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SENATE BILL NO. 1328**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee on Education and Health
on January 30, 2025)

(Patron Prior to Substitute—Senator Durant)

A BILL to direct the Department of Medical Assistance Services to submit state plan amendments to the Centers for Medicare and Medicaid Services to seek to modify the program rules for consumer-directed services available through certain Medicaid waivers.

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Medical Assistance Services (DMAS) shall seek federal authority through the necessary state plan or 1915(c) waiver amendments submitted to the Centers for Medicare and Medicaid Services under Titles XIX and XXI of the Social Security Act to modify the program rules for consumer-directed services available through certain 1915(c) Home and Community-Based Services Medicaid Waivers to allow an individual receiving services to serve as the employer of record (EOR) for his own service delivery and designate another individual to perform all or a portion of the duties of the EOR on the individual's behalf when the individual receiving services is unable to perform such duties or direct his own care. In seeking federal authority to modify such rules, DMAS shall ensure that the employer identification number (EIN) shall be assigned to the individual receiving services and shall not be transferred to another individual except when an individual (i) has not yet reached the age of majority, (ii) is ineligible to use his existing EIN to facilitate the taxation of benefits, or (iii) is otherwise determined to be ineligible by DMAS by administrative rule. DMAS shall have the authority to limit such state plan or 1915(c) waiver amendments to specify that an individual receiving services may make such designation no more than twice per calendar year.*

SENATE SUBSTITUTE

SB1328S1