



General Assembly

January Session, 2003

**Raised Bill No. 995**

LCO No. 3617

Referred to Committee on Select Committee on Aging

Introduced by:  
(AGE)

**AN ACT PROVIDING PERSONAL CARE ATTENDANTS WITH HEALTH INSURANCE BENEFITS.**

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

1 Section 1. Subsection (i) of section 5-259 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2003*):

4 (i) The Comptroller may provide for coverage of municipal  
5 employees, [or] employees of nonprofit corporations or members of an  
6 association for personal care assistants under the plan or plans  
7 procured under subsection (a) of this section, provided: (1)  
8 Participation by each municipal employer, [or] nonprofit corporation  
9 or an association for personal care assistants shall be on a voluntary  
10 basis; (2) where an employee organization represents employees in a  
11 municipality or nonprofit corporation, participation in a plan or plans  
12 to be procured under subsection (a) of this section shall be by mutual  
13 agreement of the municipal employer and the employee organization  
14 only and neither party may submit the issue of participation to binding  
15 arbitration except by mutual agreement; (3) no group of employees  
16 shall be refused entry into the plan by reason of past or future health

17 care costs or claim experience; (4) rates paid by the state for its  
18 employees under subsection (a) of this section are not adversely  
19 affected by this subsection; (5) administrative costs to the plan or plans  
20 provided under this subsection shall be paid by the participating  
21 municipality, an association for personal care assistants or the  
22 participating nonprofit corporation at no additional cost to the state;  
23 and (6) participation in the plan or plans in an amount determined by  
24 the state shall be for the duration of the period of the plan or plans, or  
25 for such other period as mutually agreed by the municipality or  
26 nonprofit corporation and the Comptroller. The Comptroller, with the  
27 approval of the Secretary of the Office of Policy and Management, may  
28 arrange and procure for the employees under this subsection health  
29 benefit plans that vary from the plan or plans procured under  
30 subsection (a) of this section. Such alternate plans may be offered to  
31 municipal employees on a fully underwritten basis only.  
32 Notwithstanding any provision of law, such alternate plan may be  
33 offered to employees of nonprofit corporations or members of an  
34 association for personal care assistants on either a fully underwritten  
35 or risk-pooled basis at the discretion of the Comptroller. For the  
36 purposes of this subsection, (A) "municipality" means any town, city,  
37 borough, school district, taxing district, fire district, district department  
38 of health, probate district, housing authority, regional work force  
39 development board established under section 31-3k, flood commission  
40 or authority established by special act, regional planning agency,  
41 transit district formed under chapter 103a, or the Children's Center  
42 established by number 571 of the public acts of 1969, [; and] (B)  
43 "nonprofit corporation" means a nonprofit corporation organized  
44 under 26 USC 501(c)(3) that has a contract with the state, and (C)  
45 "association for personal care assistants" means the organization  
46 composed of personal care attendants who are either employed by  
47 recipients of service under the home care program for the elderly  
48 under section 17b-342 or employed through the Personal Care  
49 Assistance Program under section 17b-605a or an independent living  
50 center pursuant to sections 17b-613 to 17b-615, inclusive.

51       Sec. 2. Subdivision (4) of section 38a-564 of the general statutes is  
52 repealed and the following is substituted in lieu thereof (*Effective July*  
53 *1, 2003*):

54       (4) "Small employer" means any person, firm, corporation, limited  
55 liability company, partnership or association actively engaged in  
56 business or self-employed for at least three consecutive months who,  
57 on at least fifty per cent of its working days during the preceding  
58 twelve months, employed no more than fifty eligible employees, the  
59 majority of whom were employed within the state of Connecticut.  
60 "Small employer" includes a self-employed individual. In determining  
61 the number of eligible employees, companies which are affiliated  
62 companies, as defined in section 33-840, or which are eligible to file a  
63 combined tax return for purposes of taxation under chapter 208 shall  
64 be considered one employer. Eligible employees shall not include  
65 employees covered through the employer by health insurance plans or  
66 insurance arrangements issued to or in accordance with a trust  
67 established pursuant to collective bargaining subject to the federal  
68 Labor Management Relations Act. Except as otherwise specifically  
69 provided, provisions of sections 12-201, 12-211, 12-212a and 38a-564 to  
70 38a-572, inclusive, which apply to a small employer shall continue to  
71 apply until the plan anniversary following the date the employer no  
72 longer meets the requirements of this definition. "Small employer"  
73 does not include (A) a municipality procuring health insurance  
74 pursuant to section 5-259, (B) a private school in this state procuring  
75 health insurance through a health insurance plan or an insurance  
76 arrangement sponsored by an association of such private schools, [or]  
77 (C) a nonprofit organization procuring health insurance pursuant to  
78 section 5-259, unless the Secretary of the Office of Policy and  
79 Management and the State Comptroller make a request in writing to  
80 the Insurance Commissioner that such nonprofit organization be  
81 deemed a small employer for the purposes of this chapter, or (D) an  
82 association for personal care assistants procuring health insurance  
83 pursuant to section 5-259.

84 Sec. 3. Subsection (b) of section 12-202a of the general statutes is  
85 repealed and the following is substituted in lieu thereof (*Effective July*  
86 *1, 2003*):

87 (b) Notwithstanding the provisions of subsection (a) of this section,  
88 the tax shall not apply to: (1) Any new or renewal contract or policy  
89 entered into with the state on or after July 1, 1997, to provide health  
90 care coverage to state employees, retirees and their dependents; (2) any  
91 subscriber charges received from the federal government to provide  
92 coverage for Medicare patients; (3) any subscriber charges received  
93 under a contract or policy entered into with the state to provide health  
94 care coverage to Medicaid recipients under the Medicaid managed  
95 care program established pursuant to section 17b-28, which charges  
96 are attributable to a period on or after January 1, 1998; (4) any new or  
97 renewal contract or policy entered into with the state on or after April  
98 1, 1998, to provide health care coverage to eligible beneficiaries under  
99 the HUSKY Medicaid Plan Part A, HUSKY Part B, or the HUSKY Plus  
100 programs, each as defined in section 17b-290; (5) any new or renewal  
101 contract or policy entered into with the state on or after April 1, 1998,  
102 to provide health care coverage to recipients of state-administered  
103 general assistance pursuant to section 17b-257; (6) any new or renewal  
104 contract or policy entered into with the state on or after February 1,  
105 2000, to provide health care coverage to retired teachers, spouses or  
106 surviving spouses covered by plans offered by the state teachers'  
107 retirement system; (7) any new or renewal contract or policy entered  
108 into on or after July 1, 2001, to provide health care coverage to  
109 employees of a municipality under a plan procured pursuant to section  
110 5-259; [or] (8) any new or renewal contract or policy entered into on or  
111 after July 1, 2001, to provide health care coverage to employees of  
112 nonprofit organizations and their dependents under a plan procured  
113 pursuant to section 5-259; or (9) any new or renewal contract or policy  
114 entered into on or after July 1, 2003, to provide health care coverage to  
115 members of an association for personal care assistants and their  
116 dependents under a plan procured pursuant to section 5-259.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>
Sec. 3	<i>July 1, 2003</i>

**Statement of Purpose:**

To provide personal care attendants with access to health insurance benefits.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*