



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Robert F. McDonnell
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
Regulatory and Manual Section Manager
Department of Medical Assistance Services

FROM: REATHA B. KAY
Special Counsel to DMAS

DATE: March 19, 2006

SUBJECT: Proposed Regulations concerning Day Support Waiver for Individuals with Mental Retardation (“Day Support Waiver”)

I have reviewed the attached proposed regulations concerning the establishment of the Day Support Waiver.

Based on that review, it is this Office’s view that the Director, acting on behalf of the Board pursuant to Va. Code § 32.1-324, has the authority to promulgate these regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act and has not exceeded that authority. The regulations will enable the Director, in lieu of the Board of Medical Assistance Services, to promulgate regulations to establish the Day Support Waiver. The changes were first made by the promulgation of emergency regulations.

Brian McCormick

March 19, 2006

Page 2

The authority for the previously promulgated emergency regulation is the 2005 Appropriation Act (*2005 Virginia Acts of Assembly*, Chapter 951) Item 326(LLL). These regulations will ensure that DMAS complies with this mandate of the General Assembly.

If you have any questions or need any additional information, please feel free to call me at 786-1841.

cc: Kim F. Piner, Esquire

Attachment