



Senate

General Assembly

File No. 56

January Session, 2005

Senate Bill No. 801

Senate, March 24, 2005

The Committee on Human Services reported through SEN. HANDLEY of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

**AN ACT CONCERNING LEGISLATIVE REVIEW AND APPROVAL OF
WAIVER APPLICATIONS PRIOR TO SUBMITTAL TO THE FEDERAL
GOVERNMENT.**

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

1 Section 1. Section 17b-8 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2005*):

3 (a) The Commissioner of Social Services shall submit an application
4 for a federal waiver of any assistance program requirements, except
5 such application pertaining to routine operational issues, to the joint
6 standing [committee] committees of the General Assembly having
7 cognizance of matters relating to human services and appropriations
8 and the budgets of state agencies [and to the joint standing committee
9 of the General Assembly having cognizance of matters relating to
10 human services] prior to the submission of such application to the
11 federal government. [Within] Not later than thirty days after the date
12 of their receipt of such application, the joint standing committees

13 [may] shall: (1) Hold a public hearing on the waiver application, and
14 (2) thereafter advise the commissioner of their approval, denial or
15 modifications, if any, of [his] the commissioner's application. If the
16 joint standing committees advise the commissioner of their denial of
17 the commissioner's application, the commissioner shall not submit the
18 application for a federal waiver to the federal government. If such
19 committees do not concur, the committee chairpersons shall appoint a
20 committee of conference which shall be comprised of three members
21 from each joint standing committee. At least one member appointed
22 from each joint standing committee shall be a member of the minority
23 party. The report of the committee of conference shall be made to each
24 joint standing committee, which shall vote to accept or reject the
25 report. The report of the committee of conference may not be
26 amended. If a joint standing committee rejects the report of the
27 committee of conference, such committee shall notify the
28 commissioner of the rejection and the commissioner's application shall
29 be deemed approved. If the joint standing committees accept the
30 report, the committee having cognizance of matters relating to
31 appropriations and the budgets of state agencies shall advise the
32 commissioner of their approval, denial or modifications, if any, of the
33 commissioner's application. If the joint standing committees do not so
34 advise the commissioner during the thirty-day period, the application
35 shall be deemed approved. Any application for a federal waiver
36 submitted by the commissioner, pursuant to this section, shall be in
37 accordance with the approval or modifications, if any, of the joint
38 standing committees of the General Assembly having cognizance of
39 matters relating to human services and appropriations and the budgets
40 of state agencies.

41 (b) If in developing the budget for the department for the next fiscal
42 year, the commissioner contemplates applying for a federal waiver,
43 [he] the commissioner shall notify the joint standing committee of the
44 General Assembly having cognizance of matters relating to
45 appropriations and the budgets of state agencies and the joint standing
46 committee of the General Assembly having cognizance of matters
47 relating to human services of the possibility of such application.

48 (c) Prior to submission of an application for a waiver from federal
 49 law to the General Assembly under subsection (a) of this section, the
 50 Commissioner of Social Services shall publish a notice that the
 51 commissioner intends to seek such a waiver in the Connecticut Law
 52 Journal, along with a summary of the provisions of the waiver
 53 application and the manner in which individuals may submit
 54 comments. The commissioner shall allow fifteen days for written
 55 comments on the waiver application prior to submission of the
 56 application for a waiver to the General Assembly under subsection (a)
 57 of this section and shall include all written comments with the waiver
 58 application in the submission to the General Assembly.

59 (d) The commissioner shall include with any waiver application
 60 submitted to the federal government pursuant to this section: (1) Any
 61 written comments received pursuant to subsection (c) of this section;
 62 and (2) a complete transcript of the joint standing committee
 63 proceedings held pursuant to subsection (a) of this section, including
 64 any additional written comments submitted to the joint standing
 65 committees at such proceedings. The joint standing committees shall
 66 transmit any such materials to the commissioner for inclusion with any
 67 such waiver application.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2005	17b-8

HS *Joint Favorable*

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:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Social Services	GF - Cost	Minimal	Minimal

Municipal Impact: None

Explanation

This bill changes the Medicaid waiver approval process in order to make it consistent with the approval process for federal block grants. These changes are not anticipated to result in any fiscal impact. The bill further requires the Commissioner of Social Services to include additional materials upon the submission of waiver applications to the federal government. This requirement will lead to minimal increased administrative costs to the department.

OLR Bill Analysis

SB 801

AN ACT CONCERNING LEGISLATIVE REVIEW AND APPROVAL OF WAIVER APPLICATIONS PRIOR TO SUBMITTAL TO THE FEDERAL GOVERNMENT**SUMMARY:**

This bill strengthens legislative oversight of the Department of Social Services' (DSS) federal waiver applications. By law, whenever DSS submits an application to the federal government to waive certain requirements of a federal program, it must first submit the waiver application to the Human Services and Appropriations committees. Currently, the committees can, but are not required to, advise the DSS commissioner of their opinion of the application, which, in practice, has not been binding on her.

The bill (1) requires, rather than allows, the committees to advise the DSS commissioner of their approval, rejection, or modification of the application within 30 days of receiving it; (2) requires the committees to hold a public hearing on the application after they receive it and before they advise the commissioner; and (3) makes failure to advise an approval.

If the committees reject the waiver application, the commissioner may not submit it to the federal government. She must modify the application when the committees advise her to do so.

If the committees disagree, the bill requires the committee chairpersons to appoint a six-member conference committee comprised of three members from each committee. At least one member from each committee must be from the minority party. The conference committee must report to the standing committees, which must in turn vote to accept or reject, but not amend, the report. The Appropriations Committee must advise the commissioner if both committees accept the report and she must act in accordance with it. If either committee rejects the conference report, the waiver application is considered approved and the committee rejecting it must notify the commissioner.

When submitting the application to the federal government, the bill requires the commissioner to include (1) a complete transcript of the joint committees' proceedings along with the written comments submitted to the committees at the proceedings, which the bill directs the committees to send to her, and (2) any written comments she receives prior to submitting the application to the General Assembly, during the public comment period already established in law.

EFFECTIVE DATE: July 1, 2005

BACKGROUND

Public Comment Period for Federal Waiver Applications

By law, DSS must publish a notice in the *Connecticut Law Journal* whenever it intends to seek a federal waiver. The commissioner must allow 15 days for written comments on the application before submitting it to the legislative committees for their review and must include the comments with the waiver application she submits to the committees.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Report
Yea 15 Nay 1