Virginia Department of Planning and Budget
Economic Impact Analysis

12 VAC 30-10 State Plan Under Title XIX of the Social Security Act Medical Assistance Program; General Provisions
Department of Medical Assistance Services
Town Hall Action/Stage: 7040 / 11216 Fast-Track
August 7, 2026

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 19. The analysis presented below represents DPB's best estimate of the potential economic impacts as of the date of this analysis.[1]

Summary of the Proposed Amendments to Regulation

As a result of an internal assessment at the Department of Medical Assistance Services, the Board of Medical Services (Board) is proposing to update an outdated citation.

Background

Section 130 of the *State Plan Under Title XIX of the Social Security Act Medical Assistance Program; General Provisions* (12 VAC 30-10) states the following:

> An advance directive shall be defined as a written instruction, such as a living will or durable power of attorney for health care, recognized under state law and relating to the provision of medical care when the individual is incapacitated. Each specified provider receiving funds under this Plan must maintain written policies, procedures, and materials concerning advance directives to ensure compliance with the law. The specified providers shall be: hospitals, nursing facilities, providers of home health care or personal care services, hospices, health maintenance organizations and health insuring organizations.
>
> Refer to 12VAC30-20-70 for further requirements.

[1] See Code § 2.2-4007.04 (A).

Section 70 of *Administration of Medical Assistance Services* (12 VAC 30-20) was repealed in 1995.[2] The current section of *Administration of Medical Assistance Services* that has the relevant "further requirements" is section 240. Thus, the Board proposes to replace "12VAC30-20-70" with "12VAC30-20-240" in the text of section 130 in *State Plan Under Title XIX of the Social Security Act Medical Assistance Program; General Provisions*.

Estimated Benefits and Costs

The proposed amendment does not change requirements, but may be beneficial in that it could make it easier for readers of the regulation to find relevant requirements.

Businesses and Other Entities Affected

The proposed amendment may affect readers of the regulation.

The Code requires DPB to assess whether an adverse impact may result from the proposed regulation.[3] An adverse impact is indicated if there is any increase in net cost or reduction in net benefit for any entity, even if the benefits exceed the costs for all entities combined.[4] The proposal neither increases net costs nor reduces net benefits for ant entity. Thus, no adverse impact is indicated.

Small Businesses[5] Affected:[6]

The proposed amendment does not adversely affect small businesses.

Localities[7] Affected[8]

The proposed amendment neither disproportionally affects any particular locality nor affects costs for local governments.

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[2] See https://law.lis.virginia.gov/admincode/title12/agency30/chapter20/section70/.
[3] See Code § 2.2-4007.04 (D).
[4] Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation. As a result, DPB has adopted a definition of adverse impact that assesses changes in net costs and benefits for each affected Virginia entity that directly results from discretionary changes to the regulation.
[5] Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as "a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than $6 million."
[6] See Code § 2.2-4007.04 (A.2). and Code § 2.2-4007.1 (C).
[7] "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.
[8] Code § 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Projected Impact on Employment

The proposed amendment does not affect employment.

Effects on the Use and Value of Private Property

The proposed amendment affects neither the use and value of private property nor real estate development costs.