



General Assembly

Amendment

January Session, 2005

LCO No. 6881

HB0668806881HRO

Offered by:
REP. GIBBONS, 150th Dist.

To: Subst. House Bill No. 6688 File No. 690 Cal. No. 480

(As Amended)

**"AN ACT IMPLEMENTING CERTAIN GOVERNOR'S BUDGET
RECOMMENDATIONS WITH RESPECT TO SOCIAL SERVICES
PROGRAMS."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective from passage*) (a) Any transfer or
4 assignment of assets resulting in the imposition of a penalty period
5 shall be presumed to be made with the intent, on the part of the
6 transferor or the transferee, to enable the transferor to obtain or
7 maintain eligibility for medical assistance. This presumption may be
8 rebutted only by clear and convincing evidence that the transferor's
9 eligibility or potential eligibility for medical assistance was not a basis
10 for the transfer or assignment.

11 (b) Any transfer or assignment of assets resulting in the
12 establishment or imposition of a penalty period shall create a debt, as

13 defined in section 36a-645 of the general statutes, that shall be due and
14 owing by the transferor or transferee to the Department of Social
15 Services in an amount equal to the amount of the medical assistance
16 provided to or on behalf of the transferor on or after the date of the
17 transfer of assets, but said amount shall not exceed the fair market
18 value of the assets at the time of transfer. The Commissioner of Social
19 Services, the Commissioner of Administrative Services and the
20 Attorney General shall have the power or authority to seek
21 administrative, legal or equitable relief as provided by other statutes or
22 by common law.

23 (c) The Commissioner of Social Services, pursuant to section 17b-10
24 of the general statutes, shall implement the policies and procedures
25 necessary to carry out the provisions of this section while in the
26 process of adopting such policies and procedures in regulation form,
27 provided notice of intent to adopt regulations is published in the
28 Connecticut Law Journal not later than twenty days after
29 implementation. Such policies and procedures shall be valid until the
30 time final regulations are effective."