



***COMMONWEALTH of VIRGINIA***  
***Office of the Attorney General***

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**MEMORANDUM**

**TO: BRIAN MCCORMICK**  
Regulatory Supervisor  
Department of Medical Assistance Services

**FROM: USHA KODURU**  
Assistant Attorney General

**DATE: February 16, 2010**

**SUBJECT: Proposed Regulations for Coverage and Reimbursement of Early Intervention Services Under Part C of the Individuals with Disabilities Education Act**

I have reviewed the attached proposed regulations regarding the payment for Early Intervention services under the Medicaid program for eligible individuals in the Infant & Toddler Connection program. 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 amend these regulations and if the proposed amendments comport with state and federal law.

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

Virginia Code §§ 32.1-324 and 32.1-325 grant 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 take action according to the Board’s requirements. The authority for these proposed regulations derives from Chapter 781, Item 306 TTT of the 2009 Acts of the Assembly.

If you have any questions or need any additional information, please call me at 786-4074.

cc: Kim F. Piner  
Senior Assistant Attorney General