



General Assembly

**Amendment**

January Session, 2015

LCO No. 8974



Offered by:

REP. ABERCROMBIE, 83<sup>rd</sup> Dist.

SEN. MOORE, 22<sup>nd</sup> Dist.

REP. COOK, 65<sup>th</sup> Dist.

REP. WOOD, 141<sup>st</sup> Dist.

To: Subst. House Bill No. 5814

File No. 310

Cal. No. 192

**"AN ACT CONCERNING A STUDY OF MEDICAID REIMBURSEMENT FOR HOME HEALTH CARE."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Subsection (a) of section 17b-242 of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective July*  
5 *1, 2015*):

6 (a) The Department of Social Services shall determine the rates to be  
7 paid to home health care agencies and homemaker-home health aide  
8 agencies by the state or any town in the state for persons aided or  
9 cared for by the state or any such town. For the period from February  
10 1, 1991, to January 31, 1992, inclusive, payment for each service to the  
11 state shall be based upon the rate for such service as determined by the  
12 Office of Health Care Access, except that for those providers whose

13 Medicaid rates for the year ending January 31, 1991, exceed the median  
14 rate, no increase shall be allowed. For those providers whose rates for  
15 the year ending January 31, 1991, are below the median rate, increases  
16 shall not exceed the lower of the prior rate increased by the most  
17 recent annual increase in the consumer price index for urban  
18 consumers or the median rate. In no case shall any such rate exceed the  
19 eightieth percentile of rates in effect January 31, 1991, nor shall any rate  
20 exceed the charge to the general public for similar services. Rates  
21 effective February 1, 1992, shall be based upon rates as determined by  
22 the Office of Health Care Access, except that increases shall not exceed  
23 the prior year's rate increased by the most recent annual increase in the  
24 consumer price index for urban consumers and rates effective  
25 February 1, 1992, shall remain in effect through June 30, 1993. Rates  
26 effective July 1, 1993, shall be based upon rates as determined by the  
27 Office of Health Care Access except if the Medicaid rates for any  
28 service for the period ending June 30, 1993, exceed the median rate for  
29 such service, the increase effective July 1, 1993, shall not exceed one  
30 per cent. If the Medicaid rate for any service for the period ending June  
31 30, 1993, is below the median rate, the increase effective July 1, 1993,  
32 shall not exceed the lower of the prior rate increased by one and one-  
33 half times the most recent annual increase in the consumer price index  
34 for urban consumers or the median rate plus one per cent. The  
35 Commissioner of Social Services shall establish a fee schedule for home  
36 health services to be effective on and after July 1, 1994. The  
37 commissioner may annually modify such fee schedule if such  
38 modification is needed to ensure that the conversion to an  
39 administrative services organization is cost neutral to home health care  
40 agencies and homemaker-home health aide agencies in the aggregate  
41 and ensures patient access. Utilization may be a factor in determining  
42 cost neutrality. The commissioner shall increase the fee schedule for  
43 home health services provided under the Connecticut home-care  
44 program for the elderly established under section 17b-342, effective  
45 July 1, 2000, by two per cent over the fee schedule for home health  
46 services for the previous year. The commissioner may increase any fee  
47 payable to a home health care agency or homemaker-home health aide

48 agency upon the application of such an agency evidencing  
 49 extraordinary costs related to (1) serving persons with AIDS; (2) high-  
 50 risk maternal and child health care; (3) escort services; or (4) extended  
 51 hour services. The commissioner may, within available appropriations,  
 52 increase any fee payable to a home health care agency or homemaker-  
 53 home health aide agency upon the application of such agency  
 54 evidencing financial hardship when such agency (A) has a patient  
 55 census that is fifty per cent or more Medicaid patients, (B) is at risk of  
 56 ceasing to provide services to the Medicaid population without such  
 57 fee increase, (C) provides home care for pediatric patients, or (D)  
 58 provides psychiatric home care services. In no case shall any rate or fee  
 59 exceed the charge to the general public for similar services. A home  
 60 health care agency or homemaker-home health aide agency which, due  
 61 to any material change in circumstances, is aggrieved by a rate  
 62 determined pursuant to this subsection may, within ten days of receipt  
 63 of written notice of such rate from the Commissioner of Social Services,  
 64 request in writing a hearing on all items of aggrievement. The  
 65 commissioner shall, upon the receipt of all documentation necessary to  
 66 evaluate the request, determine whether there has been such a change  
 67 in circumstances and shall conduct a hearing if appropriate. The  
 68 Commissioner of Social Services shall adopt regulations, in accordance  
 69 with chapter 54, to implement the provisions of this subsection. The  
 70 commissioner may implement policies and procedures to carry out the  
 71 provisions of this subsection while in the process of adopting  
 72 regulations, provided notice of intent to adopt the regulations is  
 73 published in the Connecticut Law Journal not later than twenty days  
 74 after the date of implementing the policies and procedures. Such  
 75 policies and procedures shall be valid for not longer than nine  
 76 months."

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2015	17b-242(a)