



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

Robert F. McDonnell  
Attorney General

900 East Main Street  
Richmond, Virginia 23219  
804-786-2071  
FAX 804-786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

## MEMORANDUM

**TO:** James S. Reinhard, M.D.  
Commissioner

**FROM:** Allyson K. Tysinger  
Senior Assistant Attorney General

**DATE:** December 29, 2008

**SUBJECT:** *Regulations for Children's Residential Facilities*  
12 VAC 35-46-10 *et seq.*

I have reviewed the proposed *Regulations for Children's Residential Facilities*, 12 VAC 35-46-10 *et seq.*, that the State Mental Health, Mental Retardation and Substance Abuse Services Board approved at its December 2, 2008 meeting. The Board has the statutory authority to adopt these Regulations under Va. Code § 37.2-203 and § 37.2-408. The proposed Regulations are constitutional and do not conflict with existing federal or state laws or regulations.

In addition, the Board has the statutory authority to repeal the *Regulations for Providers of Mental Health, Mental Retardation, Substance Abuse, and Brain Injury Residential Services for Children*, 12 VAC 35-45-10 *et seq.*