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Fast-Track 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
Date this document prepared	September 23, 2026

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 17 (2026) (EO 17), any instructions or procedures issued by the Department of Planning and Budget (DPB) pursuant to EO 17, the *Regulations for Filing and Publishing Agency Regulations* (1 VAC 7-10), and the *Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

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.

DMAS previously updated the waived services text 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 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 either removed or updated.

Acronyms and Definitions

Define all acronyms and any technical terms used in this form that are not defined in the “Definitions” section of the regulation.

DIBR = Documents Incorporated by Reference

VAC = Virginia Administrative Code

DMAS = Department of Medical Assistance Services

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 the regulatory action, “12VAC30-120 Forms and DIBR Clean Up.”

Mandate and Impetus

- 1) *Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in EO 17, “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.” For changes in response to federal mandates, indicate the extent of discretion related to the proposed regulatory changes, the rationale for the changes, and briefly indicate how the federal mandate aligns with the best interest of public welfare.*
 - 2) *Consistent with Virginia Code § 2.2-4012.1, also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process.*
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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.

This action is expected to be noncontroversial because it simply removes certain forms and DIBRs that are no longer needed within 12VAC-30-120. Further, to remain consistent with current agency practices, this action replaces two forms that were recently updated and disseminated to the provider community (Forms DMAS-97A/B and DMAS-99).

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter

number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

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.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

The purpose of this regulatory action is to update the Forms and DIBRs sections of 12VAC30-120. These changes are essential to protect the health, safety, and welfare of citizens to maintain consistency between DMAS regulations and current DMAS practices.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

Forms and DIBRs no longer referenced throughout the text in 12VAC30-120 have been removed. The links to forms in need of updating have been replaced with the current versions. Specifically, links to forms DMAS-97A/B and DMAS-99.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

These changes create no disadvantages to the public and the Commonwealth.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no requirements in this regulation that are more restrictive than applicable federal requirements.

Identification of Affected Parties

No state agencies, localities, or other entities are particularly affected by this change.

Benefits and Costs

For Tables 4 and 5, complete each row:

- If available information indicates that no benefits or costs are anticipated for a party, report **"none"** in the appropriate row.
- If no information exists, report **"unknown"** in the appropriate row.

Benefits Resulting from Changes

Consistent with § 2.2-4007.04 of the Code of Virginia, use Table 4 to describe all regulatory changes that are anticipated to have benefits. Include benefits that apply to directly and indirectly affected parties, as reported in Tables 1 and 2.

When describing a particular benefit, specify which new or changed requirement creates the benefit. Keep in mind that this is a benefit from the proposed change versus the status quo. Exclude changes that merely improve clarity, formatting, or terminology.

Table 4: Benefits Resulting from Changes	
Affected Parties	Description of Regulatory Change(s) and Resulting Additional Benefit(s)
Individuals	None
Other State Agencies	None
Entities:	
• Localities	None
• Small Businesses	None
• Other Businesses	None
• Other Entities	None

Costs Resulting from Changes

Consistent with § 2.2-4007.04 of the Code of Virginia, use Table 5 to describe all regulatory changes that are anticipated to have costs. Include costs that apply to directly and indirectly affected parties, as reported in Tables 1 and 2.

When describing a particular cost, specify which new or changed requirement creates the cost. Keep in mind that this is a cost from the proposed change versus the status quo. Exclude changes that merely improve clarity, formatting, or terminology.

Table 5: Costs Resulting from Changes	
Affected Parties	Description of Regulatory Change(s) and Resulting Additional Costs(s)
Individuals	None
Other State Agencies	None
Entities:	
• Localities	None

• Small Businesses	None
• Other Businesses	None
• Other Entities	None

Impact on Your Agency

In Table 6, indicate the overall benefits and costs to your agency resulting from this regulatory action, compared to the status quo. Complete each row.

Table 6: Benefits and Costs for Your Agency
<i>Projected benefits</i>
Are changes expected in any savings or revenues (either one-time or on-going)? (Yes, No, or Unknown) . If yes, provide a brief explanation:
No
Are changes expected in other (non-monetary) benefits? (Yes, No, or Unknown) . If yes, describe any other (non-monetary) benefits:
No
<i>Projected costs</i>
Are changes expected in any expenditures (either one-time or on-going)? (Yes, No, or Unknown) . If yes, provide a brief explanation:
No
Can any costs or revenue loss be absorbed by existing resources? (Yes, No, or Unknown) .
No

Other Impacts per § 2.2-4007.04

In Table 7, report the specific benefits and costs expected to result from this regulatory change compared to the status quo. Complete each row.

Table 7: Other Impacts Addressed by § 2.2-4007.04
Are changes in the use & value of private property expected? (Yes, No, or Unknown) . If yes, describe: the impact, any entities likely to be affected, and the change(s) causing the impact:
No
Are changes in the development of real estate for commercial or residential purposes expected? (Yes, No, or Unknown) . If yes, describe: the impact, any entities likely to be affected, and the change(s) causing the impact:
No
Are changes in employment expected? (Yes, No, or Unknown) . If yes, describe the expected change in the number of persons and the types of employment positions affected:
No
For changes affecting Localities only: for any affected Locality, are there sources of potential funds to comply with the changes? (Yes, No, or Unknown) . If yes, describe the sources of potential funds:
No

For changes affecting Small Businesses only: for any affected Small Business, are there projected reporting, recordkeeping, and other administrative costs, including any necessary professional skills to prepare documents? (**Yes, No, or Unknown**). If yes, describe these costs and skills:

No

Alternatives to Regulation

Consistent with §§ 2.2-4007.04 and 2.2-4007.1 B of the Code of Virginia: for any regulatory change that affects small businesses, describe:

1. *Any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change; and*
2. *Any less intrusive or less costly alternative methods of achieving the purpose of the regulatory change.*

No alternatives can achieve the purpose of this regulatory action.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

This regulatory action is not expected to affect small businesses.

Public Participation

Consistent with § 2.2-4011 of the Code of Virginia, if an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

The Department of Medical Assistance Services (DMAS) is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal and any alternative approaches, (ii) the potential impacts of the regulation, and (iii) the agency's regulatory flexibility analysis stated in this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, email or fax to Syreeta Stewart, DMAS, 600 E. Broad Street, Richmond, VA 23219, 804-839-7282, Syreeta.Stewart@dmass.virginia.gov. In order to be considered, comments must be received by 11:59 p.m. on the last day of the public comment period.

If you are objecting to the use of the fast-track process as the means of promulgating this regulation, please clearly indicate your objection in your comment. Please also indicate the nature of, and reason for, your objection to using this process.

Detail of Changes

List all regulatory changes and the consequences of the changes. For any applicable table:

- 1) Enter the current Chapter and Section number. If the existing VAC Chapter(s) or sections are being repealed and replaced, include both the current and the new number for each current and replacement section.
- 2) Provide a summary explanation of the current requirements and what they mean. **DO NOT** quote the text of the current regulation.
- 3) Provide a summary explanation of the new requirements and what they mean. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. **DO NOT** quote the text of the new regulation.

Use all tables that apply **but delete tables that are not used**.

Table 8: Amending or Repealing Existing VAC Chapter(s)

If an existing VAC Chapter(s) is being amended or repealed, use Table 8 to describe the changes between the existing VAC Chapter(s) and the proposed regulation.

Current (and New) Chapter - Section number	SUMMARIZE (do not quote) current requirements in the VAC	Change, intent, rationale, and likely impact of new requirements
12VAC30-120 FORMS	Several forms are no longer referenced in the text or have been updated.	Several forms removed and forms DMAS-97A/B and DMAS-99 have been replaced with updated versions.
12VAC30-120 DIBR	All DIBRs no longer referenced in the text.	All DIBRs removed.