



COMMONWEALTH of VIRGINIA
Office of the Attorney General

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MEMORANDUM

TO: BRIAN MCCORMICK
Regulatory Supervisor
Department of Medical Assistance Services

FROM: MARY-GRACE MENDOZA
Assistant Attorney General

DATE: November 1, 2012

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

This memorandum responds to your request that this Office review the final regulations for the Intellectual Disability Waiver, 12 VAC 30-120-1000 *et seq.*

Based on my review, it is this Office's view that DMAS has the authority, subject to compliance with the provisions of Article 2 of the Administrative Process Act (APA), 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. 42 U.S.C. § 1396(n) provides the authority for the final regulations.

Accordingly, it is my view that this action was properly promulgated under the rulemaking process pursuant to Virginia Code §§ 2.2-4007 through 2.2-4017.

Please call me at (804) 786-6004 if you have any questions regarding this memorandum. Thank you.

cc: Kim F. Piner
Chief/Senior Assistant Attorney General