



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Kenneth T. Cuccinelli II
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

TO: BRIAN MCCORMICK
Regulatory Supervisor
Virginia Department of Medical Assistance Services

FROM: USHA KODURU
Assistant Attorney General

DATE: April 14, 2011

SUBJECT: Final Regulation to Amend the Regulation for the Health Insurance Premium Program

I have reviewed the attached final regulation regarding the inclusion of existing family healthcare coverage as a factor in determining cost effectiveness to assess eligibility under the Health Insurance Premium Payment (“HIPP”) program. You asked the Office of the Attorney General to review and determine if the Department of Medical Assistance Services (“DMAS”) has the legal authority to amend this regulation and if the proposed amendments comport with state and federal law.

Based on my review, DMAS has the authority to promulgate these amendments, subject to compliance with Article 2 of the Administrative Process Act and has not exceeded that authority. Virginia Code §§ 32.1-324 and 32.1-325 grant to the Board of Medical Assistance Services the authority to administer and amend the plan for Medical Assistance and authorizes the Director of DMAS to take action according to the Board’s requirements. The authority for these changes to the regulation derives from Chapter 781, Item 306 AAA of the 2009 Acts of the Assembly and the remaining changes are pertinent to the HIPP program.

If you have any questions or need any additional information, please call me at 786-4074.

cc: Kim F. Piner
Senior Assistant Attorney General