



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

**FROM: JENNIFER L. GOBBLE** *JLG*  
Senior Assistant Attorney General

**DATE: June 18, 2026**

**SUBJECT: Emergency Regulations: 12 Months Postpartum ( / )**

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I have reviewed the above-referenced emergency regulatory action that provides continuous coverage to eligible pregnant and postpartum Medicaid and FAMIS members for the duration of pregnancy and through a 12-month postpartum period beginning on the last day of the pregnancy and including any remaining days of the calendar month in which the 12-month period ends.

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 promulgate these regulations, subject to compliance with the provisions of Article 2 of the Virginia Administrative Process Act (VAPA) and has not exceeded that authority.

The authority for this emergency action is found in Virginia Code § 2.2-4011(B), which provides that agencies may adopt emergency regulations "in situations in which Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment and the regulation is not exempt under the provisions of subdivision A 4 of § 2.2-4006." The regulations will enable the DMAS Director, in lieu of the Board of Medical Assistance Services, to comply with the requirements set out in Chapter 725, Item 288.BBB of the 2025 *Acts of Assembly*.

Please be advised that Virginia Code §2.2-4011(B) requires the Department to state in writing the nature of and necessity for such emergency action, and this appears to have been

accomplished in the “Agency Background Document.” Pursuant to Virginia Code § 2.2-4012, emergency regulations shall become effective upon adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations shall be limited to no more than 18 months in duration. During the 18-month period, an agency may issue additional emergency regulations as needed addressing the subject matter of the initial emergency regulation, but any such additional emergency regulations shall not be effective beyond the 18-month period from the effective date of the initial emergency regulation.

If the Department wishes to continue regulating the subject matter governed by the emergency regulations beyond the 18-month limitation, it will be necessary to replace the emergency regulations with regulations duly promulgated under Article 2 of the VAPA. The Notice of Intended Regulatory Action to promulgate a replacement regulation shall be filed with the Registrar within 60 days of the effective date of the emergency regulation and published as soon as practicable, and the proposed replacement regulation shall be filed with the Registrar within 180 days after the effective date of the emergency regulation and published as soon as practicable.

If you have any questions or need 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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