



State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General

(304) 558-2021
Fax (304) 558-0140

**WRITTEN DETERMINATION REGARDING THE APPOINTMENT OF OUTSIDE
COUNSEL ON BEHALF OF THE WEST VIRGINIA DEPARTMENT OF HEALTH
AND HUMAN RESOURCES**

The West Virginia Department of Health & Human Resources (the "WVDHHR") is seeking legal representation to assist WVDHHR and the Office of the West Virginia Attorney General with ongoing litigation involving Medicaid managed care contracting.

More specifically, the WVDHHR is seeking legal representation to assist the Department with the case of *Rucker, et al. v. WV Department of Administration et al.*, Civil Action No. 15-C-786, which is currently pending in the Circuit Court of Kanawha County, West Virginia.

In accordance with the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004), the Office of the Attorney General has determined that it is both cost-effective and in the interest of the public to appoint outside counsel to assist the WVDHHR with the legal matter set forth herein, based on the following factors:

- The matter at issue requires specific expertise in Medicaid managed care contracts, state contracting policies and procedures, competitive bidding, and governmental immunities.
- There is a particular need for legal representation with additional litigation background and experience to assist the Attorney General's Office with the legal matter in question.
- Kanawha County is the geographic area where the legal services are to be performed.
- It is not feasible or cost-effective for the Office of the Attorney General to provide the requested legal services without assistance from outside counsel at this time.

Accordingly, the Attorney General authorizes the appointment of outside counsel for the legal matter in question pursuant to commencement of the request for proposal process laid out in subsection (D) of Policy #WVAGO-004.


J. Robert Leslie
Senior Deputy Attorney General

Date Signed: July 9, 2015