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MEMORANDUM

TO: BRIAN McCORMICK
Regulatory and Manual Section Manager
Department of Medical Assistance Services

FROM: REATHA B. KAY
Special Counsel to DMAS

DATE: May 8, 2007

SUBJECT: Final Exempt Regulations Concerning Reimbursement Changes

I have reviewed the attached final exempt regulations which incorporate certain changes required by Items 302 KK, JJJ.1, JJJ.2, MMM, and RRR of the 2007 Appropriation Act.

Based on that review, it is my view that the Director, acting on behalf of the Board of Medical Assistance Services pursuant to Va. Code §32.1-324, has the authority to promulgate these amendments to the State Plan, subject to compliance with the requirements of Article 2 of the Administrative Process Act and has not exceeded that authority.

The amendments to the regulations incorporate changes required by the Items 302 KK, JJJ.1, JJJ.2, MMM, and RRR of the 2007 Appropriation Act. Based on the foregoing, it is my view that the promulgation of these amendments 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 786-4074.

cc: Kim F. Piner, Esquire