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Regulatory
Town Hall

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Exempt Action Final Regulation Agency Background Document

Agency name	Department of Medical Assistance Services
Virginia Administrative Code (VAC) citation	12 VAC 30-135; 12 VAC 30-100; 12 VAC 30-120
Regulation title	Demonstration Waivers: Family Planning Waiver
Action title	Repeal Family Planning Regulations
Final agency action date	
Document preparation date	

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This action repeals regulations for the family planning demonstration waiver. This federal demonstration waiver terminated September 30, 2011, by the Centers for Medicare and Medicaid Services and the regulations have expired per the sunset provision in 12 VAC 30-135-90. Technical changes are also being made to Chapters 100 and 120 to remove incorporated references to the family planning waiver.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory 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 DMAS to administer and amend the Plan for Medical Assistance according to the Board's requirements. The Medicaid authority as established by § 1902 (a) of the *Social Security Act* [42 U.S.C. 1396a] (the *Act*) provides governing authority for payments for services.

Title XI, section 1115(a) of the *Act* provides for demonstration waivers that permit the states to introduce time-limited programs that allow for evaluation of targeted services to targeted populations of individuals. From their onset, demonstration waivers are time limited.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

I hereby approve the foregoing Regulatory Review Summary entitled Repeal Family Planning Waiver with the attached amended regulations (12 VAC 30-135-10 through -135-90; 12 VAC 30-100-70; 12 VAC 30-120-280) and adopt the action stated therein. I certify that this final regulatory action has completed all the requirements of the Code of Virginia § 2.2-4012, of the Administrative Process Act.

Date

Cynthia B. Jones, Director

Dept. of Medical Assistance Services

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

The regulations affected by this action are the Demonstration Waiver: Family Planning (12 VAC 30-135-10 through 12 VAC 30-135-90 (being repealed)). Other regulations (12 VAC 30-120-280 and 12 VAC 30-100-170) contain references to the Family Planning waiver which removal.

CURRENT POLICY

The Family Planning demonstration waiver began, effective October 1, 2003, for the purpose of providing specific family planning services to persons who did not otherwise qualify for the full spectrum of Medicaid covered services. This waiver and these companion regulations extended Medicaid coverage for family planning services, annual gynecological exams, and testing for sexually transmitted diseases up to 24 months postpartum to women who received a Medicaid-reimbursed pregnancy-related service on or after October 1, 2003.

Effective XXXX, this waiver was expanded to also cover family planning services for men.

ISSUES

Due to the inherently temporary nature of demonstration waivers, this program was discontinued by the Centers for Medicare and Medicaid Services effective October 1, 2011.

RECOMMENDATIONS

Since the federal waiver for this program no longer operates and DMAS no longer claims federal financial participation for these services, there is no longer any need for these regulations. Therefore, DMAS recommends their repeal. There are references to this waiver in two other regulations (12 VAC 30-100-170 and 12 VAC 30-120-280) that require revision to remove the references.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

This regulatory action does not strengthen or erode the authority or rights of parents in the education, nurturing, and supervision of their children. It does not 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. This action does not strengthen or erode the marital commitment or increase or decrease disposable family income.