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Office of the Attorney General

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MEMORANDUM

TO: BRIAN MCCORMICK
Regulatory and Manual Section Manager
Department of Medical Assistance Services

FROM: ELIZABETH A. MCDONALD
Special Counsel to DMAS

DATE: March 11, 2008

SUBJECT: Proposed Regulations concerning a Disease Management Program

I have reviewed the attached proposed regulations concerning a disease management program for Medicaid clients eligible for Title XIX Medicaid fee-for-service.

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 regulations will enable the Director, in lieu of the Board of Medical Assistance Services, to establish a voluntary alternative benefits package that combines traditional Medicaid services with new, comprehensive disease management services. The changes were first made by the promulgation of emergency regulations.

The authority for these proposed regulations are Item 302 CC and GG of the 2006 Appropriation Act and Chapter 847, Item 302 FFF of the 2007 Acts of Assembly. These regulations will ensure that DMAS complies with these mandates of the General Assembly.

Brian McCormick
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If you have any questions or need additional information, please feel free to contact me at 786-3890.

cc: Kim F. Piner
Senior Assistant Attorney General