



COMMONWEALTH of VIRGINIA
Office of the Attorney General

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MEMORANDUM

TO: RENEE WHITE
Regulatory Coordinator
Department of Medical Assistance Services

FROM: REATHA B. KAY
Special Counsel to DMAS

DATE: September 16, 2005

SUBJECT: Proposed Regulations concerning Modifications to Supplemental Payment Methods for Medicaid Public Providers

I have reviewed the attached proposed regulations that make modifications to the current regulations governing supplemental payments to public providers.

Based on that review, it is this Office's view that the Director, acting on behalf of the Board pursuant to Va. Code § 32.1-324, has the authority to promulgate these regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act and has not exceeded that authority. The amendments to the regulations will enable the Director, in lieu of the Board of Medical Assistance Services, to modify the existing regulations relating to supplemental payments to non-state public nursing homes, hospitals and clinics and state hospitals and clinics. The changes were first made by the promulgation of emergency regulations, and were approved by this Office in a memorandum, dated May 26, 2005.

The authority for the previously promulgated emergency regulation is the 2005 Appropriation Act, Item 326(O). These regulations will ensure that DMAS complies with this mandate of the General Assembly.

Renee White
September 16, 2005
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If you have any questions or need any additional information, please feel free to call me at 786-1841.

cc: Kim F. Piner, Esquire

Attachment