



COMMONWEALTH of VIRGINIA

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MEMORANDUM

TO: Daryl Washington
Commissioner
Virginia Department of Behavioral Health and Developmental Services

FROM: James E. Rutkowski
Senior Assistant Attorney General

DATE: July 16, 2026

SUBJECT: *Rules and Regulations For Licensing Providers by the Department of Behavioral Health and Developmental Services*
12VAC35-105

I have reviewed the proposed amendments to the *Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services*, 12VAC35-105, which were adopted by the State Board of Behavioral Health and Developmental Services on July 15, 2026. The State Board of Behavioral Health and Developmental Services has the authority to adopt these regulations under Code § 37.2-203. The regulations are emergency regulations pursuant to Code § 2.2-4011(B), as directed by Item 297 of the 2026 Special Session I, 2026-2028 Appropriations Act. The proposed amendments are constitutional and do not conflict with existing federal or state laws or regulations.