



General Assembly

January Session, 2005

**Committee Bill No. 6275**

LCO No. 4137

\*04137HB06275HS\_\*

Referred to Committee on Human Services

Introduced by:  
(HS)

**AN ACT CONCERNING THE ACCEPTANCE OF ELECTRONIC OR  
FACSIMILE SIGNATURES BY THE COMMISSIONER OF SOCIAL  
SERVICES.**

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

1 Section 1. Subsection 17b-242 of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) The Department of Social Services shall determine the rates to be  
4 paid to home health care agencies and homemaker-home health aide  
5 agencies by the state or any town in the state for persons aided or  
6 cared for by the state or any such town. For the period from February  
7 1, 1991, to January 31, 1992, inclusive, payment for each service to the  
8 state shall be based upon the rate for such service as determined by the  
9 Office of Health Care Access, except that for those providers whose  
10 Medicaid rates for the year ending January 31, 1991, exceed the median  
11 rate, no increase shall be allowed. For those providers whose rates for  
12 the year ending January 31, 1991, are below the median rate, increases  
13 shall not exceed the lower of the prior rate increased by the most  
14 recent annual increase in the consumer price index for urban  
15 consumers or the median rate. In no case shall any such rate exceed the

16 eightieth percentile of rates in effect January 31, 1991, nor shall any rate  
17 exceed the charge to the general public for similar services. Rates  
18 effective February 1, 1992, shall be based upon rates as determined by  
19 the Office of Health Care Access, except that increases shall not exceed  
20 the prior year's rate increased by the most recent annual increase in the  
21 consumer price index for urban consumers and rates effective  
22 February 1, 1992, shall remain in effect through June 30, 1993. Rates  
23 effective July 1, 1993, shall be based upon rates as determined by the  
24 Office of Health Care Access except if the Medicaid rates for any  
25 service for the period ending June 30, 1993, exceed the median rate for  
26 such service, the increase effective July 1, 1993, shall not exceed one  
27 per cent. If the Medicaid rate for any service for the period ending June  
28 30, 1993, is below the median rate, the increase effective July 1, 1993,  
29 shall not exceed the lower of the prior rate increased by one and one-  
30 half times the most recent annual increase in the consumer price index  
31 for urban consumers or the median rate plus one per cent. The  
32 Commissioner of Social Services shall establish a fee schedule for home  
33 health services to be effective on and after July 1, 1994. The  
34 commissioner may annually increase any fee in the fee schedule based  
35 on an increase in the cost of services. The commissioner shall increase  
36 the fee schedule for home health services provided under the  
37 Connecticut home-care program for the elderly established under  
38 section 17b-342, effective July 1, 2000, by two per cent over the fee  
39 schedule for home health services for the previous year. The  
40 commissioner may increase any fee payable to a home health care  
41 agency or homemaker-home health aide agency upon the application  
42 of such an agency evidencing extraordinary costs related to (1) serving  
43 persons with AIDS; (2) high-risk maternal and child health care; (3)  
44 escort services; or (4) extended hour services. In no case shall any rate  
45 or fee exceed the charge to the general public for similar services. A  
46 home health care agency or homemaker-home health aide agency  
47 which, due to any material change in circumstances, is aggrieved by a  
48 rate determined pursuant to this subsection may, within ten days of  
49 receipt of written notice of such rate from the Commissioner of Social

50 Services, request in writing a hearing on all items of grievement. The  
51 commissioner shall, upon the receipt of all documentation necessary to  
52 evaluate the request, determine whether there has been such a change  
53 in circumstances and shall conduct a hearing if appropriate. The  
54 Commissioner of Social Services shall adopt regulations, in accordance  
55 with chapter 54, to implement the provisions of this subsection. The  
56 commissioner may implement policies and procedures to carry out the  
57 provisions of this subsection while in the process of adopting  
58 regulations, provided notice of intent to adopt the regulations is  
59 published in the Connecticut Law Journal within twenty days of  
60 implementing the policies and procedures. Such policies and  
61 procedures shall be valid for not longer than nine months.

62 (b) The Department of Social Services shall monitor the rates  
63 charged by home health care agencies and homemaker-home health  
64 aide agencies. Such agencies shall file annual cost reports and service  
65 charge information with the department.

66 (c) The home health services fee schedule shall include a fee for the  
67 administration of medication, which shall apply when the purpose of a  
68 nurse's visit is limited to the administration of medication.  
69 Administration of medication may include, but is not limited to, blood  
70 pressure checks, glucometer readings, pulse rate checks and similar  
71 indicators of health status. The fee for medication administration shall  
72 include administration of medications while the nurse is present, the  
73 pre-pouring of additional doses that the client will self-administer at a  
74 later time and the teaching of self-administration. The department  
75 shall not pay for medication administration in addition to any other  
76 nursing service at the same visit. The department may establish prior  
77 authorization requirements for this service. Before implementing such  
78 change, the Commissioner of Social Services shall consult with the  
79 chairpersons of the joint standing committees of the General Assembly  
80 having cognizance of matters relating to public health and human  
81 services.

82 (d) The home health services fee schedule established pursuant to  
83 subsection (c) of this section shall include rates for psychiatric nurse  
84 visits.

85 (e) The Department of Social Services, when processing or auditing  
86 claims for reimbursement submitted electronically by home health care  
87 agencies and homemaker-home health aide agencies shall, in  
88 accordance with the provisions of chapter 15, accept records bearing  
89 the electronic signature of (1) an individual duly authorized by any  
90 such agency to submit records to the department, (2) a licensed  
91 physician, or (3) a licensed practitioner of a health profession.

92 (f) The Department of Social Services, when processing or auditing  
93 claims submitted by home health care agencies and home-maker home  
94 health aide agencies shall, accept records bearing a facsimile signature  
95 of (1) an individual duly authorized by any such agency to submit  
96 records to the department, (2) a licensed physician, or (3) a licensed  
97 practitioner of a health care profession.

98 (g) The Department of Social Services, when auditing claims  
99 submitted by home health care agencies and home-maker home health  
100 aide agencies, shall consider any signature from a licensed physician  
101 or licensed practitioner of a health care profession that may be  
102 required on a plan of care for home health services, to have been  
103 provided in timely fashion to the department if the document bearing  
104 such signature was provided to the department prior to the time when  
105 such agency seeks reimbursement from the department for services  
106 provided.

107 Sec. 2. (NEW) (*Effective October 1, 2005*) The Department of Social  
108 Services, giving due consideration to the security of electronic records  
109 and electronic signatures, may adopt regulations, in accordance with  
110 the provisions of chapter 54 of the general statutes, specifying:

111 (1) The manner and format in which such electronic records shall be

112 created, generated, sent, communicated, received and stored and the  
113 systems established for such purposes;

114 (2) If such electronic records bear a signature by electronic means,  
115 the type of electronic signature required, the manner and format in  
116 which the electronic signature shall be affixed to the electronic record  
117 and the identity of, or criteria that shall be met by, any third party used  
118 by a person filing a document to facilitate the electronic signature and  
119 filing process;

120 (3) Processes and procedures as appropriate to ensure adequate  
121 control, preservation, disposition, integrity, security and  
122 confidentiality of such electronic records and adequate ability to audit  
123 such electronic records; and

124 (4) Any other required attributes for such electronic records that are  
125 specified for corresponding nonelectronic records or reasonably  
126 necessary under specific circumstances.

127 Sec. 3. Subsection (e) of section 1-283 of the general statutes is  
128 repealed and the following is substituted in lieu thereof (*Effective*  
129 *October 1, 2005*):

130 (e) Except as otherwise provided in section 17b-242, as amended by  
131 this act, and subsection (f) of section 1-277, sections 1-266 to 1-286,  
132 inclusive, do not require a governmental agency in this state to use or  
133 permit the use of electronic records or electronic signatures.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	17b-242
Sec. 2	<i>October 1, 2005</i>	New section
Sec. 3	<i>October 1, 2005</i>	1-283(e)

**Statement of Purpose:**

To promote operational efficiency in transactions between the Department of Social Services and home health care agencies or

homemaker-home health aide agencies by permitting such agencies to submit records to the department that bear electronic or facsimile signatures.

*[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.]*

Co-Sponsors: REP. SAYERS, 60th Dist.

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