



COMMONWEALTH of VIRGINIA
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MEMORANDUM

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

FROM: ELIZABETH A. MCDONALD
Special Counsel

DATE: December 9, 2008

**SUBJECT: Proposed Regulations concerning Money Follows the Person
Demonstration Program**

I have reviewed the attached proposed regulations concerning the establishment of the Money Follows the Person Demonstration program.

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 establish the regulatory structure for the successful implementation of the Money Follows the Person Demonstration Program.

The authority for these regulations is Item 302 HHH of the 2008 Appropriation Act. These regulations will ensure that DMAS complies with this mandate of the General Assembly.

Brian McCormick
MFP – Proposed
December 9, 2008

If you have any questions or need additional information, please feel free to contact me at 786-3890.

cc: Kim F. Piner
Senior Assistant Attorney General