



General Assembly

Substitute Bill No. 174

February Session, 2014



**AN ACT CONCERNING FAIRNESS IN MEDICAID ELIGIBILITY
DETERMINATIONS FOR HOME-CARE CLIENTS.**

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

1 Section 1. Subsection (h) of section 17b-342 of the 2014 supplement
2 to the general statutes is repealed and the following is substituted in
3 lieu thereof (*Effective July 1, 2014*):

4 (h) For purposes of this subsection, "penalty period" has the same
5 meaning as provided in section 17b-261q. An individual who is
6 otherwise eligible for services pursuant to this section shall, as a
7 condition of participation in the program, apply for medical assistance
8 benefits pursuant to section 17b-260 when requested to do so by the
9 department and shall accept such benefits if determined eligible. The
10 Commissioner of Social Services, in accordance with 42 CFR 435.915,
11 shall provide payments for Medicaid-eligible services under the
12 medical assistance program retroactive to up to three months before
13 the date an eligible person applied for such assistance, provided such
14 applicant has not made a transfer of assets for less than fair market
15 value in the sixty months before applying. If the applicant has made
16 such a transfer, the commissioner, in accordance with 42 USC
17 1396p(c)(1)(D)(ii), shall start any penalty period as of the later of (1) the
18 date of the transfer that resulted in the penalty period, or (2) the date
19 an otherwise eligible applicant applied for medical assistance and

