



COMMONWEALTH of VIRGINIA

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TO: **EMILY MCCLELLAN**
Regulatory Supervisor
Department of Medical Assistance Services

FROM: **ELIZABETH M. GUGGENHEIM** *EMG*
Assistant Attorney General

DATE: **April 25, 2016**

SUBJECT: **Final regulations regarding Mental Health Skill-Building Services**

I have reviewed the attached final regulations that would change the terminology and definitions of the currently termed Mental Health Support Services to Mental Health Skill-Building Services ("MHSS"). These regulations would also finalize specific criteria that were present in the emergency regulations for this service. You have asked the Office of the Attorney General to review and determine if DMAS has the legal authority to promulgate the final regulations and if they comport with state and federal law. The 2012 *Acts of Assembly*, Chapter 3, Item 307 LL & RR(f) and 2013 *Acts of Assembly*, Chapter 806, Item 307 DD, give the agency the authority to make these changes.

It is my view that the Director, acting on behalf of the Board of Medical Assistance Services, pursuant to Virginia Code § 32.1-324, has the authority to promulgate these changes to the regulations and has not exceeded that authority. If you have any questions or need any additional information, please call me at 786-2071.

cc: Kim F. Piner
 Senior Assistant Attorney General/Section Chief