



COMMONWEALTH of VIRGINIA
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MEMORANDUM

TO: BRIAN MCCORMICK
Regulatory Supervisor
Department of Medical Assistance Services

FROM: Usha Koduru
Assistant Attorney General
Office of the Attorney General

DATE: December 27, 2012

SUBJECT: Proposed Regulation to Implement the Electronic Claims Submission Requirement

I have reviewed the attached proposed regulation requiring the submission of electronic claims. Based on that review, it is my view that the Director, acting on behalf of the Board pursuant to Virginia Code § 32.1-325, has the authority to promulgate this regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and has not exceeded that authority.

Virginia Code § 32.1-325 grants to the Board of Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance, and §§ 32.1-324 and 325 grant the authority to the Director to administer the Plan according to the Board's requirements. Additionally, Section 1902 (a) of the *Social Security Act* [42 U.S.C. 1396a] provides governing authority for payment for Medicaid services. This particular regulation is authorized by Item 300 H of the 2011 Virginia Appropriations Act. This regulation will amend the State Plan; therefore, approval by the Centers for Medicare and Medicaid Services also will be required.

Brian McCormick
December 27, 2012
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If you have any additional questions, please contact me at 786-4074.

cc: Kim F. Piner, Esquire

Attachment