



Exempt Action Final Regulation Agency Background Document

Agency name	DEPT. OF MEDICAL ASSISTANCE SERVICES
Virginia Administrative Code (VAC) citation	12VAC30-141-100
Regulation title	Family Access to Medical Insurance Security Plan – Eligibility Determination and Application Requirements
Action title	Family Access to Medical Insurance Security (FAMIS) Program Uninsured Waiting Period Elimination.
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, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

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.

The proposed regulation eliminates the uninsured waiting period for children applying for Family Access to Medical Insurance Security (FAMIS) as required by the *2014 Acts of Assembly*. New federal regulations require Virginia to reduce its uninsured waiting period from 4 months to 90 days and add new waiting period exceptions. Imposing a waiting period on such a small number of children was determined not to be an effective policy. The elimination of the waiting period will reduce the administrative burden of determining eligibility. The General Assembly approved the elimination of this waiting period on February 20, 2014 with effective date of July 1, 2014. This action brings Virginia's policy in line with that of 29 other states, including all of Virginia's contiguous neighbors.

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 Summary with the attached amended regulations, (Family Access to Medical Insurance Security Plan – Eligibility Determination and Application Requirements (12 VAC 30-141-100) etc. and adopt the action stated therein. I certify that this final exempt regulatory action has completed all the requirements of the Code of Virginia § 2.2-4012.1, of the Administrative Process Act.

Date

Cynthia B. Jones, Director

Dept. of Medical Assistance Services

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person’s overall regulatory authority.

The *Code of Virginia* (1950) as amended, § 32.1-351, grants to the Board of Medical Assistance Services the authority to administer and amend the Family Access to Medical Security Insurance Plan (FAMIS). The *Code of Virginia* (1950) as amended, § 32.1-351(K), authorizes the Director of DMAS to administer and amend the Plan for Medical Assistance according to the Board's requirements. The Medicaid authority as established by § 2101 of the *Social Security Act* [42 U.S.C. 1397aa] provides governing authority for payments for services.

An Act to amend and reenact § 32.1-351 of the Code of Virginia, relating to Family Access to Medical Insurance Security Plan; eligibility, was approved February 20, 2014.

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 House Bill (HB) 586 approved by *2014 Acts of Assembly* and the Agency has no discretion concerning the implementation of this mandated requirement.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (Provide more detail about these changes in the "Detail of changes" section.) Please be sure to define any acronyms.

CURRENT POLICY

Currently, children are not eligible for Family Access to Medical Insurance Security (FAMIS) unless they have been uninsured for at least four months.

ISSUES

New federal regulations prohibit the imposition of an uninsured waiting period of more than 90 days. Thus, DMAS would have to change its uninsured waiting from 4 months to 90 days by July 1, 2014 regardless of this regulatory change.

RECOMMENDATIONS

The *2014 Acts of Assembly* approved eliminating the uninsured waiting period for children applying for FAMIS. New federal regulations require Virginia to reduce its uninsured waiting period from 4 months to 90 days and add new waiting period exceptions. This legislation simply eliminates the waiting period entirely. Imposing a waiting period on such a small number of children is not effective policy. Eliminating the waiting period will reduce the administrative burden of determining eligibility.

This action does not have an impact on the Agency's information systems (MMIS). While a modification to Virginia Department of Social Services (VDSS') eligibility system, the Virginia Case Management System (VaCMS), will be needed, the modification is expected to have no greater impact than the modification needed to comply with the new federal regulations limiting the waiting period and adding new waiting period exceptions if this bill was not enacted.

DMAS and Department of Planning and Budget (DPB) have determined that fiscal impact of this bill will be minimal; with no budget amendment necessary.

Family impact

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

These changes do not strengthen or erode the authority or rights of parents in the education, nurturing, and supervision of their children; nor 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. It does not strengthen or erode the marital commitment, but may decrease disposable family income depending upon which provider the recipient chooses for the item or service prescribed.