

# Virginia

## CONSTITUTIONAL REQUIREMENTS

Virginia's constitution does not provide for indigent care.

## STATUTORY OBLIGATIONS

### State/Local Hospitalization Program

This program, administered by the State's Department of Medical Assistance Services, imposes obligations on the state and its county and municipal governments to provide inpatient, outpatient and ambulatory surgical medical care to eligible indigents in need.<sup>1</sup>

#### Funding

Counties and cities administering this program shall receive annual appropriations of the General Assembly equal to the difference between the estimated total costs of rendering care under this program, less the funds which are determined to be the county's or city's share.<sup>2</sup> The local government's share is calculated according to a formula which takes into account the wealth and tax generating capacity of the locality. Up to 25 percent of the program's costs may be imposed on the locality.<sup>3</sup>

#### Eligibility

Persons living within the county or municipality wherein they are applying, who are legally residing in the United States, who are unable to pay for medical treatment, whose incomes are no greater than 100 percent of the federal poverty level, and whose resources are no greater than the limit set under the federal Supplemental Security Income Program are eligible.<sup>4</sup>

#### Services Available

This scope and duration of medical services available under this program shall be set by the State

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<sup>1</sup>Va. Code Ann. § 32.1-344 [Michie 1997].

<sup>2</sup>Va. Code Ann. § 32.1-345 [Michie 1997].

<sup>3</sup>*Id.*

<sup>4</sup>Va. Code Ann. §§ 32.1-343, -347 [Michie 1997].

Director of the Department of Medical Assistance Services, and shall be uniform throughout the state.<sup>5</sup> Benefits available shall include inpatient and outpatient hospital services and ambulatory surgical center and local public health clinic services by providers who have signed agreements to participate in the Program and are enrolled providers in the Medicaid program.<sup>6</sup>

The scope and duration of benefits available under this program may not exceed what is available under the state's Medicaid program.<sup>7</sup> There is explicit statement as to a minimum scope and duration of benefits. Under this program inpatient stays of up to 21 days, in aggregate for each diagnosis or similar diagnosis, will be provided.<sup>8</sup> Persons under the age of twenty-one years shall not be restricted to 21 days, but may receive such care as would be available under the state's Medicaid program.<sup>9</sup>

Providers shall be reimbursed at the same rates used by the state's Medicaid program, except that no disproportionate share or medical education adjustment for inpatient hospital reimbursement is provided.<sup>10</sup>

### **Virginia Children's Medical Security Insurance Plan**

In 1997, the legislature established the Virginia Children's Medical Security Insurance Plan.<sup>11</sup> The state's Department of Medical Assistance Services ("Department") is instructed to develop an insurance plan which will provide a comprehensive health insurance plan to uninsured or underinsured persons up to the age of eighteen whose family incomes do not exceed 200 percent of the federal poverty level.<sup>12</sup> The legislature specifically stated that this Act shall not be construed as creating any legally enforceable right or entitlement to payment for medical services on the part of any medically indigent person or any right or entitlement to participation.<sup>13</sup>

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<sup>5</sup>Va. Code Ann. § 32.1-345 [Michie 1997].

<sup>6</sup>*Id.*

<sup>7</sup>*Id.*

<sup>8</sup>Va. Code Ann. § 32.1-346(B)(3) [Michie 1997].

<sup>9</sup>*Id.*

<sup>10</sup>Va. Code Ann. § 32.1-346(B)(2) [Michie 1997].

<sup>11</sup>Va. Code Ann. § 32.1-351 [Michie 1997].

<sup>12</sup>*Id.*

<sup>13</sup>Va. Code Ann. § 32.1-353 [Michie 1997].

### Program Funding

This program is to be funded out of the Virginia Children's Medical Security Insurance Plan Trust Fund.<sup>14</sup> This trust fund shall be fueled by a tax which is put on certain private group and individual health insurance plans, such employer contributions which may be solicited or received by the Department, and all grants, donations, gifts, and bequest from any source, public or private.<sup>15</sup>

### Eligibility for Services

Uninsured persons up to the age of eighteen years whose family incomes are no greater than 200 percent of the federal poverty level are eligible for coverage.<sup>16</sup> It is unclear whether the legislature intends that persons *through* age eighteen shall be covered, or only *up to* the age of eighteen, as the statute's language indicates. Presumably, state residency, and perhaps legal residency within the United States is required. The Department may attach additional eligibility regulations as the program is developed.

### Scope and Duration of Services

This program shall provide primary and preventive care.<sup>17</sup> The Department is instructed to consider providing the services recommended by the American Academy of Pediatrics' Child Health Insurance Plan (CHIRP).<sup>18</sup> This statutory guideline is sketchy. How it is interpreted by the Department will make all the difference in what shall be the scope and duration of services.

### State & Local Health Departments

There is a state department of health, and each county and city must have a local department of health.<sup>19</sup> There are no statutory provisions, however, for placing the public health clinics in the role of providing primary health services to indigent populations.

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<sup>14</sup>Va. Code Ann. § 32.1-352 [Michie 1997].

<sup>15</sup>*Id.*

<sup>16</sup>Va. Code Ann. § 32.1-351 [Michie 1997].

<sup>17</sup>Va. Code Ann. § 32.1-352 [Michie 1997].

<sup>18</sup>Va. Code Ann. § 32.1-351 [Michie 1997].

<sup>19</sup>Va. Code Ann. § 32.1-30 [Michie 1997].