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SENATE BILL NO. 910
FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Stosch
on January 29, 1999)

(Patron Prior to Substitute—Senator Stosch)

A BILL to amend the Code of Virginia by adding in Title 63.1 a chapter numbered 21, consisting of sections numbered 63.1-331 through 63.1-335, relating to the Virginia Caregivers Grant Program.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 63.1 a chapter numbered 21, consisting of sections numbered 63.1-331 through 63.1-335, as follows:

CHAPTER 21.

VIRGINIA CAREGIVERS GRANT PROGRAM.

§ 63.1-331. 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.

"Care for a mentally or physically impaired relative" means assistance with the activities of daily living provided by a caregiver to a mentally or physically impaired relative who requires the aid of another person to safely complete the activities, provided that the mentally or physically impaired relative has been screened by a private physician and has been found 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.

"Caregiver" means an individual with a Virginia adjusted gross income between \$5,000 and \$50,000 inclusive, who provides care for a mentally or physically impaired relative within the Commonwealth.

"Department" means the Department of Social Services.

"Fund" means the Virginia Caregivers Grant Fund established by § 63.1-333.

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

"Relative" means a spouse, child, father, mother, grandfather, grandmother, sibling, or other ancestor or descendent who is related by blood, marriage, or adoption.

§ 63.1-332. Caregivers Grant Program established.

A. Any caregiver who, from January 1, 2000, through December 31, 2005, provides care for a mentally or physically impaired relative shall be eligible to receive an annual caregivers grant in the amount of \$500, subject to appropriation of sufficient funds by the General Assembly. 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 was provided. The total amount of grants to be paid under this chapter in any year shall not exceed the amount appropriated by the General Assembly to the Fund for payment to caregivers during such year.

B. Only one grant shall be allowed annually for each mentally or physically impaired relative receiving care under the provisions of this section. Multiple caregivers providing care to the same mentally or physically impaired relative shall be eligible to file a joint application in which they allocate the \$500 grant as mutually agreed.

C. The relative 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 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.

§ 63.1-333. Virginia Caregivers Grant Fund established.

There is hereby established a special fund in the state treasury to be known as the Virginia Caregivers Grant Fund, which shall be administered by the Department. The Fund shall include such moneys as may be appropriated by the General Assembly from time to time and designated for the Fund. The Fund shall be used solely for the payment of grants to caregivers pursuant to this chapter.

§ 63.1-334. Grant application process; administration.

A. Grant applications shall be submitted by caregivers to the Department by March 31 of the year following the calendar year in which the care for a mentally or physically impaired relative 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, (ii) certification by the

60 private physician who has screened the mentally or physically impaired relative and found him to be
61 eligible, in accordance with relevant state regulations, for placement in an assisted-living facility or a
62 nursing home or for receiving community long-term care services; (iii) the impaired relative's place of
63 residence; and (iv) such other relevant information as the Department may reasonably require. Any
64 caregiver applying for the grant pursuant to this chapter shall affirm, by signing and submitting his
65 application for a grant, that the relative for whom he provided care and the care provided meet the
66 criteria set forth in this chapter. As a condition of receipt of a grant, a caregiver shall agree to make
67 available to the Department for inspection, upon request, all relevant and applicable documents to
68 determine whether the caregiver meets the requirements for the receipt of grants as set forth in this
69 chapter, and to consent to the use by the Department of all relevant information relating to eligibility
70 for the requested grant.

71 C. The Department shall review applications for grants and determine the amount of the grant to be
72 allocated to each caregiver. The Department shall allocate moneys in the following order of priority: (i)
73 first, to unpaid grant amounts carried forward from prior years because caregivers did not receive the
74 full amount of any grant to which they were eligible in a prior year; and (ii) then to other eligible
75 applicants. If the moneys in the Fund are less than the amount of grants to which applicants in any
76 class of priority are eligible, the moneys in the Fund shall be apportioned among eligible applicants in
77 such class pro rata, based upon the amount of the grant for which an applicant is eligible and the
78 amount of money in the Fund available for allocation to such class.

79 D. If a caregiver is allocated less than the full amount of a grant for which he is eligible in any
80 year, the caregiver shall not be eligible for the deficiency in that year, but the unpaid portion of the
81 grant to which the caregiver was eligible shall be carried forward by the Department to the following
82 year, during which it shall be in the first class of priority as provided in clause (i) of subsection C. A
83 caregiver shall have no claim against the Commonwealth with respect to any grant authorized by this
84 chapter.

85 E. The Department shall determine the amount of the grants to be allocated to eligible caregiver
86 applicants by June 30. The Department shall then certify to the Comptroller the amount of grant a
87 caregiver shall receive. Payments shall be made by check issued by the Treasurer of Virginia on
88 warrant of the Comptroller. The Comptroller shall not draw any warrants to issue checks for this
89 program without a specific legislative appropriation as specified in conditions and restrictions on
90 expenditures in the appropriation act.

91 F. Actions of the Department relating to the review, allocation and awarding of grants shall be
92 exempt from the provisions of the Administrative Process Act (§ 9-6.14:1 et seq.) pursuant to subdivision
93 B 4 of § 9-6.14:4.1. Decisions of the Department shall be final and not subject to review or appeal.

94 § 63.1-335. Confidentiality of information.

95 Except in accordance with proper judicial order or as otherwise provided by law, any employee or
96 former employee of the Department shall not divulge any information acquired by him in the
97 performance of his duties with respect to the income or grant eligibility of any caregiver submitted
98 pursuant to this chapter. The provisions of this section shall not be applicable to (i) acts performed or
99 words spoken or published in the line of duty under law; (ii) inquiries and investigations to obtain
100 information as to the implementation of this chapter by a duly constituted committee of the General
101 Assembly, or when such inquiry or investigation is relevant to its study, provided that any such
102 information shall be privileged; or (iii) the publication of statistics so classified as to prevent the
103 identification of particular caregivers.