



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Robert F. McDonnell
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

MEMORANDUM

TO: **BRIAN MCCORMICK**
Regulatory Coordinator
Department of Medical Assistance Services

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

DATE: **November 5, 2008**

SUBJECT: **Fast Track Regulation regarding Assurance of Public/Private Reimbursement for Hearing Aid Services**

I have reviewed the attached proposed regulation that provides that the Department of Medical Assistance Services ("DMAS") reimburse private and public providers under the same methodology for hearing aid services for children under the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) program.

Based on that review, it is my view that the Director, acting on behalf of the Board pursuant to Va. Code § 32.1-324, 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. However, if an objection to the use of the fast-track process is received within the public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the Department of Medical Assistance Services shall (i) file notice of the objection with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process set out in this article with the

initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

If you have any questions or need any additional information, please feel free to call me at 786-3890.

cc: Kim F. Piner, Esquire

Attachment



Virginia Regulatory Town Hall

Logged in: eam

Proposed Text

Action: Assurance of Public/Private Reimbursement for Hearing Aid ...

Stage: Proposed

10/10/08 12:23 PM

12VAC30-80-95

12VAC30-80-95. Fee-for-service: hearing aids (under EPSDT).

A. Effective January 1, 2008, payment for hearing aids for individuals younger than 21 years of age shall be the actual cost of the device not to exceed limits set by the single state agency, plus a fixed dispensing and fitting fee not to exceed limits set by the single state agency.

B. All private and governmental providers are reimbursed according to the same methodology.

Limitations set by the state agency are effective January 1, 2008 and for services provided on

and after that date. The limitations are published at the following address (state agency website):

http://www.dmas.virginia.gov/pr-fee_files.htm.

Statutory Authority

§§32.1-324 and 32.1-325 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 23, Issue 21, eff. January 1, 2008.