Virginia Regulatory Town Hall

Exempt Action Final Regulation
Agency Background Document

Agency Name:	Department of Medical Assistance Services (12 VAC 30)
VAC Chapter Number:	50
Regulation Title:	Amount, Duration, and Scope of Medical and Remedial Care and Services
Action Title:	34 Day Supply
Date:	April 25, 2002; Effective 7/1/2002

Where an agency or regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 2.2-4000 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 2.2-4100 *et seq.* of the *Code of Virginia*) and file with the Registrar and publish their regulations in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

This agency background document may be used for actions exempt pursuant to § 2.2-4006 (A)(4)(c) at the final stage. Note that agency actions exempt pursuant to § § 2.2-4006 (A)(4)(c) of the APA do not require filing with the Registrar at the proposed stage.

In addition, agency actions exempt pursuant to § § 2.2-4006 (A)(4)(c) of the APA are not subject to the requirements of the Virginia Register Act (§ 2.2-4100 *et seq.* of the *Code of Virginia*) and therefore are not subject to publication. Please refer to the *Virginia Register Form, Style and Procedure Manual* for more information.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This final exempt regulatory action amends the regulations for the Amount, Duration, and Scope of Medical and Remedial Care and Services (12 VAC 30-50-210, Attachment 3.1 A&B). This

final exempt action limits prescriptions to provide a maximum of a 34-day supply per prescription per patient.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency .including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

I hereby approve the foregoing Regulatory Review Summary with the attached amended State Plan pages and adopt the action stated therein. Because this final regulation is exempt from the public notice and comment requirements of the Administrative Process Act (Code 2.2-4006 (A)(4)(a)), the Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

___4/25/2002_____ _/s/ Patrick W. Finnerty_____

Date Patrick W. Finnerty, Director

Department of Medical Assistance Services

Additional Information

Please indicate that the text of the proposed regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, a copy of any documents to be incorporated by reference are attached.

Please state that the Office of the Attorney General (OAG) has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law. Note that the OAG's certification is not required for Marine Resources Commission regulations.

If the exemption claimed falls under § 2.2-4007 (A)(4)(c) of the APA *please include the federal law or regulations being relied upon for the final agency action.*

This final exempt regulatory action amends the regulations for the Methods and Standards for establishing Payment Rate; Other Types of Care (Attachment 4.19 B). These changes are mandated by House Bill 30 as passed by the General Assembly during the 2002 session and adopted by the Governor.

Currently, the Agency does not mandate a limit on the supplies of medication for a Medicaid recipient. Item 325 #NN directs the Agency to provide a maximum of a 34-day supply per prescription per patient. Additionally, for those prescription orders whose quantity exceeds a 34-day supply, refills may be dispensed in sufficient quantity to fulfill the prescription order within the limits of federal and state laws and regulations. This regulatory change is a result of this mandate.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) 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; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This final exempt regulatory action will not have any direct impact on the institution of the family and the stability of the family. It will not strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; it will not encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, or one's children and/or elderly parents; it will not strengthen or erode the marital commitment; it will not increase or decrease disposable family income.