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**MEMORANDUM**

**TO:** S. Hughes Melton, MD, MBA, FAAP, FABAM  
Commissioner  
Department of Behavioral Health and Developmental Services

**FROM:** Braden J. Curtis  
Assistant Attorney General

**DATE:** May 1, 2018

**SUBJECT:** *Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services*  
Adding Occupational Therapists and Occupational Therapy Assistants to  
Definitions of Qualified Professionals  
12VAC35-105

I have reviewed the proposed amendments to 12VAC35-105, the *Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services*, which were adopted by the Board of Behavioral Health and Developmental Services on April 11, 2018. The Board has the authority to adopt these replacement regulations pursuant to Virginia Code § 37.2-203, 2017 Va. Acts ch. 136, and 2017 Va. Acts ch. 418. The proposed regulations are constitutional and do not conflict with existing federal or state laws or regulations.