

MEMORANDUM

TO: James S. Reinhard, M.D.
Commissioner
Department of Mental Health, Mental Retardation and
Substance Abuse Services

FROM: Jane D. Hickey
Senior Assistant Attorney General
Chief/Health Services Section

DATE: July 30, 2007

SUBJECT: Proposed *Regulations for Respite and Emergency Care Admissions to Mental Retardation Facilities*
12 VAC 35-200-10 *et seq.*

I have reviewed the proposed *Regulations for Respite and Emergency Care Admissions to Mental Retardation Facilities*, 12 VAC 35-200-10 *et seq.* The Mental Health, Mental Retardation and Substance Abuse Services Board has the authority under Va. Code §§ 37.2-203 and 37.2-807 to approve the *Regulations* for public comment. The decision to adopt regulations providing for emergency and respite care admissions to training centers is discretionary, but if the Board wishes to continue to permit such admissions, the regulations are mandatory under Va. Code § 37.2-807.

The *Regulations* do not exceed the Board's authority, are consistent with constitutional principles, and do not conflict with state or federal law or regulations.

If this Office can be of further assistance, please feel free to contact us.

cc: Wendy Brown