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HOUSE JOINT RESOLUTION NO. 85

Offered January 12, 2022

Requesting the Department of Medical Assistance Services to study the feasibility of implementing a spend down provision for the Community Living, Family and Individual Support, and Building Independence waivers. Report.

 Patron—Shin

Committee Referral Pending

WHEREAS, people with developmental disabilities receiving services through the Community Living, Family and Individual Support, and Building Independence waivers may have countable income from employment or Social Security benefits; and

WHEREAS, when countable income of a person with developmental disabilities exceeds the maximum amount for eligibility for waiver services, such person will no longer be able to receive services through the Community Living, Family and Individual Support, or Building Independence waivers; and

WHEREAS, it is in the best interests of the Commonwealth and its residents to encourage individuals with developmental disabilities to work and participate fully in their communities and also to utilize services for which they may be eligible under the Community Living, Family and Individual Support, or Building Independence waivers; and

WHEREAS, the Commonwealth Coordinated Care Plus waiver includes a spend down provision that allows otherwise eligible individuals to spend income in excess of the income limit for waiver services on medical expenses in order to meet the waiver income limit; and

WHEREAS, inclusion of a spend down provision for eligibility for the Community Living, Family and Individual Support, or Building Independence waivers would benefit individuals with developmental disabilities who earn income through employment or Social Security benefits; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Medical Assistance Services be requested to study the feasibility of implementing a spend down provision for the Community Living, Family and Individual Support, or Building Independence waivers.

In conducting its study, the Department of Medical Assistance Services shall (i) identify options for implementing a spend down provision for the Community Living, Family and Individual Support, or Building Independence waivers that allows an eligible individual to spend income in excess of the maximum income for eligibility for such waivers on medical expenses similar to those allowed under the spend down provisions allowed under federal and state law for special needs trusts and ABLE accounts; (ii) determine the feasibility and cost of implementing each option; and (iii) provide recommendations for implementation of a spend down provision for the Community Living, Family and Individual Support, or Building Independence waivers. In conducting its work, the Department shall include opportunity for input and participation by stakeholders, including the ARC of Northern Virginia, entities that provide employment services for individuals with developmental disabilities, and individuals with developmental disabilities who are eligible for the for the Community Living, Family and Individual Support, or Building Independence waivers or would be eligible for such waivers but for excess countable income and family members of such individuals.

All agencies of the Commonwealth shall provide assistance to the Department of Medical Assistance Services for this study, upon request.

The Department of Medical Assistance Services shall complete its meetings by November 30, 2022, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2023 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

INTRODUCED

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