



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Kenneth T. Cuccinelli, II
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 Supervisor
Virginia Department of Medical Assistance Services

FROM: MICHELLE A. L'HOMMEDIEU
Assistant Attorney General

DATE: February 12, 2013

SUBJECT: Exempt Final Regulation to Incorporate Reference to the Public Assistance Reporting Information System (PARIS)

I have reviewed the attached exempt final regulation regarding the inclusion of language referencing the Public Assistance Reporting Information System (PARIS). You have asked the Office of the Attorney General to review and determine if the Department of Medical Assistance Services (“DMAS”) has the legal authority to amend the regulation and if the regulation comports with state and federal law.

Public Law 110-379, section 3, known as the Qualifying Individual (QI) Program Supplemental Funding Act of 2008, and the U.S. Department of Health & Human Services, Centers for Medicare & Medicaid Services letter to State Medicaid Directors dated June 21, 2010, direct each state to amend its Medicaid State plan to document participation in PARIS to demonstrate compliance with the new requirements of Section 1903(r) of the Social Security Act. Based on my review, it is my view that the Director of DMAS, acting on behalf of the Board of Medical Assistance Services, pursuant to Virginia Code §§ 32.1-324 and 325, has the authority to amend this regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act (“APA”) and has not exceeded that authority.

Brian McCormick
February 12, 2013
Page 2

Based on the foregoing, it is my view that the amendment of this regulation is exempt from the procedures of Article 2 of the APA pursuant to Va. Code § 2.2-4006(A)(4)(c). My understanding is that the approval by the Centers for Medicare and Medicaid Services necessary for this regulation as it amends the State Plan has been granted.

If you have any questions, please contact me at 786-6005.

cc: Kim F. Piner, Esquire

Attachment