Senate

General Assembly

File No. 25

February Session, 2010

Senate Bill No. 137

Senate, March 11, 2010

The Committee on Human Services reported through SEN. DOYLE of the 9th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

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

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

Section 1. Section 17b-301p of the 2010 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

On the thirtieth day after October 5, 2009, and annually thereafter, the Attorney General shall submit a report to the General Assembly and the Governor, in accordance with section 11-4a, that contains the following information:

(1) The number of civil actions the Attorney General filed during the previous calendar year under sections 17b-301c to 17b-301g, inclusive;

(2) The number of civil actions private individuals filed during the previous calendar year under sections 17b-301c to 17b-301g, inclusive, including the number of civil actions that remain under seal, along

with (A) the state or federal courts in which such civil actions were filed and the number of civil actions filed in each such court, (B) the state program or agency involved in each civil action, and (C) the number of civil actions filed by private individuals who previously had filed an action based on the same or similar transactions or allegations under the federal False Claims Act, 31 USC 3729-3733, as amended from time to time, or the false claims act of any other state; and

(3) The amount that was recovered by the state under sections 17b-301c to 17b-301g, inclusive, in settlement, damages and penalties and the litigation cost, if known, along with the (A) case number and parties for each civil action where there was a recovery, (B) separate amount of any funds recovered for damages, penalties and litigation costs, and (C) **[**per cent**]** <u>percentage</u> of the recovery and the amount that the state paid to any private person who brought the civil action.

Sec. 2. Section 17b-339 of the 2010 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There is established a Nursing Home Financial Advisory Committee to examine the financial solvency of nursing homes on an ongoing basis and to support the Departments of Social Services and Public Health in their mission to provide oversight to the nursing home industry on issues concerning the financial solvency of and quality of care provided by nursing homes. The committee shall consist of the Commissioner of Social Services, or his designee; the Commissioner of Public Health, or his designee; the Secretary of the Office of Policy and Management, or his designee; the executive director of the Connecticut Health and Education Facilities Authority, or his designee; **[**and**]** the executive director of the Connecticut Association of Not-for-Profit Providers for the Aging, or the executive director's designee; and the executive director of the Connecticut Association of Health Care Facilities, or the executive director's designee. The Commissioner of Social Services <u>or his designee</u> and the

Commissioner of Public Health or his designee shall be the chairpersons of the committee.

(b) The committee, upon receipt of a report relative to the financial solvency of and quality of care provided by nursing homes in the state, shall recommend appropriate action for improving the financial condition of any nursing home that is in financial distress to the Commissioner of Social Services and the Commissioner of Public Health. The Commissioner of Social Services shall submit quarterly reports to the committee concerning pending nursing home requests for interim rate increases. Such reports shall, without identifying any requesting facility by name, list the amount of each increase requested, the reason for the request and the rate that will result if the request is granted.

(c) Not later than January 1, 2010, and annually thereafter, the committee shall submit a report on its activities to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, human services and public health and to the select committee of the General Assembly having cognizance of matters relating to aging, in accordance with the provisions of section 11-4a.

(d) Not later than January 1, 2010, and quarterly thereafter, the committee shall meet with the chairpersons and ranking members of the joint standing committees of the General Assembly having cognizance of matters relating to [human services,] appropriations and the budgets of state agencies, human services and public health, and the Long-Term Care Ombudsman to discuss activities of the committee relating to the financial solvency of and quality of care provided by nursing homes.

Sec. 3. Subsection (d) of section 17b-491a of the 2010 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) A schedule established pursuant to subsection (c) of this section

78 and on and after July 1, 2005, any revisions thereto shall be submitted
79 to the joint standing committees of the General Assembly having
80 cognizance of matters relating to public health, human services and
81 appropriations and the budgets of state agencies. Within sixty days of
82 receipt of such a schedule or revisions thereto, said joint standing
83 committees of the General Assembly shall approve or deny the **[**plan
84 or**]** schedule or any revisions thereto and advise the commissioner of
85 their approval or denial of the schedule or any revisions thereto. The
86 schedule or any revisions thereto shall be deemed approved unless all
87 committees vote to reject such schedule or revisions thereto within
88 sixty days of receipt of such schedule or revisions thereto.

89 Sec. 4. Subsection (f) of section 17b-492 of the 2010 supplement to
90 the general statutes is repealed and the following is substituted in lieu
91 thereof (*Effective from passage*):

92 (f) Each ConnPACE applicant or recipient who is eligible for
93 Medicare Part D shall enroll in a Medicare Part D benchmark plan. The
94 Commissioner of Social Services may be the authorized representative
95 of a ConnPACE applicant or recipient for purposes of: (1) Enrolling in
96 a Medicare Part D benchmark plan, (2) submitting an application to
97 the Social Security Administration to obtain the low income subsidy
98 benefit provided under Public Law 108-173, the Medicare Prescription
99 Drug, Improvement, and Modernization Act of 2003, or (3) facilitating
100 the enrollment in a Medicare savings program of any such applicant or
101 recipient who elects to participate in **[**said**]** <u>such</u> program. The
102 applicant or recipient shall have the opportunity to select a Medicare
103 Part D benchmark plan and shall be notified of such opportunity by
104 the commissioner. The applicant or recipient, prior to selecting a
105 Medicare Part D benchmark plan, shall have the opportunity to
106 consult with the commissioner, or the commissioner's designated
107 agent, concerning the selection of a Medicare Part D benchmark plan
108 that best meets the prescription drug needs of such applicant or
109 recipient. In the event that such applicant or recipient does not select a
110 Medicare Part D benchmark plan within a reasonable period of time,
111 as determined by the commissioner, the commissioner shall enroll the

112 applicant or recipient in a Medicare Part D benchmark plan designated
113 by the commissioner in accordance with said act. The applicant or
114 recipient shall appoint the commissioner as such applicant's or
115 recipient's representative for the purpose of appealing any denial of
116 Medicare Part D benefits and for any other purpose allowed under
117 said act and deemed necessary by the commissioner.

118 Sec. 5. Section 17b-791 of the 2010 supplement to the general statutes
119 is repealed and the following is substituted in lieu thereof (*Effective*
120 *from passage*):

121 The Department of Social Services shall establish a supplemental
122 nutrition commodities assistance program to provide funds for the
123 purchase of high protein or other nutritionally beneficial supplemental
124 foods, or both, for soup kitchens, food pantries and emergency
125 shelters. Such foods shall be purchased in bulk by the Connecticut
126 Food Bank through in-state wholesalers or brokers, or both, and
127 allotted to existing soup kitchens, food pantries and emergency
128 shelters in accordance with the established policies of the Connecticut
129 Food Bank. Such soup kitchens, food pantries and emergency shelters
130 shall pay a handling charge of five cents per pound in order to cover
131 the costs incurred by the Connecticut Food Bank. The food shall be
132 distributed free of charge by the soup kitchens, food pantries and
133 emergency shelters.

134 Sec. 6. Subsection (d) of section 46b-129 of the 2010 supplement to
135 the general statutes is repealed and the following is substituted in lieu
136 thereof (*Effective from passage*):

137 (d) (1) (A) If not later than thirty days after the preliminary hearing,
138 or within a reasonable time when a relative resides out of state, the
139 Commissioner of Children and Families determines that there is not a
140 suitable person related to the child or youth by blood or marriage who
141 can be licensed as a foster parent or serve as a temporary custodian,
142 and the court has not granted temporary custody to a person related to
143 the child or youth by blood or marriage, any person related to the child
144 or youth by blood or marriage may file, not later than ninety days after

145 the date of the preliminary hearing, a motion to intervene for the
146 limited purpose of moving for temporary custody of such child or
147 youth. If a motion to intervene is timely filed, the court shall grant
148 such motion except for good cause shown.

149 (B) Any person related to a child or youth may file a motion to
150 intervene for purposes of seeking temporary custody of a child or
151 youth more than ninety days after the date of the preliminary hearing.
152 The granting of such motion shall be solely in the court's discretion,
153 except that such motion shall be granted absent good cause shown
154 whenever the child's or youth's most recent placement has been
155 disrupted or is about to **[**disrupt**]** be disrupted.

156 (C) A relative shall appear in person, with or without counsel, and
157 shall not be entitled to court appointed counsel or the assignment of
158 counsel by the Chief Child Protection Attorney except as provided in
159 section 46b-136.

160 (2) Upon the granting of intervenor status to such relative of the
161 child or youth, the court shall issue an order directing the
162 Commissioner of Children and Families to conduct an assessment of
163 such relative and to file a written report with the court not later than
164 forty days after such order, unless such relative resides out of state, in
165 which case the assessment shall be ordered and requested in
166 accordance with the provisions of the Interstate Compact on the
167 Placement of Children, pursuant to section 17a-175. The court may also
168 request such relative to release such relative's medical records,
169 including any psychiatric or psychological records and may order such
170 relative to submit to a physical or mental examination. The expenses
171 incurred for such physical or mental examination shall be paid as costs
172 of commitment are paid. Upon receipt of the assessment, the court
173 shall schedule a hearing on such relative's motion for temporary
174 custody not later than fifteen days after the receipt of the assessment. If
175 the Commissioner of Children and Families, the child's or youth's
176 attorney or guardian ad litem, or the parent or guardian objects to the
177 vesting of temporary custody in such relative, the agency or person

178 objecting at such hearing shall be required to prove by a fair
179 preponderance of the evidence that granting temporary custody of the
180 child or youth to such relative would not be in the best interests of
181 such child or youth.

182 (3) If the court grants such relative temporary custody during the
183 period of such temporary custody, such relative shall be subject to
184 orders of the court, including, but not limited to, providing for the care
185 and supervision of such child or youth and cooperating with the
186 Commissioner of Children and Families in the implementation of
187 treatment and permanency plans and services for such child or youth.
188 The court may, on motion of any party or the court's own motion, after
189 notice and a hearing, terminate such relative's intervenor status if such
190 relative's participation in the case is no longer warranted or necessary.

191 (4) Any person related to a child or youth may file a motion to
192 intervene for purposes of seeking permanent guardianship of a child
193 or youth more than ninety days after the date of the preliminary
194 hearing. The granting of such motion to intervene shall be solely in the
195 court's discretion, except that such motion shall be granted absent
196 good cause shown whenever the child's or youth's most recent
197 placement has been disrupted or is about to **[**disrupt**]** be disrupted.
198 The court may, in the court's discretion, order the Commissioner of
199 Children and Families to conduct an assessment of such relative
200 granted intervenor status pursuant to this subdivision.

201 Sec. 7. Subsection (b) of section 17b-260c of the 2010 supplement to
202 the general statutes is repealed and the following is substituted in lieu
203 thereof (*Effective from passage*):

204 (b) If the commissioner fails to submit the application for the waiver
205 to the joint standing committees of the General Assembly having
206 cognizance of matters relating to human services and appropriations
207 by February 1, 2010, the commissioner shall submit a written report to
208 said committees not later than February 2, 2010. The report shall
209 include, but not be limited to: (1) An explanation of the reasons for
210 failing to seek the waiver; and (2) an estimate of the fiscal impact that

211 would result from the approval of the waiver in one calendar year.

212 Sec. 8. Section 17a-126 of the 2010 supplement to the general statutes
213 is repealed and the following is substituted in lieu thereof (*Effective*
214 *from passage*):

215 (a) As used in this section, (1) "relative caregiver" means a person
216 who is caring for a child related to such person because the parent of
217 the child has died or become otherwise unable to care for the child for
218 reasons that make reunification with the parent and adoption not
219 viable options within the foreseeable future, and (2) "commissioner"
220 means the Commissioner of Children and Families.

221 (b) The commissioner **[,]** shall establish a program of subsidized
222 guardianship for the benefit of children in foster care who have been
223 living with relative caregivers, who are licensed foster care providers
224 pursuant to section 17a-114, and who have been in foster care or
225 certified relative care for not less than six consecutive months. A
226 relative caregiver may request a guardianship subsidy from the
227 commissioner.

228 (c) If a relative caregiver who is receiving a guardianship subsidy
229 for a related child is also caring for the child's sibling who is not
230 related to the caregiver, the commissioner shall provide a
231 guardianship subsidy to such relative caregiver if the sibling has been
232 in foster care for not less than eighteen months, and the commissioner
233 shall, within available appropriations, provide a guardianship subsidy
234 to such relative caregiver in accordance with regulations adopted by
235 the commissioner pursuant to subsection (e) of this section. For
236 purposes of this subsection, "child's sibling" includes a stepbrother,
237 stepsister, a half-brother or a half-sister.

238 (d) The commissioner shall provide the following subsidies under
239 the subsidized guardianship program in accordance with this section
240 and the regulations adopted pursuant to subsection (e) of this section:
241 (1) A special-need subsidy, which shall be a lump sum payment for
242 one-time expenses resulting from the assumption of care of the child

243 and shall not exceed two thousand dollars; and (2) a medical subsidy
244 comparable to the medical subsidy to children in the subsidized
245 adoption program if the child lacks private health insurance. The
246 subsidized guardianship program shall also provide a monthly
247 subsidy on behalf of the child payable to the relative caregiver that is
248 based on the circumstances of the relative caregiver and the needs of
249 the child and shall not exceed the foster care maintenance payment
250 that would have been paid on behalf of the child if the child had
251 remained in licensed foster care.

252 (e) The commissioner shall adopt regulations, in accordance with
253 chapter 54, implementing the subsidized guardianship program
254 established under this section. Such regulations shall include all
255 federal requirements necessary to maximize federal reimbursement
256 available to the state, including, but not limited to, (1) eligibility for the
257 program, (2) the maximum age at which a child is no longer eligible for
258 a guardianship subsidy, including the maximum age, for purposes of
259 claiming federal reimbursement under Title IV-E of the Social Security
260 Act, at which a child is no longer eligible for a guardianship subsidy,
261 and (3) a procedure for determining the types and amounts of the
262 subsidies.

263 (f) At a minimum, the guardianship subsidy provided under this
264 section shall continue until the child reaches the age of eighteen or the
265 age of twenty-one if such child is in full time attendance at a secondary
266 school, technical school or college or is in a state accredited job training
267 program. Annually, the subsidized guardian shall submit to the
268 commissioner a sworn statement that the child is still living with and
269 receiving support from the guardian. The parent of any child receiving
270 assistance through the subsidized guardianship program shall remain
271 liable for the support of the child as required by the general statutes.

272 (g) A guardianship subsidy shall not be included in the calculation
273 of household income in determining eligibility for benefits of the
274 relative caregiver of the subsidized child or other persons living within
275 the household of the relative caregiver.

276 (h) Payments for guardianship subsidies shall be made from
277 moneys available from any source to the commissioner for child
278 welfare purposes. The commissioner shall develop and implement a
279 plan that: (1) Maximizes use of the subsidized guardianship program
280 to decrease the number of children in the legal custody of the
281 commissioner and to reduce the number of children who would
282 otherwise be placed into nonrelative foster care when there is a family
283 member willing to provide care; (2) maximizes federal reimbursement
284 for the costs of the subsidized guardianship program, provided
285 whatever federal maximization method is employed shall not result in
286 the relative caregiver of a child being subject to work requirements as a
287 condition of receipt of benefits for the child or the benefits restricted in
288 time or scope other than as specified in subsection (c) of this section;
289 and (3) ensures necessary transfers of funds between agencies and
290 interagency coordination in program implementation. The
291 commissioner shall seek all federal waivers and reimbursement as are
292 necessary and appropriate to implement this plan.

293 (i) In the case of the death, severe disability or serious illness of a
294 relative caregiver who is receiving a guardianship subsidy, the
295 commissioner may transfer the guardianship subsidy to a new relative
296 caregiver who meets the Department of Children and Families foster
297 care safety requirements and is appointed as legal guardian by a court
298 of competent jurisdiction.

299 (j) Nothing in this section shall prohibit the commissioner from
300 continuing to pay guardianship subsidies to those relative caregivers
301 who entered into written subsidy agreements with the Department of
302 Children and Families prior to October 5, 2009.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*from passage*	17b-301p
Sec. 2	*from passage*	17b-339
Sec. 3	*from passage*	17b-491a(d)
Sec. 4	*from passage*	17b-492(f)

Sec. 5	*from passage*	17b-791
Sec. 6	*from passage*	46b-129(d)
Sec. 7	*from passage*	17b-260c(b)
Sec. 8	*from passage*	17a-126

HS *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

This bill makes a variety of technical changes to human services statutes. There is no associated fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

SB 137

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

SUMMARY:

This bill makes several technical changes in the law governing the Department of Social Services.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Human Services Committee

Joint Favorable
Yea 19 Nay 0 (02/25/2010)