



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Robert F. McDonnell
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
804-371-8947 TDD

MEMORANDUM

TO: BRIAN MCCORMICK
Regulatory Supervisor
Department of Medical Assistance Services

FROM: USHA KODURU
Assistant Attorney General

DATE: January 26, 2009

SUBJECT: Final Regulations to Amend Current Medicaid Estate Recovery Regulations

I have reviewed the attached final regulations that update and clarify the current Medicaid estate recovery regulations to more closely reflect the Department of Medical Assistance Services' ("DMAS") practice. This regulatory change amends 12VAC30-10-560 and repeals 12VAC30-20-140 and it is re-promulgated and revised at 12VAC30-20-141. You have asked the Office of the Attorney General to review and determine if DMAS has the legal authority to promulgate the final regulations and if the final regulations comport with state and federal law.

Based on that review, it is my view that the Director, acting on behalf of the Board of Medical Assistance Services, pursuant to Virginia Code § 32.1-324, has the authority to promulgate these changes to the regulations and has not exceeded that authority.

If you have any questions about this matter, please contact me at 786-4704.

Attachment

cc: Kim F. Piner, Esquire