

## **CBA LPRC POSITION REQUEST FORM**

The CBA Elder Law Section **position request** is as follows:

- 1) Proposed legislative or regulatory concept:  
To oppose any effort by the DSS to remove the word “inaccessible” from the Uniform Policy Manual as it applies to assets and income in Medicaid and certain other programs.
- 2) Explanation and rationale for advancing this position:  
Removing the word “inaccessible” from the Uniform Policy Manual would result in the denial of Medicaid benefits to many of our state’s elderly who are in need of these benefits and services. The Medicaid program has financial eligibility requirements, which we understand are a necessary part of ensuring the longevity of the program. Where assets are not exempt, accessible and capable of being spent on one’s care, such assets should be used for such purpose. However, a person in need of care and services should not be denied access to much needed services when they have an asset, but yet it cannot be accessed to pay for these services. Once the asset can be accessed, payment to the State for reimbursement of services rendered can be made.
- 3) Is draft regulation, legislation or proposed bill included? No. The DSS has previously issued a Notice of Intent to amend the Uniform Policy Manual to this effect that was attached to the original position request form and can be provided on request, but there is no currently pending Notice of Intent to our knowledge.
- 4) What is the date of any legislative hearing, if known? None at this time.
- 5) Was this position previously approved by the CBA? If so, when does/did it expire?  
Yes, it expired at the end of the 2019 legislative session, and was approved by the House of Delegates January 23, 2017. Although the position has expired, we want to be prepared in the event the DSS pursues this issue again.
- 6) Is the CBA section or committee seeking to join a previously approved CBA section or committee position? No.
- 7) Potential or actual CBA opposition from another CBA section or committee? None.
- 8) Strength of section position (including process and results of section vote taken on issue):  
The position was unanimously approved by the Section’s Executive Committee in a vote taken in December, 2016, and the 24 members of the Executive Committee present at a Section meeting on September 17, 2019 voted unanimously to seek reauthorization of the position.
- 9) Fiscal impact (on the state): Unknown, although the position sought is to maintain the existing regulations which include the word “inaccessible”, so this would maintain the status quo.
- 10) Are you seeking “fast-track” approval? No.