



General Assembly

February Session, 2004

Substitute Bill No. 5007

* HB05007AGEHS030304 *

AN ACT CONCERNING PERSONAL CARE ASSISTANCE AND THE HOME-CARE PROGRAM.

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

1 Section 1. Subsection (c) of section 17b-342 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective June*
3 *1, 2005*):

4 (c) The community-based services covered under the program shall
5 include, but not be limited to, the following services to the extent that
6 they are not available under the state Medicaid plan, occupational
7 therapy, homemaker services, companion services, meals on wheels,
8 adult day care, transportation, mental health counseling, care
9 management, elderly foster care, personal care assistance, minor home
10 modifications and assisted living services provided in state-funded
11 congregate housing and in other assisted living pilot or demonstration
12 projects established under state law. Recipients of state-funded
13 services and persons who are determined to be functionally eligible for
14 community-based services who have an application for medical
15 assistance pending shall have the cost of home health and community-
16 based services covered by the program, provided they comply with all
17 medical assistance application requirements. Access agencies shall not
18 use department funds to purchase community-based services or home
19 health services from themselves or any related parties. Personal care

20 assistance may be provided by a family member of a recipient of
21 services under the program other than the spouse of the recipient.

22 Sec. 2. Section 17b-343 of the general statutes is repealed and the
23 following is substituted in lieu thereof (*Effective June 1, 2005*):

24 The Commissioner of Social Services shall establish annually the
25 maximum allowable rate to be paid by said agencies for homemaker
26 services, chore person services, companion services, respite care, meals
27 on wheels, adult day care services, case management and assessment
28 services, transportation, mental health counseling and elderly foster
29 care, except that the maximum allowable rates in effect July 1, 1990,
30 shall remain in effect during the fiscal years ending June 30, 1992, and
31 June 30, 1993. The Commissioner of Social Services shall establish
32 annually the maximum allowable rate to be paid for personal care
33 assistance. The Commissioner of Social Services shall prescribe
34 uniform forms on which agencies providing such services shall report
35 their costs for such services. Such rates shall be determined on the
36 basis of a reasonable payment for necessary services rendered. The
37 maximum allowable rates established by the Commissioner of Social
38 Services for the Connecticut home-care program for the elderly
39 established under section 17b-342, as amended by this act, shall
40 constitute the rates required under this section until revised in
41 accordance with this section. The Commissioner of Social Services shall
42 establish a fee schedule, to be effective on and after July 1, 1994, for
43 homemaker services, chore person services, companion services,
44 respite care, meals on wheels, adult day care services, case
45 management and assessment services, transportation, mental health
46 counseling and elderly foster care. The commissioner may annually
47 increase any fee in the fee schedule based on an increase in the cost of
48 services. The commissioner shall increase the fee schedule effective
49 July 1, 2000, by not less than five per cent, for adult day care services.
50 Nothing contained in this section shall authorize a payment by the
51 state to any agency for such services in excess of the amount charged
52 by such agency for such services to the general public.

53 Sec. 3. (*Effective from passage*) Not later than June 1, 2005, the
54 Commissioner of Social Services, when renewing the waiver from
55 federal law for the Medicaid funded portion of the Connecticut home-
56 care program for the elderly, shall include personal care assistance
57 pursuant to section 17b-342 of the general statutes, as amended by this
58 act.

59 Sec. 4. Section 47 of public act 00-2 of the June special session is
60 repealed and the following is substituted in lieu thereof (*Effective June*
61 *1, 2005*):

62 (a) [The] Until May 31, 2005, the Commissioner of Social Services
63 shall, within available appropriations, establish and operate a state-
64 funded pilot program to allow not more than fifty persons who are
65 sixty-five years of age or older and (1) who had received services
66 under the personal care assistance program established under section
67 17b-605a of the general statutes, as amended, at any time within the
68 twelve-month period preceding such person's sixty-fifth birthday, or
69 (2) who are eligible for services under the Connecticut home-care
70 program for the elderly established under section 17b-342 of the
71 general statutes, as amended by this act, provided the commissioner
72 determines that such persons are unable to access adequate home care
73 services, to receive personal care assistance in order to avoid
74 institutionalization.

75 (b) The Commissioner of Social Services shall evaluate the cost
76 effectiveness of providing personal care assistance under the
77 provisions of subsection (a) of this section.

78 (c) The Commissioner of Social Services may, within available
79 appropriations, increase the number of persons participating in the
80 pilot program to no more than one hundred provided such personal
81 care assistance has been demonstrated to be cost-effective.

82 (d) Not later than January 1, 2002, the Commissioner of Social
83 Services shall submit a report to the joint standing committees of the
84 General Assembly having cognizance of matters relating to public

85 health, human services and appropriations and the budgets of state
86 agencies on the pilot program established under subsection (a) of this
87 section.

88 (e) On and after June 1, 2005, the Commissioner of Social Services
89 shall provide personal care assistance to persons who were in the pilot
90 program on May 31, 2005, in accordance with the requirements of the
91 Connecticut home-care program for the elderly established under
92 section 17b-342 of the general statutes, as amended by this act.

This act shall take effect as follows:	
Section 1	<i>June 1, 2005</i>
Sec. 2	<i>June 1, 2005</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>June 1, 2005</i>

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Joint Favorable Subst. C/R

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