

# REGULATORY REVIEW CHECKLIST

To accompany Preliminary Determination Package

Agency Department of Medical Assistance Services

Regulation title Uninsured Medical Catastrophe Fund

Purpose of the regulation To establish the Uninsured Medical Catastrophe Program

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## Summary of items attached:

- Item 1:** An explanation of the specific reason for the proposed regulation.
- Item 2:** A statement identifying the source of the agency legal authority to promulgate the contemplated regulations and a statement as to whether the contemplated regulation is mandated by state law or federal law or regulation, and, if mandated in whole or in part, a succinct statement of the source (including legal citation) and scope of the mandate. **(Be sure to attach a copy of all cited legal provisions).**
- Item 3:** A statement setting forth the reasoning by which the agency has concluded that the contemplated regulation is essential to protect the health, safety or welfare of citizens or for the efficient and economical performance of an important governmental function.
- Item 4:** A statement describing the process by which the agency has considered, or will consider, less burdensome and less intrusive alternatives for achieving the essential purpose, the alternatives considered or to be considered (to the extent known), and the reasoning by which the agency has rejected any of the alternatives considered.

/s/ Dennis G. Smith  
Signature of Agency Head

11/8/99  
Date

11/10/99 VPS  
Date forwarded to  
DPB & Secretary





## 2. Federal/State Mandate and Scope

The legal authority of the Agency to administer the Uninsured Medical Catastrophe Fund Program is stated in §§ 32.1-324 and 32.1-324.3. The regulations are required by Chapter 998 of the 1999 Acts of the Assembly.

## 3. Essential Nature of Regulation

These regulations are necessary for DMAS to administer a new program established by the General Assembly during the 1999 session. Without regulations, DMAS will have no authoritative guidelines for distributing moneys from or establishing eligibility criteria for the Uninsured Medical Catastrophe Fund to pay for the costs of treating uninsured medical catastrophes.

The Uninsured Medical Catastrophe Fund program is to be funded by voluntary contributions, primarily taxpayer designations of tax refunds. Based on prior experience with taxpayer designations of tax refunds, the Fund can expect to receive \$50,000 to \$200,000 a year. It is possible that the Fund may receive additional contributions.

Local social service agencies may provide information to individuals about the Uninsured Medical Catastrophe Fund but DMAS does not anticipate that local social service agencies will have a role in determining eligibility.

## 4. Agency Consideration of Alternatives

Regulations are necessary for the efficient operation of the program. The agency has consulted with interested parties regarding program administration and will continue to consult with interested parties during the development of the regulations. The Agency also will consider any alternatives identified through the public comment process.

## 5. Family Impact Assessment (Code of Virginia §2.1-7.2)

The Uninsured Medical Catastrophe Fund will help families without health insurance to receive financial help in the event of a life threatening illness. These regulations will assure a fair process for the distribution of available funds.