



# COMMONWEALTH of VIRGINIA

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

**FROM: ELIZABETH M. GUGGENHEIM *EMG***  
Assistant Attorney General

**DATE: July 11, 2016**

**SUBJECT: Periodic Review of Regulations for Uninsured Medical Catastrophe Fund (UMCF), 12 VAC 30-150**

I have reviewed the above-referenced regulations, which are undergoing a periodic review, to determine if the Director of the Department of Medical Assistance Services (DMAS), acting on behalf of the Board of DMAS pursuant to Virginia Code § 32.1-324, has the statutory authority to promulgate the specified regulations and whether the specified regulations comport with applicable state law. As a result of the periodic review, DMAS intends to keep the regulations without modification.

Virginia Code § 32.1-324.3 sets forth the UMCF. DMAS is the designated agency to administer the UMCF. Virginia Code § 32.1-324.3 authorizes DMAS to promulgate regulations to administer the UMCF. Pursuant to Virginia Code § 32.1-324, the Director, acting on behalf of the Board, is authorized to promulgate regulations for DMAS. Consequently, it is my opinion that the Director has the authority to promulgate these regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 17 (2014), and has not exceeded that authority.

If you have any questions or need additional information about these regulations, please contact me at 786-7363.

cc: Kim F. Piner, Esq.