

HOUSE BILL NO. 909

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health

on February 22, 2024)

(Patron Prior to Substitute--Delegate Shin)

A BILL to direct the Department of Medical Assistance Services to review the requirements related to payment to legally responsible individuals for personal care services.

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Department of Medical Assistance Services (the Department) shall review the requirements related to payment to legally responsible individuals for personal care services to assess different options for maintaining program integrity and ensuring the most appropriate care for the recipient of care. The Department shall seek federal guidance on the options considered and whether federal approval would be granted under 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. The Department shall specifically include the following options as part of its review:

1. Allowing 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. Eliminating 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 recipient of care;

3. Allowing, when a recipient of care under the age of 18 receives personal care through consumer direction, as defined in 12VAC30-122-20, that a legally responsible individual or stepparent be the employer of record; and

4. Allowing for respite services when the legally responsible individual is the unpaid caregiver.

