



House of Representatives

General Assembly

File No. 318

February Session, 2012

Substitute House Bill No. 5476

House of Representatives, April 10, 2012

The Committee on Human Services reported through REP. TERCYAK of the 26th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT EXPANDING CONSUMER CHOICE FOR LIFE SUPPORT CARE AT HOME.

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

1 Section 1. (*Effective October 1, 2012*) (a) The Commissioner of Social
2 Services shall, within available appropriations, establish and operate a
3 two-year, state-funded pilot program for not more than ten ventilator-
4 dependent Medicaid recipients who receive medical care at home and
5 reside in Fairfield County. Such pilot program shall permit such
6 recipients to directly hire registered nurses, licensed pursuant to the
7 provisions of chapter 378 of the general statutes, and respiratory
8 therapists, licensed pursuant to chapter 381a of the general statutes, to
9 assist with the care of such recipients.

10 (b) The Department of Social Services shall, at least annually, screen
11 each Medicaid recipient participating in the pilot program to
12 determine his or her ability to manage his or her care. Each participant
13 shall certify, in writing, that he or she, or his or her authorized
14 representative, assumes responsibility for his or her plan of care. The

15 care plan shall be directed by a physician and approved by the
16 department. Each such plan shall include a protocol for ensuring the
17 provision of care when the registered nurse or respiratory therapist
18 hired by the participant is unavailable.

19 (c) The commissioner shall establish the maximum allowable rate to
20 be paid for such services under the pilot program. The rate for
21 registered nurses shall be set at not less than eighty per cent of the
22 prevailing rate paid by the department to home health care agencies to
23 provide comparable care.

24 (d) As a condition of providing care to a participant in the pilot
25 program, each registered nurse and respiratory therapist shall (1)
26 submit to a criminal history background check, and (2) certify, in
27 writing, that he or she will not terminate care of the participant
28 without at least two weeks written notice, except in the case of an
29 emergency.

30 (e) Not later than January 1, 2015, the Commissioner of Social
31 Services shall submit a report, in accordance with section 11-4a of the
32 general statutes, to the joint standing committees of the General
33 Assembly having cognizance of matters relating to appropriations and
34 human services concerning the pilot program, including its cost-
35 effectiveness, and the continuity of care provided to participants.

36 Sec. 2. (*Effective October 1, 2012*) Not later than July 1, 2013, the
37 commissioner shall conduct a survey of Medicaid recipients who are
38 receiving continuous skilled care at home to determine (1) the number
39 of recipients receiving such care; (2) the number of times each
40 recipient's care has been terminated by a licensed home health care
41 agency over the two years preceding such survey and the reason for
42 each such termination; and (3) consumer satisfaction with the quality
43 of care provided by such agencies. Not later than January 1, 2014, the
44 commissioner shall submit a report, in accordance with the provisions
45 of section 11-4a of the general statutes, on the survey results to the joint
46 standing committee of the General Assembly having cognizance of
47 matters relating to human services.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	New section
Sec. 2	<i>October 1, 2012</i>	New section

Statement of Legislative Commissioners:

In section 1(c) "care" was inserted after "home health" for accuracy.

HS *Joint Favorable Subst.*

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:

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Social Services, Dept.	GF - Cost/Revenue Loss	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a cost to the Department of Social Services (DSS) associated with establishing and operating a two-year, state-funded pilot program for certain Medicaid recipients. To the extent that this replaces services that are currently federally reimbursable, the state will experience a revenue loss associated with reduced Medicaid payments.

The table below outlines the minimum rate DSS can establish for pilot services provided under the bill.¹

Time Period	Current RN Rate \$	Proposed Minimum Rate \$ under Pilot
First Hour	94.26	75.41
15 Minute Increments of Second Hour	23.56	18.85
Second Hour+ for Visits More than Two Hours	43.07	34.46

The bill specifies that DSS implement the bill's provisions within available appropriations. The total costs to DSS are dependent on the

¹ Under the pilot program, DSS is required to pay registered nurses (RNs) a rate of at least 80% of the prevailing rate DSS pays home health agencies to provide comparable care. Current RN rates reflect those in the DSS Medical Assistance Fee Schedule for Home Health Services as of January 1, 2012.

number of individuals participating in the pilot (a maximum of ten individuals), the number of service hours for which DSS must pay nurses and therapists, and the rate for such services.

The Out Years

The bill requires DSS to report on the two-year pilot, including its cost-effectiveness and continuity of care, by January 1, 2015.

OLR Bill Analysis**sHB 5476*****AN ACT EXPANDING CONSUMER CHOICE FOR LIFE SUPPORT CARE AT HOME.*****SUMMARY:**

This bill requires the Department of Social Services (DSS) commissioner, within available appropriations, to establish and operate a two-year, state-funded pilot program for up to 10 ventilator-dependent Medicaid recipients who live in Fairfield County and receive medical care at home. Under the pilot, the participants can hire their own licensed registered nurses (RN) and respiratory therapists directly. (Medicaid rules generally require these professionals to be hired by home health care agencies, which send them out to Medicaid recipients' homes.)

The bill requires DSS to set a maximum amount it reimburses the nurses and therapists for pilot services. The rate DSS pays for the nurses' care must be at least 80% of the prevailing rate DSS pays home health agencies to provide comparable care. Currently, DSS pays home health care agencies the following amounts for RN services provided: \$94.26 for any part of the first hour, \$23.56 for each 15-minute increment of the second hour, and \$43.07 for any part of an hour after the first hour for visits lasting more than two hours.

The bill requires nurses and therapists participating in the pilot to (1) submit to criminal history background checks (the bill does not specify who pays for the check) and (2) certify, in writing, that they will not terminate a patient's care unless they provide at least two weeks written notice, except in an emergency. It requires DSS to annually screen pilot participants to determine whether they are able to manage their care.

The bill requires the commissioner to report to the Appropriations and Human Services committees on the pilot, including its cost-effectiveness and care continuity, by January 1, 2015.

The bill also requires the DSS commissioner to survey Medicaid recipients who are receiving continuous skilled care at home and report by January 1, 2014 on the survey results to the Human Services Committee.

EFFECTIVE DATE: October 1, 2012

PILOT PROGRAM FOR VENTILATOR-DEPENDENT MEDICAID RECIPIENTS

Under the bill, DSS must, at least annually, screen each Medicaid recipient participating in the pilot to determine whether he or she can manage his or her care.

Participants must certify in writing that they, or their authorized representatives, assume responsibility for their plan of care. These plans must (1) be directed by a physician, (2) approved by DSS, and (3) include a protocol for ensuring that care is provided when the caregiver the recipient has hired is unavailable.

SURVEY OF MEDICAID RECIPIENTS RECEIVING CONTINUOUS SKILLED NURSING CARE AT HOME

The survey DSS conducts must determine:

1. the number of recipients receiving continuous skilled care at home,
2. the number of times each recipient's care has been terminated by a licensed home health care agency over the two years preceding the survey and the reasons, and
3. consumer satisfaction with the quality of care the agencies provided.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute

Yea 16 Nay 0 (03/22/2012)