




**COMMONWEALTH of VIRGINIA**  
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**MEMORANDUM**

**TO:** EMILY MCCLELLAN  
Regulatory Supervisor  
Department of Medical Assistance Services

**FROM:** JENNIFER L. GOBBLE   
Assistant Attorney General

**DATE:** June 26, 2019

**SUBJECT:** Final/Exempt Regulations – Repeal of Children’s Mental Health Waiver (5180/8467)

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I have reviewed the exempt final regulatory action that would repeal the regulations for the Medicaid Children’s Mental Health Waiver.

The action to repeal the regulations is based on a change in federal law withdrawing federal funding and authority for the demonstration waiver. Based on my review, it is this Office’s view that the Director of the Department of Medical Assistance Services, acting on behalf of the Board of Medical Assistance Services pursuant to Virginia Code § 32.1-324, has the authority to amend these regulations, subject to compliance with the provisions of Article 2 of the Virginia Administrative Process Act (VAPA), and has not exceeded that authority. Based on the foregoing, it is my view that the repeal of these regulations is exempt from the procedures of Article 2 of the VAPA under Virginia Code § 2.2-4006(A)(4)(c).

If you have any questions or need any additional information, please feel free to contact me at 786-4905.

cc: Kim F. Piner  
Senior Assistant Attorney General/Section Chief