



General Assembly

February Session, 2014

**Raised Bill No. 5223**

LCO No. 1310



Referred to Committee on AGING

Introduced by:  
(AGE)

***AN ACT INCREASING FUNDING FOR ELDERLY NUTRITION.***

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

1 Section 1. Subsection (a) of section 17b-242 of the 2014 supplement  
2 to the general statutes is repealed and the following is substituted in  
3 lieu thereof (*Effective from passage*):

4 (a) The Department of Social Services shall determine the rates to be  
5 paid to home health care agencies and homemaker-home health aide  
6 agencies by the state or any town in the state for persons aided or  
7 cared for by the state or any such town. [For the period from February  
8 1, 1991, to January 31, 1992, inclusive, payment for each service to the  
9 state shall be based upon the rate for such service as determined by the  
10 Office of Health Care Access, except that for those providers whose  
11 Medicaid rates for the year ending January 31, 1991, exceed the median  
12 rate, no increase shall be allowed. For those providers whose rates for  
13 the year ending January 31, 1991, are below the median rate, increases  
14 shall not exceed the lower of the prior rate increased by the most  
15 recent annual increase in the consumer price index for urban  
16 consumers or the median rate. In no case shall any such rate exceed the

17 eightieth percentile of rates in effect January 31, 1991, nor shall any rate  
18 exceed the charge to the general public for similar services. Rates  
19 effective February 1, 1992, shall be based upon rates as determined by  
20 the Office of Health Care Access, except that increases shall not exceed  
21 the prior year's rate increased by the most recent annual increase in the  
22 consumer price index for urban consumers and rates effective  
23 February 1, 1992, shall remain in effect through June 30, 1993. Rates  
24 effective July 1, 1993, shall be based upon rates as determined by the  
25 Office of Health Care Access except if the Medicaid rates for any  
26 service for the period ending June 30, 1993, exceed the median rate for  
27 such service, the increase effective July 1, 1993, shall not exceed one  
28 per cent. If the Medicaid rate for any service for the period ending June  
29 30, 1993, is below the median rate, the increase effective July 1, 1993,  
30 shall not exceed the lower of the prior rate increased by one and one-  
31 half times the most recent annual increase in the consumer price index  
32 for urban consumers or the median rate plus one per cent.] The  
33 Commissioner of Social Services shall establish a fee schedule for home  
34 health services to be effective on and after July 1, 1994. The  
35 commissioner may annually modify such fee schedule if such  
36 modification is needed to ensure that the conversion to an  
37 administrative services organization is cost neutral to home health care  
38 agencies and homemaker-home health aide agencies in the aggregate  
39 and ensures patient access. Utilization may be a factor in determining  
40 cost neutrality. The commissioner shall increase the fee schedule for  
41 home health services provided under the Connecticut home-care  
42 program for the elderly established under section 17b-342, effective  
43 July 1, 2000, by two per cent over the fee schedule for home health  
44 services for the previous year. On and after July 1, 2014, the  
45 commissioner shall increase the fee schedule for home-delivered meals  
46 under the Connecticut home-care program for the elderly to cover  
47 reasonable costs of providers and minimize any copayments by  
48 participants in said program. The commissioner may increase any fee  
49 payable to a home health care agency or homemaker-home health aide  
50 agency upon the application of such an agency evidencing  
51 extraordinary costs related to (1) serving persons with AIDS; (2) high-

52 risk maternal and child health care; (3) escort services; or (4) extended  
53 hour services. In no case shall any rate or fee exceed the charge to the  
54 general public for similar services. A home health care agency or  
55 homemaker-home health aide agency which, due to any material  
56 change in circumstances, is aggrieved by a rate determined pursuant  
57 to this subsection may, within ten days of receipt of written notice of  
58 such rate from the Commissioner of Social Services, request in writing  
59 a hearing on all items of aggrievement. The commissioner shall, upon  
60 the receipt of all documentation necessary to evaluate the request,  
61 determine whether there has been such a change in circumstances and  
62 shall conduct a hearing if appropriate. The Commissioner of Social  
63 Services shall adopt regulations, in accordance with chapter 54, to  
64 implement the provisions of this subsection. The commissioner may  
65 implement policies and procedures to carry out the provisions of this  
66 subsection while in the process of adopting regulations, provided  
67 notice of intent to adopt the regulations is published in the Connecticut  
68 Law Journal not later than twenty days after the date of implementing  
69 the policies and procedures. Such policies and procedures shall be  
70 valid for not longer than nine months.

71 Sec. 2. Section 17b-343 of the general statutes is repealed and the  
72 following is substituted in lieu thereof (*Effective from passage*):

73 The Commissioner of Social Services shall establish annually the  
74 maximum allowable rate to be paid by agencies for homemaker  
75 services, chore person services, companion services, respite care, meals  
76 on wheels, adult day care services, case management and assessment  
77 services, transportation, mental health counseling and elderly foster  
78 care. [, except that the maximum allowable rates in effect July 1, 1990,  
79 shall remain in effect during the fiscal years ending June 30, 1992, and  
80 June 30, 1993.] The Commissioner of Social Services shall prescribe  
81 uniform forms on which agencies providing such services shall report  
82 their costs for such services. Such rates shall be determined on the  
83 basis of a reasonable payment for necessary services rendered. The  
84 maximum allowable rates established by the Commissioner of Social

85 Services for the Connecticut home-care program for the elderly  
 86 established under section 17b-342 shall constitute the rates required  
 87 under this section until revised in accordance with this section. The  
 88 Commissioner of Social Services shall establish a fee schedule, to be  
 89 effective on and after July 1, 1994, for homemaker services, chore  
 90 person services, companion services, respite care, meals on wheels,  
 91 adult day care services, case management and assessment services,  
 92 transportation, mental health counseling and elderly foster care. The  
 93 commissioner [may] shall annually increase [any fee] fees in the fee  
 94 schedule based on an increase in the cost of services. The  
 95 commissioner shall increase the fee schedule effective July 1, 2000, by  
 96 not less than five per cent, for adult day care services. The  
 97 commissioner shall increase the fee schedule effective July 1, 2011, by  
 98 four dollars per person, per day for adult day care services. On and  
 99 after July 1, 2014, the commissioner shall increase the fee schedule for  
 100 meals on wheels under the Connecticut home-care program for the  
 101 elderly to cover reasonable costs of providers and minimize any  
 102 copayments by participants in the program. Nothing contained in this  
 103 section shall authorize a payment by the state to any agency for [such]  
 104 any services in excess of the amount charged by such agency for such  
 105 services to the general public.

106 Sec. 3. (*Effective July 1, 2014*) The sum of three million seven hundred  
 107 thousand dollars is appropriated to the Department on Aging, from  
 108 the General Fund, for the fiscal year ending June 30, 2015, for the  
 109 elderly nutrition program administered pursuant to section 17b-422 of  
 110 the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	17b-242(a)
Sec. 2	<i>from passage</i>	17b-343
Sec. 3	<i>July 1, 2014</i>	New section

**AGE**      *Joint Favorable*

