



House of Representatives

General Assembly

File No. 259

January Session, 2007

House Bill No. 7233

House of Representatives, April 2, 2007

The Committee on Human Services reported through REP. VILLANO of the 91st Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING HEALTH CARE ACCESS FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS.

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

1 Section 1. Section 17b-261g of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective July 1, 2007*):

3 The Commissioner of Social Services shall provide reimbursement
4 under the [HUSKY Plan, Part A] Medicaid program to children for
5 services provided by a home health care agency, as defined in section
6 19a-490, in the child's home or a substantially equivalent environment.
7 For purposes of such reimbursement, a substantially equivalent
8 environment may include, but not be limited to, facilities that provide
9 child day care services, as defined in subsection (a) of section 19a-77,
10 and after school programs, as defined in section 10-16x.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2007</i>	17b-261g
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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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Department of Social Services	GF - Cost	See Below	See Below

Municipal Impact: None

Explanation

This bill specifies that all children in Medicaid, not just those enrolled in the HUSKY A program, be eligible for services provided by a home health agency in an environment substantially equivalent to the child’s home. There are approximately 2,000 non-HUSKY children enrolled in Medicaid. It is not known how many of these children use the services of home health care agencies, nor how many may at times be in a non-home setting where home health services may be delivered. Should the availability of home health services in a non-home setting merely allow families flexibility in where currently consumed services are delivered, no additional costs to the state will result. However, should increased access to services increase utilization of services, the state would incur increased Medicaid costs. The extent of this increase cannot now be known, but is likely to be substantial. It should be noted that federal regulations are unclear whether such out-of-home home care services are eligible for federal Medicaid match. Therefore, any such new home health services provided outside a child’s home may be fully state funded.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 7233*****AN ACT CONCERNING HEALTH CARE ACCESS FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS.*****SUMMARY:**

This bill expands the number of children for whom the commissioner of the Department of Social Services (DSS) must provide reimbursement for home health care services. Currently, he must reimburse providers for services provided by a home health care agency to children enrolled in HUSKY A, either in the child's home or a substantially equivalent environment. The bill expands this to include all children enrolled in Medicaid. By law, the substantially equivalent environment can include a child day care facility or after-school program.

It is not clear whether the federal agency overseeing the Medicaid program will reimburse the state (50% of state expenditures) as federal regulations do not contemplate these particular out-of-home settings.

EFFECTIVE DATE: July 1, 2007

BACKGROUND***HUSKY A and Medicaid***

HUSKY A is a subgroup of Medicaid. It provides managed Medicaid coverage to children in families with income up to 185% of the federal poverty level and to certain adult caretaker relatives with lower incomes. Medicaid also includes the Katie Becket waiver subgroup, which provides Medicaid-funded services to children with severe physical disabilities who would otherwise require institutionalization, regardless of the family's income. Certain other children with disabilities are served by Medicaid on a fee-for-service

basis.

Federal Regulations Governing Medicaid Home Health Care and Court Case

Federal regulations (42 CFR §440.70) appear to limit the provision of Medicaid-funded home health care services to those provided in the recipient's residence. The regulations specify that "residence" does not include a hospital, nursing home, or intermediate care facility for the mentally retarded (ICF-MR), except those services that the ICF-MR is not required to provide. The regulations do not explicitly exclude other out-of-home settings.

In response to a 1997 federal court case, which prohibits DSS from denying Medicaid-reimbursable skilled nursing services provided by home health care agencies outside the patients' home, DSS now covers these services (*Skubel v. Fuoroli*, 113 F.3d 330).

COMMITTEE ACTION

Human Services Committee

Joint Favorable

Yea 17 Nay 0 (03/15/2007)