

**DMAS Response to Public Comment at
June 14, 2021, Medicaid Member Advisory Committee Meeting**

Summary of Public Comment:

Theresa Champion indicated that she was a parent of a young individual receiving Medicaid, and that she is his attendant. Stating that she was speaking on behalf of other families unable to appear, Ms. Champion sought to point out a lack of Medicaid participating providers, specifically attendant care, because there are no benefits, low pay rates, and a 40-hours-per-week cap on work. Ms. Champion said she knows of a family who cannot find nursing care for a child who rarely sleeps and needs intense medical support. She urged DMAS to do something to encourage more providers, personal care attendants, and others. Ms. Champion also asked DMAS to research PANDAS/PANS (Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections/ Pediatric Acute-onset Neuropsychiatric Syndrome), which results from a strep infection. She indicated that PANDAS/PANS presents with intense behavior, caused by an underlying medical condition that must be treated. Ms. Champion indicated there is an advisory council under the Virginia Department of Health (VDH), and that she hopes DBHDS and DMAS will join in research to recognize behavioral issues being triggered by underlying strep and viral attacks. Ms. Champion pointed out that she expects PANDAS/PANS to increase based on COVID infections.

DMAS Response for Attendant Care Services:

A number of recent changes were made to the consumer-directed (CD) program through General Assembly action. Pay rates for CD attendants were increased on May 1, 2021, by 6.4% and are slated to increase again on January 1, 2022, by another 12.5%. Furthermore, the General Assembly has ensured that at no point will rates for personal care, respite, or companion services be at or below the minimum wage.

As of January 1, 2021, there is no 40 hours per week cap on personal care. CD attendants who live outside of the same residence as the individual receiving personal care may work up to 48 hours per week with the last 8 of those hours being paid at time and a half. As of July 1, 2021, this limit will be increased to 56 hours per week, with the last 16 of those hours being paid at time and a half. If the CD attendant resides in the same home as the waiver individual (known as a “live-in attendant”), there is no limit to the number of hours that can be worked, though those persons are exempt from overtime compensation as part of the federal Fair Labor Standards Act.

In addition, the General Assembly recently passed legislation providing a paid sick leave benefit to CD attendants who work at least 20 hours per week effective July 1, 2021. DMAS is working

to have this benefit available to those CD attendants who qualify during the quarter of July to September 2021 later this year.

Many individuals on one of Virginia's 1915(c) home and community-based services waivers utilize the consumer-directed model for their care in activities of daily living, instrumental activities of daily living, and other critical needs. Consumer direction affords individuals the ability to locate and to hire their own attendants to provide personal care, respite care, or companion services. While most enjoy the autonomy and ability to control one's own care under this model, for a segment of these individuals, there is difficulty in locating reliable attendants. DMAS reminds individuals who are having difficulty locating a CD attendant that they can utilize agency-directed services or a combination of agency-directed and consumer-directed services in order to receive care in the home and community.

DMAS Response for Medical Conditions:

DMAS recognizes that evidence for, and awareness of, the incidence, pathophysiology and treatment for PANDAS/PANS continue to grow. As a payer of health services, DMAS coverage of pediatric primary care services - as well as behavioral health specialty care - are cornerstones in the timely identification, treatment, and management of Group A Strep and neuropsychiatric conditions. As research by the Virginia Department of Health (VDH) and others continue to shed light on the causes, prevention and treatment of PANDAS/PANS, DMAS is committed to ensuring that those affected by PANDAS/PANS continue to have access to medically necessary services.