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HOUSE JOINT RESOLUTION NO. 83

Offered January 13, 2010

Prefiled January 12, 2010

Directing the Joint Legislative Audit and Review Commission to study the costs and benefits of implementing the Home and Community-Based Services State Plan Option. Report.

Patrons—Brink and Watts

Referred to Committee on Rules

WHEREAS, currently, Virginia offers home and community-based services to qualifying Medicaid-eligible elderly and disabled persons an Elderly and Disabled with Consumer Direction waiver; and

WHEREAS, in order to qualify for services through the Elderly and Disabled with Consumer Direction waiver, a person must meet the requirements for nursing home eligibility including needing assistance with four out of five activities of daily living; and

WHEREAS, the eligibility requirements for the Elderly and Disabled with Consumer Direction waiver prevent many individuals from accessing services offered through the waiver program when they are in need of services but do not require nursing home care; and

WHEREAS, the Home and Community-Based Services State Plan Option, authorized by the federal Deficit Reduction Act of 2005, offers states greater flexibility in determining eligibility for home and community-based services to Medicaid-eligible elderly and disabled persons and offers an opportunity to enable more elderly and disabled persons to access needed home and community-based services before they require institutionalized care; and

WHEREAS, upon enactment of the Home and Community-Based Services State Plan Option, Virginia could change eligibility requirements for services to offer services to more elderly and disabled persons in need of services, allowing elderly and disabled persons to receive home and community-based services such as case management, homemaker/health aid, personal care, adult day health, habilitation, and respite care services, preventing or delaying the need for institutionalized care; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to study the costs and benefits of implementing the Home and Community-Based Services State Plan Option.

In conducting its study, the Joint Legislative Audit and Review Commission shall determine the costs and benefits to the Commonwealth of implementing the Home and Community-Based Services State Plan Option.

Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the Department of Medical Assistance Services. All agencies of the Commonwealth shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2010, and for the second year by November 30, 2011, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Joint Legislative Audit and Review Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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