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Exempt Action: Final Regulation Agency Background Document

Agency name	Department of Medical Assistance Services
Virginia Administrative Code (VAC) Chapter citation(s)	12VAC30-120-FORMS and 12VAC30-120 DIBR
VAC Chapter title(s)	Waivered Services
Action title	12VAC-30-120 Forms and DIBRs Clean-Up
Final agency action date	September 23, 2026
Date this document prepared	September 23, 2026

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

This regulatory action is a clean-up of the Forms and Documents Incorporated by Reference (DIBR) sections of the Virginia Administrative Code (VAC), specifically 12VAC30 Chapter 120 (Waivered Services). Many of the forms and DIBRs listed in this section of the VAC are no longer referenced in the text of chapter 120 and must be removed.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined

in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

The Code of Virginia § 32.1-325, grants to the Board of Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance and to promulgate regulations. The Code of Virginia § 32.1-324, grants the Director of the Department of Medical Assistance Services the authority of the Board when it is not in session.

DMAS has previously updated the text related to the waived services described in 12VAC30-120, however, the previously associated forms and DIBRs were not updated along with the regulatory text throughout the years. As a result, there are several forms and DIBRs which remain listed in the Forms and DIBR sections of the chapter despite no longer being referenced in the text. This action removes certain forms and DIBRs that are no longer needed within the chapter.

This action is exempt from the regulatory process in accordance with Va. Code 2.2-4006(A)(3), as it only removes and/or replaces forms and DIBRs that are no longer needed.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has “adopted final amendments” to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, “On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)].”

On September 23, 2026, the Department of Medical Assistance Services adopted final amendments to 12VAC30-120 Forms and DIBR Clean Up. Pursuant to the Code of Virginia § 2.2-4006(A)(3), this final exempt regulatory action is exempt from Article 2 of the Administrative Process Act.