



Substitute House Bill No. 5402

Public Act No. 14-150

**AN ACT CONCERNING WAIVERS FOR MEDICAID-FINANCED,
HOME AND COMMUNITY-BASED PROGRAMS FOR INDIVIDUALS
WITH ACQUIRED BRAIN INJURY.**

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

Section 1. Section 17b-260a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2014*):

(a) The Commissioner of Social Services shall seek a waiver from federal law to establish a Medicaid-financed, home and community-based program for individuals with acquired brain injury. Such waiver shall be submitted no later than October 1, 1995, and shall be operated continuously to the extent permissible under federal law. Notwithstanding the addition of any new waiver program serving such individuals, the commissioner shall ensure that services provided pursuant to this subsection are not phased out and that no person receiving such services is institutionalized in order to meet federal cost neutrality requirements for the waiver program established pursuant to this subsection.

(b) The commissioner may seek federal approval for a second waiver, in addition to the waiver described in subsection (a) of this section, from federal law for a Medicaid-financed, home and

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community-based program for individuals with acquired brain injury.

(c) There is established an advisory committee for the waiver program established pursuant to subsection (b) of this section consisting of the chairpersons and ranking members of the joint standing committees of the General Assembly having cognizance of matters relating to human services, public health and appropriations and the budgets of state agencies, or their designees, provided such designees shall include consumers and providers of services under said waiver program. The Commissioners of Social Services and Mental Health and Addiction Services, or their designees, shall also serve on the advisory committee. The chairpersons of the advisory committee shall be: (1) A chairperson of said joint standing committees, or such chairperson's designee, chosen by the chairpersons of said joint standing committees; (2) a ranking member of said joint standing committees, or such ranking member's designee, chosen by the ranking members of said joint standing committees; and (3) the Commissioner of Social Services or the Commissioner of Mental Health and Addiction Services, or such commissioner's designee, chosen by such commissioners. The advisory committee shall meet not less than four times per year and shall submit an initial report, in accordance with the provisions of section 11-4a, not later than February 1, 2015, to the joint standing committees of the General Assembly having cognizance of matters relating to human services, public health and appropriations and the budgets of state agencies on the impact of the individual cost cap for the waiver program established pursuant to subsection (b) of this section and any other matters the advisory committee deems appropriate. For purposes of this subsection, "individual cost cap" means the percentage of the cost of institutional care for an individual that may be spent on any one waiver program participant.

Approved June 6, 2014