



General Assembly

February Session, 2004

Raised Bill No. 15

LCO No. 418

00418 _____ AGE

Referred to Committee on Select Committee on Aging

Introduced by:
(AGE)

**AN ACT CONCERNING STATE CLAIMS AGAINST THE ESTATES OF
CONNPACE RECIPIENTS.**

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

1 Section 1. Section 17b-95 of the general statutes, as amended by
2 section 59 of public act 03-3 of the June 30 special session, is repealed
3 and the following is substituted in lieu thereof (*Effective from passage*):

4 (a) Subject to the provisions of subsection (b) of this section, upon
5 the death of a parent of a child who has, at any time, been a beneficiary
6 under the program of aid to families with dependent children, the
7 temporary family assistance program or the state-administered general
8 assistance program, or upon the death of any person who has at any
9 time been a beneficiary of aid under the state supplement program,
10 medical assistance program, aid to families with dependent children
11 program, temporary family assistance program or state-administered
12 general assistance program, [and, on or after September 1, 2003, the
13 Connecticut Pharmaceutical Assistance Contract to the Elderly and
14 Disabled Program,] except as provided in subsection (b) of section 17b-
15 93, the state shall have a claim against such parent's or person's estate
16 for all amounts paid on behalf of each such child or for the support of

17 either parent or such child or such person under the state supplement
18 program, medical assistance program, aid to families with dependent
19 children program, temporary family assistance program or state-
20 administered general assistance program [and on or after September 1,
21 2003, to a beneficiary of aid under the Connecticut Pharmaceutical
22 Assistance Contract to the Elderly and Disabled Program,] for which
23 the state has not been reimbursed, to the extent that the amount which
24 the surviving spouse, parent or dependent children of the decedent
25 would otherwise take from such estate is not needed for their support.

26 (b) In the case of any person dying after October 1, 1959, the claim
27 for medical payments, even though such payments were made prior
28 thereto, shall be restricted to medical disbursements actually made for
29 care of such deceased beneficiary. [In the case of any person dying
30 after September 1, 2003, the claim for ConnPACE program benefits
31 shall be restricted to benefits actually received on or after July 1, 2003.]

32 (c) Claims pursuant to this section shall have priority over all
33 unsecured claims against such estate, except (1) expenses of last
34 sickness not to exceed three hundred seventy-five dollars, (2) funeral
35 and burial expenses in accordance with section 17b-84, and (3)
36 administrative expenses, including probate fees and taxes, and
37 including fiduciary fees not exceeding the following commissions on
38 the value of the whole estates accounted for by such fiduciaries: On the
39 first two thousand dollars or portion thereof, five per cent; on the next
40 eight thousand dollars or portion thereof, four per cent; on the excess
41 over ten thousand dollars, three per cent. Upon petition by any
42 fiduciary, the Probate Court, after a hearing thereon, may authorize
43 compensation in excess of the above schedule for extraordinary
44 services. Notice of any such petition and hearing shall be given to the
45 Commissioner of Administrative Services in Hartford at least ten days
46 in advance of such hearing. The allowable funeral and burial payment
47 herein shall be reduced by the amount of any prepaid funeral
48 arrangement. Any amount paid from the estate under this section to
49 any person which exceeds the limits provided herein shall be repaid to

50 the estate by such person, and such amount may be recovered in a civil
51 action with interest at six per cent from the date of demand.

52 (d) For purposes of this section, all sums due on or after July 1, 2003,
53 to any individual after the death of a public assistance beneficiary
54 pursuant to the terms of an annuity contract purchased at any time
55 with assets of a public assistance beneficiary, shall be deemed to be
56 part of the estate of the deceased beneficiary and shall be payable to
57 the state by the recipient of such annuity payments to the extent
58 necessary to achieve full reimbursement of any public assistance
59 benefits paid to, or on behalf of, the deceased beneficiary irrespective
60 of any provision of law. The recipient of beneficiary payments from
61 any such annuity contract shall be solely liable to the state of
62 Connecticut for reimbursement of public assistance benefits paid to, or
63 on behalf of, the deceased beneficiary to the extent of any payments
64 received by such recipient pursuant to the annuity contract.

This act shall take effect as follows:	
Section 1	<i>from passage</i>

Statement of Purpose:

To eliminate claims of the state against the estates of ConnPACE beneficiaries.

[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.]