

# **Legislative Regulation Review Committee**

2008-057

Department of Social Services

**LTC DIVERSION OF INCOME INCREASE**

CONNECTICUT DEPARTMENT OF SOCIAL SERVICES  
UNIFORM POLICY MANUAL

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Date: Transmittal: UP- 5035.20 page 2

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Section: Treatment of Income Type: POLICY

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Chapter: Income Deductions Program: MAABD

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Subject: Post-Eligibility Deductions for LTCF/CBS Units Without Community Spouses

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5035.20 B. Deductions For LTCF Units (continued)

6. expenses for services provided by a licensed medical provider in the six month period immediately preceding the first month of eligibility providing the following conditions are met:
  - a. the expenses were not for LTCF services, services provided by a medical institution equivalent to those provided in a long term care facility, or home and community-based services, when any of these services were incurred during a penalty period resulting from an improper transfer of assets; and
  - b. the recipient is currently liable for the expenses; and
  - c. the services are not covered by Medicaid in a prior period of eligibility.
7. the cost of maintaining a home in the community for the assistance unit, subject to the following conditions:
  - a. the amount is not deducted for more than six months; and
  - b. the likelihood of the institutionalized individual's returning to the community within six months is certified by a physician; and
  - c. the amount deducted is the lower of either:
    - (1) the amount the unit member was obligated to pay each month in his or her former community arrangement; or
    - (2) [\$460] \$650 per month if the arrangement was Level 1 Housing; or
    - (3) [\$250] \$400 per month if the arrangement was Level 2 Housing; and
  - d. the amount deducted includes the following:
    - (1) heat
    - (2) hot water
    - (3) electricity
    - (4) cooking fuel

# REGULATION

OF

*IMPORTANT: Read instructions on bottom of Certification Page before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations.*

NAME OF AGENCY

Department of Social Services

Concerning

SUBJECT MATTER OF REGULATION

LTC Diversion of Income Increase

SECTION \_\_\_\_\_

Statement of Purpose: (A) The purpose of the regulation is to amend section 5035.20 of the Uniform Policy Manual (UPM). The problems, issues or circumstances that the regulation proposes to address are: to allow individuals who have been admitted to a long-term care facility and who intend on returning to the community to divert adequate income to maintain their housing in the community until their discharge. The individual's physician must assert that the individual's stay in the long-term care facility is expected to last six months or less. The amount that an individual may divert has not been increased since 1990.

(B) The main provisions of the regulation are: (1) an increase in the amount of income diverted for the cost of maintaining a home in the community from \$450.00 to \$650.00 for "Level 1 Housing," as defined in section 4520.15 C.1, of the UPM; and (2) an increase in the amount of income diverted for the cost of maintaining a home in the community from \$250.00 to \$400.00 for "Level 2 Housing," as defined in section 4520.15 C.2, of the UPM.

(C) The legal effects of the regulation, including all of the ways that the regulation would change existing regulations or other laws are: to increase the amount an individual, admitted to long-term care facility may divert to maintain their home in the community if the individual's admission is not expected to exceed 6 months.

**CERTIFICATION**

R-39 REV. 1/77

Be it known that the foregoing:

Regulations       Emergency Regulations

Are:

Adopted       Amended as hereinabove stated       Repealed

By the aforesaid agency pursuant to:

Sections 17b-262 of the General Statutes.

Section \_\_\_\_\_ of the General Statutes, as amended by Public Act No. \_\_\_\_\_ of the \_\_\_\_\_ Public Acts.

Public Act No. \_\_\_\_\_ of the Public Acts.

After publication in the Connecticut Law Journal on July 15, 2008, of the notice of the proposal to:

Adopt       Amend       Repeal      such regulations

(If applicable):       And the holding of an advertised public hearing on \_\_\_\_\_ day of \_\_\_\_\_

WHEREFORE, the foregoing regulations are hereby:

Adopted       Amended as hereinabove stated       Repealed

Effective:

When filed with the Secretary of the State.

(OR)

The \_\_\_\_\_ day of \_\_\_\_\_

In Witness Whereof:	Date <u>8/1/08</u>	SIGNED (Head of Board, Agency or Commission) 	OFFICIAL TITLE, DULY AUTHORIZED Commissioner
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Approved by the Attorney General as to legal sufficiency in accordance with sec. 4-169, as amended C.G.S.	SIGNED <u>W B AK</u>	Date <u>9/26/08</u>	OFFICIAL TITLE, DULY AUTHORIZED ASSOC. ATT. GENERAL
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- Approved
- Disapproved
- Disapproved in part, (Indicate Section Numbers disapproved only)
- Rejected without prejudice

By the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes.	Date	SIGNED (Clerk of the Legislative Regulation Review Committee)
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Two certified copies received and filed, and one such copy forwarded to the Commission in Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

DATE	SIGNED (Secretary of the State.)	BY
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**INSTRUCTIONS**

1. One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.
2. Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.
3. Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.
4. Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.