



# COMMONWEALTH of VIRGINIA


Office of the Attorney General

Mark R. Herring  
Attorney General

900 East Main Street  
Richmond, Virginia 23219  
804-786-2071  
FAX 804-786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

## MEMORANDUM

**TO:** **BRIAN MCCORMICK**  
Director, Policy and Research Division  
Department of Medical Assistance Services

**FROM:** **ABRAR AZAMUDDIN, Assistant Attorney General**   
Office of the Attorney General

**DATE:** **January 29, 2015**

**SUBJECT:** **Periodic Review of 12 VAC 30-5 et seq.**  
Public Participation Guidelines

I have reviewed the above-referenced regulations, which are undergoing a periodic review, to determine if the State Board of Medical Assistance Services ("Board") has the statutory authority to promulgate 12 VAC 30-5 *et seq.* and if the regulations exceed the Board's rulemaking authority.

Pursuant to Virginia Code § 32.1-325 and § 2.2-4007 *et seq.*, the Board has the statutory authority to promulgate regulations to promote public participation for soliciting the input of interested parties in the formation and development of DMAS' regulations and the regulations do not exceed the agency's rulemaking authority.

If you have any questions, please feel free to call me at (804) 786-6004.

cc: Kim F. Piner  
Senior Assistant Attorney General