



COMMONWEALTH of VIRGINIA
Office of the Attorney General

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TO: SYREETA B. STEWART
Regulations and Guidance Documents Supervisor
Department of Medical Assistance Services

FROM: JENNIFER L. GOBBLE
Senior Assistant Attorney General

DATE: September 2, 2026

SUBJECT: Fast-Track Regulations: Adult Dental

I have reviewed the above-referenced fast-track regulatory action amending existing regulations to implement a comprehensive dental benefit for adults in accordance with a mandate from the General Assembly.

The regulatory amendments are in accordance with requirements in Chapter 1, Item 291.KKK1 and Item 291.III of the 2026 Special Session I *Acts of Assembly* providing DMAS with authority to implement a comprehensive dental benefit for adults and make specific modifications to the existing dental program.

Based on my review, it is this Office's view that the Director of the Department of Medical Assistance Services (DMAS or the Department), acting on behalf of the Board of Medical Assistance Services pursuant to Virginia Code § 32.1-324, has the authority to amend these regulations, subject to compliance with the provisions of Article 2 of the Virginia Administrative Process Act, and has not exceeded that authority. Please be aware that this review is based solely upon whether DMAS has the legal authority to amend these regulations, not the appropriateness of whether they should be amended pursuant to the fast-track process.

Pursuant to Virginia Code § 2.2-4012.1, if an objection to the use of the fast-track process is received within the public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint

Commission on Administrative Rules, the agency shall (i) file notice of the objection with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

If you have any questions or need any additional information about this regulatory action, please contact me at 804-786-2071.

cc: Kim F. Piner
Senior Assistant Attorney General/Section Chief

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