



**COMMONWEALTH of VIRGINIA**  
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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 2, 2007**

**SUBJECT: Final Exempt Regulation Concerning Changes to Family Planning Waiver**

I have reviewed the attached final exempt regulations which incorporate certain changes required by Item 302 CCC (1) 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 Item 302 CCC (1) of the 2007 Appropriation Act, to the Family Planning Demonstration Waiver. 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