

REGULATORY REVIEW CHECKLIST

To accompany Regulatory Review Package

Agency Department of Medical Assistance Services

Regulation title Virginia Children's Medical Security Insurance Program

Purpose of the regulation To make a technical correction to the provider qualifications for substance abuse treatment services.

Summary of items attached:

- Item 1:** A copy of the proposed new regulation or revision to existing regulation.
- Item 2:** A copy of the proposed regulation submission package required by the Virginia Administrative Process Act (Virginia Code Section 9-6.14:7.I.G [redesignated Section 9-6.14:7. I.H after January 1, 1995]). These requirements are:
 - (i) the basis of the regulation, defined as the statutory authority for promulgating the regulations, including the identification of the section number and a brief statement relating the content of the statutory authority to the specific regulation proposed.
 - (ii) the purpose of the regulation, defined as the rationale or justification for the new provisions of the regulation, from the standpoint of the public's health, safety and welfare.
 - (iii) the substance of the regulation, defined as the identification and explanation of the key provisions of the regulation that make changes to the current status of the law.
 - (iv) the issues of the regulation, defined as the primary advantages and disadvantages for the public, and as applicable for the agency or the state, of implementing the new regulatory provisions.
 - (v) the estimated impact, defined as the projected number of persons affected, the projected costs, expressed as a dollar figure or range, for the implementation and compliance thereof, and the identity of any localities particularly affected by that regulation.
- Item 3:** A statement from the Attorney General that the agency possesses, and has not exceeded, its statutory authority to promulgate the proposed regulation.

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- Item 4:** A statement disclosing whether the contemplated regulation is mandated by state law or federal law or regulation, and, if mandated in whole or in part, a succinct statement of the source (including legal citation) and scope of the mandate, together **with an attached copy of all cited legal provisions.**

- Item 5:** For any proposed regulation that exceeds the specific minimum requirements of a legally binding state or federal mandate, a specific rather than conclusory statement setting forth the reasoning by which the agency has concluded that the proposed regulation is essential to protect the health, safety or welfare of citizens or for the efficient and economical performance of an important governmental function.

- Item 6:** For any proposed regulation that exceeds the specific minimum requirements of a legally binding state or federal mandate, a specific rather than conclusory statement describing the process by which the agency has considered less burdensome and less intrusive alternatives for achieving the essential purpose, the alternatives considered, and the reasoning by which the agency has rejected such alternatives.

- Item 7:** A schedule setting forth when, no later than three (3) years after the proposed regulation is effective, the agency will initiate a review and reevaluation of the regulation to determine if it should be continued, amended, or terminated. Include a description of the specific and measurable goals the proposed regulation is intended to achieve, if practical.

- Item 8:** A detailed fiscal impact analysis prepared in coordination with DPB that includes: (a) the projected cost to the state to implement and enforce the proposed regulation and (b) the source of funds to meet this projected cost.

/s/ Dennis G. Smith
Signature of Agency head

10/19/1999
Date

10/20/99 VPS
Date forwarded to
DPB & Secretary

REGULATORY REVIEW SUMMARY

Amendment to the Title XXI Plan for Virginia Children's Medical Security Insurance Plan

I. IDENTIFICATION INFORMATION

Title of Final Regulation: Virginia Children's Medical Security Insurance Plan: Technical Amendment

Director's Adoption: October 19, 1999

Effective Date: December 8, 1999

Agency Contact: Anita Cordill, Analyst
Div. of Policy and Research
Dept. of Medical Assistance Services
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II. SYNOPSIS

Basis and Authority: The Code of Virginia (1950) as amended, §32.1-325, grants to the Board of Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance. The Code of Virginia (1950) as amended, §32.1-324, authorizes the Director of the Department of Medical Assistance Services (DMAS) to administer and amend the Plan for Medical Assistance according to the Board's requirements. The Code also provides, in the Administrative Process Act (APA) §9-6.14:1 et seq., for the exemption of certain regulatory actions by state agencies which are technical corrections. This action qualifies as a technical correction to the final regulations since it only entails requiring all providers of substance abuse services to meet the same licensing and certification requirements regardless of the site of service delivery.

Purpose: The purpose of this regulatory action is to modify Chapter 140 of the Virginia Administrative Code concerning substance abuse provider licensing and certification

requirements. This action is not expected to have any affect on the public's health, safety, or welfare.

Substance and Analysis: The sections of the Virginia Children's Medical Security Insurance Program regulations, in the Virginia Administrative Code, affected by this action are inpatient/residential substance abuse treatment services (12 VAC 30-140-370) and outpatient substance abuse treatment services (12 VAC 30-140-380).

When DMAS recently completed the Article 2 process for the VCMSIP program, it inadvertently did not include the same provider licensing and certification requirements for all substance abuse treatment services, regardless of the site of service delivery. This action corrects that oversight. The advantages to the public is that individuals who receive substance abuse treatment services through the VCMSIP program will have the benefit of equally qualified practitioners regardless of whether they are inpatients or outpatients.

Issues: There are no disadvantages to the public for this action. The agency projects no negative issues involved in implementing this regulatory change.

Impact: There is no budget impact to report as this issue is budget neutral. There are no localities which are uniquely affected by these regulations as they apply statewide.

Forms: There are no forms necessary for the two regulations affected by this action.

Evaluation: The Department of Medical Assistance Services regularly monitors the implementation of VCMSIP to ensure maximum participation by eligible children and service providers.

III. STATEMENT OF AGENCY FINAL ACTION

I hereby approve the foregoing Regulatory Review Summary and take adoption action stated herein. 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.

October 19, 1999
Date

/s/ Dennis G. Smith
Dennis G. Smith, Director
Dept. of Medical Assistance Services