



Virginia
Regulatory
Town Hall

Exempt Action Final Regulation Agency Background Document

Agency Name:	Dept. of Medical Assistance Services (12 VAC 30)
VAC Chapter Number:	Chapter 50
Regulation Title:	Amount, Duration, and Scope of Services
Action Title:	Coverage of Ocular Prosthetics
Date:	; Effective December 5, 2001

Where an agency or regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file with the Registrar and publish their regulations in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

This agency background document may be used for actions exempt pursuant to § 9-6.14:4.1(C) at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar at the proposed stage.

In addition, agency actions exempt pursuant to § 9-6.14:4.1(B) of the APA are not subject to the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and therefore are not subject to publication. Please refer to the *Virginia Register Form, Style and Procedure Manual* for more information.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This change to the State Plan for Medical Assistance Services provides for the coverage of ocular prosthetics for individuals who are older than 21 years of age without regard to the reason for the loss of their eyeball or the function of the eyeball.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency .including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

I hereby approve the foregoing Regulatory Review Summary with the attached amended State Plan pages and adopt the action stated therein. Because this final regulation is exempt from the public notice and comment requirements of the Administrative Process Act (Code 9-6.14:4.1 C), the Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Date

Eric S. Bell, Director
Dept. of Medical Assistance Services

Additional Information

Please indicate that the text of the proposed regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, a copy of any documents to be incorporated by reference are attached.

Please state that the Office of the Attorney General (OAG) has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law. Note that the OAG’s certification is not required for Marine Resources Commission regulations.

If the exemption claimed falls under § 9-6.14:4.1(C) (4)(c) of the APA please include the federal law or regulations being relied upon for the final agency action.

The section of the State Plan affected by this action is the Narrative for the Amount Duration and Scope of Services, ‘Prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist’ (12VAC30-50-210).

The Department of Medical Assistance Services (DMAS) currently provides reimbursement for medically necessary artificial arms and legs with the necessary supportive attachments, implants, and breast prosthetic devices for Medicaid recipients of all ages, as indicated in 12 VAC 30-50-210 . In addition, DMAS also covers any other medically necessary prostheses for children under the age of 21, under the EPSDT regulation (12 VAC 30-50-130).

This action proposes to add coverage for custom ocular prostheses for individuals who are over the age of 21 years for the absence of the eyeball without regard to the cause of the absence and without regard to the eyeball's function. Action by the 2001 General Assembly in the passage of House Bill 1592 requires that DMAS reimburse for this service.

For Medicaid-eligible individuals who need this service, coverage of this new service will benefit them as they will now be able to receive this needed prosthetic. There are no disadvantages to the public for the coverage of this new service. Other than the anticipated very small expenditures for this service, there are no disadvantages to the agency or the Commonwealth.

There is minimal fiscal impact on the program. The ocularist who provides these custom prostheses supports this regulation and benefits financially. There is no fiscal impact on the recipient. Annual DMAS expenditures are projected to be less than \$20,000.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) 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; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The coverage of this new service by Medicaid will not strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children. For persons who need this prosthetic, it may encourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, spouse or children. This new service is not expected to strengthen or erode the marital commitment or increase or decrease disposable family income.