



General Assembly

February Session, 2008

Raised Bill No. 563

LCO No. 2462

02462_____HS_

Referred to Committee on Human Services

Introduced by:
(HS)

**AN ACT CONCERNING EXPANSION OF ASSISTED LIVING SERVICES
AND ADULT CARE OPTIONS.**

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

1 Section 1. Section 19a-693 of the 2008 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2008*):

4 As used in this section and sections 19a-694 to 19a-701, inclusive, of
5 the 2008 supplement to the general statutes:

6 (1) "Activities of daily living" means activities or tasks, that are
7 essential for a person's healthful and safe existence, including, but not
8 limited to, bathing, dressing, grooming, eating, meal preparation,
9 shopping, housekeeping, transfers, bowel and bladder care, laundry,
10 communication, self-administration of medication and ambulation.

11 (2) "Assisted living services" means nursing services and assistance
12 with activities of daily living provided to residents living within a
13 managed residential community having supportive services that
14 encourage persons primarily fifty-five years of age or older to maintain

15 a maximum level of independence.

16 (3) "Assisted living services agency" means an entity, licensed by the
17 Department of Public Health pursuant to chapter 368v that provides,
18 among other things, nursing services and assistance with activities of
19 daily living to a population that is chronic and stable.

20 (4) "Managed residential community" means a for-profit or not-for-
21 profit facility consisting of private residential units that provides a
22 managed group living environment consisting of housing and services
23 for persons who are primarily fifty-five years of age or older.
24 "Managed residential community" does not include any state-funded
25 congregate housing facilities.

26 (5) "Assisted living facility" means a managed residential
27 community that provides assisted living services.

28 [(5)] (6) "Department" means the Department of Public Health.

29 [(6)] (7) "Private residential unit" means a private living
30 environment designed for use and occupancy by a resident within a
31 managed residential community that includes a full bathroom and
32 access to facilities and equipment for the preparation and storage of
33 food.

34 [(7)] (8) "Resident" means a person residing in a private residential
35 unit of a managed residential community pursuant to the terms of a
36 written agreement for occupancy of such unit.

37 Sec. 2. Subsections (c) and (d) of section 17b-342 of the general
38 statutes are repealed and the following is substituted in lieu thereof
39 (*Effective July 1, 2008*):

40 (c) The community-based services covered under the program shall
41 include, but not be limited to, the following services to the extent that
42 they are not available under the state Medicaid plan, occupational
43 therapy, homemaker services, companion services, meals on wheels,

44 adult day care, transportation, mental health counseling, care
45 management, elderly foster care, minor home modifications and
46 assisted living services provided in state-funded congregate housing,
47 [and] in [other assisted living pilot or] demonstration projects
48 established under state law and in assisted living facilities. Recipients
49 of state-funded services and persons who are determined to be
50 functionally eligible for community-based services who have an
51 application for medical assistance pending shall have the cost of home
52 health and community-based services covered by the program,
53 provided they comply with all medical assistance application
54 requirements. Access agencies shall not use department funds to
55 purchase community-based services or home health services from
56 themselves or any related parties.

57 (d) Physicians, hospitals, long-term care facilities, assisted living
58 facilities and other licensed health care facilities may disclose, and, as a
59 condition of eligibility for the program, elderly persons, their
60 guardians, and relatives shall disclose, upon request from the
61 Department of Social Services, such financial, social and medical
62 information as may be necessary to enable the department or any
63 agency administering the program on behalf of the department to
64 provide services under the program. Long-term care facilities shall
65 supply the Department of Social Services with the names and
66 addresses of all applicants for admission. Any information provided
67 pursuant to this subsection shall be confidential and shall not be
68 disclosed by the department or administering agency.

69 Sec. 3. Subsection (g) of section 17b-342 of the general statutes is
70 repealed and the following is substituted in lieu thereof (*Effective July*
71 *1, 2008*):

72 (g) The commissioner shall report annually, by June first, to the joint
73 standing committee of the General Assembly having cognizance of
74 matters relating to human services on the program in such detail,
75 depth and scope as said committee requires to evaluate the effect of the

76 program on the state and program participants. Such report shall
77 include information on (1) the number of persons diverted from
78 placement in a long-term care facility as a result of the program, (2) the
79 number of persons screened, (3) the average cost per person in the
80 program, (4) the administration costs, (5) the estimated savings, and (6)
81 a comparison between costs under the different contracts. The
82 commissioner may include in his report recommendations regarding
83 changes to services, the venue for those services and any other
84 recommendations concerning the program.

85 Sec. 4. Section 17b-343 of the general statutes is repealed and the
86 following is substituted in lieu thereof (*Effective July 1, 2008*):

87 The Commissioner of Social Services shall establish annually the
88 maximum allowable rate to be paid by said agencies for homemaker
89 services, chore person services, companion services, assisted living
90 services, respite care, meals on wheels, adult day care services, case
91 management and assessment services, transportation, mental health
92 counseling and elderly foster care, except that the maximum allowable
93 rates in effect July 1, 1990, shall remain in effect during the fiscal years
94 ending June 30, 1992, and June 30, 1993. The Commissioner of Social
95 Services shall prescribe uniform forms on which agencies providing
96 such services shall report their costs for such services. Such rates shall
97 be determined on the basis of a reasonable payment for necessary
98 services rendered. The maximum allowable rates established by the
99 Commissioner of Social Services for the Connecticut home-care
100 program for the elderly established under section 17b-342, as amended
101 by this act, shall constitute the rates required under this section until
102 revised in accordance with this section. The Commissioner of Social
103 Services shall establish a fee schedule, to be effective on and after July
104 1, 1994, for homemaker services, chore person services, companion
105 services, assisted living services, respite care, meals on wheels, adult
106 day care services, case management and assessment services,
107 transportation, mental health counseling and elderly foster care. The
108 commissioner may annually increase any fee in the fee schedule based

109 on an increase in the cost of services. The commissioner shall increase
110 the fee schedule effective July 1, 2000, by not less than five per cent, for
111 adult day care services. Nothing contained in this section shall
112 authorize a payment by the state to any agency for such services in
113 excess of the amount charged by such agency for such services to the
114 general public.

115 Sec. 5. Section 17b-365 of the 2008 supplement to the general statutes
116 is repealed and the following is substituted in lieu thereof (*Effective July*
117 *1, 2008*):

118 (a) The Commissioner of Social Services [~~may~~] shall, within
119 available appropriations, establish and operate a [~~pilot~~] program to
120 allow individuals to receive assisted living services, provided by an
121 assisted living services agency licensed by the Department of Public
122 Health in accordance with chapter 368v. In order to be eligible for the
123 program, an individual shall: (1) Reside in [~~a~~] an assisted living
124 facility, as defined in section 19a-693 of the 2008 supplement to the
125 general statutes, as amended by of this act, or other managed
126 residential community, as defined in ~~said~~ section 19a-693; (2) be
127 ineligible to receive assisted living services under any [~~other~~] assisted
128 living [~~pilot~~] program established by the General Assembly; and (3) be
129 eligible for services under the Medicaid waiver portion of the
130 Connecticut home-care program for the elderly established under
131 section 17b-342, as amended by this act. [The total number of
132 individuals enrolled in said pilot program, when combined with the
133 total number of individuals enrolled in the pilot program established
134 pursuant to section 17b-366 shall not exceed seventy-five individuals.]
135 The Commissioner of Social Services shall operate said [~~pilot~~] program
136 in accordance with the Medicaid rules established pursuant to 42 USC
137 1396p(c), as from time to time amended.

138 (b) [The pilot program established pursuant to this section may
139 begin operation on or after January 1, 2003.] Not later than January 1,
140 [~~2005~~] 2009, and annually thereafter, the Commissioner of Social

141 Services shall report, in accordance with section 11-4a, to the joint
142 standing committees of the General Assembly having cognizance of
143 matters relating to public health, human services, appropriations and
144 the budgets of state agencies on the [pilot] program established
145 pursuant to this section.

146 (c) The Commissioner of Social Services may, if necessary, modify
147 any existing Medicaid home or community-based waiver if such
148 modification is required to implement the program.

149 Sec. 6. Section 17b-366 of the 2008 supplement to the general statutes
150 is repealed and the following is substituted in lieu thereof (*Effective July*
151 *1, 2008*):

152 (a) The Commissioner of Social Services [may] shall, within
153 available appropriations, establish and operate a [pilot] program to
154 allow individuals to receive assisted living services, provided by an
155 assisted living services agency licensed by the Department of Public
156 Health, in accordance with chapter 368v. In order to be eligible for the
157 pilot program, an individual shall: (1) Reside in [a] an assisted living
158 facility, as defined in section 19a-693 of the 2008 supplement to the
159 general statutes, as amended by this act, or other managed residential
160 community, as defined in said section 19a-693; (2) be ineligible to
161 receive assisted living services under any [other] assisted living [pilot]
162 program established by the General Assembly; and (3) be eligible for
163 services under the state-funded portion of the Connecticut home-care
164 program for the elderly established under section 17b-342, as amended
165 by this act. [The total number of individuals enrolled in said pilot
166 program, when combined with the total number of individuals
167 enrolled in the pilot program established pursuant to section 17b-365
168 shall not exceed seventy-five individuals.] The Commissioner of Social
169 Services shall operate said [pilot] program in accordance with the
170 Medicaid rules established pursuant to 42 USC 1396p(c), as from time
171 to time amended.

172 (b) [The pilot program established pursuant to this section may

173 begin operation on or after January 1, 2003.] Not later than January 1,
174 [2005] 2009, and annually thereafter, the Commissioner of Social
175 Services shall report, in accordance with section 11-4a, to the joint
176 standing committees of the General Assembly having cognizance of
177 matters relating to public health, human services, appropriations and
178 the budgets of state agencies on the [pilot] program established
179 pursuant to this section.

180 (c) The Commissioner of Social Services may, if necessary, modify
181 any existing Medicaid home or community-based waiver if such
182 modification is required to implement the program.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	19a-693
Sec. 2	<i>July 1, 2008</i>	17b-342(c) and (d)
Sec. 3	<i>July 1, 2008</i>	17b-342(g)
Sec. 4	<i>July 1, 2008</i>	17b-343
Sec. 5	<i>July 1, 2008</i>	17b-365
Sec. 6	<i>July 1, 2008</i>	17b-366

Statement of Purpose:

To expand assisted living services for the elderly to reduce state expenditures on nursing home care and increase options for the elderly to age in place.

[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.]