

VIRGINIA ACTS OF ASSEMBLY -- 2015 SESSION

CHAPTER 513

An Act to amend and reenact §§ 63.2-501, 63.2-503, and 63.2-504 of the Code of Virginia, relating to public assistance; eligibility determinations.

[H 1847]

Approved March 23, 2015

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-501, 63.2-503, and 63.2-504 of the Code of Virginia are amended and reenacted as follows:

§ 63.2-501. Application for assistance.

A. Except as provided for in the state plan for medical assistance services pursuant to § 32.1-325, application for public assistance shall be made to the local ~~board~~ department and filed with the local director of the county or city in which the applicant resides; *however, when necessary to overcome backlogs in the application and renewal process, the Commissioner may temporarily utilize other entities to receive and process applications, conduct periodic eligibility renewals, and perform other tasks associated with eligibility determinations. Such entities shall be subject to the confidentiality requirements set forth in § 63.2-501.1. Applications and renewals processed by other entities pursuant to this subsection shall be subject to appeals pursuant to § 63.2-517.* Such application may be made either electronically or in writing on forms prescribed by the Commissioner and shall be signed by the applicant or otherwise attested to in a manner prescribed by the Commissioner under penalty of perjury in accordance with § 63.2-502.

If the condition of the applicant for public assistance precludes his signing or otherwise attesting to the accuracy of information contained in an application for public assistance, the application may be made on his behalf by his guardian or conservator. If no guardian or conservator has been appointed for the applicant, the application may be made by any competent adult person having sufficient knowledge of the applicant's circumstances to provide the necessary information, until such time as a guardian or conservator is appointed by a court.

B. Local ~~boards~~ departments or the Commissioner shall provide each applicant for public assistance with information regarding his rights and responsibilities related to eligibility for and continued receipt of public assistance. Such information shall be provided in an electronic or written format approved by the Board that is easily understandable and shall also be provided orally to the applicant by an employee of the local department, except in the case of energy assistance. The local department shall require each applicant to acknowledge, in a format approved by the Board, that the information required by this subsection has been provided and shall maintain such acknowledgment together with information regarding the application for public assistance.

§ 63.2-503. Procedure upon receipt of application.

Upon receipt of the application for public assistance, the local director *or Commissioner* shall make or cause to be made promptly such investigation as he deems necessary to determine the completeness and correctness of the statements contained in the application and to ascertain the facts supporting the application and such other information as the local ~~board~~ department or the Commissioner may require; ~~and shall submit recommendations in writing to the local board.~~

The Board may by regulation authorize the local directors to provide immediate and temporary assistance to persons pending action of the local ~~boards~~ departments.

§ 63.2-504. Decision of local department that applicant entitled to public assistance.

Upon completion of the investigation, the local ~~board~~ department shall determine whether the applicant is eligible for public assistance under this subtitle, and, if eligible, the amount of such public assistance and the date upon which such public assistance shall begin. If the local ~~board~~ department approves the payment of public assistance, such public assistance shall thereupon, until changed, modified, or revoked, be paid as hereinafter provided. ~~If the local board does not act upon any such application within the period specified by Board regulation, or, if the circumstances require immediate public assistance to prevent hardship, the local director may provide necessary public assistance pending determination by the local board.~~