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Periodic Review and Small Business Impact Findings Where Result is "Retain the Regulation As Is"

Agency name	DEPT OF MEDICAL ASSISTANCE SERVICES
Virginia Administrative Code (VAC) citation	12 VAC 30-150
Regulation title	Uninsured Medical Catastrophe Fund
Date	May 25, 2016

This information is required pursuant to Executive Order 17 (2014).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including: 1) the most relevant law and/or regulation; and 2) promulgating entity, i.e., agency, board, or person.

The Medicaid authority as established by §1902(a) of the *Social Security Act* [42 U.S.C. 1396a] provides governing authority for payments for services. The *Code of Virginia* (1950) as amended, §§ 32.1-325 and 32.1-351, grants to the Board of Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance and the Title XXI Plan (FAMIS), respectively. The *Code of Virginia* (1950) as amended, § 32.1-324, authorizes the Director of DMAS to administer and amend the Plan for Medical Assistance according to the Board's requirements. The *Code of Virginia* (1950) amended, § 32.1-324.3, established the Uninsured Medical Catastrophe Fund on the books of the Comptroller and authorized the Board of Medical Assistance to promulgate regulations that (i) further define an uninsured medical catastrophe, (ii) establish procedures for distribution of moneys in the Fund to pay for the costs of treating uninsured medical catastrophes, (iii) establish application procedures, and (iv) establish criteria for eligibility for assistance from the Fund and the prioritization and allocation of available moneys among applicants for assistance from the Fund.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

There are no viable alternatives without regulatory changes to improve the administration of the Uninsured Medical Catastrophe Fund (UMCF). The program would exist within the current regulatory requirements.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

There were no comments submitted during the public comment period.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The primary advantage of the UMCF is that some uninsured Virginians have medical treatments for medically catastrophic illnesses that they otherwise may not have been able to receive because they could not pay for it. The advantage to the agency and the Commonwealth is that these regulations will specify patient criteria, service coverage requirements and limitations, and reimbursement requirements necessary to administer these public funds.

Result

Please state that the reason why the agency is recommending that the regulation should stay in effect without change.

DMAS is recommending no changes in these regulations as this program will not have any negative impacts on families in the Commonwealth. By providing a funding source for a medical crisis, this program may enable an eligible individual to remain with his family longer than would otherwise be possible as well as may defray potentially devastating costs of needed health care services.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: 1) the continued need for the regulation; 2) the nature of complaints or comments received concerning the regulation from the public; 3) the complexity of the regulation; 4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and 5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the basis for the agency's determination to retain the regulation as is, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

The regulations are not likely to create any costs or other effects on small businesses and the regulations are not anticipated to have an adverse impact on small businesses.