



**Testimony Opposing An Act Implementing the Governor's Budget
Recommendations for Human Services**

Governor's Bill No. 17

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Human Services Committee

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Senator Moore, Representative Abercrombie, and Members of the Human Services Committee:

I am the Acting Executive Director and Advocacy Director at Connecticut Voices for Children, a research-based public education and advocacy organization that works statewide to promote the well-being of Connecticut's children, youth, and families.

We are cognizant of the difficult task before you given the ongoing fiscal challenges faced by the state and recently outlined by the Governor and the Secretary of the Office of Policy Management. We very much appreciate your efforts last year to maintain support for essential programs and services for children and families.

We are here today to **oppose** specific provisions in the Governor's Bill No. 17 related to **orthodontia coverage for children in Medicaid and the repeal of legislative oversight of state Medicaid waiver applications:**

1) Section 19: Limiting orthodontia coverage for children in Medicaid (HUSKY A), resulting in an estimated savings of \$3.2 million.

Just last year the Governor and legislature imposed new limitations on access to medically necessary orthodontia treatment to save money in the state budget. We urge the Committee to request a full report from the Department of Social Services on the impact of that recent change on children's oral health before consideration of imposing any further restrictions.¹ The budget assumes that requiring a higher score on the Salzmann Index for determining the extent of misaligned teeth will eliminate coverage for "non-medically necessary" orthodontia. However, under Medicaid law and rules, the state is supposed to use a broad standard of medical necessity in determining whether an individual child needs a particular service – including orthodontia.

As a result we oppose the new restrictions on access to orthodontia treatment for children in HUSKY A.

2) Section 32: Repealing Gen. Stat. Sec. 17b-8 governing legislative oversight of waiver applications to the federal government.

Section 17b-8 was amended in 2007 (Public Act 07-83) to provide for increased oversight by the General Assembly of waiver applications submitted by the Commissioner of the Department of Social Services to the federal government, and to make the process consistent with approval of federal block grant allocations. The statute tightened legislative oversight in several ways by: 1)

requiring the committees to advise the Commissioner as to whether they approve, reject, or modify the application; 2) requiring the committees to hold a public hearing before advising the Commissioner on their position regarding the application; 3) deeming the committees' failure to advise the Commissioner an approval of the application; 4) requiring the Commissioner to modify the application if the committees advise him or her to do so; and *most importantly*, 5) preventing the Commissioner from submitting the waiver if the committees reject the application.²

Governor Jody Rell's veto of this legislation was overridden by the legislature.³

As we stated in our 2007 testimony in support of the increased oversight, the law gives "the legislature and the public the opportunity to review the Commissioner's requests that the federal government waive federal laws related to Medicaid and other public assistance programs" before the waiver request is submitted to the federal government.⁴

In light of the vulnerable populations that are served by public assistance programs, and the complex nature of these programs – particularly Medicaid – it is crucial that the relevant legislative committees not only be fully informed about the contents of a federal waiver application, but have the explicit authority to approve, reject, or modify the terms of the waiver, after input from the public through the public hearing process.⁵

We therefore oppose the repeal of Section 17b-8 of the General Statutes.

Thank you for this opportunity to testify in opposition to Governor's Bill No. 17.

Please feel free to contact me if you have questions or need additional information.

I can be reached at slanger@ctvoices.org or (203) 498-4240 (x 121).

¹ See, Connecticut Dental Health Partnership, "Guidelines for the Scoring of Orthodontic Cases," September 2015, Retrieved from <https://www.ctdhp.com/documents/Guidelines%20for%20the%20Scoring%20of%20Orthodontic%20Cases.pdf>.

² Public Act 07-83. See Office of Legislative Research, Research Report, retrieved from <https://www.cga.ct.gov/2007/rpt/2007-R-0399.htm> for a summary of the bill.

³ *Id.*

⁴ Langer, S., Glassman, M., Testimony Supporting HB 7065, An Act Concerning Legislative Review and Approval of Waiver Applications Submitted by the Commissioner of Social Services to the Federal Government (February 21, 2007), retrieved from <http://www.ctvoices.org/sites/default/files/022107humsvcsmediawaivers.pdf>

⁵ *Id.*