



General Assembly

February Session, 2016

Raised Bill No. 5439

LCO No. 1715



Referred to Committee on HUMAN SERVICES

Introduced by:
(HS)

AN ACT CONCERNING THE ELIMINATION OF ASSET LIMITS IN CERTAIN PUBLIC ASSISTANCE PROGRAMS.

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

1 Section 1. Section 17b-80 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2016*):

3 (a) The commissioner, upon receipt of an application for aid, shall
4 promptly and with due diligence make an investigation, such
5 investigation to be completed within forty-five days after receipt of the
6 application or within sixty days after receipt of the application in the
7 case of an application in which a determination of disability must be
8 made. If an application for an award is not acted on within forty-five
9 days after the filing of an application, or within sixty days in the case
10 of an application in which a determination of disability must be made,
11 the applicant may apply to the commissioner for a hearing in
12 accordance with sections 17b-60 and 17b-61. The commissioner shall
13 grant aid only [if he finds] upon finding the applicant eligible therefor,
14 in which case [he] the commissioner shall grant aid in such amount,
15 determined in accordance with levels of payments established, [by the
16 commissioner,] as is needed in order to enable the applicant to support

17 himself, or, in the case of temporary family assistance, to enable the
18 relative to support such dependent child or children and himself, in
19 health and decency, including the costs of such medical care as [he] the
20 commissioner deems necessary and reasonable, not in excess of the
21 amounts set forth in the various fee schedules promulgated by the
22 Commissioner of Social Services for medical, dental and allied services
23 and supplies or the charges made for comparable services and supplies
24 to the general public, whichever is less, and the cost of necessary
25 hospitalization as is provided in section 17b-239, over and above
26 hospital insurance or other such benefits, including workers'
27 compensation and claims for negligent or wilful injury. The
28 commissioner, subject to the provisions of subsection (b) of this
29 section, shall in determining need, take into consideration any
30 available income [and resources] of the individual claiming assistance.
31 The commissioner shall not take assets into consideration when
32 determining need for aid under the state supplement program, the
33 temporary family assistance program or the state-administered general
34 assistance program. The commissioner shall make periodic
35 investigations to determine eligibility and may, at any time, modify,
36 suspend or discontinue an award previously made when such action is
37 necessary to carry out the provisions of the state supplement program,
38 medical assistance program, temporary family assistance program,
39 state-administered general assistance program or supplemental
40 nutrition assistance program. The parent or parents of any child for
41 whom aid is received under the temporary family assistance program
42 and any beneficiary receiving assistance under the state supplement
43 program shall be conclusively presumed to have accepted the
44 provisions of sections 17b-93, 17b-94 and 17b-95.

45 (b) The commissioner shall disregard any earned income of a child
46 who is a student in determining the eligibility, standard of need and
47 amount of assistance of a family in the TFA program.

48 [(c) No person shall be eligible for the state supplement program
49 whose assets as defined by the commissioner exceed sixteen hundred

50 dollars or, if living with a spouse, whose combined assets exceed
51 twenty-four hundred dollars.]

52 Sec. 2. Subsection (c) of section 17b-191 of the general statutes is
53 repealed and the following is substituted in lieu thereof (*Effective July*
54 *1, 2016*):

55 (c) To be eligible for cash assistance under the program, a person
56 shall [(1) be (A)] be (1) eighteen years of age or older; [(B)] (2) a minor
57 found by a court to be emancipated pursuant to section 46b-150; or
58 [(C)] (3) under eighteen years of age and the commissioner determines
59 good cause for such person's eligibility. [, and (2) not have assets
60 exceeding two hundred fifty dollars or, if such person is married, such
61 person and his or her spouse shall not have assets exceeding five
62 hundred dollars.] In determining eligibility, the commissioner shall not
63 consider as income Aid and Attendance pension benefits granted to a
64 veteran, as defined in section 27-103, or the surviving spouse of such
65 veteran. No person who is a substance abuser and refuses or fails to
66 enter available, appropriate treatment shall be eligible for cash
67 assistance under the program until such person enters treatment. No
68 person whose benefits from the temporary family assistance program
69 have terminated as a result of time-limited benefits or for failure to
70 comply with a program requirement shall be eligible for cash
71 assistance under the program.

72 Sec. 3. Section 42-204 of the general statutes is repealed and the
73 following is substituted in lieu thereof (*Effective July 1, 2016*):

74 The legal representative of the decedent or a person who has
75 entered into a revocable funeral service contract with a funeral service
76 establishment, upon written notice to such establishment and to the
77 escrow agent, if any, [and subject to the provisions of section 17b-91,]
78 may cancel any revocable funeral service contract prior to the
79 performance by such establishment. In the event of such a cancellation,
80 all money in the escrow account paid by such person, together with all

81 accrued income, less costs actually and reasonably incurred by the
82 funeral service establishment in the performance of such contract, shall
83 be returned to such person.

84 Sec. 4. Subsection (a) of section 45a-660 of the 2016 supplement to
85 the general statutes, as amended by section 53 of public act 15-240, is
86 repealed and the following is substituted in lieu thereof (*Effective July*
87 *1, 2016*):

88 (a) (1) A conserved person may, at any time, petition the court of
89 probate having jurisdiction for the termination of a conservatorship. A
90 petition for termination of a conservatorship shall be determined by a
91 preponderance of the evidence. The conserved person shall not be
92 required to present medical evidence at such a hearing. A hearing on
93 the petition shall be held not later than thirty days after the date the
94 petition was filed in the Court of Probate, unless the hearing is
95 continued for good cause. If such hearing is not held within such
96 thirty-day period or continuance period, if applicable, the
97 conservatorship shall terminate. If the court of probate having
98 jurisdiction finds a conserved person to be capable of caring for
99 himself or herself, the court shall, upon hearing and after notice, order
100 that the conservatorship of the person be terminated. The court may
101 also order the reinstatement of any authority of any agent under a
102 power of attorney that was previously limited, suspended or
103 terminated by the court because of the conservatorship. If the court
104 finds upon hearing and after notice which the court prescribes, that a
105 conserved person is capable of managing his or her own affairs, the
106 court shall order that the conservatorship of the estate be terminated
107 and that the remaining portion of the conserved person's property be
108 restored to the conserved person. (2) If the court finds upon hearing
109 and after notice which the court prescribes that a conserved person has
110 no assets of any kind remaining [except for that amount allowed by
111 subsection (c) of section 17b-80,] the court may order that the
112 conservatorship of the estate be terminated. The court shall thereupon
113 order distribution of the remaining assets to the conservator of the

114 person or, if there is no conservator or the conservator declines or is
115 unable to accept or the conservator is the Commissioner of Social
116 Services, to some suitable person, to be determined by the court, to
117 hold for the benefit of the conserved person, upon such conservator or
118 person giving such probate bond, if any, as the court orders. (3) If any
119 conserved person having a conservator dies, the conserved person's
120 property other than property which has accrued from the sale of the
121 conserved person's real property shall be delivered to the conserved
122 person's executor or administrator. The unexpended proceeds of the
123 conserved person's real property sold as aforesaid shall go into the
124 hands of the executor or administrator, to be distributed as such real
125 property would have been.

126 Sec. 5. Section 53a-290 of the general statutes is repealed and the
127 following is substituted in lieu thereof (*Effective July 1, 2016*):

128 A person commits vendor fraud when, with intent to defraud and
129 acting on such person's own behalf or on behalf of an entity, such
130 person provides goods or services to a beneficiary under sections 17b-
131 22, 17b-75 to 17b-77, inclusive, 17b-79 to 17b-103, inclusive, 17b-180a,
132 [17b-183,] 17b-260 to 17b-262, inclusive, 17b-264 to 17b-285, inclusive,
133 17b-357 to 17b-361, inclusive, 17b-600 to 17b-604, inclusive, 17b-749,
134 17b-807 and 17b-808 or provides services to a recipient under Title XIX
135 of the Social Security Act, as amended, and, (1) presents for payment
136 any false claim for goods or services performed; (2) accepts payment
137 for goods or services performed, which exceeds either the amounts
138 due for goods or services performed, or the amounts authorized by
139 law for the cost of such goods or services; (3) solicits to perform
140 services for or sell goods to any such beneficiary, knowing that such
141 beneficiary is not in need of such goods or services; (4) sells goods to or
142 performs services for any such beneficiary without prior authorization
143 by the Department of Social Services, when prior authorization is
144 required by said department for the buying of such goods or the
145 performance of any service; or (5) accepts from any person or source
146 other than the state an additional compensation in excess of the

147 amount authorized by law.

148 Sec. 6. Sections 17b-91 and 17b-183 of the general statutes are
149 repealed. (*Effective July 1, 2016*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2016</i>	17b-80
Sec. 2	<i>July 1, 2016</i>	17b-191(c)
Sec. 3	<i>July 1, 2016</i>	42-204
Sec. 4	<i>July 1, 2016</i>	45a-660(a)
Sec. 5	<i>July 1, 2016</i>	53a-290
Sec. 6	<i>July 1, 2016</i>	Repealer section

Statement of Purpose:

To eliminate asset limits in certain public assistance programs.

[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.]