

**Proposed Substitute
Bill No. 5586**

LCO No. 3249

**AN ACT CONCERNING WORKERS' COMPENSATION COVERAGE
FOR INJURIES SUSTAINED BY PERSONAL CARE ATTENDANTS
EMPLOYED DIRECTLY BY CONSUMERS IN STATE-FUNDED
PROGRAMS.**

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

1 Section 1. (NEW) (*Effective July 1, 2016*) (a) For purposes of this
2 section and sections 17b-706a and 31-275 of the general statutes, as
3 amended by this act, and section 4 of this act, "consumer" and
4 "personal care attendant" have the same meaning as provided in
5 section 17b-706 of the general statutes. "Community First Choice
6 program" means a Medicaid-funded program that provides home and
7 community-based care. The Commissioner of Social Services, in
8 consultation with the Commissioner of Developmental Services, shall
9 collaborate with the Commissioner of Administrative Services to
10 procure workers' compensation coverage for any personal care
11 attendant employed directly by a consumer in a Community First
12 Choice program. The Commissioner of Social Services shall require
13 any fiscal intermediary for such program to administer workers'
14 compensation benefits and disburse the benefits to such personal care
15 attendant who sustains injuries on the property of a consumer.

16 (b) The Commissioner of Social Services shall, if necessary, amend
17 the Medicaid state plan, in accordance with section 17b-8 of the general

18 statutes, to (1) require fiscal intermediaries to administer and disburse
19 workers' compensation benefits pursuant to subsection (a) of this
20 section, and (2) increase allotment of Medicaid moneys per consumer,
21 to the extent permissible under federal law, to cover any additional
22 cost for workers' compensation benefits.

23 (c) The provisions of this section shall not apply to a personal care
24 attendant hired by a consumer through a third-party employer.

25 Sec. 2. Subparagraph (B) of subdivision (2) of subsection (e) of
26 section 17b-706a of the general statutes is repealed and the following is
27 substituted in lieu thereof (*Effective July 1, 2016*):

28 (B) In those covered programs where budgets provided to
29 consumers receiving direct support services are allocated using the
30 individual budget methodology, budgets shall be increased to account
31 for additional expenses caused by (i) a contract or award negotiated in
32 accordance with this section [which] that includes increases in wages
33 or benefits, or (ii) any additional cost to a consumer enrolled in a
34 Community First Choice program for workers' compensation benefits
35 for personal care attendants.

36 Sec. 3. Subparagraph (B) of subdivision (9) of section 31-275 of the
37 general statutes is repealed and the following is substituted in lieu
38 thereof (*Effective July 1, 2016*):

39 (B) "Employee" shall not be construed to include:

40 (i) Any person to whom articles or material are given to be treated
41 in any way on premises not under the control or management of the
42 person who gave them out;

43 (ii) One whose employment is of a casual nature and who is
44 employed otherwise than for the purposes of the employer's trade or
45 business;

46 (iii) A member of the employer's family dwelling in his house; but,
47 if, in any contract of insurance, the wages or salary of a member of the

48 employer's family dwelling in his house is included in the payroll on
49 which the premium is based, then that person shall, if he sustains an
50 injury arising out of and in the course of his employment, be deemed
51 an employee and compensated in accordance with the provisions of
52 this chapter;

53 (iv) Any person, other than a personal care attendant who has
54 workers' compensation coverage pursuant to section 1 of this act,
55 engaged in any type of service in or about a private dwelling provided
56 he is not regularly employed by the owner or occupier over twenty-six
57 hours per week;

58 (v) An employee of a corporation who is a corporate officer and
59 who elects to be excluded from coverage under this chapter by notice
60 in writing to his employer and to the commissioner; or

61 (vi) Any person who is not a resident of this state but is injured in
62 this state during the course of his employment, unless such person (I)
63 works for an employer who has a place of employment or a business
64 facility located in this state at which such person spends at least fifty
65 per cent of his employment time, or (II) works for an employer
66 pursuant to an employment contract to be performed primarily in this
67 state.

68 Sec. 4. (NEW) (*Effective July 1, 2016*) The Commissioner of Social
69 Services, in consultation with the Commissioner of Developmental
70 Services and the Commissioner of Administrative Services, shall adopt
71 regulations in accordance with the provisions of chapter 54 of the
72 general statutes governing workers' compensation coverage for
73 personal care attendants employed directly by a consumer in a
74 Community First Choice program. The regulations shall provide the
75 (1) type of benefits, (2) benefit rate, and (3) duration of the benefits.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2016</i>	New section
Sec. 2	<i>July 1, 2016</i>	17b-706a(e)(2)(B)

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Sec. 3	<i>July 1, 2016</i>	31-275(9)(B)
Sec. 4	<i>July 1, 2016</i>	New section