



**AN ACT CONCERNING THE DEPARTMENT ON AGING.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (a) There is established a Department on Aging  
2 which shall be under the direction and supervision of the  
3 Commissioner on Aging who shall be appointed by the Governor in  
4 accordance with the provisions of sections 4-5 to 4-8, inclusive, of the  
5 general statutes, with the powers and duties therein prescribed. The  
6 commissioner shall be knowledgeable and experienced with respect to  
7 the conditions and needs of elderly persons and shall serve on a full-  
8 time basis.

9 (b) The Commissioner on Aging shall administer all laws under the  
10 jurisdiction of the Department on Aging and shall employ the most  
11 efficient and practical means for the provision of care and protection of  
12 elderly persons. The commissioner shall have the power and duty to  
13 do the following: (1) Administer, coordinate and direct the operation  
14 of the department; (2) adopt and enforce regulations, in accordance  
15 with chapter 54 of the general statutes, as necessary to implement the  
16 purposes of the department as established by statute; (3) establish rules  
17 for the internal operation and administration of the department; (4)  
18 establish and develop programs and administer services to achieve the  
19 purposes of the department; (5) contract for facilities, services and  
20 programs to implement the purposes of the department; (6) act as  
21 advocate for the need of more comprehensive and coordinated

22 programs for elderly persons; (7) assist and advise all appropriate  
23 state, federal, local and area planning agencies for elderly persons in  
24 the performance of their functions and duties pursuant to federal law  
25 and regulation; (8) plan services and programs for elderly persons; (9)  
26 coordinate outreach activities by public and private agencies serving  
27 elderly persons; and (10) consult and cooperate with area and private  
28 planning agencies.

29 (c) The functions, powers, duties and personnel of the Division of  
30 Elderly Services of the Department of Social Services shall be  
31 transferred to the Department on Aging pursuant to the provisions of  
32 section 4-38d and 4-38e of the general statutes.

33 (d) Any order or regulation of the Department of Social Services or  
34 the Commission on Aging that is in force on July 1, 2000, shall continue  
35 in force and effect as an order or regulation until amended, repealed or  
36 superseded pursuant to law.

37 Sec. 2. (NEW) (a) The Department on Aging shall continuously  
38 study the conditions and needs of elderly persons in this state in  
39 relation to nutrition, transportation, home-care, housing, income,  
40 employment, health, recreation and other matters. It shall be  
41 responsible, in cooperation with federal, state, local and area planning  
42 agencies on aging, for the overall planning, development and  
43 administration of a comprehensive and integrated social service  
44 delivery system for elderly persons and the aged. The department  
45 shall: (1) Measure the need for services; (2) survey methods of  
46 administration of programs for service delivery; (3) provide for  
47 periodic evaluations of social services; (4) maintain technical,  
48 information, consultation and referral services in cooperation with  
49 other state agencies to local and area public and private agencies to the  
50 fullest extent possible; (5) develop and coordinate educational  
51 outreach programs for the purposes of informing the public and  
52 elderly persons of available programs; (6) cooperate in the  
53 development of performance standards for licensing of residential and  
54 medical facilities with appropriate state agencies; (7) supervise the

55 establishment, in selected areas and local communities of the state, of  
56 pilot programs for elderly persons; (8) coordinate with the Department  
57 of Transportation to provide adequate transportation services related  
58 to the needs of elderly persons; and (9) cooperate with other state  
59 agencies to provide adequate and alternate housing for elderly  
60 persons, including congregate housing, as defined in section 8-119e of  
61 the general statutes. Subject to the provisions of chapter 67 of the  
62 general statutes, the Department on Aging may employ such clerical  
63 and other assistance as it requires to carry out its duties.

64 (b) The Department on Aging shall be the single state agency for the  
65 administration, monitoring and coordination of programs for elderly  
66 persons and the aged pursuant to any state or federal law or  
67 regulation, except as otherwise provided in the general statutes or as  
68 required by federal law as a prerequisite to federal reimbursement or  
69 grants.

70 Sec. 3. (NEW) (a) The Department on Aging may receive, hold,  
71 invest and disburse money, securities, supplies or equipment offered it  
72 for any of its purposes by the federal government or by any person,  
73 corporation or association. The department may, within the limits of  
74 funds available to it from state appropriations or otherwise, enter into  
75 agreements with federal agencies for programs to help older persons  
76 in the field of community planning, services and training or otherwise,  
77 as is or may be authorized under federal law. The department shall  
78 include in its annual report an account of any property so received, the  
79 names of its donors, its location, the use made thereof and the amount  
80 of unexpended balances on hand.

81 (b) The Department on Aging may contract with any public or  
82 private agency or person to provide services for the elderly.

83 Sec. 4. Section 17b-420 of the general statutes is repealed and the  
84 following is substituted in lieu thereof:

85 (a) There is established a Commission on Aging within the  
86 Department on Aging to advocate on behalf of elderly persons on

87 issues and programs of concern to the elderly including, but not  
88 limited to, health care, nutrition, housing, employment, transportation,  
89 legal assistance and economic security. The commission shall be  
90 composed of eleven voting members who are knowledgeable about  
91 areas of interest to the elderly to be appointed as follows: Five by the  
92 Governor, one by the president pro tempore of the Senate, one by the  
93 speaker of the House of Representatives, one by the majority leader of  
94 the Senate, one by the majority leader of the House of Representatives,  
95 one by the minority leader of the Senate and one by the minority  
96 leader of the House of Representatives. The initial appointments to the  
97 commission shall be made by August 15, 1993. The initial term for  
98 three of the members appointed by the Governor and the members  
99 appointed by the president pro tempore of the Senate, majority leader  
100 of the House of Representatives and minority leader of the Senate shall  
101 expire August 15, 1997, and the initial term for two of the members  
102 appointed by the Governor and the members appointed by the speaker  
103 of the House of Representatives, majority leader of the Senate and  
104 minority leader of the House of Representatives shall expire August  
105 15, 1995. Thereafter, all members shall be appointed for a term of four  
106 years from August fifteenth in the year of their appointment. Members  
107 shall be limited to two consecutive terms. The commission shall  
108 include the following ex-officio nonvoting members: The chairpersons  
109 and ranking members of the joint standing committee of the General  
110 Assembly having cognizance of matters concerning the provision of  
111 services to the elderly and the Commissioners of Social Services, Public  
112 Health, Mental Health and Addiction Services, Mental Retardation,  
113 Economic and Community Development and Transportation, the  
114 Insurance Commissioner and the Labor Commissioner. The  
115 chairperson of the commission shall be selected by the Governor.  
116 Members of the commission shall receive no compensation for their  
117 services, but shall be reimbursed for any necessary expenses incurred  
118 in the performance of their duties. The Commissioner of Social  
119 Services shall convene the initial organizational meeting of the  
120 Commission on Aging on or before September 1, 1993.

121 (b) The Commission on Aging shall: (1) Prepare and issue an annual  
122 report to the [Governor, General Assembly and the legislative body of  
123 each municipality in the state] Commissioner on Aging on its findings  
124 and recommendations concerning services for the elderly in the state;  
125 (2) conduct annual public hearings on issues affecting the well-being of  
126 the elderly in the state; [(3) meet at least monthly with the  
127 commissioner and the head of the Division of Elderly Services of the  
128 Department of Social Services to review and comment on the policies  
129 and procedures of the department concerning the elderly; (4) review  
130 and comment on the budget of the Division of Elderly Services of the  
131 Department of Social Services; (5)] (3) meet as needed with state  
132 officials to discuss issues affecting the elderly; [(6)] and (4) conduct  
133 studies and report on issues affecting the elderly. [; and (7) disseminate  
134 information to the business community, education community, state  
135 and local governments and the media on the nature and scope of the  
136 problems faced by the elderly. The commission may accept any gifts,  
137 donations or bequests for any of the purposes of this section.]

138 (c) There shall be an executive director of the Commission on Aging  
139 who shall be appointed by the commissioner after consultation with  
140 the commission. There may be additional staff within available  
141 appropriations. The commission shall be within the Department [of  
142 Social Services for administrative purposes only] on Aging.

143 Sec. 5. Subsection (a) of section 17b-28 of the general statutes, is  
144 repealed and the following is substituted in lieu thereof:

145 (a) There is established a council which shall advise the  
146 Commissioner of Social Services on the planning and implementation  
147 of a system of Medicaid managed care and shall monitor such  
148 planning and implementation and shall advise the Waiver Application  
149 Development Council, established pursuant to section 17b-28a, on  
150 matters including, but not limited to, eligibility standards, benefits,  
151 access and quality assurance. The council shall be composed of the  
152 chairpersons and ranking members of the joint standing committees of  
153 the General Assembly having cognizance of matters relating to human

154 services and public health, or their designees; two members of the  
155 General Assembly, one to be appointed by the president pro tempore  
156 of the Senate and one to be appointed by the speaker of the House of  
157 Representatives; the [director of the Commission] Commissioner on  
158 Aging, or [a] the commissioner's designee; the director of the  
159 Commission on Children, or a designee; two community providers of  
160 health care, to be appointed by the president pro tempore of the  
161 Senate; two representatives of the insurance industry, to be appointed  
162 by the speaker of the House of Representatives; two advocates for  
163 persons receiving Medicaid, one to be appointed by the majority leader  
164 of the Senate and one to be appointed by the minority leader of the  
165 Senate; one advocate for persons with substance abuse disabilities, to  
166 be appointed by the majority leader of the House of Representatives;  
167 one advocate for persons with psychiatric disabilities, to be appointed  
168 by the minority leader of the House of Representatives; two advocates  
169 for the Department of Children and Families foster families, one to be  
170 appointed by the president pro tempore of the Senate and one to be  
171 appointed by the speaker of the House of Representatives; two  
172 members of the public who are currently recipients of Medicaid, one to  
173 be appointed by the majority leader of the House of Representatives  
174 and one to be appointed by the minority leader of the House of  
175 Representatives; two representatives of the Department of Social  
176 Services, to be appointed by the Commissioner of Social Services; two  
177 representatives of the Department of Public Health, to be appointed by  
178 the Commissioner of Public Health; two representatives of the  
179 Department of Mental Health and Addiction Services, to be appointed  
180 by the Commissioner of Mental Health and Addiction Services; two  
181 representatives of the Department of Children and Families, to be  
182 appointed by the Commissioner of Children and Families; two  
183 representatives of the Office of Policy and Management, to be  
184 appointed by the Secretary of the Office of Policy and Management;  
185 one representative of the office of the State Comptroller, to be  
186 appointed by the State Comptroller and the members of the Health  
187 Care Access Board who shall be ex-officio members and who may not  
188 designate persons to serve in their place. The council shall choose a

189 chair from among its members. The joint committee on Legislative  
190 Management shall provide administrative support to such chair. The  
191 council shall convene its first meeting no later than June 1, 1994.

192 Sec. 6. Section 17b-421 of the general statutes is repealed and the  
193 following is substituted in lieu thereof:

194 The state shall be divided into five elderly planning and service  
195 areas, in accordance with federal law and regulations, each having an  
196 area agency on aging to carry out the mandates of the federal Older  
197 Americans Act of 1965, as amended. The area agencies shall (1)  
198 represent elderly persons within their geographic areas, (2) develop an  
199 area plan for approval by the Department of [Social Services] on Aging  
200 and upon such approval administer the plan, (3) coordinate and assist  
201 local public and nonprofit, private agencies in the development of  
202 programs, (4) receive and distribute federal and state funds for such  
203 purposes, in accordance with applicable law, (5) carry out any  
204 additional duties and functions required by federal law and  
205 regulations.

206 Sec. 7. Section 17b-422 of the general statutes is repealed and the  
207 following is substituted in lieu thereof:

208 (a) The [state Department of Social Services] Department on Aging  
209 shall equitably allocate, in accordance with federal law, federal funds  
210 received under Title IIIB and IIIC of the Older Americans Act to the  
211 five area agencies on aging established pursuant to section 17b-421, as  
212 amended by this act. The department, before seeking federal approval  
213 to spend any amount above that allotted for administrative expenses  
214 under said act, shall inform the joint standing committee of the  
215 General Assembly having cognizance of matters relating to human  
216 services that it is seeking such approval.

217 (b) Sixty per cent of the state funds appropriated to the five area  
218 agencies on aging for elderly nutrition and social services shall be  
219 allocated in the same proportion as allocations made pursuant to  
220 subsection (a) of this section. Forty per cent of all state funds

221 appropriated to the five area agencies on aging for elderly nutrition  
222 and social services used for purposes other than the required  
223 nonfederal matching funds shall be allocated at the discretion of the  
224 [Commissioner of Social services] Commissioner on Aging, in  
225 consultation with the area agencies on aging, based on their need for  
226 such funds. Any state funds appropriated to the five area agencies on  
227 aging for administrative expenses shall be allocated equally.

228 (c) The [state Department of Social Services] Department on Aging  
229 in consultation with the five area agencies on aging shall review the  
230 method of allocation set forth in subsection (a) and shall report any  
231 findings or recommendations to the joint standing committees on  
232 appropriations and human services.

233 (d) An area agency may request a person participating in the elderly  
234 nutrition program to pay a voluntary fee for meals furnished except  
235 that no eligible person shall be denied a meal due to an inability to pay  
236 such fee.

237 Sec. 8. Section 17b-423 of the general statutes is repealed and the  
238 following is substituted in lieu thereof:

239 (a) [The state Department of Social Services by July 1, 1987,] Not  
240 later than January 1, 2002, the Department on Aging shall prepare and  
241 routinely update a community services policy manual. The pages of  
242 such manual shall be consecutively numbered and indexed, containing  
243 all departmental policy regulations and substantive procedure. Said  
244 manual shall be published by the department and distributed so that it  
245 is available to all district, subdistrict and field offices of the [state]  
246 Department of Social Services and the Department on Aging. The  
247 [state Department of Social Services] Department on Aging shall adopt  
248 such policy manual in regulation form in accordance with the  
249 provisions of chapter 54. The department may operate under any new  
250 policy necessary to conform to a requirement of a federal or joint state  
251 and federal program. The department may operate under any new  
252 policy while it is in the process of adopting the policy in regulation

253 form, provided the [state Department of Social Services] Department  
254 on Aging prints notice of intent to adopt the regulations in the  
255 Connecticut Law Journal within twenty days after adopting the policy.  
256 Such policy shall be valid until the time final regulations are effective.

257 (b) The [state Department of Social Services] Department on Aging  
258 shall write the community services policy manual using plain  
259 language as described in section 42-152. The manual shall include an  
260 index for frequent referencing and a separate section or manual which  
261 specifies procedures to follow to clarify policy.

262 Sec. 9. Section 17b-424 of the general statutes is repealed and the  
263 following is substituted in lieu thereof:

264 The Commissioner [of Social Services] on Aging shall establish an  
265 adult foster care program [which] that shall provide room, board and  
266 personal care services in a home or substantially equivalent  
267 environment to elderly persons who volunteer and may otherwise be  
268 placed in a nursing home or who are inappropriately institutionalized.  
269 The commissioner shall adopt regulations, in accordance with the  
270 provisions of chapter 54, to administer this program.

271 Sec. 10. Section 17b-425 of the general statutes is repealed and the  
272 following is substituted in lieu thereof:

273 The Department [of Social Services] on Aging may make a grant to  
274 any city, town or borough or public or private agency, organization or  
275 institution for the following purposes: [(a)] (1) For community  
276 planning and coordination of programs carrying out the purposes of  
277 the Older Americans Act of 1965, as amended; [(b)] (2) for  
278 demonstration programs or activities particularly valuable in carrying  
279 out such purposes; [(c)] (3) for training of special personnel needed to  
280 carry out such programs and activities; [(d)] (4) for establishment of  
281 new or expansion of existing programs to carry out such purposes,  
282 including establishment of new or expansion of existing centers of  
283 service for elderly persons, providing recreational, cultural and other

284 leisure time activities, and informational, transportation, referral and  
285 preretirement and postretirement counseling services for elderly  
286 persons and assisting such persons in providing volunteer community  
287 or civic services, except that no costs of construction, other than for  
288 minor alterations and repairs, shall be included in such establishment  
289 or expansion; [(e)] (5) for programs to develop or demonstrate  
290 approaches, methods and techniques for achieving or improving  
291 coordination of community services for elderly or aging persons and  
292 such other programs and services as may be allowed under Title III of  
293 the Older Americans Act of 1965, as amended, or to evaluate these  
294 approaches, techniques and methods, as well as others which may  
295 assist elderly or aging persons to enjoy wholesome and meaningful  
296 living and to continue to contribute to the strength and welfare of the  
297 state and nation.

298 Sec. 11. Section 17b-426 of the general statutes is repealed and the  
299 following is substituted in lieu thereof:

300 The Department [of Social Services] on Aging may use moneys  
301 appropriated for the purposes of section 17b-425, as amended by this  
302 act, for the expenses of administering the grant program under said  
303 section, provided the total of such moneys so used shall not exceed  
304 five per cent of the moneys so appropriated.

305 Sec. 12. Subsection (a) of section 17b-427 of the general statutes is  
306 repealed and the following is substituted in lieu thereof:

307 (a) The Department [of Social Services] on Aging shall establish a  
308 program to provide assistance to Medicare patients. The program  
309 shall: (1) Provide for toll-free telephone advice and information on  
310 Medicare benefits and the Medicare appeals process from a qualified  
311 attorney or paralegal at least five days per week during normal  
312 business hours, and (2) provide for the preparation and distribution of  
313 written materials to Medicare patients, their families and senior citizen  
314 organizations regarding Medicare benefits.

315 Sec. 13. Section 4-5 of the general statutes is repealed and the

316 following is substituted in lieu thereof:

317 As used in sections 4-6, 4-7 and 4-8, the term "department head"  
318 means Secretary of the Office of Policy and Management,  
319 Commissioner of Administrative Services, Commissioner on Aging,  
320 Commissioner of Revenue Services, Commissioner of Banking,  
321 Commissioner of Children and Families, Commissioner of Consumer  
322 Protection, Commissioner of Correction, Commissioner of Economic  
323 and Community Development, State Board of Education,  
324 Commissioner of Environmental Protection, Commissioner of  
325 Agriculture, Commissioner of Public Health, Insurance Commissioner,  
326 Labor Commissioner, Liquor Control Commission, Commissioner of  
327 Mental Health and Addiction Services, Commissioner of Public Safety,  
328 Commissioner of Social Services, Commissioner of Mental Retardation,  
329 Commissioner of Motor Vehicles, Commissioner of Transportation,  
330 Commissioner of Public Works, Commissioner of Veterans' Affairs,  
331 Commissioner of Health Care Access, Chief Information Officer and  
332 the chairperson of the Public Utilities Control Authority.

333 Sec. 14. Section 4-38c of the general statutes is repealed and the  
334 following is substituted in lieu thereof:

335 There shall be within the executive branch of state government the  
336 following departments: Office of Policy and Management, Department  
337 of Administrative Services, Department of Revenue Services,  
338 Department of Banking, Department of Agriculture, Department of  
339 Children and Families, Department of Consumer Protection,  
340 Department of Correction, Department of Economic and Community  
341 Development, State Board of Education, Department of Environmental  
342 Protection, Department of Public Health, Board of Governors of  
343 Higher Education, Insurance Department, Labor Department,  
344 Department of Mental Health and Addiction Services, Department of  
345 Mental Retardation, Department of Public Safety, Department of Social  
346 Services, Department of Transportation, Department of Motor  
347 Vehicles, Department of Veterans' Affairs, Department on Aging,  
348 Department of Public Works and Department of Public Utility Control.

349 Sec. 15. Section 7-127b of the general statutes is repealed and the  
350 following is substituted in lieu thereof:

351 (a) The chief elected official or the chief executive officer if by  
352 ordinance of each municipality shall appoint a municipal agent for  
353 elderly persons. Such agent shall be a member of the municipality's  
354 commission on aging, if any, a member of another agency that serves  
355 elderly persons, an elected official of the state or the municipality or a  
356 responsible resident of the municipality who has demonstrated an  
357 interest in the elderly or has been involved in programs in the field of  
358 aging.

359 (b) Each municipal agent shall (1) disseminate information to  
360 elderly persons and assist such persons in learning about the  
361 community resources available to them and publicize such resources  
362 and benefits; (2) assist elderly persons in applying for federal and  
363 other benefits available to such persons; (3) submit written reports at  
364 least annually to the chief elected official, chief executive officer,  
365 legislative body and committee or commission on aging of the  
366 municipality, if any, and to the [state Department of Social Services]  
367 Department on Aging on the services they have provided, the needs  
368 and problems of the elderly and any recommendations for municipal  
369 action with regard to elderly persons.

370 (c) Each municipal agent shall serve for a term of two or four years,  
371 at the discretion of the appointing authority of each municipality, and  
372 may be reappointed. If more than one agent is necessary to carry out  
373 the purposes of this section, the appointing authority, in [his] the  
374 appointing authority's discretion, may appoint one or more assistant  
375 agents. The town clerk in each municipality shall notify the [state  
376 Department of Social Services] Department on Aging immediately of  
377 the appointment of a new municipal agent. Each municipality may  
378 provide to its municipal agent resources sufficient for such agent to  
379 perform the duties of the office.

380 (d) The [state Department of Social Services] Department on Aging

381 shall be responsible for assuring that the provisions of this section are  
382 being carried out by municipalities, and shall adopt and disseminate to  
383 municipalities guidelines as to the role and duties of municipal agents  
384 and such informational and technical materials to assist such agents in  
385 performance of their duties. Said department shall provide training for  
386 municipal agents in accordance with their needs and the resources of  
387 the department and in cooperation with area agencies on aging. The  
388 department shall sponsor at least one training session in each of the  
389 planning and service areas of the Department [of Social Services] on  
390 Aging. Such training shall include, but not be limited to, information,  
391 from updated lists, on the availability of housing. Each municipal  
392 agent shall attend at least one such session. Said department shall  
393 assist such agents to develop and maintain simple records about the  
394 needs of elderly persons and the services provided to them, which  
395 records shall be confidential and used only to provide data that is  
396 useful to the [state Department of Social Services] Department on  
397 Aging and the area agencies on aging in the preparation of the annual  
398 state and area plans.

399 Sec. 16. Subsection (a) of section 9-19h of the general statutes, is  
400 repealed and the following is substituted in lieu thereof:

401 (a) The Department [of Social Services] on Aging, the Labor  
402 Department and the Department of Motor Vehicles shall make voter  
403 registration information and materials available to the public. Such  
404 information and materials shall be placed in public areas of the offices  
405 of such departments. The State Library and the libraries of the state's  
406 public institutions of higher education shall also make such  
407 information and materials available to users of the libraries. The  
408 Secretary of the State shall provide such departments, such libraries  
409 and any libraries open to the public with suitable nonpartisan  
410 literature, materials and voter registration application forms  
411 authorized under sections 9-23g and 9-23h. The secretary shall also  
412 provide to the Department [of Social Services] on Aging, the Labor  
413 Department and the Department of Motor Vehicles any furniture  
414 needed to display such literature, materials and forms.

415 Sec. 17. Subsections (a) and (b) of section 10-183l of the general  
416 statutes are repealed and the following is substituted in lieu thereof:

417 (a) The management of the system shall continue to be vested in the  
418 Teachers' Retirement Board, which shall consist of nine members  
419 including the Insurance Commissioner, the Commissioner [of Social  
420 Services] on Aging and the Commissioner of Education, or their  
421 designees, who shall be members of the board, ex officio. On or before  
422 June 15, 1983, and quadrennially thereafter, the members of such  
423 system shall elect from their number, in a manner to be prescribed by  
424 said board, three persons to serve as members of said board for terms  
425 of four years beginning July first following such election. If a vacancy  
426 occurs in the positions filled by the members of said system who are  
427 not retired, said board shall elect a member of the system who is not  
428 retired to fill the unexpired portion of the term. If a vacancy occurs in  
429 the position filled by the retired member of said system, said board  
430 shall elect a retired member of the system to fill the unexpired portion  
431 of the term. The Governor shall appoint three public members to said  
432 board in accordance with the provisions of section 4-9a. The members  
433 of the board shall serve without compensation, but shall be reimbursed  
434 for any expenditures or loss of salary or wages which they incur  
435 through service on the board.

436 (b) On and after July 1, 1991, the management of the system shall  
437 continue to be vested in the Teachers' Retirement Board, which shall  
438 consist of twelve members including the Commissioner [of Social  
439 Services] on Aging and the Commissioner of Education, or their  
440 designees, who shall be members of the board, ex officio. On or before  
441 June 15, 1985, and quadrennially thereafter, the members of such  
442 system shall elect from their number, in a manner prescribed by said  
443 board, two persons to serve as members of said board for terms of four  
444 years beginning July first following such election. Both of such persons  
445 shall be active teachers who shall be nominated by the members of the  
446 system who are not retired and elected by all the members of the  
447 system. On or before July 1, 1991, and quadrennially thereafter, the  
448 members of such system shall elect from their number, in a manner

449 prescribed by said board, three persons to serve as members of said  
450 board for terms of four years beginning July first following such  
451 election. Two of such persons shall be retired teachers who shall be  
452 nominated by the retired members of the system and elected by all the  
453 members of the system and one shall be an active teacher who shall be  
454 nominated by the members of the system who are not retired and  
455 elected by all the members of the system. If a vacancy occurs in the  
456 positions filled by the members of said system who are not retired,  
457 said board shall elect a member of the system who is not retired to fill  
458 the unexpired portion of the term. If a vacancy occurs in the positions  
459 filled by the retired members of said system, said board shall elect a  
460 retired member of the system to fill the unexpired portion of the term.  
461 The Governor shall appoint five public members to said board in  
462 accordance with the provisions of section 4-9a. The members of the  
463 board shall serve without compensation, but shall be reimbursed for  
464 any expenditures or loss of salary or wages which they incur through  
465 service on the board. All decisions of the board shall require the  
466 approval of six members of the board or a majority of the members  
467 who are present, whichever is greater.

468       Sec. 18. Section 17b-251 of the general statutes is repealed and the  
469 following is substituted in lieu thereof:

470       The Department [of Social Services] on Aging shall establish an  
471 outreach program to educate consumers as to: (1) The need for long-  
472 term care; (2) mechanisms for financing such care; (3) the availability  
473 of long-term care insurance; and (4) the asset protection provided  
474 under sections 17b-252 to 17b-254, inclusive, and 38a-475. The  
475 Department [of Social Services] on Aging shall provide public  
476 information to assist individuals in choosing appropriate insurance  
477 coverage.

478       Sec. 19. Subsection (a) of section 17b-792 of the general statutes is  
479 repealed and the following is substituted in lieu thereof:

480       (a) The Department [of Social Services] on Aging shall be

481 responsible for the administration of programs which provide  
482 nutritionally sound diets to needy elderly persons and for the  
483 expansion of such programs when possible. Such programs shall be  
484 continued in such a manner as to fully utilize congregate feeding and  
485 nutrition education of elderly citizens who qualify for such program.

486 Sec. 20. Subsection (a) of section 19a-495 of the general statutes is  
487 repealed and the following is substituted in lieu thereof:

488 (a) The Department of Public Health shall, after consultation with  
489 the appropriate public and voluntary hospital planning agencies,  
490 establish classifications of institutions. It shall, in its Public Health  
491 Code, adopt, amend, promulgate and enforce such regulations based  
492 upon reasonable standards of health, safety and comfort of patients  
493 and demonstrable need for such institutions, with respect to each  
494 classification of institutions to be licensed under sections 19a-490 to  
495 19a-503, inclusive, after consultation with the Commissioner on Aging,  
496 including their special facilities, as will further the accomplishment of  
497 the purposes of said sections in promoting safe, humane and adequate  
498 care and treatment of individuals in institutions. Said department shall  
499 adopt such regulations concerning home health care agencies and  
500 homemaker-home health aide agencies, as defined in section 19a-490.

501 Sec. 21. Section 19a-531 of the general statutes is repealed and the  
502 following is substituted in lieu thereof:

503 Any employee of the Department of Public Health, [or] the  
504 Department of Social Services or the Department on Aging or any  
505 regional ombudsman who gives or causes to be given any advance  
506 notice to any nursing home facility, directly or indirectly, that an  
507 investigation or inspection is under consideration or is impending or  
508 gives any information regarding any complaint submitted pursuant to  
509 section 17b-408, or 19a-523 prior to an on-the-scene investigation or  
510 inspection of such facility, unless specifically mandated by federal or  
511 state regulations to give advance notice, shall be guilty of a class B  
512 misdemeanor and may be subject to dismissal, suspension or demotion

513 in accordance with chapter 67.

514 Sec. 22. Subsection (f) of section 22a-256c of the general statutes is  
515 repealed and the following is substituted in lieu thereof:

516 (f) The Commissioner of Environmental Protection, in consultation  
517 with the Commissioner [of Social Services] on Aging, shall assist senior  
518 citizen centers in the establishment of a program for the collection of  
519 mercuric oxide batteries. The program shall provide for the safe  
520 disposal and recycling of such batteries and shall provide guidelines  
521 for containers suitable for the safe collection and disposal of such  
522 batteries.

523 Sec. 23. Section 38a-475 of the general statutes is repealed and the  
524 following is substituted in lieu thereof:

525 The Insurance Department shall only precertify long-term care  
526 insurance policies which (1) alert the purchaser to the availability of  
527 consumer information and public education provided by the  
528 Department [of Social Services] on Aging pursuant to section [17a-307]  
529 17b-251, as amended by this act; (2) offer the option of home and  
530 community-based services in addition to nursing home care; (3) in all  
531 home care plans, include case management services delivered by an  
532 access agency approved by the Office of Policy and Management and  
533 the Department [of Social Services] on Aging as meeting the  
534 requirements for such agency as defined in regulations adopted  
535 pursuant to subsection (e) of section 17b-342, which services shall  
536 include, but need not be limited to, the development of a  
537 comprehensive individualized assessment and care plan and, as  
538 needed, the coordination of appropriate services and the monitoring of  
539 the delivery of such services; (4) provide inflation protection; (5)  
540 provide for the keeping of records and an explanation of benefit  
541 reports on insurance payments which count toward Medicaid resource  
542 exclusion; and (6) provide the management information and reports  
543 necessary to document the extent of Medicaid resource protection  
544 offered and to evaluate the Connecticut Partnership for Long-Term

545 Care. No policy shall be precertified if it requires prior hospitalization  
546 or a prior stay in a nursing home as a condition of providing benefits.  
547 The commissioner may adopt regulations, in accordance with chapter  
548 54, to carry out the precertification provisions of this section.

549 Sec. 24. Section 45a-651 of the general statutes is repealed and the  
550 following is substituted in lieu thereof:

551 (a) (1) If no suitable conservator can be found after due diligence  
552 and the court finds that the health or welfare of the respondent is in  
553 jeopardy, the Commissioner [of Social Services] on Aging shall accept  
554 appointment within available appropriations, as conservator of the  
555 estate of any respondent sixty years of age or older found incapable  
556 under sections 45a-644 to 45a-662, inclusive, of managing his or her  
557 affairs, whose liquid assets, excluding burial insurance in an amount  
558 up to one thousand five hundred dollars, do not exceed one thousand  
559 five hundred dollars at the time of such appointment. (2) If no suitable  
560 conservator can be found after due diligence and the court finds that  
561 the health or welfare of the respondent is in jeopardy, the  
562 Commissioner [of Social Services] on Aging shall accept appointment,  
563 within available appropriations, as conservator of the person, of any  
564 respondent sixty years of age or older found incapable under said  
565 sections of caring for himself or herself, whose liquid assets, excluding  
566 burial insurance in an amount up to one thousand five hundred  
567 dollars, do not exceed one thousand five hundred dollars at the time of  
568 such appointment.

569 (b) The Commissioner [of Social Services] on Aging may delegate  
570 any power, duty or function arising from the appointment of such  
571 commissioner as either conservator of the estate or of the person  
572 respectively, to an employee of the Department [of Social Services] on  
573 Aging.

574 (c) When so appointed, such commissioner or the commissioner's  
575 designees shall have all the powers and duties of a conservator as  
576 provided in sections 45a-644 to 45a-662, inclusive. The department

577 may contract with any public or private agency or person to assist in  
578 the carrying out of the duties as conservator of the estate or the person.

579 (d) During the term of appointment of the Commissioner [of Social  
580 Services] on Aging as conservator, if a suitable person or legally  
581 qualified person, corporation or municipal or state official is found to  
582 replace such commissioner as conservator, such person, corporation or  
583 official may be appointed successor conservator subject to the approval  
584 of the court of probate.

585 (e) The Commissioner [of Social Services] on Aging shall adopt  
586 regulations in accordance with the provisions of chapter 54 setting  
587 forth the terms and conditions of the acceptance and the termination of  
588 appointment as conservator of the estate or person in accordance with  
589 this section.

590 (f) In any proceeding to appoint the Commissioner [of Social  
591 Services] on Aging as conservator, the court shall appoint an attorney  
592 to represent the person for whom such commissioner has been  
593 appointed conservator if such person is without legal representation.

594 Sec. 25. Subsection (a) of section 45a-654 of the general statutes is  
595 repealed and the following is substituted in lieu thereof:

596 (a) Upon written application for appointment of a temporary  
597 conservator brought by any person deemed by the court to have  
598 sufficient interest in the welfare of the respondent, including but not  
599 limited to the spouse or any relative of the respondent, the first  
600 selectman, chief executive officer or head of the department of welfare  
601 of the town of residence or domicile of any respondent, the  
602 Commissioner [of Social Services] on Aging, the board of directors of  
603 any charitable organization, as defined in section 21a-190a, or the chief  
604 administrative officer of any nonprofit hospital or such officer's  
605 designee, the Court of Probate may appoint a temporary conservator,  
606 if it finds that: (1) The respondent is incapable of managing his or her  
607 affairs or incapable of caring for himself or herself and (2) irreparable  
608 injury to the mental or physical health or financial or legal affairs of the

609 respondent will result if a temporary conservator is not appointed  
610 pursuant to this section. The court may, in its discretion, require the  
611 temporary conservator to give a probate bond. The temporary  
612 conservator shall have charge of the property or of the person of the  
613 respondent or both for such period of time or for such specific occasion  
614 as the court finds to be necessary, provided a temporary appointment  
615 shall not be valid for more than thirty days, unless at any time while  
616 the appointment of a temporary conservator is in effect, an application  
617 is filed for appointment of a conservator of the person or estate under  
618 section 45a-650. The court may extend the appointment of the  
619 temporary conservator until the disposition of such application, or for  
620 an additional thirty days, whichever occurs first.

621 Sec. 26. Section 17b-490 of the general statutes is repealed and the  
622 following is substituted in lieu thereof:

623 As used in sections 17b-490 to 17b-498, inclusive, as amended by  
624 this act:

625 [(a)] (1) "Pharmacy" means a pharmacy licensed under section 20-  
626 594 or a pharmacy located in a health care institution, as defined in  
627 subsection (a) of section 19a-490, which elects to participate in the  
628 program;

629 [(b)] (2) "Prescription drugs" means [(1)] (A) legend drugs, as  
630 defined in section 20-571, [(2)] (B) any other drugs which by state law  
631 or regulation require the prescription of a licensed practitioner for  
632 dispensing, except products prescribed for cosmetic purposes as  
633 specified in regulations adopted pursuant to section 17b-494, as  
634 amended by this act, and on and after September 15, 1991, diet pills,  
635 smoking cessation gum, contraceptives, multivitamin combinations,  
636 cough preparations and antihistamines, and [(3)] (C) insulin, insulin  
637 syringes and insulin needles;

638 [(c)] (3) "Reasonable cost" means the cost of the prescription drug  
639 determined in accordance with the formula adopted by the  
640 Commissioner [of Social Services] on Aging in regulations for medical

641 assistance purposes plus a dispensing fee equal to the fee determined  
642 by said commissioner for medical assistance purposes;

643 [(d)] (4) "Resident" means a person legally domiciled within the  
644 state for a period of not less than one hundred eighty-three days  
645 immediately preceding the date of application for inclusion in the  
646 program. Mere seasonal or temporary residences within the state, of  
647 whatever duration, shall not constitute domicile;

648 [(e)] (5) "Disabled" means a person over eighteen years of age who is  
649 receiving disability payments pursuant to either Title 2 or Title 16 of  
650 the Social Security Act of 1935, as amended;

651 [(f)] (6) "Commissioner" means the Commissioner [of Social  
652 Services] on Aging;

653 [(g)] (7) "Income" means adjusted gross income as determined for  
654 purposes of the federal income tax plus any other income of such  
655 person not included in such adjusted gross income minus Medicare  
656 Part B premium payments. The amount of any Medicaid payments  
657 made on behalf of such person or the spouse of such person shall not  
658 constitute income;

659 [(h)] (8) "Program" means the Connecticut Pharmaceutical  
660 Assistance Contract to the Elderly and the Disabled Program otherwise  
661 known as ConnPACE;

662 [(i)] (9) "Pharmaceutical manufacturer" means any entity holding  
663 legal title to or possession of a national drug code number issued by  
664 the federal Food and Drug Administration;

665 [(j)] (10) "Average manufacturer price" means the average price paid  
666 by a wholesaler to a pharmaceutical manufacturer, after the deduction  
667 of any customary prompt payment discounts, for a product distributed  
668 for retail sale.

669 Sec. 27. Subsection (a) of section 17b-491 of the general statutes is  
670 repealed and the following is substituted in lieu thereof:

671 (a) There shall be a "Connecticut Pharmaceutical Assistance  
672 Contract to the Elderly and the Disabled Program" which shall be  
673 within the Department [of Social Services] on Aging. The program  
674 shall consist of payments by the state to pharmacies for the reasonable  
675 cost of prescription drugs dispensed to eligible persons minus a  
676 copayment charge, effective July 1, 1993, of twelve dollars for each  
677 prescription. The pharmacy shall collect the copayment charge from  
678 the eligible person at the time of each purchase of prescription drugs,  
679 and shall not waive, discount or rebate in whole or in part such  
680 amount.

681 Sec. 28. Subsection (a) of section 17b-492 of the general statutes is  
682 repealed and the following is substituted in lieu thereof:

683 (a) Eligibility for participation in the program shall be limited to any  
684 resident (1) who is sixty-five years of age or older or who is disabled,  
685 (2) whose annual income, if unmarried, is less than thirteen thousand  
686 eight hundred dollars, or whose annual income, if married, when  
687 combined with that of his or her spouse is less than sixteen thousand  
688 six hundred dollars, (3) who is not insured under a policy which  
689 provides full or partial coverage for prescription drugs once a  
690 deductible amount is met, and (4) on and after September 15, 1991,  
691 who pays an annual twenty-five-dollar registration fee to the  
692 Department [of Social Services] on Aging. On January 1, 1998, and  
693 annually thereafter, the commissioner shall, by the adoption of  
694 regulations in accordance with chapter 54, increase the income limits  
695 established under this subsection over those of the previous fiscal year  
696 to reflect the annual inflation adjustment in Social Security income, if  
697 any. Each such adjustment shall be determined to the nearest one  
698 hundred dollars.

699 Sec. 29. Subsection (d) of section 17b-492 of the general statutes is  
700 repealed and the following is substituted in lieu thereof:

701 (d) The Commissioner [of Social Services] on Aging may adopt  
702 regulations in accordance with the provisions of chapter 54 to

703 implement the provisions of subsection (c) of this section. Such  
704 regulations may provide for the electronic transmission of relevant  
705 coverage information between a pharmacist and the department or  
706 between an insurer and the department in order to expedite  
707 applications and notice.

708 Sec. 30. Section 17b-494 of the general statutes is repealed and the  
709 following is substituted in lieu thereof:

710 The Commissioner [of Social Services] on Aging shall adopt  
711 regulations, in accordance with the provisions of chapter 54, to  
712 establish (1) a system for determining eligibility and disqualification  
713 under the program, including provisions for an identification number  
714 and a renewable, nontransferable identification card; (2) requirements  
715 for the use of the identification number and card by the pharmacy and  
716 the eligible person; (3) a system of payments; (4) limitations on the  
717 maximum quantity per prescription which shall not exceed a thirty-  
718 day supply or one hundred twenty oral dosage units whichever is  
719 greater; (5) requirements as to records to be kept by the pharmacy,  
720 including patient profiles; (6) products prescribed for cosmetic and  
721 other purposes which shall not be covered under the program; and (7)  
722 such other provisions as are necessary to implement the provisions of  
723 sections 17b-490 to 17b-495, inclusive.

724 Sec. 31. Section 17b-498 of the general statutes is repealed and the  
725 following is substituted in lieu thereof:

726 The Commissioner [of Social Services] on Aging shall undertake an  
727 educational outreach program to make known the provisions of the  
728 program to the public, with emphasis on reaching the elderly and the  
729 disabled in the state through the various local and state-wide agencies  
730 and organizations concerned with the elderly and the disabled, and to  
731 all pharmacies in the state.

732 Sec. 32. Section 17b-520 of the general statutes is repealed and the  
733 following is substituted in lieu thereof:

734 As used in sections 17b-520 to 17b-535, inclusive:

735 [(a)] (1) "Continuing-care contract" means an agreement pursuant to  
736 which a provider undertakes to furnish to a person not related by  
737 consanguinity or affinity to the provider, shelter and medical or  
738 nursing services or other health-related benefits for the life of a person  
739 or for a period in excess of one year, and which requires a present or  
740 future transfer of assets or an entrance fee in addition to or instead of  
741 periodic charges, and the amount of the assets required to be  
742 transferred or the entrance fee is equal to or in excess of the amount set  
743 by the commissioner in regulations adopted pursuant to section 17b-  
744 533;

745 [(b)] (2) "Entrance fee" means the total of any initial or deferred  
746 transfer to, or for the benefit of, a provider of a sum of money or other  
747 property made or promised to be made as full or partial consideration  
748 for acceptance or maintenance of a person as a resident pursuant to a  
749 continuing-care contract;

750 [(c)] (3) "Facility" means the place in which a provider undertakes to  
751 furnish shelter or care to a person pursuant to a continuing-care  
752 contract;

753 [(d)] (4) "Provider" means any person, corporation, limited liability  
754 company, business trust, trust, partnership, unincorporated association  
755 or other legal entity, or any combination of such entities, undertaking  
756 to furnish shelter and medical or nursing services or other health-  
757 related benefits pursuant to a continuing-care contract;

758 [(e)] (5) "Resident" means any person entitled to receive present or  
759 future shelter and medical or nursing services or other health-related  
760 benefits pursuant to a continuing-care contract, provided nothing in  
761 sections 17b-520 to 17b-535, inclusive, shall affect rights otherwise  
762 afforded to residents while they are patients in healthcare facilities as  
763 defined in [subsections (a), (b) and (c)] subdivisions (1), (2) and (3) of  
764 section 19a-490;

765 [(f)] (6) "Affiliate of a provider" means any person, corporation,  
766 limited liability company, business trust, trust, partnership,  
767 unincorporated association or other legal entity directly or indirectly  
768 controlling, controlled by or in common control with a provider;

769 [(g)] (7) "Offer" means an offer through either personal, telephone or  
770 mail contact or other communication directed to or received by a  
771 person at a location within this state as an inducement, solicitation or  
772 attempt to encourage a person to enter into a continuing-care contract  
773 and shall include any paid advertisement published or broadcast  
774 within this state, except for advertisements in periodicals where more  
775 than two-thirds of the circulation is outside this state but shall not  
776 include marketing or feasibility studies;

777 [(h)] (8) "Shelter" means a room, apartment, cottage or other living  
778 area in a facility set aside for the exclusive use of one or more persons  
779 pursuant to a continuing-care contract;

780 [(i)] (9) "Medical or nursing services or other health-related benefits"  
781 means services or benefits which shall include care in a nursing  
782 facility, priority admission to a nursing facility, home health care or  
783 assistance with activities of daily living, to which a resident becomes  
784 contractually entitled;

785 [(j)] (10) "Department" means the Department [of Social Services] on  
786 Aging;

787 [(k)] (11) "Commissioner" means the Commissioner [of Social  
788 Services] on Aging.

789 Sec. 33. Section 17b-550 of the general statutes is repealed and the  
790 following is substituted in lieu thereof:

791 As used in sections 17b-550 to 17b-554, inclusive, as amended by  
792 this act:

793 (1) "Department" means the Department [of Social Services] on  
794 Aging;

795 (2) "Commissioner" means the Commissioner [of Social Services] on  
796 Aging;

797 (3) "Medicare assignment" means acceptance by a health care  
798 provider of the Medicare-determined reasonable charge as payment in  
799 full for services rendered to persons enrolled in the Medicare  
800 insurance program;

801 (4) "Income" means adjusted gross income as determined for  
802 purposes of the federal income tax plus any other income of such  
803 person not subject to federal taxation;

804 (5) "Program" means the Connecticut Medicare assignment program  
805 otherwise known as CONNMAP;

806 (6) "Resident" means a person legally domiciled within the state for  
807 a period of not less than one hundred eighty-three days immediately  
808 preceding the date of application for inclusion in the program. Mere  
809 seasonal or temporary residences within the state, of whatever  
810 duration, shall not constitute domicile;

811 (7) "Health care provider" means a person who provides care,  
812 treatment, service or equipment covered by Medicare Part B under  
813 Title XVIII of the Social Security Act, as amended.

814 Sec. 34. Subsection (b) of section 17b-552 of the general statutes is  
815 repealed and the following is substituted in lieu thereof:

816 (b) The Commissioner [of Social Services] on Aging shall adopt  
817 regulations in accordance with the provisions of chapter 54, necessary  
818 to administer the program and to determine eligibility in accordance  
819 with the provisions of section 17b-551.

820 Sec. 35. Section 17b-450 of the general statutes is amended by  
821 adding subdivisions (6) and (7) as follows:

822 (NEW) (6) "Commissioner" means the Commissioner on Aging.

823 (NEW) (7) "Department" means the Department on Aging.

824 Sec. 36. Subsection (a) of section 17b-451 of the general statutes is  
825 repealed and the following is substituted in lieu thereof:

826 (a) Any physician or surgeon licensed under the provisions of  
827 chapter 370, any resident physician or intern in any hospital in this  
828 state, whether or not so licensed, any registered nurse, any nursing  
829 home administrator, nurse's aide or orderly in a nursing home facility,  
830 any person paid for caring for a patient in a nursing home facility, any  
831 staff person employed by a nursing home facility, any patients'  
832 advocate and any licensed practical nurse, medical examiner, dentist,  
833 optometrist, chiropractor, podiatrist, social worker, clergyman, police  
834 officer, pharmacist, psychologist or physical therapist, who has  
835 reasonable cause to suspect or believe that any elderly person has been  
836 abused, neglected, exploited or abandoned, or is in a condition which  
837 is the result of such abuse, neglect, exploitation or abandonment, or  
838 who is in need of protective services, shall within five calendar days  
839 report such information or cause a report to be made in any reasonable  
840 manner to the Commissioner [of Social Services] on Aging or to the  
841 person or persons designated by the commissioner to receive such  
842 reports. Any person required to report under the provisions of this  
843 section who fails to make such report shall be fined not more than five  
844 hundred dollars.

845 Sec. 37. Subsection (b) of section 17b-452 of the general statutes is  
846 repealed and the following is substituted in lieu thereof:

847 (b) The Department [of Social Services] on Aging shall maintain a  
848 state-wide registry of the reports received, the evaluation and findings  
849 and the actions taken.

850 Sec. 38. Section 17b-453 of the general statutes is repealed and the  
851 following is substituted in lieu thereof:

852 (a) If it is determined that an elderly person is in need of protective  
853 services, [services shall be initiated,] provided the elderly person

854 consents. If the elderly person fails to consent and the protective  
855 services staff of the Department [of Social Services] on Aging has  
856 reason to believe that such elderly person is incapable of managing  
857 [his] such personal or financial affairs, the protective services staff shall  
858 provide protective services to the extent possible and may apply to  
859 Probate Court for the appointment of a conservator of person or estate,  
860 as appropriate.

861 (b) If the caretaker of an elderly person who has consented to the  
862 receipt of reasonable and necessary protective services refuses to allow  
863 the provision of such services to such elderly person, the  
864 Commissioner [of Social Services] on Aging may petition the Superior  
865 Court or the Probate Court for an order enjoining the caretaker from  
866 interfering with the provision of protective services to the elderly  
867 person. The petition shall allege specific facts sufficient to show that  
868 the elderly person is in need of protective services and consents to  
869 their provision and that the caretaker refuses to allow the provision of  
870 such services. If the judge finds that the elderly person is in need of  
871 such services and has been prevented by the caretaker from receiving  
872 the same, the judge may issue an order enjoining the caretaker from  
873 interfering with the provision of protective services to the elderly  
874 person.

875 Sec. 39. Section 17b-454 of the general statutes is repealed and the  
876 following is substituted in lieu thereof:

877 Any person, department, agency or commission authorized to carry  
878 out the duties enumerated in sections 17b-450 to 17b-461, inclusive, as  
879 amended by this act, shall have access to all relevant records, except  
880 that records which are confidential to an elderly person shall only be  
881 divulged with the written consent of the elderly person or [his] the  
882 elderly person's representative. The authority of the Department [of  
883 Social Services] on Aging shall include, but not be limited to, the right  
884 to initiate or otherwise take those actions necessary to assure the  
885 health, safety and welfare of any elderly person, subject to any specific  
886 requirement for individual consent, and the right to authorize the

887 transfer of an elderly person from a nursing home.

888 Sec. 40. Section 17b-455 of the general statutes is repealed and the  
889 following is substituted in lieu thereof:

890 If an elderly person does not consent to the receipt of reasonable  
891 and necessary protective services, or if such person withdraws the  
892 consent, such services shall not be provided or continued, except that if  
893 the Commissioner [of Social Services] on Aging has reason to believe  
894 that such elderly person lacks capacity to consent, [he] the  
895 commissioner may seek court authorization to provide necessary  
896 services, as provided in section 17b-456, as amended by this act.

897 Sec. 41. Section 17b-456 of the general statutes is repealed and the  
898 following is substituted in lieu thereof:

899 (a) If the Commissioner [of Social Services] on Aging finds that an  
900 elderly person is being abused, neglected, exploited or abandoned and  
901 lacks capacity to consent to reasonable and necessary protective  
902 services, [he] the commissioner may petition the Probate Court for  
903 appointment of a conservator of the elderly person pursuant to the  
904 provisions of sections 45a-644 to 45a-662, inclusive, as amended by this  
905 act, in order to obtain such consent.

906 (b) Such elderly person or the individual, agency or organization  
907 designated to be responsible for the personal welfare of the elderly  
908 person shall have the right to bring a motion in the cause for review of  
909 the Probate Court's determination regarding the elderly person's  
910 capacity or an order issued pursuant to sections 17b-450 to 17b-461,  
911 inclusive, as amended by this act.

912 (c) The Probate Court may appoint, if it deems appropriate, the  
913 Commissioner [of Social Services] on Aging to be the conservator of  
914 the person of such elderly person.

915 (d) In any proceeding in Probate Court pursuant to provisions of  
916 sections 17b-450 to 17b-461, inclusive, as amended by this act, the

917 Probate Court shall appoint an attorney to represent the elderly person  
918 if he is without other legal representation.

919 Sec. 42. Section 17b-457 of the general statutes is repealed and the  
920 following is substituted in lieu thereof:

921 In performing the duties set forth in sections 17b-450 to 17b-461,  
922 inclusive, the Department [of Social Services] on Aging may request  
923 the assistance of the staffs and resources of all appropriate state  
924 departments, agencies and commissions and local health directors, and  
925 may utilize any other public or private agencies, groups or individuals  
926 who are appropriate and who may be available.

927 Sec. 43. Section 17b-458 of the general statutes is repealed and the  
928 following is substituted in lieu thereof:

929 Subsequent to the authorization for the provision of reasonable and  
930 necessary protective services, the Department [of Social Services] on  
931 Aging shall initiate a review of each case within ninety days, to  
932 determine whether continuation of, or modification in, the services  
933 provided is warranted. A decision to continue the provision of such  
934 services should be made in concert with appropriate personnel from  
935 other involved state and local groups, agencies and departments, and  
936 shall comply with the consent provisions of sections 17b-450 to 17b-  
937 461, inclusive, as amended by this act. Reevaluations of each such case  
938 shall be made every ninety days thereafter.

939 Sec. 44. Section 17b-459 of the general statutes is repealed and the  
940 following is substituted in lieu thereof:

941 Concurrent with the implementation of any protective services, an  
942 evaluation shall be undertaken by the Department [of Social Services]  
943 on Aging, pursuant to regulations which shall be adopted by the  
944 Commissioner [of Social Services] on Aging, in accordance with  
945 chapter 54, regarding the elderly person's financial capability for  
946 paying for the protective services. If the person is so able, procedures  
947 for the reimbursement for the costs of providing the needed protective

948 services shall be initiated. If it is determined that the person is not  
949 financially capable of paying for such needed services, the services  
950 shall be provided in accordance with policies and procedures  
951 established by the Commissioner [of Social Services] on Aging for the  
952 provision of welfare benefits under such circumstances.

953 Sec. 45. Section 17b-461 of the general statutes is repealed and the  
954 following is substituted in lieu thereof:

955 [Regulations shall be promulgated by the Commissioner of Social  
956 Services] The Commissioner on Aging shall adopt regulations, in  
957 accordance with the provisions of chapter 54, to carry out the  
958 provisions of sections 17b-450 to 17b-461, inclusive, as amended by this  
959 act.

960 Sec. 46. Section 17b-400 of the general statutes is repealed and the  
961 following is substituted in lieu thereof:

962 (a) As used in this chapter:

963 (1) "State agency" means the [Division of Elderly Services of the  
964 Department of Social Services] Department on Aging.

965 (2) "Office" means the Office of the Long-Term Care Ombudsman  
966 established in this section.

967 (3) "State Ombudsman" means the State Ombudsman established in  
968 this section.

969 (4) "Program" means the long-term care ombudsman program  
970 established in this section.

971 (5) "Representative" includes a regional ombudsman, a residents'  
972 advocate or an employee of the Office of the Long-Term Care  
973 Ombudsman who is individually designated by the ombudsman.

974 (6) "Resident" means an older individual who resides in or is a  
975 patient in a long-term care facility who is sixty years of age or older.

976 (7) "Long-term care facility" means any skilled nursing facility, as  
977 defined in Section 1819(a) of the Social Security Act, (42 USC 1395i-  
978 3(a)) any nursing facility, as defined in Section 1919(a) of the Social  
979 Security Act, (42 USC 1396r(a)) a board and care facility as defined in  
980 Section 102(19) of the federal Older Americans Act, (42 USC 3002(19))  
981 and for purposes of ombudsman program coverage, an institution  
982 regulated by the state pursuant to Section 1616(e) of the Social Security  
983 Act, (42 USC 1382e(e)) and any other adult care home similar to a  
984 facility or nursing facility or board and care home.

985 (8) "Commissioner" means the Commissioner [of Social Services] on  
986 Aging.

987 [(9) "Director" means the director of the Division of Elderly Services  
988 of the Department of Social Services.]

989 [(10)] (9) "Applicant" means an older individual who has applied for  
990 admission to a long-term care facility.

991 (b) There is established an independent Office of the Long-Term  
992 Care Ombudsman within the Department [of Social Services] on  
993 Aging. The Commissioner [of Social Services] on Aging shall appoint a  
994 State Ombudsman who shall be selected from among individuals with  
995 expertise and experience in the fields of long-term care and advocacy  
996 to head the office and the State Ombudsman shall appoint assistant  
997 regional ombudsmen. In the event the State Ombudsman or an  
998 assistant regional ombudsman is unable to fulfill the duties of the  
999 office, the commissioner shall appoint an acting State Ombudsman and  
1000 the State Ombudsman shall appoint an acting assistant regional  
1001 ombudsman.

1002 (c) Notwithstanding the provisions of subsection (b) of this section,  
1003 on and after July 1, 1990, the positions of State Ombudsman and  
1004 regional ombudsmen shall be classified service positions. The State  
1005 Ombudsman and regional ombudsmen holding said positions on said  
1006 date shall continue to serve in their positions as if selected through  
1007 classified service procedures. As vacancies occur in such positions

1008 thereafter, such vacancies shall be filled in accordance with classified  
1009 service procedures.

1010 Sec. 47. Section 17b-406 of the general statutes is repealed and the  
1011 following is substituted in lieu thereof:

1012 (a) Residents' advocates, under supervision of the regional  
1013 ombudsmen, shall assist the regional ombudsmen in the performance  
1014 of all duties and responsibilities of the regional ombudsmen as  
1015 described in section 17b-405.

1016 (b) All long-term care facilities shall post or cause to be posted in a  
1017 conspicuous place therein a list of the names of the appropriate  
1018 residents' advocates and the names, addresses, and telephone numbers  
1019 of the appropriate ombudsmen.

1020 (c) The Commissioner [of Social Services] on Aging shall have  
1021 authority to seek funding for the purposes contained in this section  
1022 from public and private sources, including but not limited to any  
1023 federal or state funded programs.

1024 Sec. 48. Section 17b-407 of the general statutes is repealed and the  
1025 following is substituted in lieu thereof:

1026 (a) Any physician or surgeon licensed under the provisions of  
1027 chapter 370, any resident physician or intern in any hospital in this  
1028 state, whether or not so licensed, and any registered nurse, licensed  
1029 practical nurse, medical examiner, dentist, optometrist, chiropractor,  
1030 podiatrist, social worker, clergyman, police officer, pharmacist,  
1031 physical therapist, long-term care facility administrator, nurse's aide or  
1032 orderly in a long-term care facility, any person paid for caring for a  
1033 patient in a long-term care facility, any staff person employed by a  
1034 long-term care facility and any person who is a sexual assault  
1035 counselor or a battered women's counselor as defined in section  
1036 52-146k who has reasonable cause to suspect or believe that a resident  
1037 in a long-term care facility has been abused, neglected, exploited or  
1038 abandoned, or is in a condition that is the result of such abuse, neglect,

1039 exploitation or abandonment, shall within five calendar days report  
1040 such information or cause a report to be made in any reasonable  
1041 manner to the Commissioner [of Social Services] on Aging pursuant to  
1042 chapter 319dd. Any person required to report under the provision of  
1043 this section who fails to make such report within the prescribed time  
1044 period shall be fined not more than five hundred dollars.

1045 (b) Such report shall contain the name and address of the long-term  
1046 care facility, the name of the involved resident, information regarding  
1047 the nature and extent of the abuse, neglect, exploitation or  
1048 abandonment and any other information which the reporter believes  
1049 might be helpful in an investigation of the case and for the protection  
1050 of the resident.

1051 (c) Any other person having reasonable cause to believe that a  
1052 resident in a long-term care facility is being, or has been, abused,  
1053 neglected, exploited or abandoned, or any person who wishes to file  
1054 any other complaint regarding a long-term care facility, shall report  
1055 such information in accordance with subsection (b) in any reasonable  
1056 manner to the Commissioner [of Social Services] on Aging who shall  
1057 inform the resident of the services of the Office of the Long-Term Care  
1058 Ombudsman.

1059 (d) Such report or complaint shall not be deemed a public record,  
1060 and shall not be subject to the provisions of section 1-210. Information  
1061 derived from such reports or complaints for which reasonable grounds  
1062 are determined to exist after investigation as provided for in section  
1063 17b-408, including the identity of the long-term care facility, the  
1064 number of complaints received, the number of complaints  
1065 substantiated and the types of complaints, may be disclosed by the  
1066 Commissioner [of Social Services] on Aging, except that in no case  
1067 shall the name of the resident or the complainant be revealed, unless  
1068 such person specifically requests such disclosure or unless a judicial  
1069 proceeding results from such report or complaint.

1070 (e) Anyone who makes a report or complaint pursuant to this

1071 section or who testifies in any administrative or judicial proceeding  
1072 arising from the report shall be immune from any civil or criminal  
1073 liability on account of such report or complaint or testimony, except  
1074 for liability for perjury, unless such person acted in bad faith or with  
1075 malicious purpose.

1076 (f) The person filing a report or complaint pursuant to the  
1077 provisions of this section shall be notified of the findings of any  
1078 investigation conducted by the Commissioner [of Social Services] on  
1079 Aging, upon request.

1080 (g) The Commissioner [of Social Services] on Aging shall maintain a  
1081 registry of the reports received, the investigations made, the findings  
1082 and the actions recommended and taken.

1083 Sec. 49. Section 17b-411 of the general statutes is repealed and the  
1084 following is substituted in lieu thereof:

1085 The Commissioner [of Social Services] on Aging, after consultation  
1086 with the State Ombudsman, shall adopt regulations in accordance with  
1087 the provisions of chapter 54, to carry out the provisions of sections  
1088 17b-400 to 17b-412, inclusive, 19a-531 and 19a-532.

1089 Sec. 50. Section 17b-412 of the general statutes is repealed and the  
1090 following is substituted in lieu thereof:

1091 The [director] Commissioner on Aging shall require the State  
1092 Ombudsman to:

1093 (1) Prepare an annual report:

1094 (A) Describing the activities carried out by the office in the year for  
1095 which the report is prepared;

1096 (B) Containing and analyzing the data collected under section 17b-  
1097 413;

1098 (C) Evaluating the problems experienced by and the complaints

1099 made by or on behalf of residents;

1100 (D) Containing recommendations for (i) improving the quality of  
1101 the care and life of the residents, and (ii) protecting the health, safety,  
1102 welfare and rights of the residents;

1103 (E) (i) Analyzing the success of the program including success in  
1104 providing services to residents of long-term care facilities; and (ii)  
1105 identifying barriers that prevent the optimal operation of the program;  
1106 and

1107 (F) Providing policy, regulatory and legislative recommendations to  
1108 solve identified problems, to resolve the complaints, to improve the  
1109 quality of the care and life of residents, to protect the health, safety,  
1110 welfare and rights of residents and to remove the barriers that prevent  
1111 the optimal operation of the program.

1112 (2) Analyze, comment on and monitor the development and  
1113 implementation of federal, state and local laws, regulations and other  
1114 government policies and actions that pertain to long-term care facilities  
1115 and services, and to the health, safety, welfare and rights of residents  
1116 in the state, and recommend any changes in such laws, regulations and  
1117 policies as the office determines to be appropriate.

1118 (3) (A) Provide such information as the office determines to be  
1119 necessary to public and private agencies, legislators and other persons,  
1120 regarding (i) the problems and concerns of older individuals residing  
1121 in long-term care facilities; and (ii) recommendations related to the  
1122 problems and concerns; and (B) make available to the public and  
1123 submit to the federal assistant secretary for aging, the Governor, the  
1124 General Assembly, the Department of Public Health and other  
1125 appropriate governmental entities, each report prepared under  
1126 subdivision (1) of this section.

1127 Sec. 51. Section 17b-1 of the general statutes is repealed and the  
1128 following is substituted in lieu thereof:

1129 (a) There is established a Department of Social Services. The  
1130 department head shall be the Commissioner of Social Services, who  
1131 shall be appointed by the Governor in accordance with the provisions  
1132 of sections 4-5 to 4-8, inclusive, with the powers and duties therein  
1133 prescribed.

1134 (b) The Department of Social Services shall constitute a successor  
1135 department to the Department of Income Maintenance [ ] and the  
1136 Department of Human Resources [and the Department on Aging] in  
1137 accordance with the provisions of sections 4-38d and 4-39.

1138 (c) Wherever the words "Commissioner of Income Maintenance" [ ]  
1139 or "Commissioner of Human Resources" [or "Commissioner on  
1140 Aging"] are used in the general statutes, the words "Commissioner of  
1141 Social Services" shall be substituted in lieu thereof. Wherever the  
1142 words "Department of Income Maintenance" [ ] or "Department of  
1143 Human Resources" [or "Department on Aging"] are used in the general  
1144 statutes, "Department of Social Services" shall be substituted in lieu  
1145 thereof.

1146 (d) Any order or regulation of the Department of Income  
1147 Maintenance [ ] or the Department of Human Resources [or the  
1148 Department on Aging] which is in force on July 1, 1993, shall continue  
1149 in force and effect as an order or regulation of the Department of Social  
1150 Services until amended, repealed or superseded pursuant to law.  
1151 Where any order or regulation of said departments conflict, the  
1152 Commissioner of Social Services may implement policies and  
1153 procedures consistent with the provisions of public act 93-262\* while in  
1154 the process of adopting the policy or procedure in regulation form,  
1155 provided notice of intention to adopt the regulations is printed in the  
1156 Connecticut Law Journal within twenty days of implementation. The  
1157 policy or procedure shall be valid until the time final regulations are  
1158 effective.

1159 Sec. 52. Section 17b-2 of the general statutes is repealed and the  
1160 following is substituted in lieu thereof:

1161 The Department of Social Services is designated as the state agency  
1162 for the administration of (1) the child care development block grant  
1163 pursuant to the Child Care and Development Block Grant Act of 1990;  
1164 (2) the Connecticut energy assistance program pursuant to the Low  
1165 Income Home Energy Assistance Act of 1981; [(3) programs for the  
1166 elderly pursuant to the Older Americans Act; (4)] (3) the state plan for  
1167 vocational rehabilitation services for the fiscal year ending June 30,  
1168 1994; [(5)] (4) the refugee assistance program pursuant to the Refugee  
1169 Act of 1980; [(6)] (5) the legalization impact assistance grant program  
1170 pursuant to the Immigration Reform and Control Act of 1986; [(7)] (6)  
1171 the temporary assistance for needy families program pursuant to the  
1172 Personal Responsibility and Work Opportunity Reconciliation Act of  
1173 1996; [(8)] (7) the Medicaid program pursuant to Title XIX of the Social  
1174 Security Act; [(9)] (8) the food stamp program pursuant to the Food  
1175 Stamp Act of 1977; [(10)] (9) the state supplement to the Supplemental  
1176 Security Income Program pursuant to the Social Security Act; [(11)]  
1177 (10) the state child support enforcement plan pursuant to Title IV-D of  
1178 the Social Security Act; and [(12)] (11) the state social services plan for  
1179 the implementation of the social services block grants and community  
1180 services block grants pursuant to the Social Security Act. The  
1181 Department of Social Services is designated a public housing agency  
1182 for the purpose of administering the Section 8 existing certificate  
1183 program and the housing voucher program pursuant to the Housing  
1184 Act of 1937.

1185 Sec. 53. Section 17b-4 of the general statutes is repealed and the  
1186 following is substituted in lieu thereof:

1187 (a) The Department of Social Services shall plan, develop,  
1188 administer, operate, evaluate and provide funding for services for  
1189 individuals and families served by the department who are in need of  
1190 personal or economic development. In cooperation with other social  
1191 service agencies and organizations, including community-based  
1192 agencies, the department shall work to develop and fund prevention,  
1193 intervention and treatment services for individuals and families. The  
1194 department shall: (1) Provide appropriate services to individuals and

1195 families as needed through direct social work services rendered by the  
1196 department and contracted services from community-based  
1197 organizations funded by the department; (2) collect, interpret and  
1198 publish statistics relating to individuals and families serviced by the  
1199 department; (3) monitor, evaluate and review any program or service  
1200 which is developed, operated or funded by the department; (4)  
1201 supervise the establishment of pilot programs funded by the  
1202 department in local communities which assist and support individuals  
1203 and families in personal and economic development; (5) improve the  
1204 quality of services provided, operated and funded by the department  
1205 and increase the competency of its staff relative to the provision of  
1206 effective social services by establishing and supporting ongoing staff  
1207 development and training; and (6) encourage citizen participation in  
1208 the development of social service priorities and programs.

1209 [(b) The Department of Social Services shall study continuously the  
1210 conditions and needs of elderly and aging persons in this state in  
1211 relation to nutrition, transportation, home-care, housing, income,  
1212 employment, health, recreation and other matters. It shall be  
1213 responsible in cooperation with federal, state, local and area planning  
1214 agencies on aging for the overall planning, development and  
1215 administration of a comprehensive and integrated social service  
1216 delivery system for elderly persons and the aged. The department  
1217 shall: (1) Measure the need for services; (2) survey methods of  
1218 administration of programs for service delivery; (3) provide for  
1219 periodic evaluations of social services; (4) maintain technical,  
1220 information, consultation and referral services in cooperation with  
1221 other state agencies to local and area public and private agencies to the  
1222 fullest extent possible; (5) develop and coordinate educational  
1223 outreach programs for the purposes of informing the public and  
1224 elderly persons of available programs; (6) cooperate in the  
1225 development of performance standards for licensing of residential and  
1226 medical facilities with appropriate state agencies; (7) supervise the  
1227 establishment, in selected areas and local communities of the state, of  
1228 pilot programs for elderly persons; (8) coordinate with the state

1229 Department of Transportation to provide adequate transportation  
1230 services related to the needs of elderly persons; and (9) cooperate with  
1231 other state agencies to provide adequate and alternate housing for  
1232 elderly persons, including congregate housing as defined in section 8-  
1233 119e.]

1234 [(c)] (b) The Department of Social Services, in conjunction with the  
1235 Department of Public Health, may adopt regulations in accordance  
1236 with the provisions of chapter 54 to establish requirements with  
1237 respect to the submission of reports concerning financial solvency and  
1238 quality of care by nursing homes for the purpose of determining the  
1239 financial viability of such homes, identifying homes that appear to be  
1240 experiencing financial distress and examining the underlying reasons  
1241 for such distress. Such reports shall be submitted to the Nursing Home  
1242 Financial Advisory Committee established under section 17b-339.

1243 Sec. 54. Section 17b-343 of the general statutes is repealed and the  
1244 following is substituted in lieu thereof:

1245 The Commissioner of Social Services, after consultation with the  
1246 Commissioner on Aging, shall establish annually the maximum  
1247 allowable rate to be paid by said agencies for homemaker services,  
1248 chore person services, companion services, respite care, meals on  
1249 wheels, adult day care services, case management and assessment  
1250 services, transportation, mental health counseling and elderly foster  
1251 care, except that the maximum allowable rates in effect July 1, 1990,  
1252 shall remain in effect during the fiscal years ending June 30, 1992, and  
1253 June 30, 1993. The Commissioner of Social Services shall prescribe  
1254 uniform forms on which agencies providing such services shall report  
1255 their costs for such services. Such rates shall be determined on the  
1256 basis of a reasonable payment for necessary services rendered. The  
1257 maximum allowable rates established by the Commissioner of Social  
1258 Services for the Connecticut home-care program for the elderly  
1259 established under section 17b-342, shall constitute the rates required  
1260 under this section until revised in accordance with this section. The  
1261 Commissioner of Social Services shall establish a fee schedule, to be

1262 effective on and after July 1, 1994, for homemaker services, chore  
1263 person services, companion services, respite care, meals on wheels,  
1264 adult day care services, case management and assessment services,  
1265 transportation, mental health counseling and elderly foster care. The  
1266 commissioner may annually increase any fee in the fee schedule based  
1267 on an increase in the cost of services. Nothing contained in this section  
1268 shall authorize a payment by the state to any agency for such services  
1269 in excess of the amount charged by such agency for such services to  
1270 the general public.

1271 Sec. 55. Subsection (h) of section 10a-178 of the general statutes is  
1272 repealed and the following is substituted in lieu thereof:

1273 (h) "Nursing home" means any institution which is or will be  
1274 eligible to be licensed as an institution under sections 19a-490 to 19a-  
1275 503, inclusive, or a facility which (1) provides chronic and convalescent  
1276 nursing care, (2) is a rest home with nursing facilities, (3) provides  
1277 health care facilities for the handicapped, (4) is a home for elderly  
1278 persons or physically handicapped or mentally handicapped persons  
1279 or (5) is a continuing care facility registered with the Department [of  
1280 Social Services] on Aging, pursuant to chapter 319f.

1281 Sec. 56. Section 4-60i of the general statutes is repealed and the  
1282 following is substituted in lieu thereof:

1283 The Commissioner of Social Services shall (1) develop, throughout  
1284 the Departments of Mental Retardation, Public Health, Correction,  
1285 Children and Families and Mental Health and Addiction Services, and  
1286 the Department on Aging uniform management information, uniform  
1287 statistical information, uniform terminology for similar facilities and  
1288 uniform regulations for the licensing of human services facilities, (2)  
1289 plan for increased participation of the private sector in the delivery of  
1290 human services, (3) provide direction and coordination to federally  
1291 funded programs in the human services agencies and recommend  
1292 uniform system improvements and reallocation of physical resources  
1293 and designation of a single responsibility across human services

1294 agencies lines to eliminate duplication.

1295 Sec. 57. Subsection (c) of section 17b-337 of the general statutes is  
1296 repealed and the following is substituted in lieu thereof:

1297 (c) The Long-Term Care Planning Committee shall consist of: (1)  
1298 The chairpersons and ranking members of the joint standing and select  
1299 committees of the General Assembly having cognizance of matters  
1300 relating to human services, public health, elderly services and  
1301 long-term care; (2) the Commissioner of Social Services, or the  
1302 commissioner's designee; (3) one member of the Office of Policy and  
1303 Management appointed by the Secretary of the Office of Policy and  
1304 Management; (4) one member from the Department of Social Services  
1305 appointed by the Commissioner of Social Services; (5) one member  
1306 from the Department of Public Health appointed by the Commissioner  
1307 of Public Health; (6) one member from the Department of Economic  
1308 and Community Development appointed by the Commissioner of  
1309 Economic and Community Development; (7) one member from the  
1310 Office of Health Care Access appointed by the Commissioner of  
1311 Health Care Access; (8) one member from the Department of Mental  
1312 Retardation appointed by the Commissioner of Mental Retardation;  
1313 (9) one member from the Department of Mental Health and Addiction  
1314 Services appointed by the Commissioner of Mental Health and  
1315 Addiction Services; [and] (10) one member from the Department of  
1316 Transportation appointed by the Commissioner of Transportation; and  
1317 (11) the Commissioner on Aging, or the commissioner's designee. The  
1318 committee shall convene no later than ninety days after June 4, 1998.  
1319 Any vacancy shall be filled by the appointing authority. The  
1320 chairperson shall be elected from among the members of the  
1321 committee. The committee shall seek the advice and participation of  
1322 any person, organization or state or federal agency it deems necessary  
1323 to carry out the provisions of this section.

1324 Sec. 58. Subsection (a) of section 17b-338 of the general statutes is  
1325 repealed and the following is substituted in lieu thereof:

1326 (a) There is established a Long-Term Care Advisory Council [which]  
1327 that shall consist of the following: (1) The [executive director of the  
1328 Commission on Aging] Commissioner of Aging, or the [executive  
1329 director's] commissioner's designee; (2) the State Nursing Home  
1330 Ombudsman, or the ombudsman's designee; (3) the president of the  
1331 Coalition of Presidents of Resident Councils, or the president's  
1332 designee; (4) the executive director of the Legal Assistance Resource  
1333 Center of Connecticut, or the executive director's designee; (5) one  
1334 representative of the Connecticut Chapter of the American Association  
1335 of Retired Persons, appointed by the president of the chapter; (6) one  
1336 representative of a bargaining unit for health care employees,  
1337 appointed by the president of the bargaining unit; (7) the president of  
1338 the Connecticut Association of Not-For-Profit Providers for the Aging,  
1339 or the president's designee; (8) the president of the Connecticut  
1340 Association of Health Care Facilities, or the president's designee; (9)  
1341 the president of the Connecticut Association of Licensed Homes for the  
1342 Aged, or the president's designee; (10) the president of the Connecticut  
1343 Hospital Association or the president's designee; (11) the executive  
1344 director of the Connecticut Assisted Living Association or the  
1345 executive director's designee; (12) the executive director of the  
1346 Connecticut Homecare Association or the executive director's  
1347 designee; (13) the president of Connecticut Community Care, Inc. or  
1348 the president's designee; (14) one member of the Connecticut  
1349 Association of Area Agencies on Aging appointed by the agency; (15)  
1350 the executive director of the Connecticut Alzheimer's Association or  
1351 the executive director's designee; (16) one member of the Adult Day  
1352 Care Association appointed by the association; (17) the president of the  
1353 Connecticut Chapter of the American College of Health Care  
1354 Administrators, or the president's designee; (18) the president of the  
1355 Connecticut Council for Persons with Disabilities, or the president's  
1356 designee; and (19) the president of the Connecticut Association of  
1357 Community Action Agencies, or the president's designee.

1358 Sec. 59. Section 17b-362a of the general statutes is repealed and the  
1359 following is substituted in lieu thereof:

1360 The Commissioner of Social Services shall establish a pharmacy  
1361 review panel to serve as advisors in the operation of pharmacy benefit  
1362 programs administered by the Department of Social Services or the  
1363 Department on Aging, including the implementation of any cost-  
1364 saving initiatives undertaken pursuant to section 17b-362, subsection  
1365 (e) of section 17b-491 and section 17b-363. The panel shall be appointed  
1366 by the commissioner to a three-year term and shall be composed of the  
1367 Commissioner on Aging or the commissioner's designee, two  
1368 representatives of independent pharmacies, two representatives of  
1369 chain pharmacies, two representatives of pharmacies that serve long-  
1370 term care facilities, two representatives of pharmaceutical  
1371 manufacturers, one physician specializing in family practice and one  
1372 physician specializing in internal medicine or geriatrics. The panel  
1373 shall meet at least quarterly with the commissioner or said  
1374 commissioner's designee.

1375 Sec. 60. Section 17b-362 of the general statutes is repealed and the  
1376 following is substituted in lieu thereof:

1377 (a) A prescription for a maintenance drug, as determined by the  
1378 Commissioner of Social Services, dispensed for the first time to any  
1379 Medicaid [or ConnPACE] recipient, shall be dispensed in an amount  
1380 not greater than a ten-day supply.

1381 (b) Each nursing home which participates in the Medicaid program  
1382 may request of the dispensing pharmacist that a prescription be  
1383 dispensed in an amount equal to a five-day supply whenever (1) a  
1384 drug product is prescribed for the first time for a patient who is a  
1385 Medicaid recipient, or (2) a refill of a prescription is necessary for such  
1386 a patient and the patient's discharge from the home is imminent.

1387 Sec. 61. (NEW) A prescription for a maintenance drug, as  
1388 determined by the Commissioner on Aging, dispensed for the first  
1389 time to any ConnPACE recipient, shall be dispensed in an amount not  
1390 greater than a ten-day supply.

1391 Sec. 62. This act shall take effect July 1, 2001.

***Statement of Legislative Commissioners:***

Sections 24, 58 and 59 were updated in order to reflect language that was inadvertently deleted from the original as it was prepared prior to the codification of the 2000 Public Acts.

***AGE***      ***JOINT FAVORABLE SUBST. C/R-LCO***      ***APP***