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SENATE BILL NO. 926

Senate Amendments in [] - January 26, 2023

Prefiled January 6, 2023

A *BILL to amend the Code of Virginia by adding in Title 32.1 a chapter numbered 19.1, consisting of sections numbered 32.1-372.1, 32.1-372.2, and 32.1-372.3, relating to Emergency Department Care Management Grant Program and Fund; report.*

Patron Prior to Engrossment—Senator Favola

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 32.1 a chapter numbered 19.1, consisting of sections numbered 32.1-372.1, 32.1-372.2, and 32.1-372.3, as follows:

CHAPTER 19.1.**EMERGENCY DEPARTMENT CARE MANAGEMENT GRANT PROGRAM AND FUND.****§ 32.1-372.1. Emergency Department Care Management Grant Program; report.**

A. The Emergency Department Care Management Grant Program is hereby established to provide grants to eligible hospitals that provide care management and medical services to frequent users of hospital emergency departments. Grants shall be awarded to (i) reduce patient usage of emergency departments for routine, nonurgent, primary medical care; (ii) support emergency department case management staff; (iii) identify and analyze the comprehensive health care needs of patients; (iv) identify social determinants of health and barriers to care; (v) facilitate collaboration with providers and payers to develop a plan for community care; and (vi) improve the ability of patients to manage their care in the community.

B. The Department shall evaluate the effectiveness of the Emergency Department Care Management Grant Program in achieving the purposes set forth in subsection A. The Commissioner shall report the Department's findings to the General Assembly and the Joint Commission on Health Care by October 1, 2027.

§ 32.1-372.2. Emergency Department Care Management Grant Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Emergency Department Care Management Grant Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of the Emergency Department Care Management Grant Program set forth in § 32.1-372.1. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner or his designee.

§ 32.1-372.3. Department and other guidelines.

A. ~~[The Department shall issue guidelines for the administration of the Emergency Department Care Management Grant Program as it deems necessary and appropriate. Such guidelines~~ The Administrative Process Act (§ 2.2-4000 et seq.) shall not apply to the development of guidelines for the Emergency Department Care Management Grant Fund. The Department's Office of Licensure and Certification shall develop guidelines for the administration of the Emergency Department Care Management Grant Program, which] shall include (i) an application process, (ii) criteria for awarding grants, (iii) a process for the disbursement of grants, and (iv) limits on grant amounts. [The process for development of guidelines shall include (a) the use of an advisory committee composed of interested parties, (b) a minimum 60-day public comment period on draft guidelines followed by a public hearing, (c) written responses to all comments received, and (d) notice of the availability of draft guidelines and final guidelines to all who request such notice.]

B. Department guidelines for the Emergency Department Care Management Grant Program shall comply with the following:

1. Grants may be awarded to hospitals for a period of four years or less; and

2. Grant applicants shall (i) explain the methods that will be used to identify patients in need of care management, (ii) estimate the number of patients that will meet the criteria for care management each year, (iii) identify strategies the hospital will use to coordinate with payers and community providers,

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59 *(iv) identify strategies the hospital will employ to utilize the Emergency Department Care Coordination*
60 *Program established in § 32.1-372, and (v) identify methods and metrics the hospital will use to*
61 *evaluate and ensure its satisfaction of the purposes set forth in § 32.1-372.1.*

62 **2. [That the provisions of this act shall not become effective unless an appropriation effectuating**
63 **the purposes of this act is included in a general appropriation act passed in 2023 by the General**
64 **Assembly that becomes law.**

65 **3.] That the provisions of this act shall expire on July 1, 2028.**