



House of Representatives

General Assembly

File No. 802

January Session, 2015

Substitute House Bill No. 6155

House of Representatives, May 11, 2015

The Committee on Appropriations reported through REP. WALKER of the 93rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING NOTIFICATION OF MEDICAID WAIVER AND MEDICAID STATE PLAN AMENDMENT PROPOSALS.

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

1 Section 1. Section 17b-8 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2015*):

3 (a) The Commissioner of Social Services shall submit an application
4 for a federal waiver or renewal of such waiver of any assistance
5 program requirements, except such application pertaining to routine
6 operational issues, and any proposed amendment to the Medicaid
7 state plan to make a change in program requirements that would have
8 required a waiver were it not for the passage of the Patient Protection
9 and Affordable Care Act, P.L. 111-148, and the Health Care and
10 Education Reconciliation Act of 2010, P.L. 111-152 to the joint standing
11 committees of the General Assembly having cognizance of matters
12 relating to human services and appropriations and the budgets of state
13 agencies prior to the submission of such application or proposed
14 amendment to the federal government. Not later than thirty days after

15 the date of their receipt of such application or proposed amendment,
16 the joint standing committees shall: (1) Hold a public hearing on the
17 waiver application, or (2) in the case of a proposed amendment to the
18 Medicaid state plan, notify the Commissioner of Social Services
19 whether or not said joint standing committees intend to hold a public
20 hearing. Any notice to the commissioner indicating that the joint
21 standing committees intend to hold a public hearing on a proposed
22 amendment to the Medicaid state plan shall state the date on which the
23 joint standing committees intend to hold such public hearing, which
24 shall not be later than sixty days after the joint standing committees'
25 receipt of the proposed amendment. At the conclusion of a public
26 hearing held in accordance with the provisions of this section, the joint
27 standing committees shall advise the commissioner of their approval,
28 denial or modifications, if any, of the commissioner's waiver
29 application or proposed amendment. If the joint standing committees
30 advise the commissioner of their denial of the commissioner's waiver
31 application or proposed amendment, the commissioner shall not
32 submit the application for a federal waiver or proposed amendment to
33 the federal government. If such committees do not concur, the
34 committee chairpersons shall appoint a committee of conference which
35 shall be composed of three members from each joint standing
36 committee. At least one member appointed from each joint standing
37 committee shall be a member of the minority party. The report of the
38 committee of conference shall be made to each joint standing
39 committee, which shall vote to accept or reject the report. The report of
40 the committee of conference may not be amended. If a joint standing
41 committee rejects the report of the committee of conference, that joint
42 standing committee shall notify the commissioner of the rejection and
43 the commissioner's waiver application or proposed amendment shall
44 be deemed approved. If the joint standing committees accept the
45 report, the committee having cognizance of matters relating to
46 appropriations and the budgets of state agencies shall advise the
47 commissioner of their approval, denial or modifications, if any, of the
48 commissioner's waiver application or proposed amendment. If the
49 joint standing committees do not so advise the commissioner during

50 the thirty-day period, the waiver application or proposed amendment
51 shall be deemed approved. Any application for a federal waiver,
52 waiver renewal or proposed amendment submitted to the federal
53 government by the commissioner, pursuant to this section, shall be in
54 accordance with the approval or modifications, if any, of the joint
55 standing committees of the General Assembly having cognizance of
56 matters relating to human services and appropriations and the budgets
57 of state agencies.

58 (b) If in developing the budget for the department for the next fiscal
59 year, the commissioner contemplates applying for a federal waiver or
60 submitting a proposed amendment to the federal government, the
61 commissioner shall notify the joint standing committee of the General
62 Assembly having cognizance of matters relating to appropriations and
63 the budgets of state agencies and the joint standing committee of the
64 General Assembly having cognizance of matters relating to human
65 services of the possibility of such application or proposed amendment.

66 (c) [Prior] Thirty days prior to submission of an application for a
67 waiver from federal law, renewal of such waiver or proposed
68 amendment to the joint standing committees of the General Assembly
69 under subsection (a) of this section, the Commissioner of Social
70 Services shall publish a notice that the commissioner intends to seek
71 such a waiver or waiver renewal, or submit a proposed amendment to
72 the federal government in the Connecticut Law Journal and on the
73 Department of Social Services' Internet web site, along with a
74 summary of the provisions of the waiver application or the proposed
75 amendment and the manner in which individuals may submit
76 comments. The commissioner shall allow [fifteen] thirty days for
77 written comments on the waiver application or proposed amendment
78 prior to submission of the application for a waiver, waiver renewal or
79 proposed amendment to the General Assembly under subsection (a) of
80 this section and shall include all written comments with the waiver,
81 waiver renewal application or proposed amendment in the submission
82 to the General Assembly.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Social Services, Dept.	GF - Potential Revenue Loss	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill may result in a delay or loss of federal revenue should the legislature delay or prevent the waiver renewal from being submitted to the federal government. The bill requires the Department of Social Services (DSS) to submit all renewals of Medicaid waivers to the legislature for approval. The state currently operates 11 waivers, 5 directly administered by DSS.

Secondly, the bill's disclosure requirements do not result in fiscal impact as they codify current practice.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 6155*****AN ACT CONCERNING NOTIFICATION OF MEDICAID WAIVER AND MEDICAID STATE PLAN AMENDMENT PROPOSALS.*****SUMMARY:**

By law, whenever the Department of Social Services (DSS) commissioner applies to the federal government to waive certain federal program requirements, he must first submit the waiver application or proposed amendment to the Human Services and Appropriations committees. He must also do so if he intends to amend the state Medicaid plan to change program requirements that would have required a waiver but for the passage of the federal Affordable Care Act. This bill conforms law to current DSS practice by additionally requiring the commissioner to submit applications for waiver renewals to these committees.

Currently, the committees must hold a public hearing for any waiver application they receive and may hold a hearing for Medicaid amendments. Following the hearing, the committees must advise the commissioner whether they approve, deny, or wish to modify the amendment or proposal. If the proposal or amendment is denied, the commissioner may not submit it to the federal government. The law also specifies additional procedures the committees and commissioner must follow if the committees disagree. The bill conforms the law to current practice regarding these procedural requirements by also applying them to waiver renewal applications.

Currently, the DSS commissioner must also post notice of the waiver application or proposed amendment in the *Connecticut Law Journal* before submitting it to the Human Services and Appropriations committees. The notice must summarize the waiver's or amendment's provisions and explain how individuals may submit comments. The

bill requires the commissioner to (1) also provide such notice for waiver renewals and (2) post the same notice he posts in the *Journal* on the DSS website. It also specifies that the commissioner must post any waiver, amendment, or waiver renewal notice 30 days before submitting the application or proposal to the committees.

Additionally, the bill extends the number of days, from 15 to 30, that the commissioner must allow individuals to submit written comments on the application or proposed amendment before submitting it to the committees. (But by extending the time for comments, the bill requires DSS to submit the application or proposed amendment and related comments on the same day the comment period closes.) The bill also applies this comment period requirement to waiver renewal applications. It also requires the commissioner to submit all written comments regarding a waiver renewal to the committees and the federal government along with the application, as the law already requires him to do for written comments on waiver applications or proposed amendments.

EFFECTIVE DATE: July 1, 2015

COMMITTEE ACTION

Appropriations Committee

Joint Favorable Substitute

Yea 55 Nay 1 (04/29/2015)