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**Appropriations Committee Budget Hearings  
Department of Social Services**

***Home and Community Based Programs and Services  
And Special Needs Trusts***

**Testimony of Attorney Sharon L. Pope  
Connecticut Bar Association  
Elder Law Section  
February 18, 2009**

Thank you for the opportunity today to testify on two matters of importance to the Elder Law Section of the Connecticut Bar Association. There are approximately 500 members in our section and because these two matters touch so many of our clients, we are here to highlight their significance. I will testify on both issues: home and community based programs and services, and the use of special needs trusts.

My name is Sharon Pope, and I am an attorney whose practice focuses on the elderly, i.e. persons 65 or better, and persons with disabilities. My strength is home and community-based programs. In almost fifteen years of practice, I have had only one client who wanted to go to a nursing home and that was to escape living with her daughter. This is not to disparage nursing homes as we have many fine homes and an abundance of dedicated, caring, people working in these homes. However, people want to stay home, and homecare costs the State less than if these folks are placed into a nursing home for their care.

**Home and Community Based Programs and Services**

The Elder Law Section supports legislation that would increase the availability of home and community based services for the elderly and for individuals under 65 whose care is supported through the many Medicaid waivers we have in Connecticut.

The Connecticut Home Care Program for Elders is an excellent Medicaid waiver program, as is the state-funded home care program. Both programs are facing budget cuts. Furthermore, the assisted-living pilot program has been on a waitlist for a couple of years; these caps on program availability for those desiring to live at home or in a similar community setting cause many Connecticut residents to seek their care in an institution at a time when money is tighter than ever before.

The Medicaid waiver programs for persons with disabilities under the age of 65 are already using waitlists. The Acquired Brain Injury (ABI) waiver is now on a waitlist and the Personal Care Assistant (PCA) waiver is on a waitlist and has been for a couple years. This means that these individuals either go without services or they must seek institutional care.

Although the Department of Social Services has requested increases for these programs, no money has been allocated to increase the numbers of residents who would be served by these programs in the community.

- Overwhelmingly, our seniors prefer to age in place and avoid institutionalization. Our greatest generation deserves no less.
- Likewise, our residents with disabilities, under age 65, prefer to receive services in the community and thus avoid institutionalization.
- Providing care in homes and in our communities saves Connecticut money.

**Allow the use of Special Needs Trusts  
to reduce the countable income in certain circumstances**

The Elder Law Section supports legislation that would permit the transfer of excess income and assets into a special needs trust in the State Supplement cash assistance program (Aid to the Aged, Blind and Disabled).

The use of special needs trusts (SNT's), as a tool to help people stay home or in the community, is not new in Connecticut. In 1993, Congress approved self-funded SNT's for persons with disabilities; likewise, Connecticut followed. These trusts allow the recipients of Medicaid and SSI (Supplemental Security Income) to retain these important benefits and at the same time fund SNT's with income and assets. Without the use of SNT's many of our residents would be institutionalized instead of enrolled in home care programs.

- Over 100 seniors currently are able to stay in their homes thanks to the SNT's. Since our Medicaid waiver programs have income caps for home care, in addition to the Medicaid asset limits, seniors whose income is even one penny over the cap will be refused services and the result is one more senior goes to an institution.
- Over 100 persons with disabilities enrolled in the ABI or PCA waivers, also with income caps, are able to stay home because the SNT holds some of their income or assets.

We support the use of Special Needs Trusts for all programs, whether funded by the State or funded thru a Medicaid waiver. The result is keeping people in their homes and their communities and avoiding unnecessary institutionalization.

Thank you.