



COMMONWEALTH of VIRGINIA
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TO: **Emily McClellan**
Regulatory Supervisor
Virginia Department of Medical Assistance Services

FROM: **Abrar Azamuddin**
Assistant Attorney General

A handwritten signature in black ink, consisting of the letters 'AA' inside a circular scribble.

DATE: **December 14, 2016**

SUBJECT: **Emergency Regulations and Notice of Intended Regulatory Action to Promulgate - Psychiatric Residential Treatment Services Program Changes (4502/7424)**

I am in receipt of the attached regulations to implement changes to the Psychiatric Residential Treatment Services program. You have asked the Office of the Attorney General to review and determine if DMAS has the legal authority to promulgate the regulations and if the regulations comport with state and federal law.

Based on that review, it is my view that the Director, acting on behalf of the Board of Medical Assistance Services pursuant to Virginia Code §§ 32.1-324 and 325, 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.

The authority for this emergency action is found in Va. Code § 2.2-4011. Chapter 665, Item 301.PP of the *Acts of Assembly* grants DMAS the authority to promulgate these regulations. The Notice of Intended Regulatory Action relating to the proposed replacement regulations must be filed with the Registrar within 60 days of the effective date of these emergency regulations;

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and the proposed regulations must be filed with the Registrar within 180 days after the effective date of the emergency regulations.

If you have any questions or need additional information about this regulation, please contact me at 786-4074.

cc: Kim F. Piner, Esquire

Attachment