



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

Jerry W. Kilgore
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071

804-371-8947 TDD

August 28, 2003

Douglas R. Harris
Administrative Coordinator
Virginia Department of Health
1500 East Main Street
Richmond, Virginia 23219

RE: Eligibility regulations
12 VAC 5-200-10

Dear Doug:

I have reviewed the proposed changes to the eligibility regulations. The amended regulations are constitutional and in conformity with the existing statutory provisions of the Code of Virginia and federal law.

The Board of Health has the authority to promulgate the regulations under Va. Code §§ 32.1-11 and 32.1-12. The regulations are consistent with the Board's mandate as set forth in these sections. The Board of Health will not exceed its statutory authority in promulgating the regulatory amendments. Having satisfied all legal requirements, you may proceed to take the necessary steps to promulgate these regulations in accordance with the requirements of the Administrative Process Act.

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

Very truly yours,

Robin V. Kurz
Special Counsel

cc: James Burns, M.D., M.B.A.