

VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

CHAPTER 41

An Act to amend and reenact § 63.1-334 of the Code of Virginia, relating to Virginia Caregivers Grant Program; unpaid grant amounts.

[S 117]

Approved February 28, 2002

Be it enacted by the General Assembly of Virginia:

1. That § 63.1-334 of the Code of Virginia is amended and reenacted as follows:

§ 63.1-334. Grant application process; administration.

A. Grant applications shall be submitted by caregivers to the Department between February 1 and May 1 of the year following the calendar year in which the care for a mentally or physically impaired relative was provided. Failure to meet the application deadline shall render the caregiver ineligible to receive a grant for care provided during such calendar year. For filings by mail, the postmark cancellation shall govern the date of the filing determination.

B. Applications for grants shall include (i) proof of the caregiver's income; (ii) certification by the private physician who has screened the mentally or physically impaired relative and found him to be eligible, in accordance with relevant state regulations, for placement in an assisted-living facility or a nursing home or for receiving community long-term care services; (iii) the mentally or physically impaired relative's place of residence; and (iv) such other relevant information as the Department may reasonably require. Any caregiver applying for the grant pursuant to this chapter shall affirm, by signing and submitting his application for a grant, that the mentally or physically impaired relative for whom he provided care and the care provided meet the criteria set forth in this chapter. As a condition of receipt of a grant, a caregiver shall agree to make available to the Department for inspection, upon request, all relevant and applicable documents to determine whether the caregiver meets the requirements for the receipt of grants as set forth in this chapter, and to consent to the use by the Department of all relevant information relating to eligibility for the requested grant.

C. The Department shall review applications for grants and determine *eligibility and* the amount of the grant to be allocated to each *eligible* caregiver. ~~The Department shall allocate moneys in the following order of priority: (i) first, to unpaid grant amounts carried forward from prior years because caregivers did not receive the full amount of any grant to which they were eligible in a prior year and (ii) then to other eligible applicants.~~ If the moneys in the Fund are less than the amount of grants to which applicants in any class of priority are eligible *for caregiver services provided in the preceding calendar year*, the moneys in the Fund shall be apportioned among eligible applicants ~~in such class~~ pro rata, based upon the amount of the grant for which an applicant is eligible and the amount of money in the Fund available for allocation to such class.

D. If a caregiver is allocated less than the full amount of a grant for which he is eligible in any year, the caregiver shall not be eligible for the deficiency in that year, but the unpaid portion of the grant to which the caregiver was eligible shall be carried forward by the Department to the following year, during which it shall be in the first class of priority as provided in subsection C. A caregiver shall have no claim against the Commonwealth with respect to any grant authorized by this chapter.

E. The Department shall certify to the Comptroller the amount of grant to be allocated to eligible caregiver applicants. Payments shall be made by check issued by the State Treasurer on warrant of the Comptroller. The Comptroller shall not draw any warrants to issue checks for this program without a specific legislative appropriation as specified in conditions and restrictions on expenditures in the appropriation act.

F. ~~E.~~ Actions of the Department relating to the review, allocation and awarding of grants shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) pursuant to subdivision B 4 of § 2.2-4002. Decisions of the Department shall be final and not subject to review or appeal.

2. That the provisions of this act shall be applicable to caregiver services provided in calendar year 2002 for which grant applications are required to be submitted in 2003.