



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	Dept. of Medical Assistance Services 12 VAC 30
VAC Chapter Number:	12 VAC 30-50
Regulation Title:	Amount, Duration, and Scope of Services
Action Title:	Coverage of Substance Abuse Treatment Services
Date:	09/22/2000 NEED RESPONSE BY 10/20/2000

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

Chapter 1073 requires that the Department add substance abuse treatment services to the State Plan. This action initiates the Article 2 process necessary to comply with this mandate.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

Chapter 1073 Item 319#19c (x) states: “The State Board for Medical Assistance Services shall develop amendments to the State Plan for Medical Assistance, to provide coverage of substance abuse treatment services for children and adults including emergency services; evaluation and assessment; outpatient services, including intensive outpatient services; targeted case

management; and day treatment. The State Board shall seek the Health Care Financing Administration’s approval to implement the State Plan amendments.”

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

The regulation is promulgated pursuant to a mandate. The State Plan has not provided for coverage of substance abuse treatment for any population except pregnant and postpartum women. This regulation will give all Medicaid recipients access to certain covered substance abuse treatment services that they hitherto have not had access to through Medicaid. For those Medicaid recipients who have substance abuse problems, this will benefit their health.

Chapter 1073 allocated \$5,056,251 GF and \$5,436,073 NGF for FY 01-02.

As this regulatory action represents the addition of a new covered service to the State Plan for Medical Assistance, it is not anticipated that it will have any impact on local departments of social services, either to the Medicaid eligibility determination process or the post-eligibility treatment of income process.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

The agency will consider all service alternatives which might be provided during this comment period.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

These regulations will allow Medicaid recipients access to treatment for substance abuse. Parents can determine whether or not to utilize the services for their children and have freedom of access to providers. By having access to treatment, recipients could gain control of their lives and become productive working members of their communities. Persons abusing substances may have lost their spouses and children because of the impact, both economically and personal, of the abuse.