



General Assembly

February Session, 2004

Raised Bill No. 5389

LCO No. 1492

01492_____HS_

Referred to Committee on Human Services

Introduced by:
(HS)

AN ACT CONCERNING CLAIMS OF THE STATE FOR REPAYMENT OF AID PROVIDED TO BENEFICIARIES OF SOCIAL SERVICES PROGRAMS.

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

1 Section 1. Section 17b-94 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2004*):

3 (a) In the case of causes of action of beneficiaries of aid under the
4 state supplement program, medical assistance program, aid to families
5 with dependent children program, temporary family assistance
6 program or state-administered general assistance program, subject to
7 subsections (b) and (c) of section 17b-93, or of a parent of a beneficiary
8 of the aid to families with dependent children program, the temporary
9 family assistance program or the state-administered general assistance
10 program, the claim of the state shall be a lien against the proceeds
11 [therefrom in] of such causes of actions for repayment under section
12 17b-93. The state's lien shall be the lesser of the amount of the
13 assistance paid or [fifty] (1) if the amount of the proceeds is less than
14 four thousand dollars, thirty-five per cent of the proceeds received by
15 such beneficiary or such parent after payment of all expenses

16 connected with the cause of action, [whichever is less, for repayment
17 under said section 17b-93, and] (2) if the amount of the proceeds is four
18 thousand dollars or more but less than ten thousand dollars, forty-five
19 per cent of the proceeds received by such beneficiary or such parent
20 after payment of all expenses connected with the cause of action, or (3)
21 if the amount of the proceeds is ten thousand dollars or more, fifty-five
22 per cent of the proceeds received by such beneficiary or such parent
23 after payment of all expenses connected with the cause of action. The
24 state's claim for repayment under section 17b-93 shall have priority
25 over all other claims except attorney's fees for said causes, expenses of
26 suit, costs of hospitalization connected with the cause of action by
27 whomever paid over and above hospital insurance or other such
28 benefits, and, for such period of hospitalization as was not paid for by
29 the state, physicians' fees for services during any such period as are
30 connected with the cause of action over and above medical insurance
31 or other such benefits; and such claim shall consist of the total
32 assistance repayment for which claim may be made under said
33 programs. The proceeds of such causes of action shall be assignable to
34 the state for payment of the amount due under [said] section 17b-93,
35 irrespective of any other provision of law. Upon presentation to the
36 attorney for the beneficiary of an assignment of such proceeds
37 executed by the beneficiary or his conservator or guardian, such
38 assignment shall constitute an irrevocable direction to the attorney to
39 pay the Commissioner of Administrative Services in accordance with
40 its terms, except if, after settlement of the cause of action or judgment
41 thereon, the Commissioner of Administrative Services does not inform
42 the attorney for the beneficiary of the amount of lien which is to be
43 paid to the Commissioner of Administrative Services within forty-five
44 days of receipt of the written request of such attorney for such
45 information, such attorney may distribute such proceeds to such
46 beneficiary and shall not be liable for any loss the state may sustain
47 thereby.

48 (b) In the case of an inheritance of an estate by a beneficiary of aid
49 under the state supplement program, medical assistance program, aid

50 to families with dependent children program, temporary family
51 assistance program or state-administered general assistance program,
52 subject to subsections (b) and (c) of section 17b-93, [fifty] the claim of
53 the state shall be an assignable share of assets of the estate payable to
54 the beneficiary for repayment under section 17b-93. The state's
55 assignable share shall be the lesser of the amount of assistance paid or
56 (1) for assets with value of less than ten thousand dollars, thirty per
57 cent of the assets of the estate payable to the beneficiary, [or the
58 amount of such assets equal to the amount of assistance paid,
59 whichever is less, shall be assignable to the state for payment of the
60 amount due under said section 17b-93] (2) for assets with value of ten
61 thousand dollars or more but less than fifteen thousand dollars, fifty
62 per cent of the assets payable to the beneficiary, or (3) for assets with
63 value of fifteen thousand dollars or more, fifty-five per cent of the
64 assets payable to the beneficiary. The Court of Probate shall accept any
65 such assignment executed by the beneficiary and filed by the
66 Commissioner of Administrative Services with the court prior to the
67 distribution of such inheritance, and to the extent of such inheritance
68 not already distributed, the court shall order distribution in accordance
69 therewith. If the Commissioner of Administrative Services receives any
70 assets of an estate pursuant to any such assignment, the commissioner
71 shall be subject to the same duties and liabilities concerning such
72 assigned assets as the beneficiary.

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

Statement of Purpose:

To establish graduated rates of recovery from public assistance beneficiaries who receive proceeds from a lawsuit or inheritance.

[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.]