



General Assembly

February Session, 2018

**Raised Bill No. 258**

LCO No. 1432



Referred to Committee on AGING

Introduced by:  
(AGE)

***AN ACT CONCERNING THE EXEMPTION OF PROBATE-COURT APPROVED CONSERVATOR AND FIDUCIARY FEES FROM MEDICAID INCOME ELIGIBILITY AND ASSET TRANSFER DETERMINATIONS.***

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

1 Section 1. (NEW) (*Effective from passage*) On or before December 31,  
2 2018, the Commissioner of Social Services shall amend the Medicaid  
3 state plan provisions governing the calculation of applied income, as  
4 defined in section 17b-261r of the general statutes, to permit a qualified  
5 deduction pursuant to 42 USC 1396a(r)(1)(A)(ii) for the following  
6 expenses related to representation of a Medicaid applicant or recipient:  
7 (1) Compensation of a conservator in the amount approved by the  
8 Probate Court; (2) Probate Court filing fees and expenses under  
9 subdivision (6) of subsection (b) of section 45a-106a and sections 45a-  
10 108a and 45a-109 of the general statutes; (3) premiums for any probate  
11 bond required by the Probate Court; and (4) any other fiduciary  
12 expenses approved by the Probate Court, provided such deductions  
13 are permissible under federal law.

14       Sec. 2. Subsection (b) of section 17b-261a of the general statutes is  
 15 repealed and the following is substituted in lieu thereof (*Effective from*  
 16 *passage*):

17       (b) Any transfer or assignment of assets resulting in the  
 18 establishment or imposition of a penalty period shall create a debt, as  
 19 defined in section 36a-645, that shall be due and owing by the  
 20 transferor or transferee to the Department of Social Services in an  
 21 amount equal to the amount of the medical assistance provided to or  
 22 on behalf of the transferor on or after the date of the transfer of assets,  
 23 but said amount shall not (1) exceed the fair market value of the assets  
 24 at the time of transfer, or (2) to the extent permissible under federal  
 25 law, include any conservator or fiduciary fee approved by the Probate  
 26 Court that was related to the transfer or assignment and charged to a  
 27 Medicaid applicant or recipient. The Commissioner of Social Services,  
 28 the Commissioner of Administrative Services and the Attorney  
 29 General shall have the power or authority to seek administrative, legal  
 30 or equitable relief as provided by other statutes or by common law.

31       Sec. 3. Subsection (e) of section 17b-261q of the general statutes is  
 32 repealed and the following is substituted in lieu thereof (*Effective from*  
 33 *passage*):

34       (e) The provisions of this section shall not apply to (1) a conservator  
 35 who transfers income or principal with the approval of the Probate  
 36 Court under subsection (d) or (e) of section 45a-655, or (2) to the extent  
 37 permissible under federal law, any conservator or fiduciary fee  
 38 approved by the Probate Court that was related to the transfer or  
 39 assignment of assets and charged to a resident who is a Medicaid  
 40 applicant or recipient.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	17b-261a(b)
Sec. 3	<i>from passage</i>	17b-261q(e)

***Statement of Purpose:***

To 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.

*[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.]*