

# SIDE BY SIDE COMPARISON OF BUDGET BILLS

February 6, 2017

Issue	Governor McAuliffe's Proposal (December)	House budget (February 5, 2017)	Senate Budget (February 5, 2017)	The Arc's Message to Legislators:																																																															
<p><b>DD Waiver Waiting List</b></p>	<p><b>Changes the allocation of Waiver slots for FY18</b>, decreasing the number of Community Living Waivers by and increasing the number of Family and Individual Support (FIS) Waivers and Building Independence Waivers (BI) by 235.</p> <table border="1" data-bbox="275 699 680 992"> <thead> <tr> <th></th> <th>Previous</th> <th>Proposed</th> </tr> </thead> <tbody> <tr> <td>CL - WL</td> <td>325</td> <td>90</td> </tr> <tr> <td>IFS-WL</td> <td>25</td> <td>200</td> </tr> <tr> <td>BI</td> <td>0</td> <td>60</td> </tr> <tr> <td>CL- TC</td> <td>90</td> <td>90</td> </tr> <tr> <td>Total WL</td> <td>350</td> <td>350</td> </tr> <tr> <td>Total</td> <td>440</td> <td>440</td> </tr> </tbody> </table> <p>Includes language that authorizes DMAS/DBHDS to create new Waivers if cost savings are realized.</p>		Previous	Proposed	CL - WL	325	90	IFS-WL	25	200	BI	0	60	CL- TC	90	90	Total WL	350	350	Total	440	440	<p><b>Supports the Governor's reallocation of Waivers and provides 144 additional Family and Individual Supports (FIS) Waivers:</b></p> <table border="1" data-bbox="730 630 1073 889"> <thead> <tr> <th></th> <th>Gov</th> <th>House</th> </tr> </thead> <tbody> <tr> <td>CL - WL</td> <td>90</td> <td>90</td> </tr> <tr> <td>IFS-WL</td> <td>200</td> <td>344</td> </tr> <tr> <td>BI</td> <td>60</td> <td>60</td> </tr> <tr> <td>CL-TC</td> <td>90</td> <td>90</td> </tr> <tr> <td>WL total</td> <td>350</td> <td>494</td> </tr> <tr> <td>TOTAL</td> <td>440</td> <td>584</td> </tr> </tbody> </table> <p>Strikes language authorizing DBHDS/DMAS to create new Waivers if cost savings are realized.</p>		Gov	House	CL - WL	90	90	IFS-WL	200	344	BI	60	60	CL-TC	90	90	WL total	350	494	TOTAL	440	584	<p><b>Supports the Governor's reallocation of Waivers and provides 150 additional Family and Individual Support (FIS) Waivers:</b></p> <table border="1" data-bbox="1157 662 1524 922"> <thead> <tr> <th></th> <th>Gov</th> <th>Senate</th> </tr> </thead> <tbody> <tr> <td>CL - WL</td> <td>90</td> <td>80</td> </tr> <tr> <td>IFS-WL</td> <td>200</td> <td>360</td> </tr> <tr> <td>BI</td> <td>60</td> <td>60</td> </tr> <tr> <td>CL-TC</td> <td>90</td> <td>90</td> </tr> <tr> <td>WL total</td> <td>350</td> <td>500</td> </tr> <tr> <td>TOTAL</td> <td>440</td> <td>590</td> </tr> </tbody> </table> <p>Strikes language authorizing DMAS/DBHDS to create new Waivers if cost savings are realized.</p>		Gov	Senate	CL - WL	90	80	IFS-WL	200	360	BI	60	60	CL-TC	90	90	WL total	350	500	TOTAL	440	590	<p><b>We appreciate the additional FIS Waivers that the House and Senate provided to address the needs of the people on the waiting list. We remain concerned that 80% of the individuals in Priority 1 category will remain unserved, even though the state has determined that they are in need of services in the next year.</b></p> <p><b>We hope the House/Senate will agree to support 150 additional FIS Waivers and include language directing DMAS/DBHDS to create additional Waivers if cost savings are realized in the DD Waiver program.</b></p>
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<p><b>Training Centers</b></p>	<p>Proceeds with the scheduled closures of SWVTC (2018) and CVTC (2021).</p>	<p>Proceeds with the scheduled closures of SWVTC (2018) and CVTC (2021).</p> <p>Provides \$430,000 for an environmental site assessment for CVTC. That language states</p>	<p>Proceeds with the closures of SWVTC (2018) and CVTC (2021).</p> <p>Provides \$230,000 for an environmental site assessment for CVTC. That language states</p>	<p><b>The Arc of Virginia is strongly opposed to Item 284 #6s.</b> This language creates unnecessary confusion and runs counter to the Commonwealth's stated commitment to move to a community-based system. The</p>																																																															

		<p>that “DBHDS shall work with Dept. of Environmental Quality to complete the site assessment. It is the intent of the General Assembly that the Division of Land Protection and Revitalization complete the site assessment and report on the required remediation activities and associated cost no later than November 1, 2017. In developing the estimated costs for remediation, the use of labor from the Dept. of Corrections shall be required. “</p> <p>Includes \$2.5 million for “high turnover” positions at state facilities (and other state employees).</p>	<p>that “DBHDS shall work with Dept. of Environmental Quality to complete the site assessment. It is the intent of the General Assembly that the Division of Land Protection and Revitalization complete the site assessment and report on the required remediation activities and associated cost no later than November 1, 2017. In developing the estimated costs for remediation, the use of labor from the Dept. of Corrections shall be required. “</p> <p>Includes \$2.5 million or a targeted 4% raise for DBHDS high-turnover direct-care positions at state facilities.</p> <p>Adds language (Item 284#6s) proposing that the Special Joint Committee to Consult on the Training Center Closures work with the Secretary of Health and Human Resources “to develop and evaluate a plan to maintain operation of a smaller facility at the Central Virginia Training Center to “continue to serve individual for which care in a training center is appropriate.” In addition to considering operating and capital costs, the Committee is required to “consider all other relevant factors for the plan” The Senate budget also includes the</p>	<p>language could potentially delay Virginia’s transitions to community-based services, <u>costing the Commonwealth millions of dollars in the current biennium.</u></p> <p>The proposed review is completely unnecessary. The last assessment conducted in FY16 determined it was not financially feasible to keep a small Training Center open. <a href="#">The Commonwealth already paid \$100,000 for this study to be conducted.</a></p>
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			<p>\$430,000 for the site assessment at CVTC.</p> <p>The Senate Budget also includes \$2.5 million to provide pay increases for remaining staff at state institutions, including the remaining Training Centers.</p>	
<b>Inclusive Education Implementation Plan</b>	No language	<p>The House budget includes budget language that requires the Virginia Department of Education (VDOE) to develop a Statewide Inclusion Implementation Plan for students with developmental disabilities. The House budget also includes \$23,000 to help support the development of the plan.</p>	No language	<p><b>The Arc of Virginia urges conferees to include language in the final budget that requires VDOE to develop a Statewide Inclusion Implementation Plan and include House funds to support development of the plan.</b></p>
<b>Inclusive Education- CSA Reform</b>	<p><b>Fund increasing caseload and service costs in the CSA program.</b> Provides \$44.1 million in FY17 and \$44.5 million in FY 18 to fund anticipated caseload and expenditure growth for services provided to youth through the Children's Services Act. "The program is anticipated to grow at approximately 6 percent each year, with the majority of growth occurring in the area of private special education services, which are mandated by federal law."</p>	<p>House budget includes language requiring an implementation plan to transfer CSA funding for students with disabilities to the Virginia Dept. of Education.</p>	<p>The Senate budget includes language directing the the Office of Children's Services, in collaboration with the Department of Education and the Department of Planning and Budget, to convene an implementation workgroup to assess and determine the actions necessary to implement several options related to the growth in private educational placements paid for through the Children's Services Act (CSA). A report was issued in November 2016 detailing various options for the General Assembly</p>	<p><b>The Arc of Virginia supports the intent of both the House and Senate budget bills on this particular item. We encourage conferees to include parameters and direction in the final language to ensure that this action results in improved integration of students with disabilities, increased access to neighborhood schools, and compliance with both the ADA and IDEA at both the local and state levels.</b></p>

			<p>to consider related to private day placements. This workgroup moves forward with the next step to determine how to implement each option for consideration to be included in the next 2018-20 biennial budget. In light of cost increases in recent years, various options are being considered to ensure appropriate alignment of decision making and the financial responsibility for private day placements.</p> <p>Detailed language in amendment <a href="#">285#1s</a></p>	
<b>Cost-Sharing for Medicaid Services</b>	No language	No language	<p><b>Requires cost-sharing for Medicaid long term care services, based on family income:</b></p> <p>“The Department of Medical Assistance Services shall develop a plan to implement cost-sharing requirements based on family income for individuals eligible for long-term services and supports through the optional 300 percent of SSI eligibility category and apply to the Centers for Medicare and Medicaid Services for approval to implement the cost-sharing plan.”</p> <p>The Senate budget bill also directs DMAS to report on implementation of the JLARC</p>	<p><b>The Arc of Virginia has serious concerns regarding the Senate language requiring a plan to implement cost-sharing requirements for Virginia families.</b></p> <p>We believe this language is potentially harmful to people with developmental disabilities and their families. Families already provide billions of dollars of care at no cost to the Commonwealth and face extraordinary economic hardships due to medical expenses, caregiving demands.</p> <p>This proposal represents a dramatic policy shift for the Commonwealth, one that is not family-friendly and will hurt thousands of Virginia families.</p> <p>We also have many concerns about</p>

			<p>recommendations:</p> <p>5. The Department of Medical Assistance Services shall assess and report on additional or different resources needed to implement recommendations in the Joint Legislative Audit and Review Committee (JLARC) report Managing Spending in Virginia's Medicaid Program. The department shall submit its report to the Chairmen of the House Appropriations and Senate Finance Committees no later than November 1, 2017.</p>	<p>the recommendations included in the JLARC report and believe these should require further discussion and deliberation before an implementation plan is included in final legislation.</p>
<p><b>Consumer Directed Services</b></p>	<p>Allows DMAS to authorize overtime for attendants providing CD services. Provides \$8.5 million GF (\$17 million) to pay overtime compensation to attendants providing consumer-directed services under the Medicaid Waivers. This amendment replaces languages prohibiting overtime hours being worked by consumer directed attendance with language that allows DMAS to pay time and half for up to 56 hours for a single attendant.</p>	<p><b>Reinstates prohibition on overtime for consumer-directed services.</b></p>	<p><b>Reinstates prohibition on overtime for consumer-directed services.</b></p> <p>The Senate budget also requires DMAS to establish an "Electronic Visit Verification" program.</p>	<p>The Arc of Virginia remains concerned about risk of institutionalization due to the hard cap on overtime. <b>We urge the legislature support the Disability Commission's recommendation that DMAS implement an exceptions process for the limit on consumer-directed hours.</b></p>
<p><b>Sponsored Residential Services-Customized Rate</b></p>	<p><b>No language</b></p>	<p>No language</p>	<p>Provides \$250,000 GF (\$500,000 total) to implement a customized rate.</p> <p>The Senate budget also extends the study on the impact of Waiver changes on Sponsored Residential services.</p>	<p><b>The Arc of Virginia urges conferees to support this Senate amendment.</b> Many sponsored residential providers are supporting people with complex needs, including some of the former residents of Training Centers. It is essential that they have access to the customized rate</p>

				<p>structure so that these individuals (and others who will transition) can live in integrated settings. This will support the closure process and will ensure there is sufficient community-capacity for integrated services in rural areas.</p> <p><b>The Arc of Virginia also supports the language for the SIS workgroup,</b> but urges conferees to <b>include The Arc of Virginia and other representatives of the Developmental Disability Coalition, a statewide group of self-advocate and family organizations, in the SIS stakeholder group.</b> This will ensure that family concerns are adequately and accurately represented. People with developmental disabilities and their families are those most directly affected by the SIS and it is imperative that statewide issue be represented. “Nothing about us without us.”</p>
<p><b>Waiver Redesign/SIS</b></p>	<p><b>No language dealing specifically with the SIS or reporting on DD Waiver.</b></p>	<p><b>House budget requires a report on Waiver Redesign and the services utilized by people who have recently received Waiver services:</b></p> <p>The Department of Behavioral Health and Developmental Services shall provide a progress report on the implementation of the Developmentally Disabled Waiver programs to include information about the population</p>	<p><b>The Senate budget directs the Department of Behavioral Health and Developmental Services to DD Wavier participants of their SIS score and appeal rights.</b> Participants in the DD Waiver programs shall be provided a copy of the SIS form in advance of their meeting with the assessor, as well as any standard operating procedures for the SIS assessment process. Participants shall have the right</p>	<p><b>The Arc of Virginia strongly supports BOTH the House and Senate language and we hope that both amendments will be included in the final bill as drafted.</b></p>

		<p>served by the waivers, SIS scores, and service utilization and expenses for (i) individuals who have used waiver services for less than one year and (ii) individuals who have used waiver services for 1-5 years. The department shall submit this report by October 1, 2017 to the Chairmen of the House Appropriations and Senate Finance Committees.</p>	<p>to appeal their SIS score up to 90 days after receiving notification for the assigned SIS score.</p> <p>Finally, the Senate budget establishes an annual workgroup to oversee and gather feedback on the Supports Intensity Scale (SIS) assessment process.</p>	
<b>Managed Care</b>	<p><b>Provides funding to conduct readiness reviews for new managed care organizations (MCO).</b> The new organizations would operate as part of the re-procured Medallion (4.0) program, which currently serves more than 700,000 individuals. A readiness review is an impartial assessment to assess a health plan’s preparedness to operate as a Medicaid MCO.</p> <p><b>Expands Ombudsman services to meet federal MLTSS requirements.</b> Adds 6 positions to expand the State Office of Long-Term Care Ombudsman to support Medicaid Managed Long Term Services and Supports (MLTSS) program, known as CCC Plus when it is implemented in Virginia.</p>	<p>Improve Medicaid’s Capitation Rate Setting Process</p> <p>Medicaid Cap on Managed Care Organization Profits</p> <p>Medicaid Improvements in Long Term Care Services and Supports Screening</p> <p>Long Term Care Requirements of DMAS (HB2304)</p>	<p>Eliminate new funding for managed care readiness reviews.</p> <p>Managed Care requirements and oversight (language).</p> <p>Notice of MCO rate setting and impact (language).</p> <p>Independent Review of CCC Plus Managed Care Program and Rates 250,000</p>	<p>The Arc of Virginia continues to believe that DD Waiver services should be “carved out” of managed care, but we continue to monitor managed care related amendments these amendments.</p>
<b>Children’s Crisis</b>	<p>Provide for \$1M “to divert and discharge children from the Commonwealth Center for Children and Adolescents.” HHR Budget Summary states that it will be used</p>	<p>Appears to support Governor’s proposal.</p>	<p>Appears to support Governor’s proposal</p>	<p>Support the Governor’s proposal.</p>

	<p>to purchase private inpatient beds and create community-based service plans for those children who have been deemed ready for discharge</p>			
<p><b>DBHDS Trust Fund</b></p>	<p>Appropriates 8.6 million in trust fund dollars to be used for “expenditures needed to comply with the Department of Justice Settlement Agreement, including crisis stabilization services, improving quality management, and expanding availability of community-based housing options. These funds are anticipated to be available due to the planned sale of Northern Virgin Training Center. The majority of funds will be expended on services to individuals in the NVTC catchment area.”</p>		<p>Reduces \$2 million in trust fund dollars designed for DOJ related community capacity development.</p> <p>(This amendment eliminates \$2.0 million in nongeneral fund appropriation the second year from the Behavioral Health Trust Fund that was provided in the introduced budget for issuing a request for proposals to develop providers in Virginia for individuals with intellectual and developmental disabilities with significant behavioral and mental health support needs requiring out-of-state congregate care. In addition, language is added to specify the purpose of the remaining \$6.5 million in appropriation. The introduced budget appropriated a total of \$8.5 million from the trust fund.)</p> <p>KK. Out of this appropriation, \$6,550,000 is provided from the Behavioral Health and Developmental Disabilities Trust Fund as follows: (i) \$4,500,000 for the development of behavior/medical intense</p>	<p>Oppose Senate reduction in funding dedicated to increasing community-capacity.</p>

			<p>programs; (ii) \$1,250,000 to subsidize capital costs associated with rental units; (iii) \$500,000 for a House Call Program in Northern Virginia; and (iv) \$300,000 for individual crisis events."</p>	
<p><b>Special Joint Committee Appointed</b></p>		<p>Creates a Joint Subcommittee of the House and Senate money committees to respond to federal health care changes, provide ongoing oversight of the Medicaid and children’s health insurance programs and oversight of Health and Human Resources agency data, information, operations and activities to ensure continuity during transition between administrations.</p> <p>Language explicitly states that the Subcommittee will examine progress made in implementing changes to: “Medicaid Waiver programs including the Medicaid waivers serving individuals with developmental disabilities.” More details in the amendments.</p>	<p>The Senate budget establishes that joint Committee to review and monitor federal changes to health care laws that would impact the Commonwealth and provide oversight of the Health and Human Resources agencies. The committee “shall evaluate proposals that would block grant the Medicaid program. The evaluation shall consider the advantages and disadvantages of such proposal and develop estimates of any fiscal impact on Virginia related to specific proposals. The Joint Subcommittee shall develop recommendations for consideration by the General Assembly to prepare for implementation of a block grant for any such proposal being considered by Congress. The senate budget also provides \$1 million the first year to procure a contract with a health policy organization to develop population health strategy to build on vision of integrated care and develop a specific implementation strategy with the</p>	

			other overall population health plan specifically for behavioral health. More details in the amendment.	
<b>Transparency</b>		V. The Department of Behavioral Health and Developmental Services shall provide a report on the management and characteristics of individuals on the waiting list for services through the Developmentally Disabled Waiver programs. The report shall include (i) the age and demographics of waiting list individuals and families, (ii) the number of individuals designated as Priority 1, 2 and 3 on the waiting list, (iii) the number of individuals who meet each of the criteria items for Priority 1, and (iii) services being requested by individuals on the Priority 1 waiting list, The department shall submit this report by October 15, 2017 to the Chairmen of the House Appropriations and Senate Finance Committees )	<b>Increased Transparency:</b> The Senate budget adds language that requires “Medicaid and other agency data stored in the agency’s data warehouse available through DMAS’ website that includes at minimum, interactive tools for the user to select, display, manipulate and explore requested data.” The Senate budget also requires” DPB, collaboration with DMAS, HAC and SFC, shall convene a workgroup to evaluate the Medicaid reforecasting process for transparency and accuracy. The workgroup shall examine how the results of the forecast should be reflected in the amendments in the introduced budget to better explain the drivers of Medicaid requirements.”	The Arc of Virginia supports language included in both bills. We believe improved data on the waiting list population and their support needs will help facilitate access to services.
<b>System Reform</b>	Provides \$4.5 million to hire an independent contractor to “expedite transformation of Virginia’s community mental health system.” Funds will be used to conduct an assessment of currently available services and a gap study,	Eliminates funding for statewide gap analysis. Instead provides \$500,000 to develop a plan to restructure the behavioral health system.	Eliminates funding for statewide gap analysis. Instead provides \$500,000 to the Joint Committee on Mental Health.  Also provides \$1M to develop a population health strategy and	The Arc of Virginia supports a plan to restructure the system and hopes that how the organizational structure impacts Virginians with developmental disabilities will also be considered.

	in addition to a high-level design of efforts to ensure same-day access for individuals accessing services through community services boards. In addition, the study will include an assessment of the effectiveness and efficiency of the Department of Behavioral Health and Developmental Services' organizational structure. The assessment shall also review the department's management of the services delivered by the agency or through the CSBs. Full excerpt of budget language included at the end of this document.		behavioral health plan.	
<b>Neonatal Abstinence Syndrome</b>		Provides \$52,000 to support HB1467		
<b>Long Term Employment Supports</b>	Reduces Long Term Employment Support Services (LTESS) by \$375,000 in FY17 by \$10,661 in the second year.	Restores funds for long-term employment services (400,000).	No action	The Arc of Virginia supports the House restoration.

**Other Items in the Final Budget:**

- Mental Health Funding- Governor's budget provided \$25.2 million in mental health and substance abuse services. The House proposed \$19.5 million and the Senate proposed \$24.3 million.
- RTD Coverage over Overall Budget- [http://www.richmond.com/news/virginia/government-politics/general-assembly/article\\_6f52ea4e-eeaf-596c-88f4-e8dbdf4cfe8b.html](http://www.richmond.com/news/virginia/government-politics/general-assembly/article_6f52ea4e-eeaf-596c-88f4-e8dbdf4cfe8b.html)