



Virginia  
Regulatory  
Town Hall

## Exempt Action Final Regulation Agency Background Document

<b>Agency Name:</b>	Dept. of Medical Assistance Services (12 VAC 30)
<b>VAC Chapter Number:</b>	Chapter 40
<b>Regulation Title:</b>	Eligibility Conditions and Requirements
<b>Action Title:</b>	Eligibility under Section 1931 of Act (REVISED)
<b>Date:</b>	09/28/2000

Where an agency or regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file with the Registrar and publish their regulations in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

This agency background document may be used for actions exempt pursuant to § 9-6.14:4.1(C) at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar at the proposed stage.

In addition, agency actions exempt pursuant to § 9-6.14:4.1(B) of the APA are not subject to the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and therefore are not subject to publication. Please refer to the *Virginia Register Form, Style and Procedure Manual* for more information.

### Summary

*Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

This action revises the State Plan for Medical Assistance concerning the provision of Medicaid eligibility for persons under the authority of sec. 1931 of the Social Security Act. DMAS has covered this group of eligibles, but had not shown them as covered in the Plan, since the 1996 Personal Responsibility and Work Opportunity Reconciliation Act replaced the previous Aid to

Families with Dependent Children program. This regulatory action is necessary to comply with specific federal requirements for the inclusion of certain information in the Plan.

**Statement of Final Agency Action**

*Please provide a statement of the final action taken by the agency .including the date the action was taken, the name of the agency taking the action, and the title of the regulation.*

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The Director of the Department of Medical Assistance Services, acting in lieu of the Board of Medical Assistance Services, adopted this final exempt regulatory action, entitled Eligibility Conditions and Requirements Medicaid Eligibility under Sec. 1931 of the Social Security Act (REVISED), on September 20, 2000.

**Additional Information**

*Please indicate that the text of the proposed regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, a copy of any documents to be incorporated by reference are attached.*

*Please state that the Office of the Attorney General (OAG) has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law. Note that the OAG’s certification is not required for Marine Resources Commission regulations.*

*If the exemption claimed falls under § 9-6.14:4.1(C) (4)(c) of the APA please include the federal law or regulations being relied upon for the final agency action.*

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The Office of the Attorney General has certified that the agency has the statutory authority to promulgate this final regulation, as exempt from Article 2 of the APA, and it comports with applicable state and federal law. The federal law being relied upon for the promulgation of this issue is 42 CFR 430.12 and sec. 1931 of the Social Security Act.

**Family Impact Statement**

*Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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Virginia families with children that were Medicaid eligible under the old Aid to Families with Dependent Children program continue to be eligible, now that TANF has superseded AFDC, under this 1931 group.