



COMMONWEALTH of VIRGINIA

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MEMORANDUM

TO: KARIN CLARK
Virginia Department of Social Services

FROM: ALLEN T. WILSON
Senior Assistant Attorney General

DATE: October 1, 2015

SUBJECT: Proposed Fast Track Regulation 22 VAC 40-185-10 et seq.
Standards for Licensed Child Day Centers

I have reviewed the above-referenced proposed fast-track regulatory action to determine if the State Board of Social Services ("State Board") has the statutory authority to repeal the regulation and if this action by the State Board is exempt from the Administrative Process Act (APA).

It appears that the State Board has the authority to repeal the regulation, subject to compliance with the provisions of Article 2 of the APA, and has not exceeded that authority. This regulatory action incorporates statutory citation changes made by the adoption of Chapters 758 and 770 of the 2015 Acts of Assembly. This action has a delayed effective date of July 1, 2017 that coincides with the effective date of the statutory change. This action appears to be noncontroversial and may be promulgated as a fast-track regulation pursuant to Virginia Code § 2.2-4012.1.

It should be noted that if an objection to the use of the fast-track process is received within the public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the Department shall (i) file notice of the objection with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process set out in the APA.

If you have any questions, please feel free to call me at 786-0095.