

1 SENATE BILL NO. 488  
 2 AMENDMENT IN THE NATURE OF A SUBSTITUTE  
 3 (Proposed by the House Committee on Health and Human Services  
 4 on \_\_\_\_\_)  
 5 (Patrons Prior to Substitute--Senators Aird and Sutterlein [SB 149])

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

10 **Be it enacted by the General Assembly of Virginia:**

11 1. § 1. That the Department of Medical Assistance Services (DMAS) and the Department of Behavioral  
 12 Health and Developmental Services (DBHDS) shall seek federal authority through the necessary state  
 13 plan amendments under Titles XIX and XXI of the Social Security Act to modify the program rules for  
 14 the following 1915(c) Home and Community Based Services (HCBS) Medicaid Waivers: Community  
 15 Living Waiver, Family and Individual Support Waiver, and Commonwealth Coordinated Care Plus  
 16 Waiver. DMAS and DBHDS shall submit state plan amendments to the Centers for Medicare and  
 17 Medicaid Services for the following:

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

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

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