

CHAPTER 489

An Act relating to the development of a Medicaid Buy-In Program for Virginia.

[House Bill 1822]

Approved March 16, 2003

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Department of Medical Assistance Services shall seek a waiver pursuant to § 1115 of the Social Security Act (42 U.S.C. § 1315) from the Centers for Medicaid and Medicare Services to establish a Medicaid Buy-In Program. The Medicaid Buy-In Program shall be for those working persons with disabilities whose earnings are too high to qualify for traditional Medicaid. Eligible individuals shall include those with income not in excess of 175 percent of the federal poverty level as determined by the United States Department of Health and Human Services. The waiver enrollment for the first year of such program shall be limited to an enrollment of 200 individuals. In addition, the Department of Medical Assistance Services shall seek authorization in the waiver for earned and unearned income requirements.*

Except for the requirement that the Department of Medical Assistance Services seek a waiver pursuant to § 1115 of the Social Security Act (42 U.S.C. § 1315), the provisions of this act providing benefits under a Medicaid Buy-In Program shall not become effective until (i) the Department of Medical Assistance Services receives a waiver pursuant to § 1115 of the Social Security Act from the Centers for Medicaid and Medicare Services to establish such program and (ii) an appropriation of moneys effectuating benefits under such program is included in a general appropriation act passed during a regular session of the General Assembly. The waiver proposal described herein shall be developed by October 1, 2003, and presented to the Governor and the Disability Commission by October 15, 2003, in order that the fiscal impact of such Medicaid Buy-In Program can be considered in the development of the 2004-2006 biennial budget.