



COMMONWEALTH *of* VIRGINIA

Office of the Attorney General

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Attorney General

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March 22, 2005

Mr. Charles S. Reed
Associate Director, Office of Health Benefits
Department of Human Resource Management
101 N.14th Street, 13th Floor
Richmond, VA 23219

Re: Proposed Amendment to Regulations (1 VAC 55-20-320)

Dear Mr. Reed:

I have reviewed the proposed amendment to the Department of Human Resource Management's regulations governing the Commonwealth's Health Benefits Program (1 VAC 55-20-320), which is being submitted for review under the fast-track rulemaking process authorized by Va. Code §2.2-4012.1. I understand the effect of the amendment is to change the definition of "dependent" for purposes of health plan coverage to conform to changes in the definition of that term for federal income tax purposes effected by the Working Families Tax Relief Act (HR 1308) ("WFTRA").

Having reviewed the proposed amendment, I am of the opinion that it is consistent with state and federal law and is within the legal authority of the Department of Human Resource Management. Moreover, I am of the opinion that the proposed amendment is not expected to be controversial and, accordingly, qualifies for the fast-track rulemaking process.

Sincerely yours,

Guy W. Horsley, Jr.
Special Assistant Attorney General