



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*
Assistant Attorney General

DATE: **July 25, 2012**

SUBJECT: **Emergency Regulations Concerning Appeals (12 VAC 30-20-500 through 560)**

I have reviewed the attached emergency regulations regarding the appeals process. It is my view that the Director, acting on behalf of the Board pursuant to Va. Code § 32.1-324, has the authority to promulgate these emergency regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act and has not exceeded that authority. The authority for these emergency regulations derives from Chapter XXX, Item 307 III of the 2012 *Acts of Assembly* and Va. Code § 2.2-4011.

cc: Kim F. Piner, Chief
Senior Assistant Attorney General