2012 Special Session I

Budget Bill - HB1300 (Chapter 2)

Item 330	First Year - FY2011	Second Year - FY2012
Adult Programs and Services (46800)	**$39,465,156**	**$37,702,004**
Auxiliary Grants for the Aged, Blind, and Disabled (46801)	$22,652,956	$22,639,804
Adult In-Home and Supportive Services (46802)	$8,572,995	$6,822,995
Domestic Violence Prevention and Support Activities (46803)	$8,239,205	$8,239,205
Fund Sources:		
General	$23,316,378	$22,748,226
Federal Trust	$16,148,778	$14,953,778

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, ~~2009~~*2012*, 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 ~~$1,112~~ *$1,136* 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, 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 $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.1. Out of this nongeneral fund appropriation, $4,801,894 the first year and $4,801,894 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.

2. If there is an extension through June 30, 2011 of increased Federal Medical Assistance Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the reduction of $1,000,000 from nongeneral funds the first year in this paragraph shall not become effective. The Governor shall have authority to direct that the reduction

authorized in this paragraph be imposed, either partially or in full, as he deems necessary in order to ensure that the costs to the Commonwealth of contingent restorations in various items within this act do not exceed the amount of funding made available due to an extension of the increased Federal Medical Assistance Percentage.

C. 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.

D. Out of this appropriation, $555,000 the first year from the general fund and $693,750 the first year and $1,248,750 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.

E. 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.

F. 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.

G. If there is an extension through June 30, 2011 of increased Federal Medical Assistance Percentage under the American Recovery and Reinvestment Act (P.L. 111-5), the reduction of $1,000,000 from the general fund the first year in this item for other purchased services shall not become effective. The Governor shall have authority to direct that the reduction authorized in this paragraph be imposed, either partially or in full, as he deems necessary in order to ensure that the costs to the Commonwealth of contingent restorations in various items within this act do not exceed the amount of funding made available due to an extension of the increased Federal Medical Assistance Percentage.