



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

Jerry W. Kilgore
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
804-371-8947 TDD

MEMORANDUM

TO: BRIAN MCCORMICK
Regulatory Coordinator
Virginia Department of Medical Assistance Services

FROM: USHA KODURU
Assistant Attorney General

DATE: November 17, 2004

SUBJECT: Final regulations to conform and clarify MEDALLION regulations

I have reviewed the attached final regulations to revise and update existing MEDALLION regulations due to changes in federal law, to clarify existing regulations and to conform to other Medicaid programs. You have asked the Office of the Attorney General to review and determine if the Department of Medical Assistance Services (“DMAS”) has the legal authority to promulgate the final regulations and if the final regulations comport with state and federal law.

It appears that the changes to the proposed regulations, which are incorporated in the attached final regulations, are changes with “substantial impact,” and could necessitate an additional comment period, as explained below. Please note that Virginia Code § 2.2-4013(B) requires that all changes to the proposed regulations be highlighted in the final regulations, and it appears that this requirement has been fulfilled. Also, pursuant to § 2.2 -4013(C), if the Governor finds that one or more changes with substantial impact have been made to the proposed regulation, he *may* (but is not required to) direct DMAS to provide additional thirty days to solicit additional public comment on the changes. In addition, Virginia Code § 2.2-4007(K) requires the agency to solicit additional public comment, *if* it receives requests from at least twenty-five persons for an opportunity to submit oral and written comments on the changes to the regulations and if one or more changes with substantial impact were made to the proposed regulation.

Brian McCormick
November 17, 2004
Page 2

If you have any questions, please contact me at 225-2741.

Attachment

cc: Kim F. Piner, Esquire