

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to direct the Department of Medical Assistance Services and the Department of Behavioral*  
3 *Health and Developmental Services to submit state plan amendments to the Centers for Medicare*  
4 *and Medicaid Services to seek to modify the program rules for certain 1915(c) Home and*  
5 *Community Based Services Medicaid Waivers.*

6 [H 909]

7 Approved

8 **Be it enacted by the General Assembly of Virginia:**

9 **1. § 1.** *That the Department of Medical Assistance Services (DMAS) and the Department of Behavioral*  
10 *Health and Developmental Services (DBHDS) shall seek federal authority through the necessary state*  
11 *plan amendments under Titles XIX and XXI of the Social Security Act to modify the program rules for*  
12 *the following 1915(c) Home and Community Based Services (HCBS) Medicaid Waivers: Community*  
13 *Living Waiver, Family and Individual Support Waiver, and Commonwealth Coordinated Care Plus*  
14 *Waiver. DMAS and DBHDS shall submit state plan amendments to the Centers for Medicare and*  
15 *Medicaid Services for the following:*

16 *1. Modify the 40-hour-per-week work limit to allow legally responsible individuals with more than*  
17 *one waiver-receiving child to receive reimbursement for 40 hours of work per week per child receiving*  
18 *a waiver;*

19 *2. Eliminate the requirement that, in order for a legally responsible individual to receive*  
20 *reimbursement for personal care services, no one else be available to provide services to the member;*  
21 *and*

22 *3. When a member under the age of 18 receives personal care through consumer direction, as*  
23 *defined in 12VAC30-122-20, modify the program rules to allow a legally responsible individual or*  
24 *stepparent to be the employer of record.*

25 **2. That the Department of Medical Assistance Services (DMAS) shall analyze the possibility of**  
26 **allowing for respite services under the Community Living Waiver, Family and Individual Support**  
27 **Waiver, and Commonwealth Coordinated Care Plus Waiver when the legally responsible**  
28 **individual is an unpaid caregiver all or part of the time and when there are multiple adult**  
29 **caregivers providing any portion of unpaid care for the waiver-receiving child. DMAS shall**  
30 **develop recommendations on allowing for respite services under such circumstances and shall**  
31 **estimate the cost of providing such respite services. DMAS shall submit its recommendations, cost**  
32 **estimate, and methodology used for obtaining the cost estimate to the Chairmen of the House**  
33 **Committee on Health and Human Services and the Senate Committee on Education and Health no**  
34 **later than November 1, 2024.**

ENROLLED

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