

Virginia Department of Health
Virginia Department of Medical Assistance Services

Senate Bill 265 (SB265) Frequently Asked Questions

Q: Why are DMAS personal and respite care providers required to obtain a Home Care Organization (HCO) license from the Virginia Department of Health?

A: SB 265 of the 2010 General Assembly repeals the exemption from licensure for personal care providers seeking Medicaid reimbursement from DMAS. The law became effective July 1, 2010.

Q: What if my organization provides respite care? The law does not appear to address respite care providers.

A: For the purposes of Medicaid reimbursement, respite care providers are often the same providers of services as personal care organizations. In other words, a personal care provider enrolls in both personal care and respite care Medicaid programs.

Q: How do I obtain a license as a HCO?

A: By filing an application with the Virginia Department of Health Office of Licensure and Certification (VDH/OLC). Applications are available on line at:

www.vdh.virginia.gov/OLC/downlaodables/index.htm.

Q: If I am currently a DMAS approved personal or respite care provider, when must I submit my HCO license?

A: The law requires that all current DMAS approved personal or respite care providers submit their application by 01/01/2011.

Q: What steps should be taken before requesting my initial licensure survey?

A: The guideline "Home Care Licensure Survey Checklist" explaining the initial application process is available on line at:

www.vdh.virginia.gov/olc/downlaodables/index.htm

Q: Does the OLC offer any regulatory consultation services?

A: The OLC holds pre-licensure survey training sessions. These are scheduled for the last Monday of each month. The conferences are held in the 2nd floor Commonwealth Conference Center, 9960 Mayland Drive, Henrico, Virginia 23233. Sessions generally run between 1.5 and 2 hours. Attendees are instructed to bring a copy of 12 VAC 5-381 *Regulations for the Licensure of Home Health Agencies*. A copy is available on line at:

www.vdh.virginia.gov/olc/laws.index.htm

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No more than two persons from the same organization may attend. Contact the OLC at 804-367-2104 to reserve a slot.

In addition, the Virginia Association for Hospice and Home Care (VAHC) provides regulatory consultation to its members. Go to www.vahc.org or contact VAHC at 804-285-8636 for more information.

Q: How long will it take for a license to be issued?

A: As a result of SB265, the VDH/OLC anticipates a large number of new HCO licensure applications. Subsequently, issuance of these licenses will take several months. All applications will be processed on a 'first come, first served' basis.

Q: What will happen to my current DMAS Provider Agreement?

A: Prior to July 1, 2012 you must submit a copy of your Home Care Organization license to the DMAS ACS Provider Enrollment Services to continue participation as a Medicaid provider.

A provider renewal request will be mailed to your organization 90 days prior to your current expiration date of June 30, 2012 with instructions for submitting a copy of your Home Care Organization license with ACS Provider Enrollment Services. Failure to obtain licensure or federal Medicare certification will result in the loss of participation in the Medicaid program and discontinuation of Medicaid payments to providers until such time as the appropriate licensure and/or certification requirements are met.

Q: Are there any exemptions to licensure for Home Care Organizations?

A: Once a provider *becomes licensed*, the following exemptions are available:

- 1) Certified by the Department of Health under provisions of Title XVIII or Title XIX of the Social Security Act; and
- 2) Accredited by any organization recognized by the Centers for Medicare and Medicaid Services (CMS) for the purposes of Medicare certification.

Q: What are the requirements for enrolling with DMAS as a personal care or respite care provider?

A: Effective July 1, 2010, all new personal or respite care providers must be licensed by the Virginia Department of Health as a Home Care Organization and will need to provide proof of licensure prior to enrolling with DMAS to become a Medicaid provider. However, a moratorium on new HCO providers has been enacted until July 1, 2012.