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HOUSE JOINT RESOLUTION NO. 637
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Rules
on February 20, 2015)

(Patron Prior to Substitute—Delegate Landes)

Directing the Joint Legislative Audit and Review Commission to study pathways for determining eligibility for Medicaid-funded long-term care. Report.

WHEREAS, long-term care is expensive, funded mostly by Medicaid, heavily dependent on already strained state and federal revenues, and facing a wave of aging Virginians that will test the adequacy of scarce public resources; and

WHEREAS, in the Commonwealth, Medicaid-funded long-term care services are provided for seven percent of enrollees but account for 35 percent of the Commonwealth's Medicaid expenditures; and

WHEREAS, the Department of Medical Assistance Services provides long-term care services through three models: home- and community-based services, facility-based services, or coordinated programs like the Program of All-Inclusive Care for the Elderly (PACE) and the Commonwealth Coordinated Care program; and

WHEREAS, the Code of Virginia requires that all individuals seeking long-term care services be evaluated to determine their need for long-term care services, including evaluation of both functional eligibility screenings conducted by local preadmission screening teams or hospital discharge planners and financial eligibility screenings conducted by local departments of social services; and

WHEREAS, a review of the long-term care eligibility process could lead to strategies that strengthen the integrity of the program, improve efficiencies, and ensure that limited financial resources are directed to the individuals and families who most require assistance; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to study pathways for determining eligibility for Medicaid-funded long-term care.

In conducting its study, the Joint Legislative Audit and Review Commission shall review (i) the Commonwealth's long-term care preadmission screening process, including the process by which individuals access such screenings, the timeliness of such screenings, support for individual choice upon meeting long-term care criteria, and assurance that the assessment teams are neutral and have no financial or legal ties to discharge locations and (ii) state and federal long-term care financial eligibility laws, including the use of annuities to protect assets, transfer of assets, lien and estate recovery, assessing a child as a family of one for eligibility purposes, and the effects of the new Modified Adjusted Gross Income eligibility standards and access to nursing home long-term care services.

All agencies of the Commonwealth shall provide assistance to Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2015, and for the second year by November 30, 2016, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Joint Legislative Audit and Review Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.