
VIRGINIA STATE BUDGET

2020 Special Session I

Budget Amendments - HB5005 (Conference Report)

Bill Order » Item 300 #1c

Require Medical Facilities to Allow Designated Persons to Accompany or Visit Disabled Patients (language only)

Item 300 #1c

Health and Human Resources

Department of Health

Language

Page 109, after line 4, insert:

"F. In any case in which the Governor has declared a public health emergency related to the novel coronavirus (COVID-19), every medical care facility licensed by the Virginia Department of Health, except nursing facilities, shall allow a person with a disability who requires assistance as a result of such disability to be accompanied by a designated support person at any time during which health care services are provided. In any case in which health care services are provided in an inpatient setting, and the duration of health care services in such inpatient setting is anticipated to last more than 24 hours, the person with a disability may designate more than one designated support person. However, no such facility shall be required to allow more than one designated support person to be present with a person with a disability at any time. A designated support person shall not be subject to any restrictions on visitation adopted by such medical care facility. However, such designated support person may be required to comply with all reasonable requirements of the medical care facility adopted to protect the health and safety of patients and staff of the medical care facility. Every such medical care facility shall establish policies applicable to designated support persons and shall (i) make such policies available to the public on a website maintained by the medical care facility and (ii) provide such policies, in writing, to the patient at such time as health care services are provided. A "designated support person" means a person who is knowledgeable about the needs of a person with a disability and who is designated, orally or in writing, by the individual with a disability, the individual's guardian or the individual's care provider, to provide support and assistance, including physical assistance, emotional support, assistance with communication or decision-making, or any other assistance necessary as a result of the person's disability, to the person with a disability at any time during which health care services are provided."

Explanation

(This amendment adds language requiring medical facilities licensed by the Virginia Department of Health, with the exception of nursing facilities, to allow patients with disabilities to be accompanied by a designated support person at the time services are provided and to allow for visits by such person(s). Assisted living facilities would not be subject to the requirements since they are licensed by the Department of Social Services. It is the intent of the General Assembly that this item be set out upon enrolling.)

VIRGINIA STATE BUDGET

2020 Special Session I

Budget Amendments - HB5005 (Conference Report)

Bill Order » Item 313 #4c

Live-In Caretaker Exemption for Personal Care Attendants (language only)

Item 313 #4c

Health and Human Resources

Department of Medical Assistance Services

Language

Page 133, line 45, strike "Nothing" and insert:

"Notwithstanding Item 482.20 of this act, nothing".

Page 134, after line 6, insert:

"5. The Department of Planning and Budget shall transfer from Item 317 to this item an appropriation necessary to cover the administrative costs for managed care organizations to implement the live-in caretaker exemption required pursuant to paragraph HHH.1. in this item."

Explanation

(This amendment clarifies that the live-in caretaker exemption to the electronic visit verification requirements shall take effect January 1, 2021 and directs the Department of Planning and Budget to transfer appropriation from the Department of Medical Assistance Services (DMAS) administrative budget the funds necessary to adjust the administrative portion of the managed care capitation rates to reflect the increase in administrative costs for providing a live-in caretaker exemption to the electronic visit verification requirement. DMAS' administrative budget has sufficient funding to cover these costs.)

VIRGINIA STATE BUDGET

2020 Special Session I

Budget Amendments - HB5005 (Conference Report)

Bill Order » Item 313 #6c

Modify Effective Date for Medicaid Adult Dental Benefit and Administrative Transfer Authority (language only)

Item 313 #6c

Health and Human Resources

Department of Medical Assistance Services

Language

Page 144, line 26, after "IIIII." insert "1."

Page 144, line 26, strike "January" and insert "July".

Page 144, after line 45, insert:

"2. The Department of Planning and Budget shall have the authority to transfer appropriation from Item 317 to Item 316 in this act, as needed, to fund the administrative costs of implementing the new Medicaid dental benefit for adults if the existing appropriation in Item 316 is insufficient."

Explanation

(This amendment changes the effective date of the new Medicaid adult dental benefit from January 1, 2021 to July 1, 2021, to reflect the restoration of funding, which is included in a separate amendment in Item 482.20. In addition, budget language is added to provided authority to move funding from the administrative program of the agency to cover the increased costs of the dental benefits administrator related to the new dental benefit.)

VIRGINIA STATE BUDGET

2020 Special Session I

Budget Amendments - HB5005 (Conference Report)

Bill Order » Item 313 #9c

Modify Effective Date of Developmental Disability Waiver Providers Rate Increase (language only)

Item 313 #9c

Health and Human Resources

Department of Medical Assistance Services

Language

Page 138, strike lines 20 through 23 and insert:

"DDDD.1. Effective January 1, 2021, the Department of Medical Assistance Services (DMAS), in consultation with the Department of Behavioral Health and Developmental Services (DBHDS), shall increase provider payment rates for services delivered through the Community Living, Family and Individual Support, and Building Independence Developmental Disability (DD) waivers. The rate increase shall be provided for the following services: Group Home, Sponsored Residential and Group Day Support.

2. Effective July 1, 2021, the Department of Medical Assistance Services (DMAS), in consultation with the Department of Behavioral Health and Developmental Services, shall increase provider payment rates for services delivered through the Community Living, Family and Individual Support, and Building Independence Developmental Disability (DD) waivers. The rate increase shall be provided for the following services: Independent Living Supports, Supported Living, In-home Support Services, Group Supported Employment, Workplace Assistance, Community Engagement, Community Coaching and Therapeutic Consultation."

Page 138, line 24, strike "2" and insert "3".

Page 138, line 31 strike "September" and insert "December".

Page 138, line 32, strike "3" and insert "4".

Explanation

(This amendment changes the effective date for the increase in Medicaid developmental disability provider rates for group homes, sponsored residential and group day support from July 1, 2020 to January 1, 2021 to reflect the partial restoration of funding in the first year, which is included in a separate amendment to Item 482.20. It further changes the effective day for the increase in Medicaid developmental disability provider rates for other community integration services from July 1, 2020 to July 1, 2021, which is also included in a separate amendment to Item 482.20.)

VIRGINIA STATE BUDGET

2020 Special Session I

Budget Amendments - HB5005 (Conference Report)

Bill Order » Item 313 #12c

Modify Effective Date of Rate Increase for Skilled and Private Duty Nursing (language only)

Item 313 #12c

Health and Human Resources

Department of Medical Assistance Services

Language

Page 141, line 50, strike "2020" and insert "2021".

Explanation

(This amendment changes the effective date for the rate increase for skilled and private duty nursing services in Medicaid from July 1, 2020 to July 1, 2021 to reflect the partial restoration of funding included in a separate amendment in Item 482.20.)

VIRGINIA STATE BUDGET

2020 Special Session I

Budget Amendments - HB5005 (Conference Report)

Bill Order » Item 313 #14c

Allow Telehealth and Virtual Learning for Certain DD Waiver Services (language only)

Item 313 #14c

Health and Human Resources

Department of Medical Assistance Services

Language

Page 145, after line 26, insert:

"MMMM. The Department of Medical Assistance Services shall submit a request to amend its 1915(c) Home and Community-Based Services (HCBS) waivers with an Emergency Preparedness and Response Appendix K to the Centers for Medicare and Medicaid Services to allow telehealth and virtual and/or distance learning for Group Day, Supported Employment and Benefits Planning services for the duration of the Governor's declared state of emergency due to the COVID-19 pandemic or until the Appendix K expires. The department shall have the authority to implement this change prior to the completion of the regulatory process."

Explanation

(This amendment directs the Department of Medical Assistance Services to request a waiver to the Centers for Medicare and Medicaid Services to allow telehealth and virtual and/or distance learning for Group Day, Supported Employment and Benefits Planning Services for the duration of the Governor's declared state of emergency due to the COVID-19 pandemic. The Appendix K will allow recipients to maintain skills, and to learn new skills including expanded socialization opportunities during the COVID-19 pandemic. Many Group Day programs closed in March 2020 and Supported Employment and Benefits Planning services are being minimally provided because of health and safety concerns.)

VIRGINIA STATE BUDGET

2020 Special Session I

Budget Amendments - HB5005 (Conference Report)

Bill Order » Item 320 #2c

HB 5043 / SB 5038: Staffing Costs for Mental Health Awareness Alert System

Item 320 #2c

First Year - FY2021

Second Year - FY2022

Health and Human Resources

Department of Behavioral Health and Developmental Services	\$61,203	\$122,405	GF
	1.00	1.00	FTE

Language

Page 147, line 23, strike "\$123,177,138" and insert "\$123,238,341".

Page 147, line 23, strike "\$110,597,199" and insert "\$110,719,604".

Explanation

(This amendment provides \$61,203 the first year and \$122,405 the second year from the general fund to the Department of Behavioral Health and Developmental Services for one staff to oversee implementation of a mental health awareness response system pursuant to House Bill 5043 and Senate Bill 5038 of the 2020 Special Session I. Item 320 will be set out during the enrolling process.)

Visit the [Help Center](#) to learn more about the features of the State Budget Portal.

VIRGINIA STATE BUDGET

2020 Special Session I

Budget Amendments - HB5005 (Conference Report)

Bill Order » Item 482.20 #3c

Restore Mental Health Provider Rates

Item 482.20 #3c	First Year - FY2021	Second Year - FY2022	
Central Appropriations			
Central Appropriations	\$0	\$2,458,479	GF

Language

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,333,081,998".

Page 205, line 9, strike "\$1,335,540,477" and insert "\$1,333,081,998".

Page 215, line 38, strike "\$2,458,479" and insert "\$0".

Page 216, line 8, strike "\$127,501,107" and insert "\$125,042,628".

Explanation

(This amendment adds \$2.4 million from the general fund the second year to restore funding for Medicaid rate increases for mental health service providers to 110 percent of Medicare rates. The budget passed in March contained \$2.4 million each year for this rate increase, but funding was subsequently unallotted in April due to the pandemic and eliminated in the introduced budget.)

VIRGINIA STATE BUDGET

2020 Special Session I

Budget Amendments - HB5005 (Conference Report)

Bill Order » Item 482.20 #12c

Restore Funds for Medicaid Rate Setting Analysis

Item 482.20 #12c

Central Appropriations

Central Appropriations

First Year - FY2021

Second Year - FY2022

\$300,000

\$0

GF

Language

Page 205, line 1, strike "\$754,015,992" and insert "\$753,715,992".

Page 205, line 9, strike "\$754,015,992" and insert "\$753,715,992".

Page 215, strike line 50.

Page 216, line 8, strike "\$79,572,610" and insert "\$79,272,610".

Explanation

(This amendment restores \$300,000 the first year from the general fund for the Department of Medical Assistance Services to contract with a consultant with expertise in health care rate setting to thoroughly analyze current Medicaid rates for services likely impacted by an increase in the state minimum wage and to make recommendations for rate adjustments as appropriate. These funds were included in the budget passed in March, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the introduced budget for the 2020 Special Session I.)

VIRGINIA STATE BUDGET

2020 Special Session I

Budget Amendments - HB5005 (Conference Report)

Bill Order » Item 482.20 #15c

Restore Funds for Permanent Supportive Housing

Item 482.20 #15c

Central Appropriations

	First Year - FY2021	Second Year - FY2022	
Central Appropriations	\$3,000,000	\$17,000,000	GF

Language

Page 205, line 1, strike "\$754,015,992" and insert "\$751,015,992".

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,318,540,477".

Page 205, line 9, strike "\$754,015,992" and insert "\$751,015,992".

Page 205, line 9, strike "\$1,355,540,477" and insert "\$1,318,540,477".

Page 216, line 32, strike "\$8,500,000" and insert "\$5,500,000".

Page 216, line 32, strike "\$17,000,000" and insert "\$0".

Page 216, line 36, strike "\$29,604,173" and insert "\$26,604,173".

Page 216, line 36, strike "\$49,252,214" and insert "\$32,252,214".

Explanation

(This amendment restores \$3.0 million the first year and \$17.0 million the second year to increase permanent supportive housing capacity to serve more individuals with serious mental illness and provide stable housing. These funds were included in the budget passed in March, but subsequently unallotted in April due to the COVID-19 pandemic and eliminated in the introduced budget for the 2020 Special Session I.)

VIRGINIA STATE BUDGET

2020 Special Session I

Budget Amendments - HB5005 (Conference Report)

Bill Order » Item 482.20 #27c

Restore Funds for Medicaid Behavioral Health Redesign

Item 482.20 #27c

	First Year - FY2021	Second Year - FY2022	
Central Appropriations			
Central Appropriations	\$0	\$10,273,553	GF

Language

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,325,266,924".

Page 215, line 17, strike "\$10,273,553" and insert "\$0".

Explanation

(This amendment adds \$10.3 million from the general fund the second year to restore funding for the redesign of Medicaid behavioral health services to ensure that services provided through Medicaid are evidence based and provide a continuum of community rehabilitation behavioral health services. The budget passed in March contained funding for this effort, but funding was subsequently unallotted in April due to the pandemic and eliminated in the introduced budget.)

VIRGINIA STATE BUDGET

2020 Special Session I

Budget Amendments - HB5005 (Conference Report)

Bill Order » Item 482.20 #28c

Restore DD Waiver Provider Rates for Group Homes, Sponsored Residential and Group Day Support Using Updated Data

Item 482.20 #28c	First Year - FY2021	Second Year - FY2022	
Central Appropriations			
Central Appropriations	\$10,697,611	\$22,037,077	GF

Language

Page 205, line 1, strike "\$754,015,992" and insert "\$743,318,381".

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,313,503,400".

Page 215, line 30, strike "(21,395,221)" and insert "(10,697,610)".

Page 215, line 30, strike "\$22,037,077" and insert "\$0".

Explanation

(This amendment restores \$10.7 million the first year and \$22.0 million the second year from the general fund to increase group home, sponsored residential and group day support rates effective January 1, 2021 for services provided through the current Medicaid Developmental Disability Waiver programs using updated data measures available, including wage assumptions, to 100 percent of the rate model benchmark. These funds were included in the budget passed in March, but subsequently unallotted in April due to the pandemic and eliminated in the introduced budget. A companion amendment updates rates for community integration services provided through the DD waiver programs.)

VIRGINIA STATE BUDGET

2020 Special Session I

Budget Amendments - HB5005 (Conference Report)

Bill Order » Item 482.20 #29c

Restore DD Waiver Rates for Community Integration Services

Item 482.20 #29c	First Year - FY2021	Second Year - FY2022	
Central Appropriations			
Central Appropriations	\$0	\$3,748,853	GF

Language

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,331,791,624".

Page 215, line 32, strike "\$3,748,853" and insert "\$0".

Explanation

(This amendment restores \$3.7 million the second year from the general fund to increase Medicaid rates for community integration services provided through the current Medicaid Developmental Disability Waiver programs using updated data. These funds were included in the budget passed in March, but subsequently unallotted in April due to the pandemic and eliminated in the introduced budget. A companion amendment updates rates for group homes, sponsored residential and group day support services provided through the DD waiver programs.)

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VIRGINIA STATE BUDGET

2020 Special Session I

Budget Amendments - HB5005 (Conference Report)

Bill Order » Item 482.20 #30c

Restore Funding for Psychiatric Residential Treatment Facility Rates

Item 482.20 #30c	First Year - FY2021	Second Year - FY2022	
Central Appropriations			
Central Appropriations	\$0	\$7,599,696	GF

Language

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,327,940,781".

Page 215, line 44, strike the second "\$7,599,696" and insert "\$0."

Explanation

(This amendment adds \$7.6 million from the general fund the second year to restore funding for a Medicaid rate increase for psychiatric residential treatment facilities effective July 1, 2021. These funds were included in the budget passed in March, but subsequently unallotted in April due to the pandemic and eliminated in the introduced budget.)



VIRGINIA STATE BUDGET

2020 Special Session I

Budget Amendments - HB5005 (Conference Report)

Bill Order » Item 482.20 #43c

Restore Funding for 250 DD Waiver Slots

Item 482.20 #43c

First Year - FY2021

Second Year - FY2022

Central Appropriations

Central Appropriations	\$0	\$4,133,500	GF
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Language

Page 205, line 1, strike "\$1,335,540,477" and insert "\$1,331,406,977".

Page 215, strike line 6.

Explanation

(This amendment adds \$4.1 million from the general fund the second year to restore funding for 250 Medicaid Developmental Disability Waiver slots. These funds were included in the budget passed in March, but subsequently unallotted in April due to the pandemic and eliminated in the introduced budget.)