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H.284

Introduced by Representatives Wood of Waterbury, Noyes of Wolcott, Briglin of Thetford, Christensen of Weathersfield, Cina of Burlington, Dunn of Essex, Gannon of Wilmington, Hill of Wolcott, Howard of Rutland City, Keefe of Manchester, Mrowicki of Putney, Townsend of South Burlington, Troiano of Stannard, Walz of Barre City, Willhoit of St. Johnsbury, and Yacovone of Morrystown

Referred to Committee on

Date:

Subject: Human services; Medicaid; home- and community-based services

Statement of purpose of bill as introduced: This bill proposes to require annual inflationary increases to Medicaid reimbursement rates for home- and community-based service providers.

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

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

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

3 § 900. DEFINITIONS

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

6 \* \* \*

7 (7) “Home- and community-based services” means long-term services  
8 and supports received in a home or community setting other than a nursing  
9 home pursuant to the Choices for Care component of Vermont’s Global  
10 Commitment to Health Section 1115 Medicaid demonstration.

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

12 § 904. RATE SETTING

13 (a) The Director shall establish by rule procedures for determining payment  
14 rates for care of State-assisted persons to nursing homes and to such other  
15 providers as the Secretary shall direct, as well as for inflationary rate increases  
16 to providers of home- and community-based services. The Secretary shall  
17 have the authority to establish rates that the Secretary deems sufficient to  
18 ensure that the quality standards prescribed by section 7117 of this title are  
19 maintained, subject to the provisions of section 906 of this title. Beginning in  
20 State fiscal year 2003, the Medicaid budget for care of State-assisted persons in  
21 nursing homes shall employ an annual inflation factor which is reasonable and

1 which adequately reflects economic conditions, in accordance with the  
2 provisions of Section 5.8 of the ~~regulations promulgated~~ rules adopted by the  
3 Division of Rate Setting (“Methods, Standards, and Principles for Establishing  
4 Medicaid Payment Rates for Long-Term Care Facilities”).

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

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

10 § 911. INFLATION FACTOR FOR HOME- AND COMMUNITY-BASED  
11 SERVICES

12 The rates for providers of home- and community-based services authorized  
13 by the Department of Vermont Health Access or the Department of  
14 Disabilities, Aging, and Independent Living, or both, to provide home-based,  
15 community-based, or home- and community-based services to individuals  
16 receiving services pursuant to the Choices for Care component of Vermont’s  
17 Global Commitment to Health Section 1115 Medicaid demonstration shall be  
18 increased by an annual inflation factor. The Division shall calculate the  
19 inflation factor for home- and community-based services annually according to  
20 the procedure adopted by rule and shall report it to the Departments for

1 application to home- and community-based provider Medicaid reimbursement  
2 rates beginning on July 1.

3 Sec. 4. EFFECTIVE DATE

4 This act shall take effect on passage and shall apply to home- and  
5 community-based service provider rates beginning on July 1, 2018.