

HOUSE BILL NO. 909

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations

on _____)

(Patron Prior to Substitute--Delegate Shin)

A BILL to direct the Department of Medical Assistance Services and the Department of Behavioral Health and Developmental Services to submit state plan amendments to the Centers for Medicare and Medicaid Services to seek to modify the program rules for certain 1915(c) Home and Community Based Services Medicaid Waivers.

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Department of Medical Assistance Services (DMAS) and the Department of Behavioral Health and Developmental Services (DBHDS) shall seek federal authority through the necessary state plan amendments under Titles XIX and XXI of the Social Security Act to modify the program rules for the following 1915(c) Home and Community Based Services (HCBS) Medicaid Waivers: Community Living Waiver, Family and Individual Support Waiver, and Commonwealth Coordinated Care Plus Waiver. DMAS and DBHDS shall submit state plan amendments to the Centers for Medicare and Medicaid Services for the following:

1. Modify the 40-hour-per-week work limit to allow legally responsible individuals with more than one waiver-receiving child to receive reimbursement for 40 hours of work per week per child receiving a waiver;

2. Eliminate the requirement that, in order for a legally responsible individual to receive reimbursement for personal care services, no one else be available to provide services to the member; and

3. When a member under the age of 18 receives personal care through consumer direction, as defined in 12VAC30-122-20, modify the program rules to allow a legally responsible individual or stepparent to be the employer of record.