



**COMMONWEALTH of VIRGINIA**  
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**MEMORANDUM**

**TO: BRIAN MCCORMICK**  
Regulatory and Manual Section Manager  
Department of Medical Assistance Services

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

**DATE: October 17, 2008**

**SUBJECT: Proposed Regulations concerning Money Follows the Person  
Demonstration Program**

I have reviewed the attached proposed regulations concerning the establishment of the Money Follows the Person Demonstration program.

Based on that review, it is this Office's 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. The regulations will enable the Director, in lieu of the Board of Medical Assistance Services, to establish the regulatory structure for the successful implementation of the Money Follows the Person Demonstration Program. The changes were first made by the promulgation of emergency regulations.

The authority for these regulations is Item 302 HHH of the 2008 Appropriation Act. These regulations will ensure that DMAS complies with this mandate of the General Assembly.

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

cc: Kim F. Piner  
Senior Assistant Attorney General