



General Assembly

February Session, 2016

***Raised Bill No. 5284***

LCO No. 912



Referred to Committee on AGING

Introduced by:  
(AGE)

***AN ACT INCREASING FUNDING FOR ELDERLY NUTRITION.***

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 2016 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2 to the general statutes is repealed and the following is substituted in  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. On and after July 1, 2016, the  
45 commissioner shall increase the fee schedule for meals on wheels  
46 provided under the Connecticut home-care program for the elderly to  
47 reflect reasonable costs of providers and minimize any copayments  
48 incurred by participants in the program. Reasonable costs shall be  
49 based on the cost of food, food preparation and packaging,  
50 transportation, delivery and associated labor and administration costs.

51 The commissioner may increase any fee payable to a home health care  
52 agency or homemaker-home health aide agency upon the application  
53 of such an agency evidencing extraordinary costs related to (1) serving  
54 persons with AIDS; (2) high-risk maternal and child health care; (3)  
55 escort services; or (4) extended hour services. In no case shall any rate  
56 or fee exceed the charge to the general public for similar services. A  
57 home health care agency or homemaker-home health aide agency  
58 which, due to any material change in circumstances, is aggrieved by a  
59 rate determined pursuant to this subsection may, within ten days of  
60 receipt of written notice of such rate from the Commissioner of Social  
61 Services, request in writing a hearing on all items of aggrievement. The  
62 commissioner shall, upon the receipt of all documentation necessary to  
63 evaluate the request, determine whether there has been such a change  
64 in circumstances and shall conduct a hearing if appropriate. The  
65 Commissioner of Social Services shall adopt regulations, in accordance  
66 with chapter 54, to implement the provisions of this subsection. The  
67 commissioner may implement policies and procedures to carry out the  
68 provisions of this subsection while in the process of adopting  
69 regulations, provided notice of intent to adopt the regulations is  
70 published [in the Connecticut Law Journal] on the Internet web site of  
71 the Department of Social Services and the eRegulations System not  
72 later than twenty days after the date of implementing the policies and  
73 procedures. Such policies and procedures shall be valid for not longer  
74 than nine months.

75 Sec. 2. Section 17b-343 of the general statutes is repealed and the  
76 following is substituted in lieu thereof (*Effective from passage*):

77 The Commissioner of Social Services shall establish annually the  
78 maximum allowable rate to be paid by agencies for homemaker  
79 services, chore person services, companion services, respite care, meals  
80 on wheels, adult day care services, case management and assessment  
81 services, transportation, mental health counseling and elderly foster  
82 care. ], except that the maximum allowable rates in effect July 1, 1990,  
83 shall remain in effect during the fiscal years ending June 30, 1992, and

84 June 30, 1993.] The Commissioner of Social Services shall prescribe  
85 uniform forms on which agencies providing such services shall report  
86 their costs for such services. Such rates shall be determined on the  
87 basis of a reasonable payment for necessary services rendered. The  
88 maximum allowable rates established by the Commissioner of Social  
89 Services for the Connecticut home-care program for the elderly  
90 established under section 17b-342 shall constitute the rates required  
91 under this section until revised in accordance with this section. The  
92 Commissioner of Social Services shall establish a fee schedule, to be  
93 effective on and after July 1, 1994, for homemaker services, chore  
94 person services, companion services, respite care, meals on wheels,  
95 adult day care services, case management and assessment services,  
96 transportation, mental health counseling and elderly foster care. The  
97 commissioner [may] shall annually increase [any fee in] the fee  
98 schedule based on an increase in the cost of services. The  
99 commissioner shall increase the fee schedule effective July 1, 2000, by  
100 not less than five per cent, for adult day care services. The  
101 commissioner shall increase the fee schedule effective July 1, 2011, by  
102 four dollars per person, per day for adult day care services. On and  
103 after July 1, 2016, the commissioner shall increase the fee schedule for  
104 meals on wheels provided under the Connecticut home-care program  
105 for the elderly to reflect reasonable costs of providers and minimize  
106 any copayments incurred by participants in the program. Reasonable  
107 costs shall be based on the cost of food, food preparation and  
108 packaging, transportation, delivery and associated labor and  
109 administration costs. Nothing contained in this section shall authorize  
110 a payment by the state to any agency for such services in excess of the  
111 amount charged by such agency for such 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

**Statement of Purpose:**

To provide adequate state reimbursement to cover the costs of providing meals to elderly persons.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*