



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

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Attorney General

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MEMORANDUM

TO: VICTORIA P. SIMMONS
Regulatory Coordinator
Department of Medical Assistance Services

FROM: KIM F. PINER
Special Counsel to DMAS

DATE: March 3, 2003

SUBJECT: Proposed Regulations concerning Individual and Families with Developmental Disabilities Support (IFDDS) Waiver

I am in receipt of your proposed regulations concerning the Individual and Families with Developmental Disabilities Support (IFDDS) Waiver. You have asked the Office of the Attorney General to review and determine if the Department of Medical Assistance Services has the legal authority pursuant to Executive Order 21 (2002) to promulgate the attached proposed regulations and to identify any federal or state mandates regarding this regulation.

Based on that review, it is my view that the Director, acting on behalf of the Board pursuant to Va. Code § 32.1-324, has the authority to promulgate these amendments to the State Plan, subject to compliance with the provisions of Article 2 of the Administrative Process Act and has not exceeded that authority. These regulations will enable the Director, in lieu of the Board of Medical Assistance Services, to promulgate regulations necessary for the administration of the IFDDS Waiver and provides for the automatic transfer of children from the Mental Retardation Waiver when they do not have a diagnosis of mental retardation.

If you have any questions or need any additional information, please feel free to call me at 786-3524.

cc: Siran S. Faulders, Esquire

Attachment