

CBA LPRC POSITION REQUEST FORM

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

- 1) Proposed legislative or regulatory concept:

The Elder Law Section **opposes** proposed regulations promulgated by the Department of Social Services (DSS) seeking to implement the federal Deficit Reduction Act of 2006 (the “DRA”).

- 2) Explanation and rationale for advancing this position:

Since DSS’ proposed regulations were promulgated in 2007, the Elder Law Section has worked to have the proposed regulations rejected by the Regulations Review Committee since many of the proposed regulations were contrary to and in violation of the DRA. We were successful in having the Regs Review reject the proposed regulations in 2009 and DSS was directed by Regs Review to work with interested stake holders to revise the regulations. Over the next 4 years, an Elder law subcommittee has met with DSS representatives and negotiated revisions to many of the issues. However, four issues on which no agreement could be reached, remain. The four issues are contrary to federal law. We continue working to oppose and strike the four issues contained within DSS’ proposed regulations and have the balance of the regulations approved.

- 3) Is draft regulation, legislation or proposed bill included? No.

- 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, the position expired at the end of the 2019 Legislative session

- 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? No.

- 8) Strength of section position (including process and results of section vote taken on issue):

Re-authorization of section position unanimously approved by the Executive Committee of the Elder law section on September 17, 2019.

- 9) Fiscal impact (on the state): DSS will argue that there would be with regard to how we would want the four outstanding issues to be revised.

- 10) Are you seeking “fast-track” approval: No¹

¹ A “fast track” recommendation will be submitted to the House of Delegates (HOD) or Board of Governors (BOG) at its next scheduled meeting (or, if between meetings of the HOD or BOG and during the legislative session, to the Executive Committee), and is warranted only when the Legislative Policy & Review Committee concludes that further analysis and study is unnecessary and where there is legitimate time pressure to address pending legislation.