

# VIRGINIA ACTS OF ASSEMBLY -- 2007 SESSION

## CHAPTER 588

*An Act to amend and reenact §§ 63.2-2200, 63.2-2201, and 63.2-2203 of the Code of Virginia, relating to the Virginia Caregivers Grant Program.*

[S 790]

Approved March 20, 2007

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

**1. That §§ 63.2-2200, 63.2-2201, and 63.2-2203 of the Code of Virginia are amended and reenacted as follows:**

§ 63.2-2200. Definitions.

As used in this chapter, unless the context requires otherwise:

"Activities of daily living" or "ADLs" means bathing, dressing, toileting, transferring, bowel control, bladder control, and eating/feeding.

"Assistance" means aid that is required to be provided by another person in order to safely complete the activity.

"Care for a mentally or physically impaired ~~relative person~~" means assistance with the activities of daily living provided to such ~~relative person~~ when the ~~relative person~~ has been screened and has been found to be eligible, in accordance with relevant state regulations, for placement and Medicaid reimbursement for services in an assisted-living facility or a nursing home or for receiving community-based long-term care services.

"Caregiver" means an adult *who is a single person* with a Virginia adjusted gross income of not more than \$50,000, *or married and the combined Virginia adjusted gross income of both spouses is not more than \$75,000* who provides care for a mentally or physically impaired ~~relative person~~ within the Commonwealth. *A caregiver shall be either related by blood, marriage, or adoption to, or the legally appointed guardian of, the mentally or physically impaired person for whom he is caring.*

"Fund" means the Virginia Caregivers Grant Fund established by § 63.2-2202.

"Mentally or physically impaired ~~relative person~~" means a ~~relative person~~ who is a resident of Virginia that requires assistance with two or more activities of daily living during more than half the year.

~~"Relative" means a spouse, child, father, mother, sibling, or other person who is related by blood, marriage or adoption.~~

§ 63.2-2201. Caregivers Grant Program established.

A. From January 1, 2000, through December 31, 2010, any caregiver who provides care for a mentally or physically impaired ~~relative person~~ shall be eligible to receive an annual caregivers grant in the amount of \$500. The grants under this chapter shall be paid from the Fund, as provided in this chapter, to the caregiver during the calendar year immediately following the calendar year in which the care for a mentally or physically impaired ~~relative person~~ was provided. The total amount of grants to be paid under this chapter for any year shall not exceed the amount appropriated by the General Assembly to the Fund for payment to caregivers for such year.

B. Only one grant shall be allowed annually for each mentally or physically impaired ~~relative person~~ receiving care under the provisions of this section. Multiple caregivers providing care to the same mentally or physically impaired ~~relative person~~ shall be eligible to share the \$500 grant as mutually agreed. However, only one caregiver may submit a grant application for the ~~relative person~~. A caregiver providing care to more than one eligible ~~relative person~~ shall submit a separate grant application for each ~~relative person~~ receiving care.

C. The mentally or physically impaired ~~relative person~~ being cared for may live in the caregiver's home or in his own home but shall not be receiving Medicaid-reimbursed community long-term care services, other than on a temporary or periodic basis, or living in a nursing home or other assisted living facility where assistance with ADLs is already provided and the cost of such assistance is included in the monthly bill or rental fee.

§ 63.2-2203. (For applicability, see note) 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 person~~ 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 *and that of the caregiver's spouse, if applicable*; (ii) certification by the private physician who has screened the mentally or physically impaired ~~relative person~~ 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~~ *person'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~~ *person* 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. If the moneys in the Fund are less than the amount of grants to which applicants are eligible for caregiver services provided in the preceding calendar year, the moneys in the Fund shall be apportioned among eligible applicants pro rata, based upon the amount of the grant for which an applicant is eligible and the amount of money in the Fund.

D. 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.

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.