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HOUSE BILL NO. 894

Offered January 8, 2014

Prefiled January 8, 2014

A BILL to amend and reenact § 51.5-160 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 37.2-409.1 and by adding in Article 10 of Chapter 14 of Title 51.5 a section numbered 51.5-169.1, relating to auxiliary grants.

Patron—Peace

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. That § 51.5-160 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 37.2-409.1 and by adding in Article 10 of Chapter 14 of Title 51.5 a section numbered 51.5-169.1 as follows:

§ 37.2-409.1. Auxiliary grant service providers; licensure.

The Board shall adopt regulations for the licensure of auxiliary grant service providers to provide service coordination for individuals with mental illness or intellectual disabilities receiving auxiliary grants pursuant to § 51.5-160. Such regulations shall include (i) criteria for issuance of an initial license, renewal of a license, and suspension or termination of a license and (ii) requirements related to the types of services to be provided by auxiliary grant service providers.

§ 51.5-160. Auxiliary grants program; administration of program.

A. The Commissioner is authorized to shall prepare and implement, effective with repeal of Titles I, X, and XIV of the Social Security Act, a plan for a state and local funded auxiliary grants program to provide assistance to certain individuals ineligible for benefits under Title XVI of the Social Security Act, as amended, and to certain other individuals for whom benefits provided under Title XVI of the Social Security Act, as amended, are not sufficient to maintain the minimum standards of need established by regulations promulgated by the Commissioner and who reside in supportive housing in accordance with an individual service plan developed in accordance with the requirements of subsection C 6, an assisted living facility licensed by the Department of Social Services pursuant to Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2, or an adult foster care home approved by a local board of social services pursuant to § 63.2-1601. The plan shall be in effect in all political subdivisions in the Commonwealth and shall be administered in conformity with regulations of the Commissioner.

Nothing herein is to be construed to affect any such section as it relates to Temporary Assistance for Needy Families, general relief, or services to persons eligible for assistance under P.L. 92-603.

B. Those individuals who receive an auxiliary Auxiliary grant and who reside in licensed assisted living facilities or adult foster care homes recipients shall be entitled to a personal needs allowance when computing the amount of the auxiliary grant. The amount of such personal needs allowance shall be set forth in the appropriation act.

C. The Commissioner shall adopt regulations for the administration of the auxiliary grants program that shall include requirements for the Department to use in establishing auxiliary grant rates for licensed assisted living facilities and adult foster care homes. At a minimum, these requirements shall address (i) the process for the facilities and homes to use in reporting their costs, including allowable costs and resident charges, the time period for reporting costs, forms to be used, financial reviews, and audits of reported costs; (ii) the process to be used in calculating the auxiliary grant rates for the facilities and homes; and (iii) the services to be provided to the auxiliary grant recipient and paid for by the auxiliary grant and not charged to the recipient's personal needs allowance.

1. A process for registering and for revoking registrations of service providers licensed pursuant to §§ 37.2-409.1 and 51.5-169.1 to which auxiliary grants may be paid on behalf of auxiliary grant recipients;

2. Requirements for services to be provided by assisted living facilities, adult foster care homes, and registered service providers, including the services to be provided to the auxiliary grant recipient and paid for using auxiliary grant funds and not charged to the recipients' personal needs allowance;

3. Reporting requirements for assisted living facilities, adult foster care homes, and registered service providers, including the process to be used by assisted living facilities, adult foster care homes, and service providers in reporting their costs, including allowable costs and resident charges, the time period for reporting costs, forms to be used, financial reviews, and audits of reported costs;

4. Outcome measures for services provided to auxiliary grant recipients, including client-level data about the type and nature of services provided, outcomes for each service provided, and changes in the

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59 *type or intensity of services provided;*

60 5. *Procedures for calculating auxiliary grant rates, which shall be uniform and result in consistent*
61 *rates for auxiliary grants provided to all recipients;*

62 6. *Requirements for completion of a uniform assessment of each auxiliary grant recipient and*
63 *preparation of an individual service plan agreement setting forth the types of services to be provided to*
64 *the auxiliary grant recipient; and*

65 7. *Provisions for the protection of the rights of auxiliary grant recipients, including the right of the*
66 *auxiliary grant recipient to select the service provider of his choice, to change service providers, to*
67 *receive notice prior to the termination of services by a provider, and to an appeal in cases in which*
68 *services are terminated.*

69 D. In order to receive an auxiliary grant while residing in an assisted living facility, an individual
70 shall have been evaluated by a case manager or other qualified assessor to determine his need for
71 residential living care. An individual may be admitted to an assisted living facility pending evaluation
72 and assessment as allowed by regulations of the Commissioner, but in no event shall any public agency
73 incur a financial obligation if the individual is determined ineligible for an auxiliary grant. The
74 Commissioner shall adopt regulations to implement the provisions of this subsection.

75 E. Provisions of Chapter 5 (§ 63.2-500 et seq.) of Title 63.2, relating to the administration of public
76 assistance programs, shall govern operations of the auxiliary grant program established pursuant to this
77 section.

78 F. Assisted living facilities ~~and~~, adult foster care homes, *and registered service providers* providing
79 services to auxiliary grant recipients may accept payments made by third parties for services provided to
80 an auxiliary grant recipient, and the Department shall not include such payments as income for the
81 purpose of determining eligibility for or calculating the amount of an auxiliary grant, provided that the
82 payment is made:

83 1. Directly to the assisted living facility ~~or~~, adult foster care home, *or registered service provider* by
84 the third party on behalf of the auxiliary grant recipient;

85 2. Voluntarily by the third party, and not in satisfaction of a condition of admission, stay, or
86 provision of proper care and services to the auxiliary grant recipient, unless the auxiliary grant
87 recipient's physical needs exceed the services required to be provided by the assisted living facility *or*
88 *registered service provider* as a condition of participation in the auxiliary grant program pursuant to
89 subsection C; and

90 3. For specific goods and services provided to the auxiliary grant recipient other than food, shelter,
91 or specific goods or services required to be provided by the assisted living facility ~~or~~, adult foster care
92 home, *or registered service provider* as a condition of participation in the auxiliary grant program
93 pursuant to subsection C.

94 G. Assisted living facilities ~~and~~, adult foster care homes, *and registered service providers* shall
95 document all third-party payments received on behalf of an auxiliary grant recipient, including the
96 source and amount of the payment and the goods and services for which such payments are to be used.
97 Documentation related to the third-party payments shall be provided to the Department upon request.

98 H. Assisted living facilities ~~and~~, adult foster care homes, *and registered service providers* shall
99 provide each auxiliary grant recipient with a written list of the goods and services that are covered by
100 the auxiliary grant pursuant to subsection C, including a clear statement that the facility may not charge
101 an auxiliary grant recipient or the recipient's family additional amounts for goods or services included on
102 such list.

103 ***§ 51.5-169.1. Licensure of auxiliary grant service providers.***

104 *The Commissioner shall promulgate regulations for the licensure of auxiliary grant service providers*
105 *to provide service coordination for individuals with blindness or physical disabilities receiving auxiliary*
106 *grants pursuant to § 51.5-160. Such regulations shall include (i) criteria for issuance of an initial*
107 *license, renewal of a license, and suspension or termination of a license and (ii) requirements related to*
108 *the types of services to be provided by auxiliary grant service providers.*