
VIRGINIA STATE BUDGET

2009 Session

Budget Bill - HB1600 (Introduced)

Bill Order » Office of Health and Human Resources » Item 341

Department of Social Services

Item 341	First Year - FY2009	Second Year - FY2010
Adult Programs and Services (46800)	\$44,912,949 \$44,908,427	\$44,912,949 \$46,418,906
Auxiliary Grants for the Aged, Blind, and Disabled (46801)	\$24,882,956	\$24,882,956
Adult In-Home and Supportive Services (46802)	\$11,642,995	\$11,642,995
Domestic Violence Prevention and Support Activities (46803)	\$8,386,998 \$8,382,476	\$8,386,998 \$9,892,955
Fund Sources:		
General	\$27,152,878	\$27,152,878
Federal Trust	\$17,760,071 \$17,755,549	\$17,760,071 \$19,266,028

Authority: Title 51.2, Chapter 1.1 and Title 63.2, Chapters 1 and 6, Code of Virginia; Title XVI, federal Social Security Act, as amended.

A. 1. Effective January 1, ~~2008~~ 2009, the Department of Social Services is authorized to base approved licensed assisted living facility rates for individual facilities on an occupancy rate of 85 percent of licensed capacity, not to exceed a maximum rate of ~~\$1,075~~ \$1,112 per month, which rate is also applied to approved adult foster care homes, unless modified as indicated below. The Department may add a 15 percent differential to the maximum amount for licensed assisted living facilities and adult foster care homes in Planning District Eight.

2. Effective January 1, ~~2008~~ 2009, the monthly personal care allowance for auxiliary grant recipients who reside in licensed assisted living facilities and approved adult foster care homes shall be ~~\$77~~ \$81 per month, unless modified as indicated below.

3. The Department of Social Services is authorized to increase the assisted living facility and adult foster care home rates and/or the personal care allowance cited above on January 1 of each year in which the federal government increases Supplemental Security Income or Social Security rates or at any other time that the Department determines that an increase is necessary to ensure that the Commonwealth continues to meet federal requirements for continuing eligibility for federal financial participation in the Medicaid program. Any such increase is subject to the prior concurrence of the Department of Planning and Budget. Within thirty days after its effective date, the Department of Social Services shall report any such increase to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees with an explanation of the reasons for the increase.

B. Out of this nongeneral fund appropriation, \$6,501,894 the first year and \$6,501,894 in the second year from the federal Social Services Block Grant shall be allocated to provide adult companion services for low-income elderly and disabled adults.

~~C. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund is provided for the Virginia Caregivers Grant Program.~~

D. The toll-free telephone hotline operated by the Department of Social Services to receive child abuse and neglect complaints shall also be publicized and used by the Department to receive complaints of adult abuse and neglect.

E. Out of this appropriation, \$325,000 the first year and ~~\$1,387,500 the second year~~ from the general fund and \$1,062,500 the first year *and \$1,387,500 the second year* from the federal Temporary Assistance for Needy Families (TANF) block grant shall be provided as a grant to local domestic violence programs for purchase of crisis and core services for victims of domestic violence, including 24-hour hotlines, emergency shelter, emergency transportation, and other crisis services as a first priority.

F. Out of this appropriation, \$75,000 from the general fund and \$400,000 from nongeneral funds the first year and \$75,000 from the general fund and \$400,000 from nongeneral funds the second year shall be provided for the purchase of services for victims of domestic violence as stated in § 63.2-1615, Code of Virginia, in accordance with regulations promulgated by the Board of Social Services.

G. Notwithstanding the emergency regulations set forth in 22 VAC 40-71-10 et seq. Standards and Regulations for Licensed Assisted Living Facilities, the Department of Social Services shall (i) define a department-approved course for managers of licensed facilities with 19 or fewer residents, pursuant to 22 VAC 40-71-60 L.3 e (4), as a course that does not exceed 40 hours and is available and accessible in multiple regions within the Commonwealth; (ii) reinstate an exception to the requirement that at least one staff member be awake and on duty during the night in buildings that house 19 or fewer residents provided that none of the residents require a staff member to be awake and on duty at night, pursuant to 22 VAC 40-71-130; and (iii) eliminate requirements set forth in the emergency regulations, pursuant to 22 VAC 40-71-485, guiding intervention for high risk behavior.

H. The Department of Social Services, Department of Mental Health, Mental Retardation and Substance Services, Community Services Boards, and local departments of social services may conduct a pilot for portable Auxiliary Grants to pay for housing of consumers who (i) have lived in an assisted living facility for more than 6 months, (ii) receive an Auxiliary Grant, (ii) receive Medicaid-funded case management and support services from a community services board or behavioral health authority, (iii) meet residential assisted living level of care criteria, (iv) are determined by the community services board or behavioral health authority to be good candidates for living in the community based upon the Uniform Assessment Instrument, and (v) have a care of plan in place developed by a community services board or behavioral health authority to ensure that needs can be met in the community. Priority shall be given to individuals meeting the above criteria who reside in assisted living facilities that give notice of closure or of discontinuing acceptance of Auxiliary Grant recipients as residents. The Department of Mental Health, Mental Retardation and Substance Abuse Services shall, with cooperation by the Department of Social Services, evaluate any pilot to determine the impact on portable Auxiliary Grant recipients, community services boards and local departments of social services. A report of the evaluation findings and recommendations shall be submitted to the Governor and Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2010.