



COMMONWEALTH of VIRGINIA

Department of Medical Assistance Services

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FROM: Karen Kimsey, Director
DATE: April 30, 2020
TO: Fiscal Division
SUBJECT: Authorization for Temporary Suspension of Payments Due Under Repayment Plans

On March 12, 2020, pursuant to Executive Order 51, Governor Ralph S. Northam declared a state of emergency in the Commonwealth to prepare and coordinate the response to COVID-19, the anticipated effects of which he deemed would constitute a disaster as described in Virginia Code § 44-146.16. By virtue of the authority vested in him by Article V, Section 7 of the Constitution of Virginia and by §§ 44-146.17 and 44-75.1 of the Virginia Code, the Governor authorized executive branch agencies, with the concurrence of their Cabinet Secretary, to waive any state requirement or regulation.

Pursuant to the Governor's declaration, and with the concurrence of Virginia's Secretary of Health and Human Resources, I authorize DMAS' Fiscal Division to temporarily suspend the collection of, and all enforcement activities related to, payments due under approved repayment plans with providers. The Fiscal Division shall be authorized to suspend payments only after a provider has submitted a written request.

By requesting a suspension and receiving approval of a suspension from DMAS' Fiscal Division, a provider acknowledges and agrees to all of the following: (1) the suspension is temporary and the provider continues to be liable for repayment of all suspended payments, as well as all other payments due under the terms of the provider's repayment plan; (2) the suspension shall expire immediately upon the Governor's release of the state of emergency declared under Executive Order 51; and (3) upon said release by the Governor: (i) the provider shall resume payments coming due after the release in the amounts and on the schedule set forth in the provider's repayment plan; (ii) the term of the repayment plan shall be extended (subject to the same terms, including the payment due date) by the number of payments that are suspended; and (iii) interest shall continue to accrue under the terms of the repayment plan until all payments are made, including the suspended payments.

This authorization is effective as of April 30, 2020, and shall remain in effect for the duration of the Governor's declaration of emergency under Executive Order 51. This authorization shall terminate immediately upon the Governor's release of the declaration of emergency under Executive Order 51.