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HOUSE BILL NO. 1831

Offered January 11, 2023

Prefiled January 10, 2023

A BILL to amend and reenact § 32.1-330 of the Code of Virginia, relating to long-term services and supports screening; authorization to share assessments.

Patron—Torian

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:**1. That § 32.1-330 of the Code of Virginia is amended and reenacted as follows:****§ 32.1-330. Long-term services and supports screening required.**

A. As used in this section, "acute care hospital" includes an acute care hospital, a rehabilitation hospital, a rehabilitation unit in an acute care hospital, or a psychiatric unit in an acute care hospital.

B. Every individual who applies for or requests community or institutional long-term services and supports as defined in the state plan for medical assistance services may choose to receive services in a community or institutional setting. Every individual who applies for or requests community or institutional long-term services and supports shall be afforded the opportunity to choose the setting and provider of long-term services and supports.

C. Every individual who applies for or requests community or institutional long-term services and supports shall be screened prior to admission to such community or institutional long-term services and supports to determine his need for long-term services and supports, including nursing facility services as defined in the state plan for medical assistance services. The type of long-term services and supports screening performed shall not limit the long-term services and supports settings or providers for which the individual is eligible.

D. If an individual who applies for or requests long-term services and supports as defined in the state plan for medical assistance services is residing in a community setting at the time of such application or request, the screening for long-term services and supports required pursuant to subsection C shall be completed by a long-term services and supports screening team that includes a nurse, social worker or other assessor designated by the Department who is an employee of the Department of Health or the local department of social services and a physician who is employed or engaged by the Department of Health.

E. If an individual who applies for or requests long-term services and supports as defined in the state plan for medical assistance services is receiving inpatient services in an acute care hospital at the time of such application or request and will begin receiving long-term services and supports as defined in the state plan for medical assistance services pursuant to a discharge order from an acute care hospital, the screening for long-term services and supports required pursuant to subsection C shall be completed by the acute care hospital in accordance with the screening requirements established by the Department.

F. If an individual who applies for or requests long-term services and supports as defined in the state plan for medical assistance services is receiving skilled nursing services that are not covered by the Commonwealth's program of medical assistance services in an institutional setting following discharge from an acute care hospital, the Department shall require qualified staff of the skilled nursing institution to conduct the long-term services and supports screening in accordance with the requirements established by the Department, with the results certified by a physician prior to the initiation of long-term services and supports under the state plan for medical assistance services.

G. Any long-term services and supports screening team who completes a screening required pursuant to subsection C shall be authorized to share the completed screening with any local department of social services. A completed screening shared pursuant to this subsection with a long-term services and supports screening team described in subsection D or E may be used to determine an individual's eligibility for long-term services and supports without the need for an additional screening if it is obtained within 30 days of receipt of the individual's application or request for long-term services and supports under the state plan.

H. In any jurisdiction in which a long-term services and supports screening team described in subsection D or E has failed or is unable to perform the long-term services and supports screenings required by subsection D or E within 30 days of receipt of the individual's application or request for long-term services and supports under the state plan, the Department shall enter into contracts with other public or private entities to conduct such long-term services and supports screenings in addition to or in lieu of the long-term services and supports screening teams described in subsections D and E.

INTRODUCED

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59 ~~H. I.~~ The Department shall require all individuals who perform long-term services and supports
60 screenings pursuant to this section to receive training on and be certified in the use of the long-term
61 services and supports screening tool for eligibility for community or institutional long-term services and
62 supports provided in accordance with the state plan for medical assistance services prior to conducting
63 such long-term services and supports screenings.

64 ~~I. J.~~ The Department shall report annually by August 1 to the Governor and the Chairmen of the
65 House Committee on Health, Welfare and Institutions and the Senate Committee on Education and
66 Health regarding (i) the number of long-term services and supports screenings for eligibility for
67 community and institutional long-term services and supports conducted pursuant to this section and (ii)
68 the number of cases in which the Department or the public or private entity with which the Department
69 has entered into a contract to conduct such long-term services and supports screenings fails to complete
70 such long-term services and supports screenings within 30 days.