



General Assembly

January Session, 2009

Raised Bill No. 957

LCO No. 3638

03638 _____ HS_

Referred to Committee on Human Services

Introduced by:
(HS)

**AN ACT CONCERNING MEDICAID ELIGIBILITY FOR PERSONS
LIVING IN RESIDENTIAL CARE HOMES.**

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

1 Section 1. Section 17b-600 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 The Commissioner of Social Services shall administer a program of
4 optional state supplementation as provided for by Title XVI of the
5 Social Security Act, as amended, and shall administer the program in
6 accordance with the requirements provided therein. In accordance
7 with the requirements of Title XVI of said Social Security Act, optional
8 state supplementation may be provided to aged, blind and disabled
9 individuals who receive supplemental security income benefits or who
10 would be eligible to receive such benefits except for income, provided
11 that any applicant or recipient of optional state supplementation shall
12 be ineligible for such supplementary assistance if such person has
13 made, within twenty-four months prior to the date of application for
14 such aid, an assignment or transfer or other disposition of property for
15 less than fair market value, for the purpose of establishing eligibility
16 for benefits or assistance under this section, provided ineligibility

17 because of such disposition shall continue only for either (1) twenty-
18 four months after the date of disposition or (2) that period of time from
19 date of disposition over which the fair market value of such property,
20 less any consideration received in exchange for its disposition, together
21 with all other income and resources, would furnish support on a
22 reasonable standard of health and decency, whichever period is
23 shorter, except that in any case where the uncompensated value of
24 disposed of resources exceeds twelve thousand dollars, the
25 Commissioner of Social Services shall provide for a period of
26 ineligibility based on the uncompensated value which exceeds twenty-
27 four months. Any disposition shall be presumed to have been made
28 for the purpose of establishing eligibility for benefits or assistance
29 unless the individual furnishes convincing evidence to establish that
30 the transaction was exclusively for some other purpose or the
31 disposition was made to a trust that complies with Section 1917(d)(4)
32 of the Social Security Act, 42 USC 1396p(d)(4), as from time to time
33 amended, and (A) the individual resides in a residential care home, as
34 defined in subdivision (17) of subsection (a) of section 19-13-D6 of the
35 regulations of Connecticut state agencies or resides in the facility
36 established by New Horizons, Inc. pursuant to section 19a-507; (B) the
37 individual's available income, as defined in section 5000.01 of the
38 department's uniform policy manual (i) exceeds three hundred per
39 cent of the maximum Supplemental Security Income program benefit
40 for an individual, and (ii) is below the private rate for the residential
41 care home in which the individual resides or for the facility established
42 by New Horizons, Inc., as applicable; (C) the trust is funded solely
43 with the excess income described in subparagraph (B) of this
44 subdivision; and (D) the trust provides that the state will receive, after
45 repayment of Medicaid assistance paid to or on behalf of the
46 individual as set forth in Section 1917(d)(4) of the Social Security Act,
47 all amounts remaining in the trust upon the death of such individual
48 up to an amount equal to the total state supplemental assistance paid
49 on behalf of the individual under this section. Property which is
50 exempted from consideration in determining the financial eligibility of

51 an individual for benefits or assistance, such as a house in which the
52 individual resides, shall not be subject to the provisions of this section
53 regarding transfers of property if such property is disposed of while an
54 individual is receiving benefits or assistance under this section. The
55 program of optional state supplementation shall be administered in
56 accordance with regulations to be adopted by the Department of Social
57 Services, which regulations shall be consistent with the requirements
58 of Title XVI of the Social Security Act pertaining to programs of
59 optional state supplementation. Until such time as regulations are
60 adopted by the department governing the program of optional state
61 supplementation, the department is authorized to administer said
62 program in accordance with the regulations and departmental policy
63 manual provisions applicable to the aid to the elderly, aid to the blind
64 and aid to the disabled programs, which regulations and policy
65 manual provisions shall be fully applicable to the program of optional
66 state supplementation, except that in no event shall optional state
67 supplementation be given to persons who either are not recipients of
68 federal supplemental security income benefits or are not persons who,
69 except for income, would be eligible for supplemental security income
70 benefits.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2009	17b-600

Statement of Purpose:

To allow certain individuals living in residential care homes to transfer assets to a special needs trust and not have such assets taken into account for the purpose of determining Medicaid eligibility.

[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.]