



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Jason S. Miyares
Attorney General

202 North 9th Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120

MEMORANDUM

TO: Karen Shelton
Commissioner
Virginia Department of Health

FROM: Charis A. Mitchell
Senior Assistant Attorney General

DATE: September 10, 2025

SUBJECT: *Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations*
12 VAC 5-220

I have reviewed the proposed amendments to the *Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations*, 12 VAC 5-220, as adopted by the State Health Commissioner on August 6, 2025. The Commissioner has authority to adopt these regulations on behalf of the Board of Health under Virginia Code § 32.1-20, and the Board of Health has the authority to adopt these regulations under Virginia Code § 32.1-12. This action is exempt from the Administrative Process Act pursuant to Virginia Code § 2.2-4006(A)(4)(a), as it is necessary to conform to changes in Virginia law, specifically 2025 Virginia Acts of the Assembly Chapters 114, 135, and 325.