



**COMMONWEALTH of VIRGINIA**  
*Office of the Attorney General*

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**MEMORANDUM**

**TO: BRIAN MCCORMICK**  
Regulatory and Manual Section Manager  
Department of Medical Assistance Services

**FROM: ELIZABETH A. MCDONALD**  
Special Counsel to DMAS

**DATE: June 5, 2008**

**SUBJECT: Final Regulations Regarding School Health Services**

I have reviewed the attached final regulations that will expand school health services. You have asked the Office of the Attorney General to review and determine if the Department of Medical Assistance Services ("DMAS") has the legal authority to promulgate the final regulations and if the final regulations comport with state and federal law.

It appears that the changes to the proposed regulations, which are incorporated in the attached final regulations, are changes with "substantial impact," and could necessitate an additional comment period, as explained below. Please note that Virginia Code § 2.2-4013(B) requires that all changes to the proposed regulations be highlighted in the final regulations, and it appears that this requirement has been fulfilled. Also, pursuant to § 2.2-4013(C), if the Governor finds that one or more changes with substantial impact have been made to the proposed regulation, he *may* (but is not required to) direct DMAS to provide additional thirty days to solicit additional public comment on the changes. In addition, Virginia Code § 2.2-4007.06 requires the agency to solicit additional public comment, *if* it receives requests from at least twenty-five persons for an opportunity to submit oral and

written comments on the changes to the regulations and if one or more changes with substantial impact were made to the proposed regulations.

If you have any questions, please contact me at 786-3890.

cc: Kim F. Piner  
Senior Assistant Attorney General