



General Assembly

Substitute Bill No. 561

February Session, 2008

* SB00561HS_APP031408 *

**AN ACT CONCERNING THE MONEY FOLLOWS THE PERSON
PROJECT AND ESTABLISHMENT OF A LONG-TERM CARE TRUST
FUND.**

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

1 Section 1. Section 17b-369 of the 2008 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 The Commissioner of Social Services, pursuant to Section 6071 of
5 the Deficit Reduction Act of 2005, may submit an application to the
6 Secretary of Health and Human Services to establish a Money Follows
7 the Person demonstration project. Such project shall serve not more
8 than [seven hundred] five thousand persons and shall be designed to
9 achieve the objectives set forth in Section 6071(a) of the Deficit
10 Reduction Act of 2005. Services available under the demonstration
11 project shall include, but not be limited to, personal care assistance
12 services. The commissioner may apply for a Medicaid research and
13 demonstration waiver under Section 1115 of the Social Security Act, if
14 such waiver is necessary to implement the demonstration project. The
15 commissioner may, if necessary, modify any existing Medicaid home
16 or community-based waiver if such modification is required to
17 implement the demonstration project.

18 Sec. 2. (NEW) (*Effective July 1, 2008*) (a) There is established within

19 the General Fund, a separate, nonlapsing account which shall be
20 known as the "Long-Term Care Trust Fund". The account shall contain
21 any moneys required by this section to be deposited in the account and
22 shall be administered by the Treasurer. Investment earnings credited
23 to the assets of the account shall become part of the assets of the
24 account. Moneys in the account shall be used to supplement and not to
25 supplant existing federal and state funding available for long-term
26 care.

27 (b) The following funds shall be deposited in the account: (1) Any
28 funds resulting from an enhanced federal medical assistance
29 percentage received by the state under the Money Follows the Person
30 demonstration project pursuant to Section 6071 of the Deficit
31 Reduction Act of 2005; (2) any funds appropriated for Medicaid and
32 designated for the Money Follows the Person demonstration project by
33 the Department of Social Services that are not spent during the fiscal
34 year for which they are appropriated; (3) the difference between (A)
35 the costs actually incurred by the state per person to transition an
36 individual participating in the Money Follows the Person
37 demonstration project from an institution to a home and community-
38 based program, and (B) the cost that the state would have incurred if
39 such individual remained in an institution; (4) any funds appropriated
40 to the Department of Social Services from the General Fund for home
41 and community-based long-term care services that are not spent
42 during the fiscal year for which they are appropriated; (5) any fines or
43 civil penalties levied by the Department of Public Health on nursing
44 home facilities for violating applicable state laws and regulations; and
45 (6) any additional moneys received from any public or private sources
46 or from the federal government for purposes of long-term care.

47 (c) Money held in the account shall be expended by the
48 Commissioner of Social Services, in accordance with this subsection
49 and the regulations adopted pursuant to subsection (d) of this section,
50 to:

51 (1) Provide funds for programs and services that provide cost-

52 effective home and community-based alternatives to institutional care
53 in nursing home facilities, including, but not limited to, occupational
54 therapy, homemaker services, companion services, meals on wheels,
55 adult day care, personal care services, transportation, mental health
56 counseling, care management, elderly foster care, minor home
57 modifications and assisted living services;

58 (2) Provide funds to improve information technology and systems
59 used to track costs and savings associated with the provision of home
60 and community-based services and to improve access to information
61 on long-term care programs and services for the elderly and disabled;

62 (3) Encourage the purchase of precertified long-term care insurance
63 through the Connecticut Partnership for Long-Term Care by covering
64 the costs of the premiums of individuals for six months;

65 (4) Pay the cost of relocating nursing home residents to other
66 facilities if necessary to protect the health and safety of such residents,
67 maintaining and operating a facility pending correction of deficiencies
68 or closure, and reimbursing residents for the loss of funds in personal
69 fund accounts pursuant to subsection (b) of section 17b-106 of the 2008
70 supplement to the general statutes;

71 (5) Provide rental or mortgage assistance to allow individuals to
72 remain in their homes while receiving home and community-based
73 services;

74 (6) Provide grants to existing nursing home facilities to make facility
75 changes, improvements and modifications to support home and
76 community-based services and programs; and

77 (7) Provide grants to promote the adoption of building designs and
78 principles of alternative nursing homes, such as Eden Alternative,
79 Green House or Small House nursing homes, to improve the quality of
80 life for long-term care facility residents.

81 (d) The Commissioner of Social Services shall adopt regulations, in

82 accordance with the provisions of chapter 54 of the general statutes, for
83 purposes of the distribution of funds pursuant to subsection (c) of this
84 section, including, but not limited to, application procedures and
85 establishment of eligibility criteria and requirements for recipients of
86 assistance.

87 (e) On or before January 1, 2009, and annually thereafter, the
88 Commissioner of Social Services shall submit a report to the Governor
89 and the General Assembly concerning the long-term care trust fund
90 established under this section. The report shall include financial
91 information concerning the money in the trust fund, including, but not
92 limited to, information on the number, amount and type of
93 expenditures from the fund during the prior calendar year and
94 estimates of the impact of the fund on present and future Medicaid
95 expenditures.

96 Sec. 3. (NEW) (*Effective July 1, 2008*) The Commissioner of Social
97 Services shall establish and administer a pilot program that operates in
98 an identical manner to the Money Follows the Person demonstration
99 project pursuant to section 17b-369 of the 2008 supplement to the
100 general statutes, except that persons need not be institutionalized for at
101 least six months to be eligible for the program. The pilot program shall
102 serve no more than fifty persons. Services available under the pilot
103 program shall include, but not be limited to, personal care assistance
104 services. The commissioner may apply for a Medicaid research and
105 demonstration waiver under Section 1115 of the Social Security Act, if
106 such waiver is necessary to implement the pilot program. The
107 commissioner may, if necessary, modify any existing Medicaid home
108 or community-based waiver if such modification is required to
109 implement the pilot program.

110 Sec. 4. Subsection (h) of section 59 of public act 07-1 of the June
111 special session is repealed and the following is substituted in lieu
112 thereof (*Effective July 1, 2008*):

113 (h) Notwithstanding the provisions of section 4-28e of the general

114 [shall] statutes, for the fiscal year ending June 30, 2009, the sum of
115 [\$1,000,000] \$2,000,000 shall be transferred from the Tobacco and
116 Health Trust Fund to the Department of Social Services for the
117 [CHOICES Program] Age and Disability Resource Center.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	17b-369
Sec. 2	<i>July 1, 2008</i>	New section
Sec. 3	<i>July 1, 2008</i>	New section
Sec. 4	<i>July 1, 2008</i>	PA 07-1 of the June Sp. Sess., Sec. 59(h)

Statement of Legislative Commissioners:

In section 4, "Age and Disability Resource Center" was underscored to indicate new language and "[CHOICES Program]" was added for accuracy.

HS

Joint Favorable Subst. C/R

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