



General Assembly

Substitute Bill No. 995

January Session, 2003

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2 repealed and the following is substituted in lieu thereof (*Effective July*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, the Personal Care Assistance Program under
49 section 17b-605a, an independent living center pursuant to sections
50 17b-613 to 17b-615, inclusive, or the Acquired Brain Injury Program as
51 described in section 17b-260a.

52 Sec. 2. Subdivision (4) of section 38a-564 of the general statutes is
53 repealed and the following is substituted in lieu thereof (*Effective July*
54 *1, 2003*):

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

85 Sec. 3. Subsection (b) of section 12-202a of the general statutes is
86 repealed and the following is substituted in lieu thereof (*Effective July*
87 *1, 2003*):

88 (b) Notwithstanding the provisions of subsection (a) of this section,

89 the tax shall not apply to: (1) Any new or renewal contract or policy
 90 entered into with the state on or after July 1, 1997, to provide health
 91 care coverage to state employees, retirees and their dependents; (2) any
 92 subscriber charges received from the federal government to provide
 93 coverage for Medicare patients; (3) any subscriber charges received
 94 under a contract or policy entered into with the state to provide health
 95 care coverage to Medicaid recipients under the Medicaid managed
 96 care program established pursuant to section 17b-28, which charges
 97 are attributable to a period on or after January 1, 1998; (4) any new or
 98 renewal contract or policy entered into with the state on or after April
 99 1, 1998, to provide health care coverage to eligible beneficiaries under
 100 the HUSKY Medicaid Plan Part A, HUSKY Part B, or the HUSKY Plus
 101 programs, each as defined in section 17b-290; (5) any new or renewal
 102 contract or policy entered into with the state on or after April 1, 1998,
 103 to provide health care coverage to recipients of state-administered
 104 general assistance pursuant to section 17b-257; (6) any new or renewal
 105 contract or policy entered into with the state on or after February 1,
 106 2000, to provide health care coverage to retired teachers, spouses or
 107 surviving spouses covered by plans offered by the state teachers'
 108 retirement system; (7) any new or renewal contract or policy entered
 109 into on or after July 1, 2001, to provide health care coverage to
 110 employees of a municipality under a plan procured pursuant to section
 111 5-259; [or] (8) any new or renewal contract or policy entered into on or
 112 after July 1, 2001, to provide health care coverage to employees of
 113 nonprofit organizations and their dependents under a plan procured
 114 pursuant to section 5-259; or (9) any new or renewal contract or policy
 115 entered into on or after July 1, 2003, to provide health care coverage to
 116 members of an association for personal care assistants and their
 117 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>

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Joint Favorable Subst. C/R

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