



COMMONWEALTH of VIRGINIA
Office of the Attorney General

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MEMORANDUM

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

FROM: JENNIFER L. GOBBLE
Assistant Attorney General

DATE: June 18, 2013

SUBJECT: Exempt Final Action Implementing Changes to Reimbursement Methodology

I have reviewed the attached exempt final regulations that implement various changes in the reimbursement methodology for certain Medicaid providers. You 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 the regulations and if the regulations comport with state and federal law.

The amendments reflected in the regulations are necessary to implement mandates set forth in the 2012 Appropriations Act, Chapter 3, Item 307. Based on my review, the Director of DMAS, acting on behalf of the Board of Medical Assistance Services, pursuant to Virginia Code §§ 32.1-324 and 325, has the authority to amend these regulations and has not exceeded that authority.

It is my view that amendment of these regulations is exempt from the procedures of Article 2 of the Administrative Process Act pursuant to Virginia Code § 2.2-4006(A)(4)(a). If you have any questions, please contact me at 786-4905.

cc: Kim F. Piner, Esquire