



Exempt Action Final Regulation Agency Background Document

Agency name	DEPT OF MEDICAL ASSISTANCE SERVICES
Virginia Administrative Code (VAC) citation	12 VAC 30-130
Regulation title	Amount, Duration, and Scope of Selected Services
Action title	Technical Correction to References to School Division Providers
Final agency action date	
Document preparation date	

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The state regulations that are affected by this action are the Amount, Duration, and Scope of Selected Services Part I Outpatient Physical Rehabilitative Services (12 VAC 30-130-10; 130-20; 130-30; 130-40).

Currently, 12VAC 30-130-10 includes the school divisions as providers of outpatient rehabilitative services along with acute and rehabilitation hospitals, home health agencies, rehabilitation agencies. School division providers are also referred to as providers of physical therapy, occupational therapy, and speech-language therapy under 12 VAC 30-130-20, 130-30, and 130-40.

The federal funding agency for the Virginia Medicaid Program, the Centers for Medicare and Medicaid Services, required that DMAS move all of its school health services under the coverage of Early and Periodic Screening, Diagnosis and Treatment (EPSDT) services which are

located at 12VAC 30-50-130. This is a federally mandated well child preventive health care program covered by Medicaid pursuant to the authority of 42 CFR § 440.40. EPSDT is a better location, than the original outpatient rehabilitation services (pursuant to 42 CFR § 440.130) placement, for the coverage of school health services as both (EPSDT and school health services) serve children and tend to be preventive and proactive in nature. At the point that DMAS moved its school health services coverage to 12VAC 30-50-130, it should have removed references to school division providers from the VAC sections (12VAC 30-130-10, 130-20, 130-30, and 130-40) contained in this action. This action corrects that oversight.

Because this action creates no changes in covered services, persons eligible for these services, the provider reimbursement methodology, or utilization review requirements, DMAS is invoking the provisions of the *Code of Virginia* § 2.2-4006 (A)(3), regulations that consist only of changes in style or form or corrections of technical errors, as its authority for this action’s exemption from comment period.

The *Code of Virginia* (1950) as amended, § 32.1-325, grants to the Board of Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance. The *Code of Virginia* (1950) as amended, § 32.1-324, authorizes the Director of DMAS to administer and amend the Plan for Medical Assistance according to the Board's requirements. The Medicaid authority as established by § 1902 (a) of the *Social Security Act* [42 U.S.C. 1396a] provides governing authority for payments for services.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

I hereby approve the foregoing Agency Background document with the attached amended regulations named Technical Correction to References to School division Providers (12VAC 30-130-10, 130-20, 130-30, 130-40) and adopt the action stated therein. I certify that this final regulatory action has completed all the requirements of the Code of Virginia § 2.2-4012, of the Administrative Process Act.

Date

Cynthia B. Jones, Acting Director
Dept. of Medical Assistance Services

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

These changes do not strengthen or erode the authority or rights of parents in the education, nurturing, and supervision of their children; or encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents. It does not strengthen or erode the marital commitment, but may decrease disposable family income depending upon which provider the recipient chooses for the item or service prescribed.