



# Senate

General Assembly

**File No. 271**

February Session, 2004

Substitute Senate Bill No. 576

*Senate, March 25, 2004*

The Committee on Government Administration and Elections reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING REGULATIONS BY THE DEPARTMENT OF SOCIAL SERVICES.**

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

1 Section 1. Section 17b-10 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2004*):

3 (a) The Department of Social Services shall prepare and routinely  
4 update state medical services and public assistance manuals, [and  
5 general assistance policy manuals.] The pages of such manuals shall be  
6 consecutively numbered and indexed, containing all departmental  
7 policy regulations and substantive procedure, written in clear and  
8 concise language. Said manuals shall be published by the department  
9 and distributed so that they are available to (1) all [district, subdistrict  
10 and field] regional and subregional offices of the Department of Social  
11 Services; (2) each town hall in the state; (3) all legal assistance  
12 programs in the state; and (4) any interested member of the public who

13 requests a copy. All policy manuals of the department, as they exist on  
14 May 23, 1984, including the supporting bulletins but not including  
15 statements concerning only the internal management of the  
16 department and not affecting private rights or procedures available to  
17 the public, shall be construed to have been adopted as regulations in  
18 accordance with the provisions of chapter 54. After May 23, 1984, any  
19 policy issued by the department, except a policy necessary to conform  
20 to a requirement of a federal or joint federal and state program  
21 administered by the department, including, but not limited to, the state  
22 supplement program to the Supplemental Security Income Program,  
23 shall be adopted [in regulation form] as a regulation in accordance  
24 with the provisions of chapter 54.

25 (b) [After May 23, 1984, the] The department shall adopt [in  
26 regulation form] as a regulation in accordance with the provisions of  
27 chapter 54, any new policy necessary to conform to a requirement of a  
28 federal or joint state and federal program administered by the  
29 department, including, but not limited to, the state supplement  
30 program to the Supplemental Security Income Program, but the  
31 department may operate under such policy while it is in the process of  
32 adopting the policy [in regulation form] as a regulation, provided the  
33 Department of Social Services prints notice of intent to adopt the  
34 [regulations] regulation in the Connecticut Law Journal within twenty  
35 days after adopting the policy. Such policy shall be valid until the time  
36 final regulations are effective.

37 [(b) By July 1, 1986, the Department of Social Services shall rewrite  
38 the general assistance policy manual using plain language as described  
39 in section 42-152 and sections 38a-295 to 38a-300, inclusive. The  
40 manual shall include an index for frequent referencing and a separate  
41 section or manual which specifies procedures to follow to clarify  
42 policy. The department shall keep records of policy and procedural  
43 questions raised by town welfare officials and staff during telephone  
44 conversations and office visits.

45 (c) By January 1, 1987, the Department of Social Services shall

46 replace its state public assistance policy manual with a new manual  
47 which is adopted in accordance with the provisions of chapter 54 and  
48 which sets forth in clear and concise language the policies and  
49 procedures to be used by the department in implementing and  
50 enforcing federal and state laws. The department may operate under a  
51 policy in the new recipient eligibility and benefit policy manual while  
52 it is in the process of adopting the manual in regulation form, provided  
53 the department shall print a notice of intent to adopt regulations  
54 relating to recipient eligibility and benefits in the Connecticut Law  
55 Journal within twenty days of issuing the policy.]

56 (c) On and after July 1, 2004, the department shall submit proposed  
57 regulations that are required by subsection (b) of this section to the  
58 standing legislative regulation review committee, as provided in  
59 subsection (b) of section 4-170, not later than one hundred eighty days  
60 after publication of the notice of its intent to adopt regulations. The  
61 department shall include with the proposed regulation a statement  
62 identifying (1) the date on which the proposed regulation became  
63 effective as a policy as provided in subsection (b) of this section, and  
64 (2) any provisions of the proposed regulation that are no longer in  
65 effect on the date of the submittal of the proposed regulation, together  
66 with a list of all policies that the department has operated under, as  
67 provided in subsection (b) of this section, that superceded any  
68 provision of the proposed regulation.

69 (d) Not later than thirty-five days before the date on which  
70 proposed regulations are required to be submitted under subsection (c)  
71 of this section, subsection (e) of section 4-170, or this subsection, the  
72 department may submit to the committee requests for extensions of  
73 time for up to sixty days for each request accompanied by a written  
74 explanation of the reasons for the request. The committee may require  
75 the department to appear before the committee at a time prescribed by  
76 the committee to further explain the reasons for the request and to  
77 respond to any questions by the committee about the policy. If the  
78 committee finds good cause for the requested extension, the committee  
79 may grant the request.

80 (e) If amendments to an existing regulation are necessary solely to  
 81 conform the regulation to amendments to the general statutes, and if  
 82 the amendments to the regulation do not entail any discretion by the  
 83 department, the department may elect to comply with the  
 84 requirements of subsection (a) of section 4-168 or may proceed without  
 85 prior notice or hearing. Any such amendments to a regulation shall be  
 86 submitted in the form and manner prescribed in subsection (b) of  
 87 section 4-170, to the Attorney General, as provided in section 4-169,  
 88 and to the committee, as provided in section 4-170, for approval and  
 89 upon approval shall be filed in the office of the Secretary of the State.

90 (f) An application for a federal waiver of any assistance program  
 91 requirement, submitted by the Commissioner of Social Services in  
 92 accordance with the provisions of section 17b-8, shall not be construed  
 93 to permit the department to utilize the provisions of subsections (b) to  
 94 (e), inclusive, of this section.

This act shall take effect as follows:	
Section 1	October 1, 2004

**GAE**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

This bill makes a variety of changes to the regulation process for the Department of Social Services. These changes are not expected to result in any fiscal impact.

**OLR Bill Analysis**

sSB 576

**AN ACT CONCERNING REGULATIONS BY THE DEPARTMENT OF SOCIAL SERVICES****SUMMARY:**

This bill establishes a deadline and procedures for the Department of Social Services (DSS) to submit proposed regulations of new policy changes to the Regulations Review Committee. The bill allows DSS to request, and the committee to grant, extensions.

The bill gives the department the option to adopt proposed regulations without notice or the opportunity for a hearing when the (1) proposal is to amend existing regulations; (2) amendment is necessary because of changes in state law; and (3) amendment directs, rather than allows, department action. These regulations must be submitted to the attorney general and the committee in proper statutory form and manner and filed with the secretary of the state once they approve them.

The bill specifies that the deadline for regulations and DSS' option to proceed without notice or hearing do not apply when the department asks the federal government to waive a DSS program regulation.

The bill requires DSS to write any updates to state medical services or public assistance manuals in clear and concise language.

Lastly, it makes technical changes by deleting obsolete language.

EFFECTIVE DATE: October 1, 2004

**REGULATION DEADLINE AND PROCEDURE**

By law, DSS must adopt, as regulations, any new policy it implements to conform to federal or joint federal and state law (i.e., Medicaid). The department can operate under the policy during the process of adopting the regulations if notice of intent to adopt is placed in the Connecticut Law Journal.

The bill requires DSS to submit proposed regulations of new policy changes to the committee within 180 days of the date DSS publishes notice of its intent to adopt regulations. DSS must include with the regulations: (1) the date the proposed regulations became policy, (2) any provisions in the regulations that are no longer effective by the submittal date, and (3) a list of the policies that superseded the provisions in the proposed regulations.

## **EXTENSIONS**

At least 35 days before the last day to submit any proposed regulations, the bill allows DSS to request up to a 60-day extension and requires it to provide a written explanation for any such requests. The committee can require the department to appear to further explain its reason for the request and answer policy questions. The committee may grant extensions for good cause.

## **BACKGROUND**

### ***Notice and Hearing Prior to Adoption of Regulations***

With the exception of technical amendments to existing regulations and the repeal of regulations made obsolete by changes in the law, before adopting proposed regulations an agency must (1) give at least 30 days notice of its intent by publication in the Connecticut Law Journal; (2) give notice by mail to legislative committees of cognizance and anyone who requests advance notice; (3) give a copy of the proposed regulations to anyone who makes a request; (4) prepare a fiscal note on the regulations; (5) give interested parties the opportunity to submit data, views, or arguments; (6) grant an opportunity for oral argument under certain circumstances; and (7) consider all written and oral submissions and make any necessary adjustments to the fiscal note.

## **COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute  
Yea 16    Nay 0