



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

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## MEMORANDUM

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

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

**DATE:** September 12, 2005

**SUBJECT:** *Regulations for Providers of Mental Health, Mental Retardation and Substance Abuse Residential Services for Children*  
12 VAC 35-45-10 *et seq.*

*Rules and Regulations for the Licensing of Providers of Mental Health, Mental Retardation and Substance Abuse Services*  
12 VAC 35-105-10 *et seq.*

I have reviewed the proposed amendments to the *Regulations for Providers of Mental Health, Mental Retardation and Substance Abuse Residential Services for Children*, 12 VAC 35-45-10 *et seq.*, and the *Rules and Regulations for the Licensing of Providers of Mental Health, Mental Retardation and Substance Abuse Services*, 12 VAC 35-105-10 *et seq.* that were adopted by the State Mental Health, Mental Retardation and Substance Abuse Services Board on September 7, 2005. These amendments relate to the licensing of providers of residential services to persons with brain injury. The Board has the statutory authority to adopt these emergency Regulations under Va. Code § 37.1-10 and Chapter 725 of the 2005 Virginia Acts of Assembly. The proposed Regulation is constitutional and does not conflict with existing federal or state laws or regulations.