



**COMMONWEALTH of VIRGINIA**  
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November 6, 2014

Marissa J. Levine, M.D., M.P.H.  
State Health Commissioner  
Virginia Department of Health  
109 Governor Street  
Richmond, Virginia 23219

Re: Protocol for identification of children with elevated blood levels  
12 VAC 5-90-215  
Repeal of 12 VAC 5-120

Dear Dr. Levine:

I have reviewed the Protocol for identification of children with elevated blood levels in 12 VAC 5-90-215. These regulations do not conflict with other 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 32.1-46.1. The regulations are consistent with the Board's mandate, and the Board will not exceed its statutory authority by promulgating these regulations. The Board also has the authority to repeal the provisions of 12 VAC 5-120.

yours,

Very truly

Robin V. Kurz  
Assistant

Attorney General

