



General Assembly

February Session, 2012

Raised Bill No. 391

LCO No. 1969

01969_____HS_

Referred to Committee on Human Services

Introduced by:
(HS)

AN ACT EXPANDING ACCESS BY VETERANS TO PUBLIC ASSISTANCE PROGRAMS.

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

1 Section 1. (NEW) (*Effective July 1, 2012*) (a) To the extent permissible
2 by federal law, the Commissioner of Social Services shall disregard
3 federal Aid and Attendance pension benefits granted to a United
4 States veteran or the surviving spouse of such veteran when
5 determining income eligibility for the state's Medicare savings, medical
6 assistance and energy assistance programs administered under section
7 17b-2 of the general statutes.

8 (b) The Commissioner of Social Services may seek approval of an
9 amendment to the state Medicaid plan or a waiver from federal law, if
10 necessary, to exempt such benefits from income eligibility criteria.

11 Sec. 2. Subsection (c) of section 17b-191 of the 2012 supplement to
12 the general statutes is repealed and the following is substituted in lieu
13 thereof (*Effective July 1, 2012*):

14 (c) To be eligible for cash assistance under the program, a person

15 shall (1) be (A) eighteen years of age or older; (B) a minor found by a
16 court to be emancipated pursuant to section 46b-150; (C) under
17 eighteen years of age and a member of a family eligible for cash or
18 medical assistance under the program; or (D) under eighteen years of
19 age and the commissioner determines good cause for such person's
20 eligibility, and (2) not have assets exceeding two hundred fifty dollars.
21 In determining eligibility, the commissioner shall not consider as
22 income Aid and Attendance pension benefits granted to a United
23 States veteran, as defined in section 27-103, or the surviving spouse of
24 such veteran. No person who is a substance abuser and refuses or fails
25 to enter available, appropriate treatment shall be eligible for cash
26 assistance under the program until such person enters treatment. No
27 person whose benefits from the temporary family assistance program
28 have terminated as a result of time-limited benefits or for compliance
29 with a program requirement shall be eligible for cash assistance under
30 the program.

31 Sec. 3. Section 17b-256f of the 2012 supplement to the general
32 statutes is repealed and the following is substituted in lieu thereof
33 (*Effective July 1, 2012*):

34 Beginning October 1, 2009, and annually thereafter, the
35 Commissioner of Social Services shall increase income disregards used
36 to determine eligibility by the Department of Social Services for the
37 federal Specified Low-Income Medicare Beneficiary, the Qualified
38 Medicare Beneficiary and the Qualifying Individual Programs,
39 administered in accordance with the provisions of 42 USC 1396d(p), by
40 an amount that equalizes the income levels and deductions used to
41 determine eligibility for said programs with income levels and
42 deductions used to determine eligibility for the ConnPACE program
43 under subsection (a) of section 17b-492. The commissioner shall not
44 apply an asset test for eligibility under the Medicare Savings Program.
45 The commissioner shall not consider as income Aid and Attendance
46 pension benefits granted to a United States veteran, as defined in
47 section 27-103, or the surviving spouse of such veteran. The

48 Commissioner of Social Services, pursuant to section 17b-10, may
49 implement policies and procedures to administer the provisions of this
50 section while in the process of adopting such policies and procedures
51 in regulation form, provided the commissioner prints notice of the
52 intent to adopt the regulations in the Connecticut Law Journal not later
53 than twenty days after the date of implementation. Such policies and
54 procedures shall be valid until the time final regulations are adopted.

55 Sec. 4. Subsection (a) of section 17b-492 of the 2012 supplement to
56 the general statutes is repealed and the following is substituted in lieu
57 thereof (*Effective July 1, 2012*):

58 (a) Eligibility for participation in the program shall be limited to any
59 resident (1) who is sixty-five years of age or older or who is disabled,
60 (2) whose current annual income at the time of application or
61 redetermination, if unmarried, is less than twenty thousand eight
62 hundred dollars or whose annual income, if married, when combined
63 with that of the resident's spouse is less than twenty-eight thousand
64 one hundred dollars, (3) who is not eligible for Medicare or insured
65 under a policy which provides full or partial coverage for prescription
66 drugs once a deductible is met, and (4) on and after September 15,
67 1991, who pays an annual forty-five-dollar registration fee to the
68 Department of Social Services. The commissioner shall not consider as
69 income Aid and Attendance pension benefits granted to a United
70 States veteran, as defined in section 27-103, or the surviving spouse of
71 such veteran. On January 1, 2012, and annually thereafter, the
72 commissioner shall increase the income limits established under this
73 subsection over those of the previous fiscal year to reflect the annual
74 inflation adjustment in Social Security income, if any. Each such
75 adjustment shall be determined to the nearest one hundred dollars. On
76 and after October 1, 2009, new applications to participate in the
77 ConnPACE program may be accepted only from the fifteenth day of
78 November through the thirty-first day of December each year, except
79 that individuals may apply within thirty-one days of (A) reaching
80 sixty-five years of age, or (B) becoming eligible for Social Security

81 Disability Income or Supplemental Security Income.

82 Sec. 5. Subsection (a) of section 17b-261 of the 2012 supplement to
83 the general statutes is repealed and the following is substituted in lieu
84 thereof (*Effective July 1, 2012*):

85 (a) Medical assistance shall be provided for any otherwise eligible
86 person whose income, including any available support from legally
87 liable relatives and the income of the person's spouse or dependent
88 child, is not more than one hundred forty-three per cent, pending
89 approval of a federal waiver applied for pursuant to subsection (e) of
90 this section, of the benefit amount paid to a person with no income
91 under the temporary family assistance program in the appropriate
92 region of residence and if such person is an institutionalized
93 individual as defined in Section 1917(c) of the Social Security Act, 42
94 USC 1396p(c), and has not made an assignment or transfer or other
95 disposition of property for less than fair market value for the purpose
96 of establishing eligibility for benefits or assistance under this section.
97 Any such disposition shall be treated in accordance with Section
98 1917(c) of the Social Security Act, 42 USC 1396p(c). Any disposition of
99 property made on behalf of an applicant or recipient or the spouse of
100 an applicant or recipient by a guardian, conservator, person
101 authorized to make such disposition pursuant to a power of attorney
102 or other person so authorized by law shall be attributed to such
103 applicant, recipient or spouse. A disposition of property ordered by a
104 court shall be evaluated in accordance with the standards applied to
105 any other such disposition for the purpose of determining eligibility.
106 The commissioner shall establish the standards for eligibility for
107 medical assistance at one hundred forty-three per cent of the benefit
108 amount paid to a family unit of equal size with no income under the
109 temporary family assistance program in the appropriate region of
110 residence. In determining eligibility, the commissioner shall not
111 consider as income Aid and Attendance pension benefits granted to a
112 United States veteran, as defined in section 27-103, or the surviving
113 spouse of such veteran. Except as provided in section 17b-277, the

114 medical assistance program shall provide coverage to persons under
115 the age of nineteen with family income up to one hundred eighty-five
116 per cent of the federal poverty level without an asset limit and to
117 persons under the age of nineteen and their parents and needy
118 caretaker relatives, who qualify for coverage under Section 1931 of the
119 Social Security Act, with family income up to one hundred eighty-five
120 per cent of the federal poverty level without an asset limit. Such levels
121 shall be based on the regional differences in such benefit amount, if
122 applicable, unless such levels based on regional differences are not in
123 conformance with federal law. Any income in excess of the applicable
124 amounts shall be applied as may be required by said federal law, and
125 assistance shall be granted for the balance of the cost of authorized
126 medical assistance. The Commissioner of Social Services shall provide
127 applicants for assistance under this section, at the time of application,
128 with a written statement advising them of (1) the effect of an
129 assignment or transfer or other disposition of property on eligibility
130 for benefits or assistance, (2) the effect that having income that exceeds
131 the limits prescribed in this subsection will have with respect to
132 program eligibility, and (3) the availability of, and eligibility for,
133 services provided by the Nurturing Families Network established
134 pursuant to section 17b-751b. Persons who are determined ineligible
135 for assistance pursuant to this section shall be provided a written
136 statement notifying such persons of their ineligibility and advising
137 such persons of the availability of HUSKY Plan, Part B health
138 insurance benefits.

139 Sec. 6. Subsection (a) of section 17b-261n of the 2012 supplement to
140 the general statutes is repealed and the following is substituted in lieu
141 thereof (*Effective July 1, 2012*):

142 (a) The Commissioner of Social Services shall, subject to federal
143 approval, administer coverage under the Medicaid program for low-
144 income adults in accordance with Section 1902(a)(10)(A)(i)(VIII) of the
145 Social Security Act. To the extent permitted under federal law,
146 eligibility for individuals covered pursuant to this section shall be

147 based on the rules used to determine eligibility for the state-
148 administered general assistance medical assistance program,
149 including, but not limited to, the use of medically needy income limits,
150 a one-hundred-fifty-dollars-per-month employment deduction and a
151 three-month extension of assistance for individuals who become
152 ineligible solely due to an increase in earnings. In determining
153 eligibility, the commissioner shall not consider as income Aid and
154 Attendance pension benefits granted to a United States veteran, as
155 defined in section 27-103, or the surviving spouse of such veteran. The
156 commissioner may amend the Medicaid state plan to establish an
157 alternative benefit package for individuals eligible for Medicaid in
158 accordance with the provisions of this section and as permitted by
159 federal law. For purposes of this section, "alternative benefit package"
160 may include, but is not limited to, limits on any of the following: (1)
161 Health care provider office visits; (2) independent therapy services; (3)
162 hospital emergency department services; (4) inpatient hospital
163 services; (5) outpatient hospital services; (6) medical equipment,
164 devices and supplies; (7) ambulatory surgery center services; (8)
165 pharmacy services; (9) nonemergency medical transportation; and (10)
166 licensed home care agency services.

167 Sec. 7. Section 17b-342 of the general statutes is amended by adding
168 subsection (l) as follows (*Effective July 1, 2012*):

169 (NEW) (l) In determining eligibility for the program described in
170 this section, the commissioner shall not consider as income Aid and
171 Attendance pension benefits granted to a United States veteran, as
172 defined in section 27-103, or the surviving spouse of such veteran.

173 Sec. 8. Subsection (a) of section 17b-342a of the general statutes is
174 repealed and the following is substituted in lieu thereof (*Effective July*
175 *1, 2012*):

176 (a) The Commissioner of Social Services shall, within available
177 appropriations, establish and operate a state-funded pilot program to
178 allow persons who are sixty-five years of age or older and meet the

179 eligibility requirements of the Connecticut home-care program for the
180 elderly established under section 17b-342 to receive personal care
181 assistance provided such services are cost effective as determined by
182 the Commissioner of Social Services. In determining eligibility, the
183 commissioner shall disregard from income Aid and Attendance
184 pension benefits granted to a United States veteran, as defined under
185 section 27-103, or the surviving spouse of such veteran. Persons who
186 receive personal care assistance services pursuant to the pilot program
187 established by section 47 of public act 00-2 of the June special session
188 shall be included as participants of the pilot program established
189 pursuant to this section. Personal care assistance under the program
190 may be provided by nonspousal family members of the recipient of
191 services under the program.

192 Sec. 9. Subsection (a) of section 17b-104 of the 2012 supplement to
193 the general statutes is repealed and the following is substituted in lieu
194 thereof (*Effective July 1, 2012*):

195 (a) The Commissioner of Social Services shall administer the
196 program of state supplementation to the Supplemental Security
197 Income Program provided for by the Social Security Act and state law.
198 The commissioner may delegate any powers and authority to any
199 deputy, assistant, investigator or supervisor, who shall have, within
200 the scope of the power and authority so delegated, all of the power
201 and authority of the Commissioner of Social Services. The
202 commissioner shall establish a standard of need based on the cost of
203 living in this state for the temporary family assistance program and the
204 state-administered general assistance program. The commissioner
205 shall make a reinvestigation, at least every twelve months, of all cases
206 receiving aid from the state, except that such reinvestigation may be
207 conducted every twenty-four months for recipients of assistance to the
208 elderly or disabled with stable circumstances, and shall maintain all
209 case records of the several programs administered by the Department
210 of Social Services so that such records show, at all times, full
211 information with respect to eligibility of the applicant or recipient. In

212 the determination of need under any public assistance program, such
 213 income or earnings shall be disregarded as federal law requires, and
 214 such income or earnings may be disregarded as federal law permits. In
 215 determining eligibility, the commissioner shall disregard from income
 216 Aid and Attendance pension benefits granted to a United States
 217 veteran, as defined under section 27-103, or the surviving spouse of
 218 such veteran. The commissioner shall encourage and promulgate such
 219 incentive earning programs as are permitted by federal law and
 220 regulations.

221 Sec. 10. Subsection (a) of section 17b-801 of the 2012 supplement to
 222 the general statutes is repealed and the following is substituted in lieu
 223 thereof (*Effective July 1, 2012*):

224 (a) The Commissioner of Social Services shall administer a state-
 225 appropriated fuel assistance program to provide, within available
 226 appropriations, fuel assistance to elderly and disabled persons whose
 227 household gross income is above the income eligibility guidelines for
 228 the Connecticut energy assistance program but does not exceed two
 229 hundred per cent of federal poverty guidelines. The income eligibility
 230 guidelines for the state-appropriated fuel assistance program shall be
 231 determined, annually, by the Commissioner of Social Services, in
 232 conjunction with the Secretary of the Office of Policy and
 233 Management. In determining eligibility, the commissioner shall not
 234 consider as income Aid and Attendance pension benefits granted to a
 235 United States veteran, as defined under section 27-103, or the surviving
 236 spouse of such veteran. The commissioner may adopt regulations, in
 237 accordance with the provisions of chapter 54, to implement the
 238 provisions of this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	New section
Sec. 2	<i>July 1, 2012</i>	17b-191(c)
Sec. 3	<i>July 1, 2012</i>	17b-256f

Sec. 4	<i>July 1, 2012</i>	17b-492(a)
Sec. 5	<i>July 1, 2012</i>	17b-261(a)
Sec. 6	<i>July 1, 2012</i>	17b-261n(a)
Sec. 7	<i>July 1, 2012</i>	17b-342
Sec. 8	<i>July 1, 2012</i>	17b-342a(a)
Sec. 9	<i>July 1, 2012</i>	17b-104(a)
Sec. 10	<i>July 1, 2012</i>	17b-801(a)

Statement of Purpose:

To expand veteran access to public assistance programs by exempting federal Aid and Attendance pension benefits from income.

[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.]