



# Senate

General Assembly

**File No. 232**

*January Session, 2005*

Senate Bill No. 970

*Senate, April 11, 2005*

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 bill ought to pass.

## ***AN ACT REESTABLISHING THE DEPARTMENT ON AGING.***

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

1 Section 1. (NEW) (*Effective January 1, 2007*) (a) There is established a  
2 Department on Aging which shall be under the direction and  
3 supervision of the Commissioner on Aging who shall be appointed by  
4 the Governor in accordance with the provisions of sections 4-5 to 4-8,  
5 inclusive, of the general statutes, as amended by this act, with the  
6 powers and duties prescribed in said sections. The commissioner shall  
7 be knowledgeable and experienced with respect to the conditions and  
8 needs of elderly persons and shall serve on a full-time basis.

9 (b) The Commissioner on Aging shall administer all laws under the  
10 jurisdiction of the Department on Aging and shall employ the most  
11 efficient and practical means for the provision of care and protection of  
12 elderly persons. The commissioner shall have the power and duty to  
13 do the following: (1) Administer, coordinate and direct the operation

14 of the department; (2) adopt and enforce regulations, in accordance  
15 with chapter 54 of the general statutes, as necessary to implement the  
16 purposes of the department as established by statute; (3) establish rules  
17 for the internal operation and administration of the department; (4)  
18 establish and develop programs and administer services to achieve the  
19 purposes of the department; (5) contract for facilities, services and  
20 programs to implement the purposes of the department; (6) act as  
21 advocate for necessary additional comprehensive and coordinated  
22 programs for elderly persons; (7) assist and advise all appropriate  
23 state, federal, local and area planning agencies for elderly persons in  
24 the performance of their functions and duties pursuant to federal law  
25 and regulation; (8) plan services and programs for elderly persons; (9)  
26 coordinate outreach activities by public and private agencies serving  
27 elderly persons; and (10) consult and cooperate with area and private  
28 planning agencies.

29 (c) The functions, powers, duties and personnel of the Division of  
30 Elderly Services of the Department of Social Services, or any  
31 subsequent division or portion of a division with similar functions,  
32 powers, personnel and duties, shall be transferred to the Department  
33 on Aging pursuant to the provisions of sections 4-38d, 4-38e and 4-39  
34 of the general statutes.

35 (d) Any order or regulation of the Department of Social Services or  
36 the Commission on Aging that is in force on January 1, 2007, shall  
37 continue in force and effect as an order or regulation until amended,  
38 repealed or superseded pursuant to law.

39 Sec. 2. (NEW) (*Effective January 1, 2007*) (a) The Department on  
40 Aging shall continuously study the conditions and needs of elderly  
41 persons in this state in relation to nutrition, transportation, home-care,  
42 housing, income, employment, health, recreation and other matters.  
43 The department shall be responsible, in cooperation with federal, state,  
44 local and area planning agencies on aging, for the overall planning,  
45 development and administration of a comprehensive and integrated  
46 social service delivery system for elderly persons and the aged. The

47 department shall: (1) Measure the need for services; (2) survey  
48 methods of administration of programs for service delivery; (3)  
49 provide for periodic evaluations of social services; (4) maintain  
50 technical, information, consultation and referral services, in  
51 cooperation with other state agencies, to local and area public and  
52 private agencies to the fullest extent possible; (5) develop and  
53 coordinate educational outreach programs for the purposes of  
54 informing the public and elderly persons of available programs; (6)  
55 cooperate in the development of performance standards for licensing  
56 of residential and medical facilities with appropriate state agencies; (7)  
57 supervise the establishment, in selected areas and local communities of  
58 the state, of pilot programs for elderly persons; (8) coordinate with the  
59 Department of Transportation to provide adequate transportation  
60 services related to the needs of elderly persons; and (9) cooperate with  
61 other state agencies to provide adequate and alternate housing for  
62 elderly persons, including congregate housing, as defined in section 8-  
63 119e of the general statutes. Subject to the provisions of chapter 67 of  
64 the general statutes, the Department on Aging may employ such  
65 clerical and other assistance as it requires to carry out its duties.

66 (b) The Department on Aging shall be the single state agency for the  
67 administration, monitoring and coordination of programs for elderly  
68 persons and the aged pursuant to any state or federal law or  
69 regulation, except as otherwise provided in the general statutes or as  
70 required by federal law as a prerequisite to federal reimbursement or  
71 grants.

72 Sec. 3. (NEW) (*Effective January 1, 2007*) (a) The Department on  
73 Aging may receive, hold, invest and disburse money, securities,  
74 supplies or equipment offered it for any of its purposes by the federal  
75 government or by any person, corporation or association. The  
76 department may, within the limits of funds available to it from state  
77 appropriations or otherwise, enter into agreements with federal  
78 agencies for programs to help older persons in the field of community  
79 planning, services and training or otherwise, as is or may be  
80 authorized under federal law. The department shall include in its

81 annual report an account of any property so received, the names of its  
82 donors, its location, the use made of the property and the amount of  
83 unexpended balances on hand.

84 (b) The Department on Aging may contract with any public or  
85 private agency or person to provide services for the elderly.

86 Sec. 4. Section 4-5 of the general statutes is repealed and the  
87 following is substituted in lieu thereof (*Effective January 1, 2007*):

88 As used in sections 4-6, 4-7 and 4-8, the term "department head"  
89 means Secretary of the Office of Policy and Management,  
90 Commissioner of Administrative Services, Commissioner of Revenue  
91 Services, Commissioner on Aging, Banking Commissioner,  
92 Commissioner of Children and Families, Commissioner of Consumer  
93 Protection, Commissioner of Correction, Commissioner of Economic  
94 and Community Development, State Board of Education,  
95 Commissioner of Emergency Management and Homeland Security,  
96 Commissioner of Environmental Protection, Commissioner of  
97 Agriculture, Commissioner of Public Health, Insurance Commissioner,  
98 Labor Commissioner, Liquor Control Commission, Commissioner of  
99 Mental Health and Addiction Services, Commissioner of Public Safety,  
100 Commissioner of Social Services, Commissioner of Mental Retardation,  
101 Commissioner of Motor Vehicles, Commissioner of Transportation,  
102 Commissioner of Public Works, Commissioner of Veterans' Affairs,  
103 Commissioner of Health Care Access, Chief Information Officer, the  
104 chairperson of the Public Utilities Control Authority, the executive  
105 director of the Board of Education and Services for the Blind and the  
106 executive director of the Connecticut Commission on Culture and  
107 Tourism.

108 Sec. 5. Section 4-9a of the general statutes is repealed and the  
109 following is substituted in lieu thereof (*Effective January 1, 2007*):

110 (a) The Governor shall appoint the chairperson and executive  
111 director, if any, of all boards and commissions within the Executive  
112 Department, except the Board of Governors of Higher Education,

113 provided the Governor shall appoint the initial chairman of said board  
114 as provided in section 10a-2, the State Properties Review Board, the  
115 State Elections Enforcement Commission, the Commission on Human  
116 Rights and Opportunities, the State Ethics Commission [, the  
117 Commission on Aging] and the Commission on Fire Prevention and  
118 Control.

119 (b) Public members shall constitute not less than one-third of the  
120 members of each board and commission within the Executive  
121 Department, except the Gaming Policy Board and the Commission on  
122 Human Rights and Opportunities. Public member means an elector of  
123 the state who has no substantial financial interest in, is not employed  
124 in or by, and is not professionally affiliated with, any industry,  
125 profession, occupation, trade or institution regulated or licensed by the  
126 relevant board or commission, and who has had no professional  
127 affiliation with any such industry, profession, occupation, trade or  
128 institution for three years preceding [his] the elector's appointment to  
129 the board or commission. Except as otherwise specifically provided by  
130 the general statutes, this section shall not apply to the Commission on  
131 Fire Prevention and Control, boards and commissions the membership  
132 of which is entirely composed of state department heads, elected  
133 officials or deputies appointed by such department heads or where the  
134 membership of such board or commission is determined in accordance  
135 with the provisions of any federal law.

136 (c) Notwithstanding any provision of law to the contrary, the term  
137 of each member of each board and commission within the executive  
138 branch, except the State Board of Education, the Board of Governors of  
139 Higher Education, the Gaming Policy Board, the Commission on  
140 Human Rights and Opportunities, the State Elections Enforcement  
141 Commission, the State Properties Review Board, the State Ethics  
142 Commission, the Commission on Medicolegal Investigations, the  
143 Psychiatric Security Review Board, the Commission on Fire Prevention  
144 and Control, the E 9-1-1 Commission, the Connecticut Commission on  
145 Culture and Tourism, [the Commission on Aging,] the board of  
146 trustees of each constituent unit of the state system of higher education

147 and the Board of Pardons and Paroles, commencing on or after July 1,  
148 1979, shall be coterminous with the term of the Governor or until a  
149 successor is chosen whichever is later.

150 (d) Each member of each board and commission within the  
151 executive branch shall serve at the pleasure of the appointing authority  
152 except where otherwise specifically provided by any provision of the  
153 general statutes.

154 Sec. 6. Section 4-38c of the general statutes is repealed and the  
155 following is substituted in lieu thereof (*Effective January 1, 2007*):

156 There shall be within the executive branch of state government the  
157 following departments: Office of Policy and Management, Department  
158 of Administrative Services, Department of Revenue Services,  
159 Department on Aging, Department of Banking, Department of  
160 Agriculture, Department of Children and Families, Department of  
161 Consumer Protection, Department of Correction, Department of  
162 Economic and Community Development, State Board of Education,  
163 Department of Emergency Management and Homeland Security,  
164 Department of Environmental Protection, Department of Public  
165 Health, Board of Governors of Higher Education, Insurance  
166 Department, Labor Department, Department of Mental Health and  
167 Addiction Services, Department of Mental Retardation, Department of  
168 Public Safety, Department of Social Services, Department of  
169 Transportation, Department of Motor Vehicles, Department of  
170 Veterans' Affairs, Department of Public Works and Department of  
171 Public Utility Control.

172 Sec. 7. Section 4-60i of the general statutes is repealed and the  
173 following is substituted in lieu thereof (*Effective January 1, 2007*):

174 The Commissioner of Social Services shall (1) develop, throughout  
175 the Departments of Mental Retardation, Public Health, Correction,  
176 Children and Families and Mental Health and Addiction Services and  
177 the Department on Aging, uniform management information, uniform  
178 statistical information, uniform terminology for similar facilities and

179 uniform regulations for the licensing of human services facilities, (2)  
180 plan for increased participation of the private sector in the delivery of  
181 human services, (3) provide direction and coordination to federally  
182 funded programs in the human services agencies and recommend  
183 uniform system improvements and reallocation of physical resources  
184 and designation of a single responsibility across human services  
185 agencies lines to eliminate duplication.

186 Sec. 8. Section 7-127b of the general statutes is repealed and the  
187 following is substituted in lieu thereof (*Effective January 1, 2007*):

188 (a) The chief elected official or the chief executive officer if by  
189 ordinance of each municipality shall appoint a municipal agent for  
190 elderly persons. Such agent shall be a member of the municipality's  
191 commission on aging, if any, a member of another agency that serves  
192 elderly persons, an elected official of the state or the municipality or a  
193 responsible resident of the municipality who has demonstrated an  
194 interest in the elderly or has been involved in programs in the field of  
195 aging.

196 (b) Each municipal agent shall (1) disseminate information to  
197 elderly persons and assist such persons in learning about the  
198 community resources available to them and publicize such resources  
199 and benefits; (2) assist elderly persons in applying for federal and  
200 other benefits available to such persons; (3) submit written reports at  
201 least annually to the chief elected official, chief executive officer,  
202 legislative body and committee or commission on aging of the  
203 municipality, if any, and to the Department [of Social Services] on  
204 Aging regarding the services they have provided, the needs and  
205 problems of the elderly and any recommendations for municipal  
206 action with regard to elderly persons.

207 (c) Each municipal agent shall serve for a term of two or four years,  
208 at the discretion of the appointing authority of each municipality, and  
209 may be reappointed. If more than one agent is necessary to carry out  
210 the purposes of this section, the appointing authority, in the discretion  
211 of such appointing authority, may appoint one or more assistant

212 agents. The town clerk in each municipality shall notify the  
213 Department [of Social Services] on Aging immediately of the  
214 appointment of a new municipal agent. Each municipality may  
215 provide to its municipal agent resources sufficient for such agent to  
216 perform the duties of the office.

217 (d) The Department [of Social Services] on Aging shall be  
218 responsible for assuring that the provisions of this section are being  
219 carried out by municipalities, and shall adopt and disseminate to  
220 municipalities guidelines as to the role and duties of municipal agents  
221 and such informational and technical materials to assist such agents in  
222 performance of their duties. Said department shall provide training for  
223 municipal agents in accordance with their needs and the resources of  
224 the department and in cooperation with area agencies on aging. The  
225 department shall sponsor at least one training session in each of the  
226 planning and service areas of the Department [of Social Services] on  
227 Aging. Such training shall include, but not be limited to, information,  
228 from updated lists, on the availability of housing. Each municipal  
229 agent shall attend at least one such session. Said department shall  
230 assist such agents to develop and maintain simple records about the  
231 needs of elderly persons and the services provided to them, which  
232 records shall be confidential and used only to provide data that is  
233 useful to the Department [of Social Services] on Aging and the area  
234 agencies on aging in the preparation of the annual state and area plans.

235 Sec. 9. Section 17b-1 of the general statutes is repealed and the  
236 following is substituted in lieu thereof (*Effective January 1, 2007*):

237 (a) There is established a Department of Social Services. The  
238 department head shall be the Commissioner of Social Services, who  
239 shall be appointed by the Governor in accordance with the provisions  
240 of sections 4-5 to 4-8, inclusive, as amended by this act, with the  
241 powers and duties therein prescribed.

242 (b) The Department of Social Services shall constitute a successor  
243 department to the Department of Income Maintenance [,] and the  
244 Department of Human Resources [and the Department on Aging] in

245 accordance with the provisions of sections 4-38d and 4-39.

246 (c) Wherever the words "Commissioner of Income Maintenance" [,  
247 or "Commissioner of Human Resources" [or "Commissioner on  
248 Aging"]] are used in the general statutes, the words "Commissioner of  
249 Social Services" shall be substituted in lieu thereof. Wherever the  
250 words "Department of Income Maintenance" [,  
251 or "Department of  
252 Human Resources" [or "Department on Aging"]] are used in the general  
253 statutes, "Department of Social Services" shall be substituted in lieu  
254 thereof.

254 (d) Any order or regulation of the Department of Income  
255 Maintenance [,  
256 or the Department of Human Resources [or the  
257 Department on Aging which] that is in force on July 1, 1993, shall  
258 continue in force and effect as an order or regulation of the  
259 Department of Social Services until amended, repealed or superseded  
260 pursuant to law. Where any order or regulation of said departments  
261 conflict, the Commissioner of Social Services may implement policies  
262 and procedures consistent with the provisions of public act 93-262\*  
263 while in the process of adopting the policy or procedure in regulation  
264 form, provided notice of intention to adopt the regulations is printed  
265 in the Connecticut Law Journal within twenty days of implementation.  
266 The policy or procedure shall be valid until the time final regulations  
267 are effective.

267 Sec. 10. Section 17b-2 of the general statutes is repealed and the  
268 following is substituted in lieu thereof (*Effective January 1, 2007*):

269 The Department of Social Services is designated as the state agency  
270 for the administration of (1) the child care development block grant  
271 pursuant to the Child Care and Development Block Grant Act of 1990;  
272 (2) the Connecticut energy assistance program pursuant to the Low  
273 Income Home Energy Assistance Act of 1981; [(3) programs for the  
274 elderly pursuant to the Older Americans Act; (4)] (3) the state plan for  
275 vocational rehabilitation services for the fiscal year ending June 30,  
276 1994; [(5)] (4) the refugee assistance program pursuant to the Refugee  
277 Act of 1980; [(6)] (5) the legalization impact assistance grant program

278 pursuant to the Immigration Reform and Control Act of 1986; ~~[(7)]~~ (6)  
279 the temporary assistance for needy families program pursuant to the  
280 Personal Responsibility and Work Opportunity Reconciliation Act of  
281 1996; ~~[(8)]~~ (7) the Medicaid program pursuant to Title XIX of the Social  
282 Security Act; ~~[(9)]~~ (8) the food stamp program pursuant to the Food  
283 Stamp Act of 1977; ~~[(10)]~~ (9) the state supplement to the Supplemental  
284 Security Income Program pursuant to the Social Security Act; ~~[(11)]~~  
285 (10) the state child support enforcement plan pursuant to Title IV-D of  
286 the Social Security Act; and ~~[(12)]~~ (11) the state social services plan for  
287 the implementation of the social services block grants and community  
288 services block grants pursuant to the Social Security Act. The  
289 Department of Social Services is designated a public housing agency  
290 for the purpose of administering the Section 8 existing certificate  
291 program and the housing voucher program pursuant to the Housing  
292 Act of 1937.

293 Sec. 11. Section 17b-4 of the general statutes is repealed and the  
294 following is substituted in lieu thereof (*Effective January 1, 2007*):

295 (a) The Department of Social Services shall plan, develop,  
296 administer, operate, evaluate and provide funding for services for  
297 individuals and families served by the department who are in need of  
298 personal or economic development. In cooperation with other social  
299 service agencies and organizations, including community-based  
300 agencies, the department shall work to develop and fund prevention,  
301 intervention and treatment services for individuals and families. The  
302 department shall: (1) Provide appropriate services to individuals and  
303 families as needed through direct social work services rendered by the  
304 department and contracted services from community-based  
305 organizations funded by the department; (2) collect, interpret and  
306 publish statistics relating to individuals and families serviced by the  
307 department; (3) monitor, evaluate and review any program or service  
308 which is developed, operated or funded by the department; (4)  
309 supervise the establishment of pilot programs funded by the  
310 department in local communities which assist and support individuals  
311 and families in personal and economic development; (5) improve the

312 quality of services provided, operated and funded by the department  
313 and increase the competency of its staff relative to the provision of  
314 effective social services by establishing and supporting ongoing staff  
315 development and training; and (6) encourage citizen participation in  
316 the development of social service priorities and programs.

317 [(b) The Department of Social Services shall study continuously the  
318 conditions and needs of elderly and aging persons in this state in  
319 relation to nutrition, transportation, home-care, housing, income,  
320 employment, health, recreation and other matters. It shall be  
321 responsible in cooperation with federal, state, local and area planning  
322 agencies on aging for the overall planning, development and  
323 administration of a comprehensive and integrated social service  
324 delivery system for elderly persons and the aged. The department  
325 shall: (1) Measure the need for services; (2) survey methods of  
326 administration of programs for service delivery; (3) provide for  
327 periodic evaluations of social services; (4) maintain technical,  
328 information, consultation and referral services in cooperation with  
329 other state agencies to local and area public and private agencies to the  
330 fullest extent possible; (5) develop and coordinate educational  
331 outreach programs for the purposes of informing the public and  
332 elderly persons of available programs; (6) cooperate in the  
333 development of performance standards for licensing of residential and  
334 medical facilities with appropriate state agencies; (7) supervise the  
335 establishment, in selected areas and local communities of the state, of  
336 pilot programs for elderly persons; (8) coordinate with the Department  
337 of Transportation to provide adequate transportation services related  
338 to the needs of elderly persons; and (9) cooperate with other state  
339 agencies to provide adequate and alternate housing for elderly  
340 persons, including congregate housing, as defined in section 8-119e.]

341 [(c)] (b) The Department of Social Services, in conjunction with the  
342 Department of Public Health, may adopt regulations in accordance  
343 with the provisions of chapter 54 to establish requirements with  
344 respect to the submission of reports concerning financial solvency and  
345 quality of care by nursing homes for the purpose of determining the

346 financial viability of such homes, identifying homes that appear to be  
347 experiencing financial distress and examining the underlying reasons  
348 for such distress. Such reports shall be submitted to the Nursing Home  
349 Financial Advisory Committee established under section 17b-339.

350 Sec. 12. Subsection (a) of section 17b-28 of the general statutes is  
351 repealed and the following is substituted in lieu thereof (*Effective*  
352 *January 1, 2007*):

353 (a) There is established a council which shall advise the  
354 Commissioner of Social Services on the planning and implementation  
355 of a system of Medicaid managed care and shall monitor such  
356 planning and implementation and shall advise the Waiver Application  
357 Development Council, established pursuant to section 17b-28a, on  
358 matters including, but not limited to, eligibility standards, benefits,  
359 access and quality assurance. The council shall be composed of the  
360 chairpersons and ranking members of the joint standing committees of  
361 the General Assembly having cognizance of matters relating to human  
362 services and public health, or their designees; two members of the  
363 General Assembly, one to be appointed by the president pro tempore  
364 of the Senate and one to be appointed by the speaker of the House of  
365 Representatives; the [director of the Commission] Commissioner on  
366 Aging, or a designee; the director of the Commission on Children, or a  
367 designee; two community providers of health care, to be appointed by  
368 the president pro tempore of the Senate; two representatives of the  
369 insurance industry, to be appointed by the speaker of the House of  
370 Representatives; two advocates for persons receiving Medicaid, one to  
371 be appointed by the majority leader of the Senate and one to be  
372 appointed by the minority leader of the Senate; one advocate for  
373 persons with substance abuse disabilities, to be appointed by the  
374 majority leader of the House of Representatives; one advocate for  
375 persons with psychiatric disabilities, to be appointed by the minority  
376 leader of the House of Representatives; two advocates for the  
377 Department of Children and Families foster families, one to be  
378 appointed by the president pro tempore of the Senate and one to be  
379 appointed by the speaker of the House of Representatives; two

380 members of the public who are currently recipients of Medicaid, one to  
381 be appointed by the majority leader of the House of Representatives  
382 and one to be appointed by the minority leader of the House of  
383 Representatives; two representatives of the Department of Social  
384 Services, to be appointed by the Commissioner of Social Services; two  
385 representatives of the Department of Public Health, to be appointed by  
386 the Commissioner of Public Health; two representatives of the  
387 Department of Mental Health and Addiction Services, to be appointed  
388 by the Commissioner of Mental Health and Addiction Services; two  
389 representatives of the Department of Children and Families, to be  
390 appointed by the Commissioner of Children and Families; two  
391 representatives of the Office of Policy and Management, to be  
392 appointed by the Secretary of the Office of Policy and Management;  
393 one representative of the office of the State Comptroller, to be  
394 appointed by the State Comptroller and the members of the Health  
395 Care Access Board who shall be ex-officio members and who may not  
396 designate persons to serve in their place. The council shall choose a  
397 chair from among its members. The joint committee on Legislative  
398 Management shall provide administrative support to such chair. The  
399 council shall convene its first meeting no later than June 1, 1994.

400 Sec. 13. Subsection (c) of section 17b-337 of the general statutes is  
401 repealed and the following is substituted in lieu thereof (*Effective*  
402 *January 1, 2007*):

403 (c) The Long-Term Care Planning Committee shall consist of: (1)  
404 The chairpersons and ranking members of the joint standing and select  
405 committees of the General Assembly having cognizance of matters  
406 relating to human services, public health, elderly services and  
407 long-term care; (2) the Commissioner of Social Services, or the  
408 commissioner's designee; (3) one member of the Office of Policy and  
409 Management appointed by the Secretary of the Office of Policy and  
410 Management; (4) one member from the Department of Social Services  
411 appointed by the Commissioner of Social Services; (5) one member  
412 from the Department of Public Health appointed by the Commissioner  
413 of Public Health; (6) one member from the Department of Economic

414 and Community Development appointed by the Commissioner of  
415 Economic and Community Development; (7) one member from the  
416 Office of Health Care Access appointed by the Commissioner of  
417 Health Care Access; (8) one member from the Department of Mental  
418 Retardation appointed by the Commissioner of Mental Retardation; (9)  
419 one member from the Department of Mental Health and Addiction  
420 Services appointed by the Commissioner of Mental Health and  
421 Addiction Services; (10) one member from the Department of  
422 Transportation appointed by the Commissioner of Transportation; (11)  
423 one member from the Department of Children and Families appointed  
424 by the Commissioner of Children and Families; [and] (12) the  
425 executive director of the Office of Protection and Advocacy for Persons  
426 with Disabilities or the executive director's designee; and (13) the  
427 Commissioner on Aging, or the commissioner's designee. The  
428 committee shall convene no later than ninety days after June 4, 1998.  
429 Any vacancy shall be filled by the appointing authority. The  
430 chairperson shall be elected from among the members of the  
431 committee. The committee shall seek the advice and participation of  
432 any person, organization or state or federal agency it deems necessary  
433 to carry out the provisions of this section.

434 Sec. 14. Subsection (a) of section 17b-338 of the general statutes is  
435 repealed and the following is substituted in lieu thereof (*Effective*  
436 *January 1, 2007*):

437 (a) There is established a Long-Term Care Advisory Council which  
438 shall consist of the following: (1) The [executive director of the  
439 Commission on Aging, or the executive director's] Commissioner on  
440 Aging, or the commissioner's designee; (2) the State Nursing Home  
441 Ombudsman, or the ombudsman's designee; (3) the president of the  
442 Coalition of Presidents of Resident Councils, or the president's  
443 designee; (4) the executive director of the Legal Assistance Resource  
444 Center of Connecticut, or the executive director's designee; (5) the state  
445 president of AARP, or the president's designee; (6) one representative  
446 of a bargaining unit for health care employees, appointed by the  
447 president of the bargaining unit; (7) the president of the Connecticut

448 Association of Not-For-Profit Providers for the Aging, or the  
449 president's designee; (8) the president of the Connecticut Association  
450 of Health Care Facilities, or the president's designee; (9) the president  
451 of the Connecticut Association of Residential Care Homes, or the  
452 president's designee; (10) the president of the Connecticut Hospital  
453 Association or the president's designee; (11) the executive director of  
454 the Connecticut Assisted Living Association or the executive director's  
455 designee; (12) the executive director of the Connecticut Association for  
456 Homecare or the executive director's designee; (13) the president of  
457 Connecticut Community Care, Inc. or the president's designee; (14) one  
458 member of the Connecticut Association of Area Agencies on Aging  
459 appointed by the agency; (15) the president of the Connecticut chapter  
460 of the Connecticut Alzheimer's Association; (16) one member of the  
461 Connecticut Association of Adult Day Centers appointed by the  
462 association; (17) the president of the Connecticut Chapter of the  
463 American College of Health Care Administrators, or the president's  
464 designee; (18) the president of the Connecticut Council for Persons  
465 with Disabilities, or the president's designee; (19) the president of the  
466 Connecticut Association of Community Action Agencies, or the  
467 president's designee; (20) a personal care attendant appointed by the  
468 speaker of the House of Representatives; (21) the president of the  
469 Family Support Council, or the president's designee; (22) a person  
470 who, in a home setting, cares for a person with a disability and is  
471 appointed by the president pro tempore of the Senate; (23) three  
472 persons with a disability appointed one each by the majority leader of  
473 the House of Representatives, the majority leader of the Senate and the  
474 minority leader of the House of Representatives; (24) a legislator who  
475 is a member of the Long-Term Care Planning Committee; and (25) one  
476 member who is a nonunion home health aide appointed by the  
477 minority leader of the Senate.

478 Sec. 15. Section 17b-343 of the general statutes is repealed and the  
479 following is substituted in lieu thereof (*Effective January 1, 2007*):

480 The Commissioner of Social Services, after consultation with the  
481 Commissioner on Aging, shall annually establish [annually] the

482 maximum allowable rate to be paid by said agencies for homemaker  
483 services, chore person services, companion services, respite care, meals  
484 on wheels, adult day care services, case management and assessment  
485 services, transportation, mental health counseling and elderly foster  
486 care, except that the maximum allowable rates in effect July 1, 1990,  
487 shall remain in effect during the fiscal years ending June 30, 1992, and  
488 June 30, 1993. The Commissioner of Social Services shall prescribe  
489 uniform forms on which agencies providing such services shall report  
490 their costs for such services. Such rates shall be determined on the  
491 basis of a reasonable payment for necessary services rendered. The  
492 maximum allowable rates established by the Commissioner of Social  
493 Services for the Connecticut home-care program for the elderly  
494 established under section 17b-342 shall constitute the rates required  
495 under this section until revised in accordance with this section. The  
496 Commissioner of Social Services shall establish a fee schedule, to be  
497 effective on and after July 1, 1994, for homemaker services, chore  
498 person services, companion services, respite care, meals on wheels,  
499 adult day care services, case management and assessment services,  
500 transportation, mental health counseling and elderly foster care. The  
501 commissioner may annually increase any fee in the fee schedule based  
502 on an increase in the cost of services. The commissioner shall increase  
503 the fee schedule effective July 1, 2000, by not less than five per cent, for  
504 adult day care services. Nothing contained in this section shall  
505 authorize a payment by the state to any agency for such services in  
506 excess of the amount charged by such agency for such services to the  
507 general public.

508 Sec. 16. Section 17b-420 of the general statutes is repealed and the  
509 following is substituted in lieu thereof (*Effective January 1, 2007*):

510 (a) There is established a Commission on Aging within the  
511 Department on Aging to advocate on behalf of elderly persons on  
512 issues and programs of concern to the elderly including, but not  
513 limited to, health care, nutrition, housing, employment, transportation,  
514 legal assistance and economic security. The commission shall be  
515 composed of eleven voting members who are knowledgeable about

516 areas of interest to the elderly to be appointed as follows: Five by the  
517 Governor, one by the president pro tempore of the Senate, one by the  
518 speaker of the House of Representatives, one by the majority leader of  
519 the Senate, one by the majority leader of the House of Representatives,  
520 one by the minority leader of the Senate and one by the minority  
521 leader of the House of Representatives. The initial appointments to the  
522 commission shall be made by August 15, 1993. The initial term for  
523 three of the members appointed by the Governor and the members  
524 appointed by the president pro tempore of the Senate, majority leader  
525 of the House of Representatives and minority leader of the Senate shall  
526 expire August 15, 1997, and the initial term for two of the members  
527 appointed by the Governor and the members appointed by the speaker  
528 of the House of Representatives, majority leader of the Senate and  
529 minority leader of the House of Representatives shall expire August  
530 15, 1995. Thereafter, all members shall be appointed for a term of four  
531 years from August fifteenth in the year of their appointment. Members  
532 shall be limited to two consecutive terms. The commission shall  
533 include the following ex-officio nonvoting members: The chairpersons  
534 and ranking members of the joint standing committee of the General  
535 Assembly having cognizance of matters concerning the provision of  
536 services to the elderly and the Commissioners of Social Services, Public  
537 Health, Mental Health and Addiction Services, Mental Retardation,  
538 Economic and Community Development and Transportation, the  
539 Insurance Commissioner and the Labor Commissioner. The  
540 chairperson of the commission shall be selected by the Governor.  
541 Members of the commission shall receive no compensation for their  
542 services, but shall be reimbursed for any necessary expenses incurred  
543 in the performance of their duties. The Commissioner of Social  
544 Services shall convene the initial organizational meeting of the  
545 Commission on Aging on or before September 1, 1993.

546 (b) The Commission on Aging shall: (1) Prepare and issue an annual  
547 report to the [Governor, General Assembly and the legislative body of  
548 each municipality in the state] Commissioner on Aging on its findings  
549 and recommendations concerning services for the elderly in the state;  
550 (2) conduct annual public hearings on issues affecting the well-being of

551 the elderly in the state; [(3) meet at least monthly with the  
552 commissioner and the head of the Division of Elderly Services of the  
553 Department of Social Services to review and comment on the policies  
554 and procedures of the department concerning the elderly; (4) review  
555 and comment on the budget of the Division of Elderly Services of the  
556 Department of Social Services; (5)] (3) meet as needed with state  
557 officials to discuss issues affecting the elderly; [(6)] and (4) conduct  
558 studies and report on issues affecting the elderly, [; and (7)]  
559 disseminate information to the business community, education  
560 community, state and local governments and the media on the nature  
561 and scope of the problems faced by the elderly. The commission may  
562 accept any gifts, donations or bequests for any of the purposes of this  
563 section.

564 (c) There shall be an executive director of the Commission on Aging  
565 who shall be appointed by the Commissioner on Aging after  
566 consultation with the commission. There may be additional staff  
567 within available appropriations. The commission shall be within the  
568 Department [of Social Services for administrative purposes only] on  
569 Aging.

570 Sec. 17. Section 17b-461 of the general statutes is repealed and the  
571 following is substituted in lieu thereof (*Effective January 1, 2007*):

572 [Regulations shall be promulgated by the Commissioner of Social  
573 Services] The Commissioner on Aging shall adopt regulations, in  
574 accordance with chapter 54, to carry out the provisions of sections 17b-  
575 450 to 17b-461, inclusive, as amended by this act.

576 Sec. 18. Section 19a-531 of the general statutes is repealed and the  
577 following is substituted in lieu thereof (*Effective January 1, 2007*):

578 Any employee of the Department of Public Health, the Department  
579 on Aging or the Department of Social Services or any regional  
580 ombudsman who gives or causes to be given any advance notice to  
581 any nursing home facility, directly or indirectly, that an investigation  
582 or inspection is under consideration or is impending or gives any

583 information regarding any complaint submitted pursuant to section  
584 17b-408, or 19a-523 prior to an on-the-scene investigation or inspection  
585 of such facility, unless specifically mandated by federal or state  
586 regulations to give advance notice, shall be guilty of a class B  
587 misdemeanor and may be subject to dismissal, suspension or demotion  
588 in accordance with chapter 67.

589 Sec. 19. Subsection (a) of section 19a-542 of the general statutes is  
590 repealed and the following is substituted in lieu thereof (*Effective*  
591 *January 1, 2007*):

592 (a) An application to appoint a receiver for a nursing home facility  
593 may be filed in the Superior Court by the Commissioner of Social  
594 Services, the Commissioner of Public Health, the Commissioner on  
595 Aging or the director of the Office of Protection and Advocacy for  
596 Persons with Disabilities. A resident of a facility or such resident's  
597 legally liable relative, conservator or guardian may file a written  
598 complaint with the Commissioner of Public Health specifying  
599 conditions at the facility which warrant an application to appoint a  
600 receiver. If the Commissioner of Public Health fails to resolve such  
601 complaint within forty-five days of its receipt or, in the case of a  
602 facility which intends to close, within seven days of its receipt, the  
603 person who filed the complaint may file an application in the Superior  
604 Court for the appointment of a receiver for such facility. Said court  
605 shall immediately notify the Attorney General of such application. The  
606 court shall hold a hearing not later than ten days after the date the  
607 application is filed. Notice of such hearing shall be given to the owner  
608 of such facility or such owner's agent for service of process not less  
609 than five days prior to such hearing. Such notice shall be posted by the  
610 court in a conspicuous place inside such facility for not less than three  
611 days prior to such hearing.

612 Sec. 20. Section 38a-475 of the general statutes is repealed and the  
613 following is substituted in lieu thereof (*Effective January 1, 2007*):

614 The Insurance Department shall only precertify long-term care  
615 insurance policies which (1) alert the purchaser to the availability of

616 consumer information and public education provided by the  
617 Department [of Social Services] on Aging pursuant to section 17b-251;  
618 (2) offer the option of home and community-based services in addition  
619 to nursing home care; (3) in all home care plans, include case  
620 management services delivered by an access agency approved by the  
621 Office of Policy and Management and the Department [of Social  
622 Services] on Aging as meeting the requirements for such agency as  
623 defined in regulations adopted pursuant to subsection (e) of section  
624 17b-342, which services shall include, but need not be limited to, the  
625 development of a comprehensive individualized assessment and care  
626 plan and, as needed, the coordination of appropriate services and the  
627 monitoring of the delivery of such services; (4) provide inflation  
628 protection; (5) provide for the keeping of records and an explanation of  
629 benefit reports on insurance payments which count toward Medicaid  
630 resource exclusion; and (6) provide the management information and  
631 reports necessary to document the extent of Medicaid resource  
632 protection offered and to evaluate the Connecticut Partnership for  
633 Long-Term Care. No policy shall be precertified if it requires prior  
634 hospitalization or a prior stay in a nursing home as a condition of  
635 providing benefits. The commissioner may adopt regulations, in  
636 accordance with chapter 54, to carry out the precertification provisions  
637 of this section.

638 Sec. 21. (NEW) (*Effective January 1, 2007*) The Commissioner on  
639 Aging shall administer the ConnPACE program subject to the  
640 provisions of sections 17b-274 to 17b-274e, inclusive, of the general  
641 statutes, 17b-280 of the general statutes and 17b-362 of the general  
642 statutes, as administered by the Commissioner of Social Services.

643 Sec. 22. Section 17b-367 of the general statutes is repealed and the  
644 following is substituted in lieu thereof (*Effective January 1, 2007*):

645 The Office of Policy and Management, within existing budgetary  
646 resources and in consultation with the Select Committee on Aging, the  
647 [Commission] Commissioner on Aging and the Long-Term Care  
648 Advisory Council, shall develop a single consumer-oriented Internet

649 website that provides comprehensive information on long-term care  
650 options that are available in Connecticut. The website shall also  
651 include direct links and referral information regarding long-term care  
652 resources, including private and nonprofit organizations offering  
653 advice, counseling and legal services.

654 Sec. 23. Section 17b-450 of the general statutes is amended by  
655 adding subdivisions (6) and (7) as follows (*Effective January 1, 2007*):

656 (NEW) (6) "Commissioner" means the Commissioner on Aging.

657 (NEW) (7) "Department" means the Department on Aging.

658 Sec. 24. Section 17b-400 of the general statutes is repealed and the  
659 following is substituted in lieu thereof (*Effective January 1, 2007*):

660 (a) As used in this chapter:

661 (1) "State agency" means the [Division of Elderly Services of the  
662 Department of Social Services] Department on Aging.

663 (2) "Office" means the Office of the Long-Term Care Ombudsman  
664 established in this section.

665 (3) "State Ombudsman" means the State Ombudsman established in  
666 this section.

667 (4) "Program" means the long-term care ombudsman program  
668 established in this section.

669 (5) "Representative" includes a regional ombudsman, a residents'  
670 advocate or an employee of the Office of the Long-Term Care  
671 Ombudsman who is individually designated by the ombudsman.

672 (6) "Resident" means an older individual who resides in or is a  
673 patient in a long-term care facility who is sixty years of age or older.

674 (7) "Long-term care facility" means any skilled nursing facility, as  
675 defined in Section 1819(a) of the Social Security Act, (42 USC 1395i-

676 3(a)) any nursing facility, as defined in Section 1919(a) of the Social  
677 Security Act, (42 USC 1396r(a)) a board and care facility as defined in  
678 Section 102(19) of the federal Older Americans Act, (42 USC 3002(19))  
679 and for purposes of ombudsman program coverage, an institution  
680 regulated by the state pursuant to Section 1616(e) of the Social Security  
681 Act, (42 USC 1382e(e)) and any other adult care home similar to a  
682 facility or nursing facility or board and care home.

683 (8) "Commissioner" means the Commissioner [of Social Services] on  
684 Aging.

685 [(9) "Director" means the director of the Division of Elderly Services  
686 of the Department of Social Services.]

687 [(10)] (9) "Applicant" means an older individual who has applied for  
688 admission to a long-term care facility.

689 (b) There is established an independent Office of the Long-Term  
690 Care Ombudsman within the Department [of Social Services] on  
691 Aging. The Commissioner [of Social Services] on Aging shall appoint a  
692 State Ombudsman who shall be selected from among individuals with  
693 expertise and experience in the fields of long-term care and advocacy  
694 to head the office and the State Ombudsman shall appoint assistant  
695 regional ombudsmen. In the event the State Ombudsman or an  
696 assistant regional ombudsman is unable to fulfill the duties of the  
697 office, the commissioner shall appoint an acting State Ombudsman and  
698 the State Ombudsman shall appoint an acting assistant regional  
699 ombudsman.

700 (c) Notwithstanding the provisions of subsection (b) of this section,  
701 on and after July 1, 1990, the positions of State Ombudsman and  
702 regional ombudsmen shall be classified service positions. The State  
703 Ombudsman and regional ombudsmen holding said positions on said  
704 date shall continue to serve in their positions as if selected through  
705 classified service procedures. As vacancies occur in such positions  
706 thereafter, such vacancies shall be filled in accordance with classified  
707 service procedures.

708 Sec. 25. Section 17b-405 of the general statutes is repealed and the  
709 following is substituted in lieu thereof (*Effective January 1, 2007*):

710 The regional ombudsmen shall, in accordance with the policies and  
711 procedures established by the Office of the Long-Term Care  
712 Ombudsman; [and the director:]

713 (1) Provide services to protect the health, safety, welfare and rights  
714 of residents;

715 (2) Ensure that residents in service areas have regular timely access  
716 to representatives of the program and timely responses to complaints  
717 and requests for assistance;

718 (3) Identify, investigate and resolve complaints made by or on  
719 behalf of residents that relate to action, inaction or decisions that may  
720 adversely affect the health, safety, welfare or rights of the residents or  
721 by, or on behalf of, applicants in relation to issues concerning  
722 applications to long-term care facilities;

723 (4) Represent the interests of residents and applicants, in relation to  
724 their applications to long-term care facilities, before government  
725 agencies and seek administrative, legal and other remedies to protect  
726 the health, safety, welfare and rights of the residents;

727 (5) (A) Review and, if necessary, comment on any existing and  
728 proposed laws, regulations and other government policies and actions  
729 that pertain to the rights and well-being of residents and applicants in  
730 relation to their applications to long-term care facilities, and (B)  
731 facilitate the ability of the public to comment on the laws, regulations,  
732 policies and actions;

733 (6) Support the development of resident and family councils; and

734 (7) Carry out other activities that the State Ombudsman determines  
735 to be appropriate.

736 Sec. 26. Section 17b-412 of the general statutes is repealed and the

737 following is substituted in lieu thereof (*Effective January 1, 2007*):

738 The [director] commissioner shall require the State Ombudsman to:

739 (1) Prepare an annual report:

740 (A) Describing the activities carried out by the office in the year for  
741 which the report is prepared;

742 (B) Containing and analyzing the data collected under section 17b-  
743 413;

744 (C) Evaluating the problems experienced by and the complaints  
745 made by or on behalf of residents;

746 (D) Containing recommendations for (i) improving the quality of  
747 the care and life of the residents, and (ii) protecting the health, safety,  
748 welfare and rights of the residents;

749 (E) (i) Analyzing the success of the program including success in  
750 providing services to residents of long-term care facilities; and (ii)  
751 identifying barriers that prevent the optimal operation of the program;  
752 and

753 (F) Providing policy, regulatory and legislative recommendations to  
754 solve identified problems, to resolve the complaints, to improve the  
755 quality of the care and life of residents, to protect the health, safety,  
756 welfare and rights of residents and to remove the barriers that prevent  
757 the optimal operation of the program.

758 (2) Analyze, comment on and monitor the development and  
759 implementation of federal, state and local laws, regulations and other  
760 government policies and actions that pertain to long-term care facilities  
761 and services, and to the health, safety, welfare and rights of residents  
762 in the state, and recommend any changes in such laws, regulations and  
763 policies as the office determines to be appropriate.

764 (3) (A) Provide such information as the office determines to be  
765 necessary to public and private agencies, legislators and other persons,

766 regarding (i) the problems and concerns of older individuals residing  
767 in long-term care facilities; and (ii) recommendations related to the  
768 problems and concerns; and (B) make available to the public and  
769 submit to the federal assistant secretary for aging, the Governor, the  
770 General Assembly, the Department of Public Health and other  
771 appropriate governmental entities, each report prepared under  
772 subdivision (1) of this section.

773       Sec. 27. (*Effective July 1, 2006*) (a) There is established a task force to  
774 study the reestablishment of the Department on Aging pursuant to this  
775 act. The task force shall study the provisions of this act and shall make  
776 recommendations on revisions to the general statutes and other  
777 changes necessary or advisable to implement the provisions of this act.

778       (b) The task force shall consist of the following members:

779       (1) One appointed by the speaker of the House of Representatives;

780       (2) One appointed by the president pro tempore of the Senate;

781       (3) One appointed by the majority leader of the House of  
782 Representatives;

783       (4) One appointed by the majority leader of the Senate;

784       (5) One appointed by the minority leader of the House of  
785 Representatives;

786       (6) One appointed by the minority leader of the Senate; and

787       (7) The chairpersons and ranking members of the select committee  
788 of the General Assembly having cognizance of matters relating to  
789 aging.

790       (c) Any member of the task force appointed under subdivision (1),  
791 (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member  
792 of the General Assembly.

793       (d) All appointments to the task force shall be made no later than

794 thirty days after the effective date of this section. If an appointment is  
795 not made by the expiration of said thirty-day period, the chairpersons  
796 and ranking members of the select committee of the General Assembly  
797 having cognizance of matters relating to aging may make the  
798 appointment. Any vacancy shall be filled by the appointing authority.

799 (e) The speaker of the House of Representatives and the president  
800 pro tempore of the Senate shall select the chairpersons of the task  
801 force, from among the members of the task force. Such chairpersons  
802 shall schedule the first meeting of the task force, which shall be held no  
803 later than sixty days after the effective date of this section.

804 (f) The administrative staff of the select committee of the General  
805 Assembly having cognizance of matters relating to aging shall serve as  
806 administrative staff of the task force.

807 (g) Not later than January 1, 2007, the task force shall submit a  
808 report on its findings and recommendations to the select committee of  
809 the General Assembly having cognizance of matters relating to aging,  
810 in accordance with the provisions of section 11-4a of the general  
811 statutes. The task force shall terminate on the date that it submits such  
812 report or January 1, 2007, whichever is earlier.

813 Sec. 28. (NEW) (*Effective January 1, 2007*) (a) Wherever the words  
814 "Commissioner of Social Services" are used or referred to in the  
815 following sections of the general statutes, "Commissioner on Aging"  
816 shall be substituted in lieu thereof: 10-183l, 17b-406, 17b-407, 17b-411,  
817 17b-422, 17b-424, 17b-427, 17b-451, 17b-453, 17b-454, 17b-455, 17b-456,  
818 17b-459, 17b-490, 17b-492, 17b-494, 17b-498, 17b-520, 17b-550, 17b-552,  
819 20-14k, 22a-256c, 45a-651 and 45a-654.

820 (b) Whenever the words "Department of Social Services" are used or  
821 referred to in the following sections of the general statutes,  
822 "Department on Aging" shall be substituted in lieu thereof: 9-19h, 10a-  
823 178, 17b-251, 17b-421, 17b-422, 17b-423, 17b-425, 17b-426, 17b-427, 17b-  
824 452, 17b-453, 17b-454, 17b-457, 17b-458, 17b-459, 17b-491, 17b-492, 17b-  
825 520, 17b-550, 17b-792, 19a-550 and 45a-651.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2007</i>	New section
Sec. 2	<i>January 1, 2007</i>	New section
Sec. 3	<i>January 1, 2007</i>	New section
Sec. 4	<i>January 1, 2007</i>	4-5
Sec. 5	<i>January 1, 2007</i>	4-9a
Sec. 6	<i>January 1, 2007</i>	4-38c
Sec. 7	<i>January 1, 2007</i>	4-60i
Sec. 8	<i>January 1, 2007</i>	7-127b
Sec. 9	<i>January 1, 2007</i>	17b-1
Sec. 10	<i>January 1, 2007</i>	17b-2
Sec. 11	<i>January 1, 2007</i>	17b-4
Sec. 12	<i>January 1, 2007</i>	17b-28(a)
Sec. 13	<i>January 1, 2007</i>	17b-337(c)
Sec. 14	<i>January 1, 2007</i>	17b-338(a)
Sec. 15	<i>January 1, 2007</i>	17b-343
Sec. 16	<i>January 1, 2007</i>	17b-420
Sec. 17	<i>January 1, 2007</i>	17b-461
Sec. 18	<i>January 1, 2007</i>	19a-531
Sec. 19	<i>January 1, 2007</i>	19a-542(a)
Sec. 20	<i>January 1, 2007</i>	38a-475
Sec. 21	<i>January 1, 2007</i>	New section
Sec. 22	<i>January 1, 2007</i>	17b-367
Sec. 23	<i>January 1, 2007</i>	17b-450
Sec. 24	<i>January 1, 2007</i>	17b-400
Sec. 25	<i>January 1, 2007</i>	17b-405
Sec. 26	<i>January 1, 2007</i>	17b-412
Sec. 27	<i>July 1, 2006</i>	New section
Sec. 28	<i>January 1, 2007</i>	New section

**AGE**      *Joint Favorable C/R*

GAE

**GAE**      *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 on Social Services	GF - Savings	None	Significant
Department on Aging	GF - Cost	None	Significant
State Comptroller - Fringe	GF - Cost	None	Significant

**Municipal Impact:** None

**Explanation**

This bill creates a new Department on Aging, transferring several major programs from the Department of Social Services (DSS), effective January 1, 2007. This change will lead to significant savings for DSS, while creating significant new costs for the new department.

The staff of the DSS Elderly Services Division are to be transferred to the Department on Aging. However, the new department will need an administrative and business structure to carry out its mandates. The additional costs for these positions are estimated as follows: Commissioner (\$100,000); Fiscal Administrative Officer (\$80,000); Personnel Officer (\$72,000); Contract and Purchasing Officer (\$65,000); Associate Accountant (\$60,000); Executive Secretary (\$51,000); and Administrative Assistant (\$47,000), for a total of \$475,000<sup>1</sup>. These personnel costs will vary based on the experience of the individuals hired for these positions.

<sup>1</sup> The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The estimated fringe benefit reimbursement rate as a percentage of payroll is 53.91%, effective July 1, 2004. However, first year fringe benefit costs for new positions do not include pension costs lowering the rate to 22.65%. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System.

The new department will also require significant resources to fund rent, data processing services, office equipment and supplies, utilities, postage, and other expenses. The extent of these costs will be dependent upon the location of the new department as well as the amount of resources that it is able to bring over from DSS. DSS will realize a significant savings in its budget related to these same supplies and services no longer being needed by the employees and functions of its Elderly Services Division. However, it is unlikely that the DSS savings will completely offset new costs for Other Expenses under the Department on Aging.

There will also be a one-time cost related to the creation of the Department on Aging for moving expenses. This cost will be dependent upon the location of the new agency, which is not known at this time.

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**OLR Bill Analysis**

SB 970

**AN ACT REESTABLISHING THE DEPARTMENT ON AGING****SUMMARY:**

This bill reestablishes a Department on Aging on January 1, 2007, headed by a commissioner appointed by the governor. It transfers to the new department the functions and personnel of the Department of Social Services' (DSS) Division of Elderly Services or any successor division or portion of a division. Major programs transferred include the Commission on Aging, the Long-Term Care Ombudsman Office, the federal Older Americans Act funding for the area agencies on aging, ConnPACE, the Connecticut Medicare Assignment Program, Elderly Protective Services, health insurance counseling, oversight of municipal agents for the elderly, elderly nutrition, the conservator program, supervision of continuing care retirement communities, and adult foster care. The bill also creates a task force to recommend additional statutory changes to implement the department's reestablishment.

Connecticut had a Department on Aging from 1969 to 1993, when it was disbanded and most of its functions and personnel were merged into DSS as the Division of Elderly Services.

EFFECTIVE DATE: January 1, 2007, except the task force provision (§27) takes effect July 1, 2006.

**§ 1—ESTABLISHMENT OF DEPARTMENT AND COMMISSIONER'S DUTIES**

The bill establishes a Department on Aging, headed by a commissioner on aging appointed by the governor. It requires the commissioner to serve full-time and be knowledgeable and experienced in the conditions and needs of the elderly. He must administer all laws under the department's jurisdiction and use the most efficient and practical means to provide care for and protection of elderly persons. The bill requires the commissioner to:

1. administer, coordinate, and direct department operations;
2. adopt and enforce regulations;
3. establish rules for the department's internal operation and administration;
4. plan for, establish, and develop programs, and administer services, and enter into contracts to achieve the department's purposes;
5. advocate for additional needed comprehensive and coordinated programs for the elderly;
6. assist and advise all appropriate state, federal, local, and area planning agencies for the elderly in the performance of their functions and duties under federal law;
7. coordinate outreach activities by public and private agencies serving the elderly; and
8. consult and cooperate with area and private planning agencies.

The bill transfers the functions, powers, duties, and personnel of the DSS Division of Elderly Services to the Department on Aging. (This DSS division was recently merged into a larger Bureau of Aging, Community, and Social Work Services.) It continues in force relevant DSS and Commission on Aging orders and regulations in effect on January 1, 2007, until they are amended, repealed, or superseded.

## **§ 2—DEPARTMENT'S COORDINATION, STUDY, ASSESSMENT, AND MONITORING DUTIES**

The bill requires the Department on Aging to continuously study the conditions and needs of the elderly for nutrition, transportation, home care, housing, income, employment, health, recreation, and other matters. It makes the department responsible for overall planning, development, and administration of a comprehensive and integrated social service delivery system for elderly people. It must do this in cooperation with federal, state, local, and area planning agencies on aging. The department must:

1. measure the need for services;
2. survey ways to administer service delivery programs;
3. periodically evaluate social services;
4. maintain technical, information, consultation, and referral services, in cooperation with other state agencies, for local and area public and private agencies to the fullest extent possible;
5. develop and coordinate educational outreach programs that inform the public about available programs;
6. cooperate with appropriate state agencies in developing performance standards for licensing residential and medical facilities;
7. supervise establishment of pilot programs for the elderly in selected areas and communities;
8. coordinate with the Department of Transportation to provide adequate transportation services for the elderly; and
9. cooperate with other state agencies to provide adequate and alternate housing for the elderly, including congregate housing.

The bill allows the department to employ clerical and other staff needed to carry out its duties.

It makes the Department on Aging the single state agency for administering, monitoring, and coordinating programs for the elderly under state or federal law, except as otherwise required in state statute or as a prerequisite to federal reimbursement or grants in federal law. In effect, this makes it the designated "state unit on aging" under the federal Older Americans Act.

### **§ 3—FINANCIAL AND CONTRACTUAL POWERS**

The bill allows the department to hold, invest, and disburse money, securities, supplies, or equipment it receives from the federal government or any person, corporation, or association. It allows the department, within available appropriations or other funds, to enter

into agreements with federal agencies for programs to help older people in community planning, services and training, or otherwise as authorized by federal law. The department's annual report must account for any property it receives, the donors' names, its location, the use made of it, and the balance not spent.

The bill allows the department to contract with any public or private agency or person to provide services for the elderly.

#### **§ 4—COMMISSIONER ON AGING AS DEPARTMENT HEAD**

The bill adds the commissioner on aging to the statutory list of executive department heads.

#### **§ 5—CONFORMING CHANGE RE COMMISSION ON AGING**

The bill removes references to the Commission on Aging in the statutes that prescribe rules for how the governor appoints the chairmen and executive directors of boards and commissions and members' terms of office.

#### **§ 6—DEPARTMENT ADDED TO STATUTORY LIST OF EXECUTIVE DEPARTMENTS**

The bill adds the Department on Aging to the statutory list of executive departments.

#### **§ 7—CREATION OF UNIFORM STATISTICAL INFORMATION AND OTHER COORDINATION WITH DSS**

The bill adds the Department on Aging to the list of departments with which DSS must (1) develop uniform management and statistical information and uniform terminology and regulations for similar facilities and (2) engage in other planning and coordination efforts.

#### **§ 8—TRANSFER OF RESPONSIBILITY FOR MUNICIPAL AGENTS**

The bill transfers oversight of municipal agents for the elderly and the responsibility to provide them with information, technical assistance, and training from DSS to the Department on Aging. It requires such agents to submit at least annual written reports to the Aging Department instead of DSS. And it requires town clerks to notify the

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Aging Department instead of DSS of the appointment of a new municipal agent for the elderly.

### **§ 9—TECHNICAL CONFORMING CHANGES**

The bill makes technical conforming changes.

### **§10—OLDER AMERICANS ACT PROGRAMS**

The bill eliminates DSS's responsibility for Older Americans Act programs.

### **§11—ELDERLY PLANNING AND COORDINATION POWERS**

The bill deletes the elderly planning and coordination powers from the DSS statute to conform to their transfer to the Department on Aging.

### **§ 12—MEDICAID MANAGED CARE COUNCIL MEMBERSHIP**

The bill makes the aging commissioner a member of the Medicaid Managed Care Council in place of the director of the Commission on Aging.

### **§§ 13 AND 14—LONG-TERM CARE PLANNING COMMITTEE AND ADVISORY COUNCIL CHANGE IN MEMBERSHIP**

The bill adds the commissioner on aging or his designee to the Long-term Care Planning Committee and substitutes the commissioner for the executive director of the Commission on Aging on the Long-term Care Advisory Council.

### **§ 15—CONSULTATION ON HOME CARE AND COMMUNITY-BASED SERVICES RATES**

The bill requires the DSS commissioner to consult with the commissioner on aging before establishing the maximum rates paid by the home care program for homemaker-home health and chore person services, companions, respite care, meals on wheels, adult day care, case management and assessment, transportation, mental health counseling, and elderly foster care.

### **§ 16—COMMISSION ON AGING**

The bill moves the independent Commission on Aging from DSS, where it is located for administrative purposes only, to the Department on Aging and makes it an integral part of that department by removing the “for administrative purposes only” designation. Under the bill, the commission’s executive director is appointed by the aging commissioner instead of by the commission. The commission’s annual report goes to the aging commissioner, instead of to the governor, General Assembly, and legislative body of each town in the state.

The legislature created the Commission on Aging as an independent entity in 1993 to assume the elderly advocacy functions when it abolished the Department on Aging. The commission was placed in DSS for administrative purposes only, specifically to advocate for the elderly on issues of concern to them. The commission also reviews and comments on state agencies’ elderly policies, makes recommendations, prepares an annual report, and disseminates information on elderly issues.

#### **§§ 17, 23, 28—ELDERLY PROTECTIVE SERVICES TRANSFER**

The bill transfers elderly protective services functions from DSS to the Department on Aging and authorizes the aging commissioner to adopt regulations concerning these activities. It defines “commissioner” and “department” as the commissioner and department on aging for purposes of the elderly protective services statutes.

The bill requires mandated reporters of elder abuse, neglect, and exploitation to send their reports to the commissioner on aging instead of the DSS commissioner, and requires the Department on Aging instead of DSS to keep a statewide registry of the reports, evaluations, and actions taken. The bill requires regional nursing home ombudsmen to send reports of their investigations of abuse and referrals of cases to the Department on Aging instead of DSS.

It gives the aging commissioner the current DSS elderly protective services powers, investigative powers, and authority to request the Probate Court to appoint a conservator for someone in need of protective services.

#### **§ 18—NURSING HOME INSPECTION ADVANCE NOTICE**

The bill includes Department on Aging employees in the existing

prohibitions on giving advance notice of any inspection or investigation to a nursing home.

### **§ 19—AUTHORITY TO APPLY FOR A NURSING HOME RECEIVER**

The bill includes the commissioner on aging in the list of commissioners and other state officials who may apply to a Superior Court for appointment of a receiver for a nursing home that is in financial difficulty or not meeting its obligations.

### **§ 20—LONG-TERM CARE INSURANCE CERTIFICATION**

Currently, the insurance commissioner can precertify only those long-term care insurance policies that, among other requirements, alert purchasers to consumer information and public education DSS provides. The bill replaces DSS with the Department on Aging in this context.

### **§§ 21, 28—CONNPACE TRANSFER**

The bill transfers authority to administer the Connecticut Pharmaceutical Assistance to the Elderly and Disabled (ConnPACE) program from DSS to the Department on Aging. It gives the aging commissioner and department DSS's current authority and specific responsibilities for the ConnPACE program.

### **§ 22—LONG-TERM CARE WEBSITE DEVELOPMENT**

The bill replaces the Commission on Aging with the commissioner on aging as one of the entities with which the Office of Policy and Management must consult in developing a single consumer-oriented Internet website that provides comprehensive information on long-term care.

### **§ 23—ELDERLY PROTECTIVE SERVICES**

See § 17 above

### **§§ 24, 25, 26—LONG-TERM CARE OMBUDSMAN OFFICE**

The bill moves the Long-Term Care Ombudsman Office from DSS to the Department on Aging and makes other changes related to the move.

**§ 27—TASK FORCE**

The bill establishes a task force, effective July 1, 2006, to study reestablishment of the Department on Aging. The task force must study this bill's provisions and make recommendations on further revising the statutes and other changes needed or advisable to implement the bill. It consists of the chairmen and ranking members of the Aging Committee and one member each appointed by the House speaker, Senate president pro tempore, and House and Senate majority and minority leaders. The appointed members may be legislators. All appointments must be made by July 31, 2006. If the legislative leaders fail to make the appointments, the bill authorizes the Aging Committee's chairmen and ranking members to do so. Vacancies must be filled by the appointing authority. The House speaker and Senate president pro tempore must select the task force chairmen from among its members, and the chairmen must schedule the first meeting by August 29, 2006. The bill designates the Aging Committee's administrative staff as staff for the task force. The task force must report on its findings by January 1, 2007 to the Aging Committee.

**§ 28—TRANSFERS OF FUNCTIONS**

The bill substitutes the commissioner on aging and Department on Aging for the DSS commissioner and department wherever used in a number of statutes. Consequently, it:

1. replaces the DSS commissioner with the aging commissioner on the Teachers' Retirement Board;
2. transfers authority to seek funding for the Long-Term Care Ombudsman program's resident advocates from the DSS commissioner to the aging commissioner;
3. authorizes the aging commissioner to make regulations concerning the Long-Term Care Ombudsman program, elder abuse reports, violations of advance notice prohibitions for nursing home inspections, and discrimination against nursing home residents who lodge complaints;
4. requires the Department on Aging instead of DSS to allocate federal Older Americans Act funds to the five area agencies on

aging;

5. gives the commissioner on aging the DSS commissioner's current authority over the adult foster care program;
6. gives the Department on Aging authority over DSS's health insurance counseling and assistance program;
7. transfers DSS's duties concerning registration and supervision of private continuing care retirement communities to the commissioner and Department on Aging;
8. transfers DSS's duties concerning the Connecticut Medicare Assignment (ConnMAP) program to the commissioner and Department on Aging;
9. transfers responsibility for elderly nutrition programs from DSS to the Department on Aging;
10. requires the environmental protection commissioner to consult with the aging commissioner, rather than the DSS commissioner in assisting senior centers to establish a program to collect mercuric oxide batteries;
11. makes adjustments in the nursing home patients' bill of rights to reflect the transfers of authority in this bill; and
12. transfers the conservator program, under which the commissioner can be appointed permanent or temporary conservator for someone with limited financial resources, from DSS to the Department on Aging.

## **BACKGROUND**

### ***Related Bill***

sSB 967 (File 159) moves the Commission on Aging from DSS to the legislative branch, where it will be located for administrative purposes only. It also increases the membership, and makes several other changes.

## **COMMITTEE ACTION**

Select Committee on Aging

Joint Favorable Change of Reference

Yea 10    Nay 0

Government Administration and Elections Committee

Joint Favorable Report

Yea 13    Nay 7