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**HOUSE BILL NO. 1822****AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Appropriations  
on January 31, 2003)

(Patron Prior to Substitute—Delegate Morgan)

*A BILL relating to the development of a Medicaid Buy-In Program for Virginia.*

**Be it enacted by the General Assembly of Virginia:****1. § 1. Medicaid Buy-In waiver application.**

*A. The Board of Medical Assistance Services shall prepare and seek approval of a waiver application pursuant to § 1115 of the Social Security Act, as amended, to implement one of the options for a Medicaid Buy-In program pursuant to Section 4733 of the Balanced Budget Act of 1997 or the Ticket to Work and Work Incentives Improvement Act of 1999. Such application shall be designed to be cost effective and to provide up to 200 working persons with disabilities, who, because of their higher earnings, are not eligible for medical assistance services in Virginia, with access to coverage under the Virginia medical assistance services program. The provision for a Medicaid Buy-In shall provide such working persons with disabilities access to this comprehensive health care when they meet the Board's established income and resource eligibility criteria and upon payment of a premium to participate in the Virginia Medicaid program. The Board's Medicaid Buy-In provision may consist of a time-limited demonstration project or such other option as the Board shall determine to be appropriate for the purposes of removing barriers to work and providing comprehensive health coverage for disabled persons while assuring the fiscal integrity of the Commonwealth's medical assistance services program. The Board's Medicaid Buy-In provision shall establish income eligibility, asset and resource limitations, premium payments, age eligibility, criteria for determining the level of disability required for participation, and, if feasible, criteria for providing continued participation upon medical improvement.*

*B. Neither this act nor any project that may be, but is not required to be, implemented pursuant to this act shall be construed as creating any legally enforceable right or entitlement to benefits under a Medicaid Buy-In program, the Virginia Plan for Medical Assistance Services, or Title XIX of the Social Security Act, as amended, on the part of any person or to create any legally enforceable right or entitlement to participation by any person.*

**2. That, upon the approval by the Centers for Medicare & Medicaid Services of any waiver application submitted by the Department of Medical Assistance Services pursuant to this provision, expeditious implementation of the approved Medicaid Buy-In project shall be deemed to be an emergency situation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.); therefore, to meet this emergency situation, the Board shall promulgate emergency regulations to implement the provisions of this act.**

**3. That the Board of Medical Assistance Services shall seek to submit the waiver application pursuant to this provision by no later than October 31, 2003. Contingent upon approval of the waiver by the Centers for Medicare & Medicaid Services, the Department of Medical Assistance Services shall implement this waiver program effective July 1, 2004.**

**4. That, in order to avoid costs as much as possible during the regulatory process, the Board of Medical Assistance Services shall, when in compliance with the Administrative Process Act (§ 2.2-4000 et seq.), notify, distribute, and provide public access and opportunity for comment via electronic media, including, but not limited to, posting documents to and receiving comments via the Department's website, by e-mail and fax. The Board shall, however, continue to provide public notice and participation to those persons who do not have access to the Internet or other forms of electronic media.**