



General Assembly

Substitute Bill No. 244

February Session, 2014



AN ACT INCREASING HOME CARE PROVIDER RATES.

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2 to the general statutes is repealed and the following is substituted in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. The commissioner shall increase the fee
45 schedule for the Connecticut home-care program for the elderly and
46 the pilot program to provide home care services to persons with
47 disabilities, established pursuant to section 17b-617, effective July 1,
48 2014, by not less than one per cent. The commissioner may increase
49 any fee payable to a home health care agency or homemaker-home
50 health aide 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. The
99 commissioner shall increase the fee schedule for the Connecticut
100 home-care program for the elderly, established pursuant to section
101 17b-342, and the pilot program to provide home care services to
102 persons with disabilities, established pursuant to section 17b-617, by
103 not less than one per cent effective July 1, 2014. Nothing contained in
104 this section shall authorize a payment by the state to any agency for
105 such services in excess of the amount charged by such agency for such
106 services to the general public.

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

APP *Joint Favorable Subst.*