

1 S.192

2 Introduced by Senator Pollina

3 Referred to Committee on

4 Date:

5 Subject: Human services; Medicaid; home- and community-based services;  
6 nursing homes

7 Statement of purpose of bill as introduced: This bill proposes to require  
8 increases to Medicaid reimbursement rates for home- and community-based  
9 service providers that are commensurate with increases to Medicaid rates for  
10 nursing homes.

11 An act relating to Medicaid rates for home- and community-based service  
12 providers

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 33 V.S.A. § 900 is amended to read:

15 § 900. DEFINITIONS

16 ~~Unless otherwise required by the context, the words and phrases in this~~  
17 ~~chapter shall be defined as follows~~ As used in this chapter:

18 \* \* \*

1           (7) “Home- and community-based services” means long-term services  
2           and supports received in a home or community setting, other than a nursing  
3           facility, and may include:

4                   (A) services provided to individuals with traumatic brain injury  
5                   through a Medicaid waiver;

6                   (B) services provided in residential care homes and assisted-living  
7                   residences;

8                   (C) assisted community care services;

9                   (D) attendant services;

10                  (E) homemaker services;

11                  (F) services funded through the Older Americans Act;

12                  (G) adult day services;

13                  (H) home health services;

14                  (I) respite services for families including an individual with  
15                  Alzheimer’s disease or other forms of dementia;

16                  (J) services provided by the Home Access Project of the Vermont  
17                  Center for Independent Living;

18                  (K) programs providing meals for young people with disabilities;

19                  (L) services provided by the Sue Williams Freedom Fund of the  
20                  Vermont Center for Independent Living;

- 1           (M) living skills services from the Vermont Association for the Blind  
2           and Visually Impaired;  
3           (N) services provided by Support and Services at Home (SASH);  
4           (O) enhanced residential care;  
5           (P) services under the Home Share Vermont program; and  
6           (Q) transportation services.

7           Sec. 2. 33 V.S.A. § 904 is amended to read:

8           § 904. RATE SETTING

9           (a) The Director shall establish by rule procedures for determining payment  
10           rates for care of State-assisted persons to nursing homes and to such other  
11           providers as the Secretary shall direct, as well as for inflationary rate increases  
12           to providers of home- and community-based services. The Secretary shall  
13           have the authority to establish rates that the Secretary deems sufficient to  
14           ensure that the quality standards prescribed by section 7117 of this title are  
15           maintained, subject to the provisions of section 906 of this title. Beginning in  
16           State fiscal year 2003, the Medicaid budget for care of State-assisted persons in  
17           nursing homes shall employ an annual inflation factor which is reasonable and  
18           which adequately reflects economic conditions, in accordance with the  
19           provisions of Section 5.8 of the ~~regulations promulgated~~ rules adopted by the  
20           Division of Rate Setting (“Methods, Standards, and Principles for Establishing  
21           Medicaid Payment Rates for Long-Term Care Facilities”).

1 (b) No payment shall be made to any nursing home, on account of any  
2 State-assisted person, unless the nursing home is certified to participate in the  
3 State/federal medical assistance program and has in effect a provider  
4 agreement.

5 Sec. 3. 33 V.S.A. § 911 is added to read:

6 § 911. INFLATION FACTOR FOR HOME- AND COMMUNITY-BASED  
7 SERVICES

8 The rates for providers of home- and community-based services authorized  
9 by the Department of Vermont Health Access or the Department of  
10 Disabilities, Aging, and Independent Living, or both, to provide home-based,  
11 community-based, or home- and community-based services to individuals on  
12 Medicaid or a Medicaid waiver program shall be increased by an annual  
13 inflation factor commensurate with the average statewide inflation factor  
14 applicable to all nursing homes pursuant to this chapter. The Division shall  
15 calculate the aggregate inflation factor applicable to nursing homes annually  
16 according to the procedure adopted by rule and shall report it to the  
17 Departments for application to home- and community-based provider rates  
18 beginning on July 1.

19 Sec. 4. EFFECTIVE DATE

20 This act shall take effect on passage and shall apply to home- and  
21 community-based service provider rates on and after July 1, 2017.