



COMMONWEALTH of VIRGINIA

Department for the Aging

Julie Christopher, Commissioner

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August 21, 2007

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COMMONWEALTH of VIRGINIA
Department for the Aging
Julie Christopher, Commissioner

MEMORANDUM

TO: Executive Directors
Area Agencies on Aging

FROM: Ellen Nau, Human Services Program Coordinator

DATE: August 21, 2007

SUBJECT: Trainings and Conferences

Voices for Virginia's Children will host an interactive advocacy training session on September 26th at the Tuckahoe Library in Richmond, Virginia. The training will be held from 1:00-3:30 pm and focus on helping organizations determine how best to use the advocacy tools at their disposal. The training is free to the first 30 registrants. Please contact susan@vakids.org to register.

The National Council on Aging (NCOA) will host an advocacy day in Washington, D.C. on September 18, 2007. In the morning, NCOA will hold briefings on issues affecting seniors. Attendees will visit their members of Congress in the afternoon. Registration is free. Contact: <http://www.ncoa.org/>

The **2008 International Conference on Aging, Disability and Independence** will be held February 20-23, 2008 in St. Petersburg, Florida. The conference will focus on approaches to helping adults maintain independence as they age, and it will be divided into eight tracks representing research and development, policy, practice and services, business, and consumer perspectives. Early registration ends November 30, 2007. For more information, visit: <http://icadi.php.ufl.edu/>

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Department for the Aging
Julie Christopher, Commissioner

MEMORANDUM

TO: Executive Directors
Area Agencies on Aging

FROM: Ellen Nau, Program Coordinator

DATE: August 21, 2007

SUBJECT: Proposed Home Care Organization Legislation – Personal Care Providers

Personal care provider means a public or private entity that provides the services as defined in 32.1-162.7 of the Code of Virginia, in the residence of a client or individual in Virginia. Area Agencies on Aging that provide personal care services must comply with the *Rules and Regulations for the Licensure of Home Care Organizations* (12 VAC 5-381).

From the attached proposed legislation for the 2008 General Assembly, it appears that AAAs and other providers that are Medicaid providers of personal care services will no longer be exempt from the licensing process. Also, certification from the Joint Commission on Accreditation for Health Organizations, the National League of Nursing or the National Home Caring Council will not make an agency exempt from licensing. Licensing is administered by the Virginia Department of Health (VDH), Office of Licensure and Certification. If the proposed legislation is approved by the General Assembly, a direct provider of personal care services will need to be licensed by VDH. If you contract with providers to deliver personal care services to your clients, the providers will have to be licensed by VDH.

Please send comments concerning the proposed legislation to VDA by COB, Wednesday, August 22, 2007. Comments should be emailed to Ellen.Nau@vda.virginia.gov.

1 **REQUIRED FORMAT: THE PROPOSED DRAFT BILL**

2
3
4 *[Department of Medical Assistance Services]*
5 **2008 Session of the General Assembly**

6
7 **Proposal Identifier Number *[HHR-DMAS-1]***
8 **Draft Legislation**
9

10
11 Provide a draft of the affected legislation in the legislative bill format. Strike through
12 language to be deleted and underline new language. Remember to include the complete
13 Code section, not just the portion that is being changed.
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15
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17

18 § 32.1-162.8. Exemptions from article.

19 The provisions of this article shall not be applicable to:

20 1. A natural person who provides services to a patient or individual on an individual basis if such
21 person is (i) acting alone under a medical plan of care and is licensed to provide such services
22 pursuant to Title 54.1 or (ii) retained by the individual or by another individual acting on the
23 individual's behalf.

24 2. Any organization providing only housekeeping, chore or beautician services.

25 3. Any home care organization located in the Commonwealth that is:

26 a. Certified by the Department of Health under provisions of Title XVIII or Title XIX of the
27 Social Security Act;

28 ~~b. Approved for payments for home health or personal care by the Department of Medical~~
29 ~~Assistance Services;~~

30 ~~e b.~~ Accredited by organizations recognized by the Centers for Medicare and Medicaid Services
31 for the purposes of Medicare certification ~~the Joint Commission on Accreditation for Health~~
32 ~~Organizations, the National League of Nursing or the National Home-Caring Council; or~~

33 ~~d.c.~~ Licensed for hospice services under Article 7 (§ [32.1-162.1](#) et seq.) of this chapter.

34 (1986, c. 633; 1991, c. 695; 1995, c. 455; 2001, c. 515.)