OFFERED FOR CONSIDERATION

1	HOUSE BILL NO. 909
2	AMENDMENT IN THE NATURE OF A SUBSTITUTE
3	(Proposed by the Senate Committee on Education and Health
4	on February 22, 2024)
5	(Patron Prior to SubstituteDelegate Shin)
6	A BILL to direct the Department of Medical Assistance Services to review the requirements related to
7	payment to legally responsible individuals for personal care services.
8	Be it enacted by the General Assembly of Virginia:
9	1. § 1. That the Department of Medical Assistance Services (the Department) shall review the
10	requirements related to payment to legally responsible individuals for personal care services to assess
11	different options for maintaining program integrity and ensuring the most appropriate care for the recipient
12	of care. The Department shall seek federal guidance on the options considered and whether federal
13	approval would be granted under the following 1915(c) Home and Community Based Services (HCBS)
14	Medicaid Waivers: Community Living Waiver, Family and Individual Support Waiver, and
15	Commonwealth Coordinated Care Plus Waiver. The Department shall specifically include the following
16	options as part of its review:
17	1. Allowing the 40-hour-per-week work limit to allow legally responsible individuals with more
18	than one waiver-receiving child to receive reimbursement for 40 hours of work per week per child
19	receiving a waiver;
20	2. Eliminating the requirement that, in order for a legally responsible individual to receive
21	reimbursement for personal care services, no one else be available to provide services to the recipient of
22	care;
23	3. Allowing, when a recipient of care under the age of 18 receives personal care through consumer
24	direction, as defined in 12VAC30-122-20, that a legally responsible individual or stepparent be the
25	employer of record; and
26	4. Allowing for respite services when the legally responsible individual is the unpaid caregiver.

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27	The Department shall report to the Chairmen of the House Committee on Appropriations and the
28	Senate Committee on Finance and Appropriations by November 1, 2024, on the results of its review and
29	provide recommendations on program modifications related to payments to legally responsible individuals
30	for personal care services.
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