



COMMONWEALTH of VIRGINIA

*Office of the Attorney General
Richmond 23219*

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MEMORANDUM

TO: RICHARD L. MARTIN
Policy and Planning Manager
Department of Social Services

FROM: A. CAMERON O'BRION
Assistant Attorney General

**RE: Proposed Regulations - Fraud Reduction/Elimination Effort (FREE) –
22 VAC 40-325**

DATE: April 13, 2004

I have reviewed the attached proposed regulations regarding the Fraud Reduction/Elimination Effort (FREE) program. You asked the Office of the Attorney General to review and determine if the State Board of Social Services has the legal authority to amend the attached proposed regulations and to identify any federal or state mandates regarding this regulation.

Based on that review, it appears that the State Board of Social Services, acting pursuant to Va. Code §§ 63.2-217 and 63.2-526, has the authority to promulgate the attached regulations and has not exceeded that authority. Amendment of these regulations, however, is subject to compliance with provisions of Article 2 of the Administrative Process Act.

If you have any questions or concerns, please feel free to contact me at (703) 277-8483.

Cc: Kim Piner
Senior Assistant Attorney General

