

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. **Bill Number:** SB 488

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Aird

3. **Committee:** -

4. **Title:** 1915(c) Home & Community Based Services Medicaid Waivers; federal authority state plan amendments

5. **Summary:** The substitute bill requires that the Department of Medical Assistance Services (DMAS) review the requirements related to payments to legally responsible individuals (LRI) for personal care services to assess different options for maintaining program integrity and ensuring the most appropriate care for the recipient of care. The department must seek federal guidance on the options considered and whether federal approval would be granted under the following 1915(c) Home and Community Based Services (HCBS) Medicaid Waivers: Community Living Waiver, Family and Individual Support Waiver, and Commonwealth Coordinated Care Plus Waiver. The department must specifically include the following options as part of its review:

- Allowing the 40-hour-per-week work limit to allow legally responsible individuals with more than one waiver-receiving child to receive reimbursement for 40 hours of work per week per child receiving a waiver;
- Eliminating the requirement that, in order for a legally responsible individual to receive reimbursement for personal care services, no one else be available to provide services to the recipient of care;
- Allowing, when a recipient of care under the age of 18 receives personal care through consumer direction, as defined in 12VAC30-122-20, that a legally responsible individual or stepparent be the employer of record; and
- Allowing for respite services when the legally responsible individual is the unpaid caregiver.

The department must report its findings and recommendations by December 1, 2024.

6. **Budget Amendment Necessary:** No

7. **Minimal Fiscal Impact**

8. **Fiscal Implications:** It is expected that DMAS currently has sufficient expertise to review the requirements related to payments to LRIs for personal care services to assess different

options for maintaining program integrity and ensuring the most appropriate care for the recipient of care. As such, no significant costs are expected.

9. Specific Agency or Political Subdivisions Affected:

Department of Medical Assistance Services

10. Technical Amendment Necessary: No

11. Other Comments: None