



COMMONWEALTH of VIRGINIA
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MEMORANDUM

TO: **BRIAN MCCORMICK**
Regulatory and Manual Section Manager
Department of Medical Assistance Services

FROM: **ELIZABETH A. MCDONALD** *EAM*
Special Counsel to DMAS

DATE: **November 1, 2010**

SUBJECT: **Proposed Regulations concerning the Mental Retardation/Intellectual Disability Waiver (12 VAC 30-120-1000 *et seq.*)**

I have reviewed the attached proposed regulations concerning the Mental Retardation/Intellectual Disability Waiver (12 VAC 30-120-1000 *et seq.*). Based on my review, DMAS has the authority to promulgate these regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act and has not exceeded that authority.

Virginia Code §§ 32.1-324 and 32.1-325 grant to the Board of Medical Assistance Services the authority to administer and amend the plan for Medical Assistance and authorizes the Director of DMAS to administer and amend the plan for Medical Assistance according to the Board's requirements. The authority for these proposed regulations derives from 42 U.S.C. § 1396(n).

If you have any questions or need additional information, please feel free to contact me at 786-7363.

cc: Kim F. Piner
Senior Assistant Attorney General