

# Aging Committee JOINT FAVORABLE REPORT

**Bill No.:** SB-258

AN ACT CONCERNING THE EXEMPTION OF PROBATE-COURT APPROVED  
CONSERVATOR AND FIDUCIARY FEES FROM MEDICAID APPLIED INCOME

**Title:** AND ASSET TRANSFER DETERMINATIONS.

**Vote Date:** 3/15/2018

**Vote Action:** Joint Favorable Substitute Change of Reference to Human Services

**PH Date:** 3/8/2018

**File No.:**

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## **SPONSORS OF BILL:**

Committee on Aging

## **REASONS FOR BILL:**

This bill was put forth to address the costs and fiduciary fees, the bill will exempt from Medicaid income eligibility and asset transfer determinations conservator and fiduciary fees approved by the Probate Court and assessed to a Medicaid applicant or recipient.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

**Department of Social Services, State of Connecticut:** Opposes this bill. The Department submitted testimony pointing to concerns:

- Section 1 – If approved, portions of provisions will increase the percentage of costs the state will be liable to pay for institutional services provided to Medicaid beneficiary. Additionally, to an increase to the Medicaid budget, implementing a change to the Department's patient liability calculation will also require numerous system enhancements because the current eligibility system is not programmed to include conservator and fiduciary fees allowable patient liability deduction. System enhancements will result in additional fiscal impact to the state.
- Section 2 – As drafted is unclear. If the Department subsequently collects on the debt, section 2 would exclude the conservator fees from the amount the department could collect and would limit the funds collected by the Department.
- Section 3 – Seems to implement the same requirements as Section 2 for nursing homes. Specifically, the language would reduce the debt nursing homes can collect on a transfer of assets by the conservator and fiduciary fees associated with the transfer of assets.

The opinion of the Department is that this bill would result in a negative fiscal impact to the state, and must oppose it.

## **NATURE AND SOURCES OF SUPPORT:**

**Marc Anthony Gallucci, Esq., Center for Disability Rights (CDR):** Support the bill. The CDR offered testimony stating that if this bill passes, folks trapped in nursing homes for these reasons will be able to finally get control over their own lives and they will be able to transition out of nursing homes. If this bill does not pass, hundreds of people will continue to languish in nursing homes against their will and at great cost to the State's Medicaid budget.

## **NATURE AND SOURCES OF OPPOSITION:**

**Connecticut Association of Health Care Facilities (CAHCF):** Opposes the bill. CAHCF offered testimony, it is their position that it would be wrong to adopt a policy, as this bill does, which confers a benefit in the form of a reduced debt owed to the nursing home when the consequences have been so harsh to the nursing home.

**Mag Morelli, President, LeadingAge Connecticut:** Does not support this bill and specially section 3. The intent of the proposed drafted language is not clear and if it's intent is in any way to reduce the debt that the facility can collect, Leading Age cannot support it.

**Reported by: Rhonda Carroll**

**Date: March 24, 2018**