**SUBJECT: Justification for Regulatory Action: Order of Selection Deleting
Statement on Public Safety Workers and Consultation with the Board**

Pursuant to Executive Order Twenty-five (1998), you have asked the Office of the Attorney General to review and determine if the Department of Rehabilitative Services (DRS) has the legal authority to promulgate the above-referenced regulation, and to identify any federal or state mandates regarding this regulation. The proposal delineates a change to 22 VAC 30-20, Provision of Vocational Rehabilitation Services, and to identify any federal or state mandates regarding this regulation.

Based on my review of the attached Notice of Intended Regulatory Action and the applicable statutory authority, it is my view that DRS, pursuant to Va. Code § 2.2 4006(A)(4)(c), has the authority to promulgate these regulations without complying with the requirements of Article 2 of the Administrative Process Act and has not exceeded that authority.

If you have any questions, please feel free to call me at 786-4074.