



General Assembly

Amendment

February Session, 2008

LCO No. 6586

HB0590606586HDO

Offered by:

REP. VILLANO, 91st Dist.

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To: House Bill No. 5906

File No. 351

Cal. No. 217

"AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS TO THE HUMAN SERVICES STATUTES."

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

3 "Sec. 501. Section 17b-276 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2008*):

5 (a) The Commissioner of Social Services shall identify geographic
6 areas of the state where competitive bidding for nonemergency
7 transportation services provided to medical assistance recipients to
8 access covered medical services would result in cost savings to the
9 state. For the identified areas, the Commissioner of Social Services, in
10 consultation with the Commissioner of Transportation, the
11 Commissioner of Public Health and the Secretary of the Office of
12 Policy and Management, shall purchase such nonemergency

13 transportation services through a competitive bidding process. Any
14 transportation providers awarded a contract or subcontract for the
15 direct provision of such services shall meet state licensure or
16 certification requirements and the nonemergency transportation
17 requirements established by the Department of Social Services, and
18 shall provide the most cost effective transportation service, provided
19 any contractor awarded a contract solely for coordinating such
20 transportation services shall not be required to meet such licensure or
21 certification requirements and provided the first such contracts for the
22 purchase of such services shall not exceed one year. Prior to awarding
23 a contract pursuant to this section, the Commissioner of Social Services
24 shall consider the effect of the contract on the emergency ambulance
25 primary service areas and volunteer ambulance services affected by
26 the contract. The commissioner may limit the geographic areas to be
27 served by a contractor and may limit the amount of services to be
28 performed by a contractor. The commissioner may operate one or
29 more pilot programs prior to state-wide operation of a competitive
30 bidding program for nonemergency transportation services. By
31 enrolling in the Medicaid program or participating in the
32 competitively bid contract for nonemergency transportation services,
33 providers of nonemergency transportation services agree to offer to
34 recipients of medical assistance all types or levels of transportation
35 services for which they are licensed or certified. Effective October 1,
36 1991, payment for such services shall be made only for services
37 provided to an eligible recipient who is actually transported. A
38 contract entered into pursuant to this section may include services
39 provided by another state agency. Notwithstanding any provision of
40 the general statutes, a contract entered into pursuant to this section
41 shall establish the rates to be paid for the transportation services
42 provided under the contract. A contract entered into pursuant to this
43 section may include services provided by another state agency and
44 shall supersede any conflicting provisions of the regulations of
45 Connecticut state agencies pertaining to medical transportation
46 services. Any contractor awarded a contract solely for coordinating
47 nonemergency transportation services for medical assistance

48 recipients, who also coordinates transportation services for
49 nonmedical assistance recipients, shall disclose to any transportation
50 provider with whom it subcontracts to provide nonemergency
51 transportation services under this section the source of payment at the
52 time the service is requested.

53 (b) Notwithstanding any other provision of the general statutes, for
54 purposes of administering medical assistance programs, including, but
55 not limited to, the state-administered general assistance program and
56 programs administered pursuant to Title XIX or Title XXI of the Social
57 Security Act, the Department of Social Services shall be the sole state
58 agency that sets emergency and nonemergency medical transportation
59 fees or fee schedules for any transportation services that are
60 reimbursed by the department for said medical assistance programs.

61 Sec. 502. (NEW) (*Effective July 1, 2008*) The Commissioner of Social
62 Services shall provide coverage under the Medicaid program for
63 nonemergency transportation by ambulance without prior
64 authorization for a patient who is: (1) Discharged from an acute care
65 hospital, long-term acute care hospital, psychiatric facility or
66 rehabilitation facility, and admitted as a new admission to another
67 facility, including a residential care facility, skilled nursing facility,
68 psychiatric facility, rehabilitation facility or long-term acute care
69 hospital, where prior authorization has been granted for the new
70 admission; (2) discharged from an acute care hospital, long-term acute
71 care hospital, psychiatric facility or rehabilitation facility, and returned
72 to his or her residence in a residential care facility, skilled nursing
73 facility, psychiatric facility, rehabilitation facility or long-term acute
74 care hospital; or (3) transported to a doctor's office, treatment facility or
75 testing facility either free standing or within a hospital, provided one
76 of the following conditions is met: (A) The patient is on oxygen not
77 available to the patient except by ambulance, (B) the patient is unable
78 to sit in a wheelchair or tolerate any other means of transport other
79 than a stretcher due to risk of injury, or (C) the patient's medical
80 condition requires monitoring by trained personnel.

81 Sec. 503. Section 17b-278a of the general statutes is repealed and the
82 following is substituted in lieu thereof (*Effective July 1, 2008*):

83 The Commissioner of Social Services shall amend the Medicaid state
84 plan to provide coverage for treatment for smoking cessation ordered
85 by a licensed healthcare professional who possesses valid and current
86 state licensure to prescribe such drugs in accordance with a plan
87 developed by the commissioner to provide smoking cessation services.
88 The commissioner shall present such plan to the joint standing
89 committees of the General Assembly having cognizance of matters
90 relating to human services and appropriations by January 1, 2003, and,
91 if such plan is approved by said committees and funding is provided
92 in the budget for the fiscal year ending June 30, 2004, such plan shall
93 be implemented on July 1, 2003. If the initial treatment for smoking
94 cessation allowed by the plan is not successful for the patient, as
95 determined by a licensed healthcare professional, all prescriptive
96 options for smoking cessation shall be available to the patient.

97 Sec. 504. Section 17b-733 of the 2008 supplement to the general
98 statutes is repealed and the following is substituted in lieu thereof
99 (*Effective July 1, 2008*):

100 The Department of Social Services shall be the lead agency for child
101 day care services in Connecticut. The department shall: (1) Identify,
102 annually, existing child day care services and maintain an inventory of
103 all available services; (2) provide technical assistance to corporations
104 and private agencies in the development and expansion of child day
105 care services for families at all income levels, including families of their
106 employees and clients; (3) study and identify funding sources available
107 for child day care including federal funds and tax benefits; (4) study
108 the cost and availability of liability insurance for child day care
109 providers; (5) provide, in conjunction with the Departments of
110 Education and Higher Education, ongoing training for child day care
111 providers including preparing videotaped workshops and distributing
112 them to cable stations for broadcast on public access stations, and seek
113 private donations to fund such training; (6) encourage child day care

114 services to obtain accreditation; (7) develop a range of financing
115 options for child care services, including the use of a tax-exempt bond
116 program, a loan guarantee program and establishing a direct revolving
117 loan program; (8) promote the colocation of child day care and school
118 readiness programs pursuant to section 4b-31; (9) establish a
119 performance-based evaluation system; (10) develop for
120 recommendation to the Governor and the General Assembly measures
121 to provide incentives for the private sector to develop and support
122 expanded child day care services; (11) provide, within available funds
123 and in conjunction with the temporary family assistance program as
124 defined in section 17b-680, child day care to public assistance
125 recipients; (12) develop and implement, with the assistance of the
126 Child Day Care Council and the Departments of Public Health, Social
127 Services, Education, Higher Education, Children and Families,
128 Economic and Community Development, Developmental Services and
129 Consumer Protection, a state-wide coordinated child day care and
130 early childhood education training system (A) for child day care
131 centers, group day care homes and family day care homes that provide
132 child day care services, and (B) that makes available to such providers
133 and their staff, within available appropriations, scholarship assistance,
134 career counseling and training, workforce registry, advancement in
135 career ladders, as defined in section 4-124bb, through seamless
136 articulation of levels of training, program accreditation support and
137 other initiatives recommended by the Departments of Social Services,
138 Education and Higher Education; (13) plan and implement a unit cost
139 reimbursement system for state-funded child day care services such
140 that, on and after January 1, 2008, any increase in reimbursement shall
141 be based on a requirement that such centers meet the staff
142 qualifications, as defined in subsection (b) of section 10-16p of the 2008
143 supplement to the general statutes; (14) develop, within available
144 funds, initiatives to increase compensation paid to child day care
145 providers for educational opportunities, including, but not limited to,
146 (A) incentives for educational advancement paid to persons employed
147 by child day care centers receiving state or federal funds, and (B)
148 support for the establishment and implementation by the Labor

149 Commissioner of apprenticeship programs for child day care workers
150 pursuant to sections 31-22m to 31-22q, inclusive, which programs shall
151 be jointly administered by labor and management trustees; (15)
152 evaluate the effectiveness of any initiatives developed pursuant to
153 subdivision (14) of this section in improving staff retention rates and
154 the quality of education and care provided to children; and (16) report
155 annually to the Governor and the General Assembly on the status of
156 child day care in Connecticut. Such report shall include (A) an
157 itemization of the allocation of state and federal funds for child care
158 programs; (B) the number of children served under each program so
159 funded; (C) the number and type of such programs, providers and
160 support personnel; (D) state activities to encourage partnership
161 between the public and private sectors; (E) average payments issued
162 by the state for both part-time and full-time child care; (F) range of
163 family income and percentages served within each range by such
164 programs; and (G) age range of children served.

165 Sec. 505. (*Effective from passage*) The Departments of Social Services
166 and Mental Health and Addiction Services, within available
167 appropriations, shall study the feasibility of converting to a per diem
168 system of payment for inpatient psychiatric services in general
169 hospitals. Such study shall include the impact of the potential relief to
170 the overcrowding of emergency rooms. Not later than January 15,
171 2009, said departments shall submit such study, in accordance with
172 section 11-4a of the general statutes, to the joint standing committees of
173 the General Assembly having cognizance of matters relating to
174 appropriations and the budgets of state agencies, human services and
175 public health.

176 Sec. 506. Section 17b-265c of the general statutes is repealed and the
177 following is substituted in lieu thereof (*Effective July 1, 2008*):

178 [The Commissioner of Social Services, to the extent permitted by
179 federal law, shall amend the Medicaid state plan to establish a pilot
180 program serving not more than five hundred elderly or disabled state
181 medical assistance recipients who are also eligible for Medicare and

182 who voluntarily opt to participate in the program. Such program shall
183 demonstrate the feasibility and cost effectiveness of delivering
184 comprehensive health insurance coverage in a managed care setting to
185 such recipients. The commissioner may include medical assistance
186 services in the pilot program not presently covered in the state medical
187 assistance program or other modifications to the state medical
188 assistance program to encourage voluntary participation in the pilot
189 program.]

190 (a) The Department of Social Services, to the extent permitted by
191 federal law and within available appropriations, shall implement a
192 two-year demonstration project, commencing December 1, 2008, to
193 provide coordinated health care benefits under Medicare special needs
194 plans, in accordance with Section 231 of the Medicare Prescription
195 Drug, Improvement, and Modernization Act of 2003, Public Law 108-
196 173, for not more than one thousand persons who are eligible for both
197 Medicare and Medicaid and reside in Fairfield, Middlesex and New
198 Haven counties. The department shall contract with one or more
199 entities to implement the demonstration project. The objective of the
200 demonstration project shall be to measure the effectiveness of
201 integrating the funding and benefits of the Medicare, Medicare Part D
202 and Medicaid programs for persons who are dually eligible. The
203 department shall require any entity awarded a contract to contract
204 with the Center for Medicare Advocacy to implement a program of
205 data collection and analysis, whose services shall be paid by such
206 entity. The data collection shall include at least the following: Member
207 satisfaction, access to services, cost effectiveness of program
208 integration, quality of care and the impact of the demonstration project
209 in reducing nursing home admissions.

210 (b) The Department of Social Services shall report, in accordance
211 with section 11-4a, to the joint standing committees of the General
212 Assembly having cognizance of matters relating to appropriations and
213 the budgets of state agencies when such contract or contracts have
214 been awarded. Any entity awarded a contract shall report to the
215 department on the implementation of the demonstration project, the

216 data collection program, and any other information the commissioner
217 deems necessary at such time and in such manner as the
218 Commissioner of Social Services prescribes. Not later than December 1,
219 2009, the department shall submit, in accordance with section 11-4a, an
220 interim report on the demonstration project to the joint standing
221 committees of the General Assembly having cognizance of matters
222 relating to appropriations and the budgets of state agencies and
223 human services, and to the select committee of the General Assembly
224 having cognizance of matters relating to aging. The department shall
225 submit, in accordance with section 11-4a, a final report to said
226 committees not later than December 1, 2010.

227 Sec. 507. Subdivision (4) of subsection (f) of section 17b-340 of the
228 2008 supplement to the general statutes is repealed and the following
229 is substituted in lieu thereof (*Effective July 1, 2008*):

230 (4) For the fiscal year ending June 30, 1992, (A) no facility shall
231 receive a rate that is less than the rate it received for the rate year
232 ending June 30, 1991; (B) no facility whose rate, if determined pursuant
233 to this subsection, would exceed one hundred twenty per cent of the
234 state-wide median rate, as determined pursuant to this subsection,
235 shall receive a rate which is five and one-half per cent more than the
236 rate it received for the rate year ending June 30, 1991; and (C) no
237 facility whose rate, if determined pursuant to this subsection, would be
238 less than one hundred twenty per cent of the state-wide median rate,
239 as determined pursuant to this subsection, shall receive a rate which is
240 six and one-half per cent more than the rate it received for the rate year
241 ending June 30, 1991. For the fiscal year ending June 30, 1993, no
242 facility shall receive a rate that is less than the rate it received for the
243 rate year ending June 30, 1992, or six per cent more than the rate it
244 received for the rate year ending June 30, 1992. For the fiscal year
245 ending June 30, 1994, no facility shall receive a rate that is less than the
246 rate it received for the rate year ending June 30, 1993, or six per cent
247 more than the rate it received for the rate year ending June 30, 1993.
248 For the fiscal year ending June 30, 1995, no facility shall receive a rate
249 that is more than five per cent less than the rate it received for the rate

250 year ending June 30, 1994, or six per cent more than the rate it received
251 for the rate year ending June 30, 1994. For the fiscal years ending June
252 30, 1996, and June 30, 1997, no facility shall receive a rate that is more
253 than three per cent more than the rate it received for the prior rate
254 year. For the fiscal year ending June 30, 1998, a facility shall receive a
255 rate increase that is not more than two per cent more than the rate that
256 the facility received in the prior year. For the fiscal year ending June
257 30, 1999, a facility shall receive a rate increase that is not more than
258 three per cent more than the rate that the facility received in the prior
259 year and that is not less than one per cent more than the rate that the
260 facility received in the prior year, exclusive of rate increases associated
261 with a wage, benefit and staffing enhancement rate adjustment added
262 for the period from April 1, 1999, to June 30, 1999, inclusive. For the
263 fiscal year ending June 30, 2000, each facility, except a facility with an
264 interim rate or replaced interim rate for the fiscal year ending June 30,
265 1999, and a facility having a certificate of need or other agreement
266 specifying rate adjustments for the fiscal year ending June 30, 2000,
267 shall receive a rate increase equal to one per cent applied to the rate the
268 facility received for the fiscal year ending June 30, 1999, exclusive of
269 the facility's wage, benefit and staffing enhancement rate adjustment.
270 For the fiscal year ending June 30, 2000, no facility with an interim rate,
271 replaced interim rate or scheduled rate adjustment specified in a
272 certificate of need or other agreement for the fiscal year ending June
273 30, 2000, shall receive a rate increase that is more than one per cent
274 more than the rate the facility received in the fiscal year ending June
275 30, 1999. For the fiscal year ending June 30, 2001, each facility, except a
276 facility with an interim rate or replaced interim rate for the fiscal year
277 ending June 30, 2000, and a facility having a certificate of need or other
278 agreement specifying rate adjustments for the fiscal year ending June
279 30, 2001, shall receive a rate increase equal to two per cent applied to
280 the rate the facility received for the fiscal year ending June 30, 2000,
281 subject to verification of wage enhancement adjustments pursuant to
282 subdivision (15) of this subsection. For the fiscal year ending June 30,
283 2001, no facility with an interim rate, replaced interim rate or
284 scheduled rate adjustment specified in a certificate of need or other

285 agreement for the fiscal year ending June 30, 2001, shall receive a rate
286 increase that is more than two per cent more than the rate the facility
287 received for the fiscal year ending June 30, 2000. For the fiscal year
288 ending June 30, 2002, each facility shall receive a rate that is two and
289 one-half per cent more than the rate the facility received in the prior
290 fiscal year. For the fiscal year ending June 30, 2003, each facility shall
291 receive a rate that is two per cent more than the rate the facility
292 received in the prior fiscal year, except that such increase shall be
293 effective January 1, 2003, and such facility rate in effect for the fiscal
294 year ending June 30, 2002, shall be paid for services provided until
295 December 31, 2002, except any facility that would have been issued a
296 lower rate effective July 1, 2002, than for the fiscal year ending June 30,
297 2002, due to interim rate status or agreement with the department shall
298 be issued such lower rate effective July 1, 2002, and have such rate
299 increased two per cent effective June 1, 2003. For the fiscal year ending
300 June 30, 2004, rates in effect for the period ending June 30, 2003, shall
301 remain in effect, except any facility that would have been issued a
302 lower rate effective July 1, 2003, than for the fiscal year ending June 30,
303 2003, due to interim rate status or agreement with the department shall
304 be issued such lower rate effective July 1, 2003. For the fiscal year
305 ending June 30, 2005, rates in effect for the period ending June 30, 2004,
306 shall remain in effect until December 31, 2004, except any facility that
307 would have been issued a lower rate effective July 1, 2004, than for the
308 fiscal year ending June 30, 2004, due to interim rate status or
309 agreement with the department shall be issued such lower rate
310 effective July 1, 2004. Effective January 1, 2005, each facility shall
311 receive a rate that is one per cent greater than the rate in effect
312 December 31, 2004. Effective upon receipt of all the necessary federal
313 approvals to secure federal financial participation matching funds
314 associated with the rate increase provided in this subdivision, but in
315 no event earlier than July 1, 2005, and provided the user fee imposed
316 under section 17b-320 is required to be collected, for the fiscal year
317 ending June 30, 2006, the department shall compute the rate for each
318 facility based upon its 2003 cost report filing or a subsequent cost year
319 filing for facilities having an interim rate for the period ending June 30,

320 2005, as provided under section 17-311-55 of the regulations of
321 Connecticut state agencies. For each facility not having an interim rate
322 for the period ending June 30, 2005, the rate for the period ending June
323 30, 2006, shall be determined beginning with the higher of the
324 computed rate based upon its 2003 cost report filing or the rate in
325 effect for the period ending June 30, 2005. Such rate shall then be
326 increased by eleven dollars and eighty cents per day except that in no
327 event shall the rate for the period ending June 30, 2006, be thirty-two
328 dollars more than the rate in effect for the period ending June 30, 2005,
329 and for any facility with a rate below one hundred ninety-five dollars
330 per day for the period ending June 30, 2005, such rate for the period
331 ending June 30, 2006, shall not be greater than two hundred seventeen
332 dollars and forty-three cents per day and for any facility with a rate
333 equal to or greater than one hundred ninety-five dollars per day for
334 the period ending June 30, 2005, such rate for the period ending June
335 30, 2006, shall not exceed the rate in effect for the period ending June
336 30, 2005, increased by eleven and one-half per cent. For each facility
337 with an interim rate for the period ending June 30, 2005, the interim
338 replacement rate for the period ending June 30, 2006, shall not exceed
339 the rate in effect for the period ending June 30, 2005, increased by
340 eleven dollars and eighty cents per day plus the per day cost of the
341 user fee payments made pursuant to section 17b-320 divided by
342 annual resident service days, except for any facility with an interim
343 rate below one hundred ninety-five dollars per day for the period
344 ending June 30, 2005, the interim replacement rate for the period
345 ending June 30, 2006, shall not be greater than two hundred seventeen
346 dollars and forty-three cents per day and for any facility with an
347 interim rate equal to or greater than one hundred ninety-five dollars
348 per day for the period ending June 30, 2005, the interim replacement
349 rate for the period ending June 30, 2006, shall not exceed the rate in
350 effect for the period ending June 30, 2005, increased by eleven and one-
351 half per cent. Such July 1, 2005, rate adjustments shall remain in effect
352 unless (i) the federal financial participation matching funds associated
353 with the rate increase are no longer available; or (ii) the user fee
354 created pursuant to section 17b-320 is not in effect. For the fiscal year

355 ending June 30, 2007, each facility shall receive a rate that is three per
356 cent greater than the rate in effect for the period ending June 30, 2006,
357 except any facility that would have been issued a lower rate effective
358 July 1, 2006, than for the rate period ending June 30, 2006, due to
359 interim rate status or agreement with the department, shall be issued
360 such lower rate effective July 1, 2006. For the fiscal year ending June
361 30, 2008, each facility shall receive a rate that is two and nine-tenths
362 per cent greater than the rate in effect for the period ending June 30,
363 2007, except any facility that would have been issued a lower rate
364 effective July 1, 2007, than for the rate period ending June 30, 2007, due
365 to interim rate status or agreement with the department, shall be
366 issued such lower rate effective July 1, 2007. For the fiscal year ending
367 June 30, 2009, rates in effect for the period ending June 30, 2008, shall
368 remain in effect until June 30, 2009, except any facility that would have
369 been issued a lower rate for the fiscal year ending June 30, 2009, due to
370 interim rate status or agreement with the department shall be issued
371 such lower rate. The Commissioner of Social Services shall add fair
372 rent increases and may add movable equipment increases to any other
373 rate increases established pursuant to this subdivision for a facility
374 which has undergone a material change in circumstances related to fair
375 rent or movable equipment. Interim rates may take into account
376 reasonable costs incurred by a facility, including wages and benefits."