



General Assembly

Substitute Bill No. 391

February Session, 2012

* SB00391HS 032612 *

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 veteran, as
4 defined in section 27-103 of the general statutes, or the surviving
5 spouse of such veteran when determining income eligibility for the
6 state's Medicare savings, medical assistance and energy assistance
7 programs administered under section 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12 the general statutes is repealed and the following is substituted in lieu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 veteran, as
23 defined in section 27-103, or the surviving spouse of such veteran. No
24 person who is a substance abuser and refuses or fails to enter available,
25 appropriate treatment shall be eligible for cash assistance under the
26 program until such person enters treatment. No person whose benefits
27 from the temporary family assistance program have terminated as a
28 result of time-limited benefits or for compliance with a program
29 requirement shall be eligible for cash assistance under the program.

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31 statutes is repealed and the following is substituted in lieu thereof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

33 Beginning October 1, 2009, and annually thereafter, the
34 Commissioner of Social Services shall increase income disregards used
35 to determine eligibility by the Department of Social Services for the
36 federal Specified Low-Income Medicare Beneficiary, the Qualified
37 Medicare Beneficiary and the Qualifying Individual Programs,
38 administered in accordance with the provisions of 42 USC 1396d(p), by
39 an amount that equalizes the income levels and deductions used to
40 determine eligibility for said programs with income levels and
41 deductions used to determine eligibility for the ConnPACE program
42 under subsection (a) of section 17b-492. The commissioner shall not
43 apply an asset test for eligibility under the Medicare Savings Program.
44 The commissioner shall not consider as income Aid and Attendance
45 pension benefits granted to a veteran, as defined in section 27-103, or
46 the surviving spouse of such veteran. The Commissioner of Social
47 Services, pursuant to section 17b-10, may implement policies and
48 procedures to administer the provisions of this section while in the
49 process of adopting such policies and procedures in regulation form,
50 provided the commissioner prints notice of the intent to adopt the
51 regulations in the Connecticut Law Journal not later than twenty days
52 after the date of implementation. Such policies and procedures shall be

53 valid until the time final regulations are adopted.

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

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

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

84 (a) Medical assistance shall be provided for any otherwise eligible

85 person whose income, including any available support from legally
86 liable relatives and the income of the person's spouse or dependent
87 child, is not more than one hundred forty-three per cent, pending
88 approval of a federal waiver applied for pursuant to subsection (e) of
89 this section, of the benefit amount paid to a person with no income
90 under the temporary family assistance program in the appropriate
91 region of residence and if such person is an institutionalized
92 individual as defined in Section 1917(c) of the Social Security Act, 42
93 USC 1396p(c), and has not made an assignment or transfer or other
94 disposition of property for less than fair market value for the purpose
95 of establishing eligibility for benefits or assistance under this section.
96 Any such disposition shall be treated in accordance with Section
97 1917(c) of the Social Security Act, 42 USC 1396p(c). Any disposition of
98 property made on behalf of an applicant or recipient or the spouse of
99 an applicant or recipient by a guardian, conservator, person
100 authorized to make such disposition pursuant to a power of attorney
101 or other person so authorized by law shall be attributed to such
102 applicant, recipient or spouse. A disposition of property ordered by a
103 court shall be evaluated in accordance with the standards applied to
104 any other such disposition for the purpose of determining eligibility.
105 The commissioner shall establish the standards for eligibility for
106 medical assistance at one hundred forty-three per cent of the benefit
107 amount paid to a family unit of equal size with no income under the
108 temporary family assistance program in the appropriate region of
109 residence. In determining eligibility, the commissioner shall not
110 consider as income Aid and Attendance pension benefits granted to a
111 veteran, as defined in section 27-103, or the surviving spouse of such
112 veteran. Except as provided in section 17b-277, the medical assistance
113 program shall provide coverage to persons under the age of nineteen
114 with family income up to one hundred eighty-five per cent of the
115 federal poverty level without an asset limit and to persons under the
116 age of nineteen and their parents and needy caretaker relatives, who
117 qualify for coverage under Section 1931 of the Social Security Act, with
118 family income up to one hundred eighty-five per cent of the federal
119 poverty level without an asset limit. Such levels shall be based on the

120 regional differences in such benefit amount, if applicable, unless such
121 levels based on regional differences are not in conformance with
122 federal law. Any income in excess of the applicable amounts shall be
123 applied as may be required by said federal law, and assistance shall be
124 granted for the balance of the cost of authorized medical assistance.
125 The Commissioner of Social Services shall provide applicants for
126 assistance under this section, at the time of application, with a written
127 statement advising them of (1) the effect of an assignment or transfer
128 or other disposition of property on eligibility for benefits or assistance,
129 (2) the effect that having income that exceeds the limits prescribed in
130 this subsection will have with respect to program eligibility, and (3)
131 the availability of, and eligibility for, services provided by the
132 Nurturing Families Network established pursuant to section 17b-751b.
133 Persons who are determined ineligible for assistance pursuant to this
134 section shall be provided a written statement notifying such persons of
135 their ineligibility and advising such persons of the availability of
136 HUSKY Plan, Part B health insurance benefits.

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

140 (a) The Commissioner of Social Services shall, subject to federal
141 approval, administer coverage under the Medicaid program for low-
142 income adults in accordance with Section 1902(a)(10)(A)(i)(VIII) of the
143 Social Security Act. To the extent permitted under federal law,
144 eligibility for individuals covered pursuant to this section shall be
145 based on the rules used to determine eligibility for the state-
146 administered general assistance medical assistance program,
147 including, but not limited to, the use of medically needy income limits,
148 a one-hundred-fifty-dollars-per-month employment deduction and a
149 three-month extension of assistance for individuals who become
150 ineligible solely due to an increase in earnings. In determining
151 eligibility, the commissioner shall not consider as income Aid and
152 Attendance pension benefits granted to a veteran, as defined in section
153 27-103, or the surviving spouse of such veteran. The commissioner

154 may amend the Medicaid state plan to establish an alternative benefit
155 package for individuals eligible for Medicaid in accordance with the
156 provisions of this section and as permitted by federal law. For
157 purposes of this section, "alternative benefit package" may include, but
158 is not limited to, limits on any of the following: (1) Health care
159 provider office visits; (2) independent therapy services; (3) hospital
160 emergency department services; (4) inpatient hospital services; (5)
161 outpatient hospital services; (6) medical equipment, devices and
162 supplies; (7) ambulatory surgery center services; (8) pharmacy
163 services; (9) nonemergency medical transportation; and (10) licensed
164 home care agency services.

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

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

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

174 (a) The Commissioner of Social Services shall, within available
175 appropriations, establish and operate a state-funded pilot program to
176 allow persons who are sixty-five years of age or older and meet the
177 eligibility requirements of the Connecticut home-care program for the
178 elderly established under section 17b-342 to receive personal care
179 assistance provided such services are cost effective as determined by
180 the Commissioner of Social Services. In determining eligibility, the
181 commissioner shall not consider as income Aid and Attendance
182 pension benefits granted to a veteran, as defined under section 27-103,
183 or the surviving spouse of such veteran. Persons who receive personal
184 care assistance services pursuant to the pilot program established by
185 section 47 of public act 00-2 of the June special session shall be

186 included as participants of the pilot program established pursuant to
187 this section. Personal care assistance under the program may be
188 provided by nonspousal family members of the recipient of services
189 under the program.

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

193 (a) The Commissioner of Social Services shall administer the
194 program of state supplementation to the Supplemental Security
195 Income Program provided for by the Social Security Act and state law.
196 The commissioner may delegate any powers and authority to any
197 deputy, assistant, investigator or supervisor, who shall have, within
198 the scope of the power and authority so delegated, all of the power
199 and authority of the Commissioner of Social Services. The
200 commissioner shall establish a standard of need based on the cost of
201 living in this state for the temporary family assistance program and the
202 state-administered general assistance program. The commissioner
203 shall make a reinvestigation, at least every twelve months, of all cases
204 receiving aid from the state, except that such reinvestigation may be
205 conducted every twenty-four months for recipients of assistance to the
206 elderly or disabled with stable circumstances, and shall maintain all
207 case records of the several programs administered by the Department
208 of Social Services so that such records show, at all times, full
209 information with respect to eligibility of the applicant or recipient. In
210 the determination of need under any public assistance program, such
211 income or earnings shall be disregarded as federal law requires, and
212 such income or earnings may be disregarded as federal law permits. In
213 determining eligibility, the commissioner shall disregard from income
214 Aid and Attendance pension benefits granted to a veteran, as defined
215 under section 27-103, or the surviving spouse of such veteran. The
216 commissioner shall encourage and promulgate such incentive earning
217 programs as are permitted by federal law and regulations.

218 Sec. 10. Subsection (a) of section 17b-801 of the 2012 supplement to

219 the general statutes is repealed and the following is substituted in lieu
220 thereof (*Effective July 1, 2012*):

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

In section 1 a reference to section 27-103 was added for internal consistency, in the introductory language of section 7, a reference to the 2012 supplement to the general statutes was inserted for accuracy and throughout the bill, "United States" before "veteran" was deleted for statutory consistency and consistency with the defined term.

HS *Joint Favorable Subst.-LCO*