



# COMMONWEALTH of VIRGINIA

*Office of the Attorney General*

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## MEMORANDUM

**TO:** **Meredith Lee**  
Regulatory Supervisor  
Department of Medical Assistance Services

**FROM:** **Elizabeth M. Guggenheim** *E.M.G.*  
Senior Assistant Attorney General  
Office of the Attorney General

**DATE:** **January 13, 2025**

**SUBJECT:** **Fast-Track Regulation: Preventive Services**  
**12 VAC 30-50-140, 220**

You have asked the Office of the Attorney General to review and determine if the Department of Medical Assistance Services has the statutory authority to promulgate these regulations and if they comport with applicable state law. I have reviewed the attached fast-track regulations posted to the Virginia Regulatory Town Hall that would amend coverage of preventive services for adult, full Medicaid individuals who are not enrolled in the Patient Protection and Affordable Care Act (PPACA) to align with the preventive services coverage provided under the PPACA pursuant to Item 288.ZZZZ of the 2024 Appropriations Act. Based on my review, it is my view that the Director of DMAS, acting on behalf of the Board of Medical Assistance Services under Virginia Code §§ 32.1-324 and 325, has the authority to amend these regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act and has not exceeded that authority.

Under Virginia Code § 2.2-4012.1, if an objection to the use of the fast-track process is received within the 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, DMAS shall (i) file notice of the objection with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process set out in this article with the initial publication of the Fast-Track regulations serving as the Notice of Intended Regulatory Action.

If you have any questions or need additional information about these regulations, please contact me at 786-7363.

cc: Kim F. Piner, Esq.

Attachment