



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Robert F. McDonnell
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

MEMORANDUM

TO: JACK QUIGLEY
Policy and Research Division
Department of Medical Assistance Services

FROM: JENNIFER L. GOBBLE
Special Counsel to DMAS

DATE: June 25, 2008

SUBJECT: Amended Proposed Regulations concerning Medicaid Buy-In Program

I have reviewed the attached proposed regulations concerning the establishment of the Medicaid Buy-In Program.

Based on that review, it is this Office's view that the Director, acting on behalf of the Board pursuant to Va. Code § 32.1-324, has the authority to promulgate these regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act and has not exceeded that authority. The regulations will enable the Director, in lieu of the Board of Medical Assistance Services, to establish the Medicaid Buy-In Program for Working Disabled Medicaid Recipients. The changes were first made by the promulgation of emergency regulations, followed by proposed regulations that later were withdrawn and now are resubmitted as amended.

The authority for the previously promulgated emergency and proposed regulations is Item 302 X of the 2006 Appropriation Act. These regulations will ensure that DMAS complies with this mandate of the General Assembly.

Jack Quigley
June 25, 2008
Page 2

If you have any questions or need additional information, please feel free to contact me at 786-1840.

cc: Kim F. Piner
Senior Assistant Attorney General