



Exempt Action Final Regulation Agency Background Document

Agency name	Dept. of Medical Assistance Services (DMAS)
Virginia Administrative Code (VAC) citation	12 VAC 30-141-740
Regulation title	Family Access to Medical Insurance Security (FAMIS):
Action title	Expand eligibility for FAMIS MOMS
Final agency action date	
Document preparation date	

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This action implements a mandate of the 2007 General Assembly to expand eligibility for the FAMIS MOMS programs from those with an income up to 166% of the Federal Poverty Level (FPL) to those with an income up to 185% of the FPL.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

I hereby approve the foregoing Agency Background Document with the attached amended regulations, Family Access to Medical Insurance Security (FAMIS): FAMIS MOMS (12 VAC 30-141-740). I certify that this final regulatory action has completed all the requirements of the

Code of Virginia § 2.2-4012, of the Administrative Process Act and that these regulations are full, true and correctly dated.

Date

Patrick W. Finnerty, Director
Dept. of Medical Assistance Services

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

The regulations that are affected by this action are Family Access to Medical Insurance Security (FAMIS): FAMIS MOMS (12 VAC 30-141-740).

The Code of Virginia (1950) as amended, §§ 32.1-325 and 32.1-351, grants to the Board of Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance and the Title XXI Plan (FAMIS), respectively. The Code of Virginia (1950) as amended, § 32.1-324, authorizes the Director of DMAS to administer and amend the Plan for Medical Assistance according to the Board's requirements, and § 32.1-351(K) provides the Board this same authority with respect to the Title XXI Plan. The Medicaid authority as established by §1902(a) of the Social Security Act [42 U.S.C. 1396a] provides governing authority for payments for services.

This action meets the exemption provided by the Code of Virginia § 2.2 – 4006 (A) (4) (a) because it conforms these attached regulations to the requirements of Chapter 847, Item 301(D) of the 2007 Acts of Assembly and does not materially differ. Additionally, the Agency has no discretion concerning the implementation of this mandated requirement.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

This final exempt regulatory action will not have any direct impact on the institution of the family or the stability of the family. It will not strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; it will not encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, or one's children and/or elderly parents; nor will it strengthen or erode the marital commitment.