



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	DEPT. OF MEDICAL ASSISTANCE SERVICES
<b>Virginia Administrative Code (VAC) citation</b>	12 VAC_30_-10
<b>Regulation title</b>	STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT MEDICAL ASSISTANCE PROGRAM; GENERAL PROVISIONS
<b>Action title</b>	Public Assistance Reporting Information System (PARIS)
<b>Final agency action date</b>	
<b>Document preparation date</b>	

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

This action incorporates into the State Plan for Medical Assistance reference to the Public Assistance Reporting Information System (PARIS) as required by Public Law 110-379, the Qualifying Individual (QI) Program of Supplemental Funding Act of 2008, section 3. DMAS is incorporating into the VAC only the compliance statements required by CMS in its State Medicaid Director's Letter, dated June 21, 2010. Compliance with this requirement is linked in the federal statute (§ 1903(r)(1) of the *Act*) to DMAS' ongoing receipt of federal matching funds to operate its automated data (claims processing (Medicaid Management Information System (MMIS)) system administered by the State under the authority of Title XIX of the *Social Security Act*.

**Statement of final agency action**

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

I hereby approve the foregoing Agency Background Summary with the attached amended regulations, STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT MEDICAL ASSISTANCE PROGRAM; GENERAL PROVISIONS: Public Assistance Reporting Information System (PARIS) (12 VAC 30-10-710) and adopt the action stated therein. I certify that this final exempt regulatory action is exempt from the public comment procedures of the *Code of Virginia* § 2.2-4006, of the Administrative Process Act.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cynthia B. Jones, Director  
Dept. of Medical Assistance Services

**Purpose**

*Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal, the environmental benefits, and the problems the proposal is intended to solve.*

This action adds to Chapter 10 of the *Virginia Administrative Code*, the State Plan under Title XIX of the Social Security Act Medical Assistance Program; General Provisions, the requirement that DMAS has an eligibility determination system that provides for data matching through the Public Assistance Reporting Information System (PARIS).

**Substance**

*Please briefly identify and explain new substantive provisions (for new regulations), substantive changes to existing sections or both where appropriate. (More detail about all provisions or changes is requested in the "Detail of changes" section.)*

This action affects Chapter 10 of the *Virginia Administrative Code*, the State Plan under Title XIX of the Social Security Act Medical Assistance Program; General Provisions (the State Plan preprint pages) (12 VAC 30-10-710).

Prior to this action, this Plan section only provided for an income and eligibility verification system with which DMAS has complied since 1986.

Public Law 110-379, § 3 of the Qualifying Individual (QI) Program Supplemental Funding Act of 2008 amended § 1903 of the *Act* to add subsection (r)(3) to provide: "In order to meet the requirements of this paragraph, a State must have in operation an eligibility determination system which provides for data matching through the Public Assistance Reporting Information System (PARIS) facilitated by the Secretary (or any successor system), including matching with medical Assistance programs operated by other States."

This action complies with this federally mandated requirement.

To operationalize this requirement, DMAS and the Virginia Department of Social Services have a Memorandum of Understanding which sets out each agency's required functions in the investigation of fraud and non-entitled benefits. Title 42, *Code of Federal Regulations* Part 455 contains the federal regulations relating to Medicaid program integrity. To comply with these federal requirements, DMAS has agreed to investigate all allegations of willful misrepresentation or withholding pertinent facts involved in the determination of Medicaid eligibility. DMAS also seeks civil recoveries of misspent funds and assists in evaluating Medicaid ineligibility for cases of suspected fraud. VDSS, through its local departments of social services, is required to notify DMAS of known instances of non-entitled use of Medicaid benefits and to cooperate with DMAS in sharing information and where indicated by the facts, to terminate the eligibility of all persons who have been convicted of either public assistance or medical assistance fraud to the extent allowable under federal and state regulations.

### Family impact

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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These changes do not strengthen or erode the authority or rights of parents in the education, nurturing, and supervision of their children; or encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents. It does not strengthen or erode the marital commitment, but may decrease disposable family income depending upon which provider the recipient chooses for the item or service prescribed.