



## ***COMMONWEALTH of VIRGINIA***

*Office of the Attorney General  
Richmond 23219*

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Attorney General

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### **MEMORANDUM**

**TO: RENEE WHITE**  
Regulatory Coordinator  
Virginia Department of Medical Assistance Services

**FROM: USHA KODURU**  
Assistant Attorney General

**DATE:** August 22, 2005

**SUBJECT: Proposed Regulation for Additional Nursing Facility Reimbursement for Treatment of Stage IV Pressure Ulcers.**

I am in receipt of the attached proposed regulation to provide additional reimbursement to nursing facilities for residents with treatable stage IV pressure ulcers who require specialized treatment beds. 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 proposed regulation and if the proposed regulation comports with state and federal law.

Based on my review, DMAS has the authority to promulgate this regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and has not exceeded that authority.

The authority for this proposed regulation derives from Virginia Code §§ 32.1-324, 32.1-325, which grants to the Board of Medical Assistance Services the authority to administer and amend the plan for Medical Assistance and authorizes the Director of DMAS to administer and amend the plan for Medical Assistance according to the Board's requirements. Item 326 RR of the 2004 Acts of the Assembly, Chapter 4, directs DMAS to provide an additional \$10 per day to nursing facilities for residents who require specialized treatment beds due to their having at least one

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treatable stage IV pressure ulcer. The proposed amendments will ensure compliance with the mandates of the General Assembly.

If you have any questions, please feel free to contact me at 786-4905.

cc: Kim F. Piner, Esquire

Attachment