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HOUSE JOINT RESOLUTION NO. 85
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Rules
on _____)
(Patron Prior to Substitute--Delegate Shin)

Requesting the Department of Medical Assistance Services to study the feasibility of implementing a spend down provision for the Community Living, Family and Individual Support, and Building Independence waivers. Report.

WHEREAS, people with developmental disabilities receiving services through the Community Living, Family and Individual Support, and Building Independence waivers may have countable income from employment, Social Security benefits, or a combination of those sources; and

WHEREAS, when countable income of a person with developmental disabilities exceeds the maximum amount for eligibility for waiver services, such person will no longer be able to receive services through the Community Living, Family and Individual Support, or Building Independence waivers; and

WHEREAS, it is in the best interests of the Commonwealth and its residents to encourage individuals with developmental disabilities to work and participate fully in their communities and also to utilize services for which they may be eligible under the Community Living, Family and Individual Support, or Building Independence waivers; and

WHEREAS, the Commonwealth Coordinated Care Plus waiver includes a spend down provision that allows otherwise eligible individuals to spend income in excess of the income limit for waiver services on medical expenses in order to meet the waiver income limit; and

WHEREAS, inclusion of a spend down provision for eligibility for the Community Living, Family and Individual Support, or Building Independence waivers would benefit individuals with developmental disabilities who earn income through employment, Social Security benefits, or a combination of those sources; now, therefore, be it

26 RESOLVED by the House of Delegates, the Senate concurring, That the Department of Medical
27 Assistance Services be requested to study the feasibility of implementing a spend down provision for the
28 Community Living, Family and Individual Support, and Building Independence waivers.

29 In conducting its study, the Department of Medical Assistance Services shall (i) identify options
30 for implementing a spend down provision for the Community Living, Family and Individual Support, and
31 Building Independence waivers that allows an eligible individual to spend income in excess of the
32 maximum income for eligibility for such waivers on disability related expenses allowed under federal and
33 state law for Special Needs Trusts and ABLE accounts; (ii) determine the feasibility and cost of
34 implementing each option; and (iii) provide recommendations for implementation of a spend down
35 provision for the Community Living, Family and Individual Support, and Building Independence waivers.
36 In conducting its work, the Department shall include opportunity for input and participation by
37 stakeholders, including the ARC of Northern Virginia, entities that provide employment services for
38 individuals with developmental disabilities, individuals with developmental disabilities who are eligible
39 for the for the Community Living, Family and Individual Support, or Building Independence waivers or
40 would be eligible for such waivers but for excess countable income, and family members of such
41 individuals.

42 The Department of Medical Assistance Services shall complete its meetings by November 30,
43 2022, and shall submit to the Governor and the General Assembly an executive summary and a report of
44 its findings and recommendations for publication as a House or Senate document. The executive summary
45 and report shall be submitted as provided in the procedures of the Division of Legislative Automated
46 Systems for the processing of legislative documents and reports no later than the first day of the 2023
47 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

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