



Senate

General Assembly

File No. 163

February Session, 2018

Senate Bill No. 288

Senate, April 3, 2018

The Committee on Veterans' Affairs reported through SEN. FLEXER of the 29th Dist. and SEN. MARTIN of the 31st Dist., Chairpersons of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT EXPANDING CERTAIN VETERANS' ACCESS TO PUBLIC ASSISTANCE PROGRAMS.

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

1 Section 1. Section 17b-28i of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) To the extent permissible by federal law, the Commissioner of
4 Social Services shall disregard all federal non-service-connected
5 pension benefits, including, but not limited to, the basic pension, the
6 Aid and Attendance [pension benefits] benefit and the Housebound
7 benefit, which pension benefits are granted to a veteran, as defined in
8 section 27-103, or the surviving spouse of such veteran, when
9 determining income eligibility for the state's Medicare savings, medical
10 assistance and energy assistance programs administered under section
11 17b-2.

12 (b) The Commissioner of Social Services may seek approval of an

13 amendment to the state Medicaid plan or a waiver from federal law, if
14 necessary, to exempt such benefits from income eligibility criteria as
15 unreimbursed medical expenses.

16 Sec. 2. Subsection (c) of section 17b-191 of the general statutes is
17 repealed and the following is substituted in lieu thereof (*Effective from*
18 *passage*):

19 (c) To be eligible for cash assistance under the program, a person
20 shall (1) be (A) eighteen years of age or older; (B) a minor found by a
21 court to be emancipated pursuant to section 46b-150; or (C) under
22 eighteen years of age and the commissioner determines good cause for
23 such person's eligibility, and (2) not have assets exceeding two
24 hundred fifty dollars or, if such person is married, such person and his
25 or her spouse shall not have assets exceeding five hundred dollars. In
26 determining eligibility, the commissioner shall not consider as income
27 any federal non-service-connected pension benefits, including, but not
28 limited to, the basic pension, the Aid and Attendance [pension
29 benefits] benefit and the Housebound benefit, which pension benefits
30 are granted to a veteran, as defined in section 27-103, or the surviving
31 spouse of such veteran. No person who is a substance abuser and
32 refuses or fails to enter available, appropriate treatment shall be
33 eligible for cash assistance under the program until such person enters
34 treatment. No person whose benefits from the temporary family
35 assistance program have terminated as a result of time-limited benefits
36 or for failure to comply with a program requirement shall be eligible
37 for cash assistance under the program.

38 Sec. 3. Section 17b-256f of the 2018 supplement to the general
39 statutes is repealed and the following is substituted in lieu thereof
40 (*Effective from passage*):

41 The Commissioner of Social Services shall increase income
42 disregards used to determine eligibility by the Department of Social
43 Services for the federal Qualified Medicare Beneficiary, the Specified
44 Low-Income Medicare Beneficiary and the Qualifying Individual
45 programs, administered in accordance with the provisions of 42 USC

46 1396d(p), by such amounts that shall result in persons with income
47 that is (1) less than two hundred eleven per cent of the federal poverty
48 level qualifying for the Qualified Medicare Beneficiary program, (2) at
49 or above two hundred eleven per cent of the federal poverty level but
50 less than two hundred thirty-one per cent of the federal poverty level
51 qualifying for the Specified Low-Income Medicare Beneficiary
52 program, and (3) at or above two hundred thirty-one per cent of the
53 federal poverty level but less than two hundred forty-six per cent of
54 the federal poverty level qualifying for the Qualifying Individual
55 program. The commissioner shall not apply an asset test for eligibility
56 under the Medicare Savings Program. The commissioner shall not
57 consider as income any federal non-service-connected pension
58 benefits, including, but not limited to, the basic pension, the Aid and
59 Attendance [pension benefits] benefit and the Housebound benefit,
60 which pension benefits are granted to a veteran, as defined in section
61 27-103, or the surviving spouse of such veteran. The Commissioner of
62 Social Services, pursuant to section 17b-10, may implement policies
63 and procedures to administer the provisions of this section while in the
64 process of adopting such policies and procedures in regulation form,
65 provided the commissioner prints notice of the intent to adopt the
66 regulations on the department's Internet web site and the eRegulations
67 System not later than twenty days after the date of implementation.
68 Such policies and procedures shall be valid until the time final
69 regulations are adopted.

70 Sec. 4. Section 17b-256f of the 2018 supplement to the general
71 statutes, as amended by section 6 of public act 17-1 of the January
72 special session, is repealed and the following is substituted in lieu
73 thereof (*Effective July 1, 2018*):

74 The Commissioner of Social Services shall establish eligibility for the
75 federal Qualified Medicare Beneficiary, the Specified Low-Income
76 Medicare Beneficiary and the Qualifying Individual programs,
77 administered in accordance with the provisions of 42 USC 1396d(p), by
78 such amounts that shall result in persons with income that is (1) less
79 than one hundred per cent of the federal poverty level qualifying for

80 the Qualified Medicare Beneficiary program, (2) at or above one
81 hundred per cent of the federal poverty level but less than one
82 hundred twenty per cent of the federal poverty level qualifying for the
83 Specified Low-Income Medicare Beneficiary program, and (3) at or
84 above one hundred twenty per cent of the federal poverty level but
85 less than one hundred thirty-five per cent of the federal poverty level
86 qualifying for the Qualifying Individual program. The commissioner
87 shall not apply an asset test for eligibility under the Medicare Savings
88 Program. The commissioner shall not consider as income any federal
89 non-service-connected pension benefits, including, but not limited to,
90 the basic pension, the Aid and Attendance [pension benefits] benefit
91 and the Housebound benefit, which pension benefits are granted to a
92 veteran, as defined in section 27-103, or the surviving spouse of such
93 veteran. The Commissioner of Social Services, pursuant to section 17b-
94 10, may implement policies and procedures to administer the
95 provisions of this section while in the process of adopting such policies
96 and procedures in regulation form, provided the commissioner prints
97 notice of the intent to adopt the regulations on the department's
98 Internet web site and the eRegulations System not later than twenty
99 days after the date of implementation. Such policies and procedures
100 shall be valid until the time final regulations are adopted.

101 Sec. 5. Subsection (a) of section 17b-261 of the 2018 supplement to
102 the general statutes is repealed and the following is substituted in lieu
103 thereof (*Effective from passage*):

104 (a) Medical assistance shall be provided for any otherwise eligible
105 person whose income, including any available support from legally
106 liable relatives and the income of the person's spouse or dependent
107 child, is not more than one hundred forty-three per cent, pending
108 approval of a federal waiver applied for pursuant to subsection (e) of
109 this section, of the benefit amount paid to a person with no income
110 under the temporary family assistance program in the appropriate
111 region of residence and if such person is an institutionalized
112 individual as defined in Section 1917 of the Social Security Act, 42 USC
113 1396p(h)(3), and has not made an assignment or transfer or other

114 disposition of property for less than fair market value for the purpose
115 of establishing eligibility for benefits or assistance under this section.
116 Any such disposition shall be treated in accordance with Section
117 1917(c) of the Social Security Act, 42 USC 1396p(c). Any disposition of
118 property made on behalf of an applicant or recipient or the spouse of
119 an applicant or recipient by a guardian, conservator, person
120 authorized to make such disposition pursuant to a power of attorney
121 or other person so authorized by law shall be attributed to such
122 applicant, recipient or spouse. A disposition of property ordered by a
123 court shall be evaluated in accordance with the standards applied to
124 any other such disposition for the purpose of determining eligibility.
125 The commissioner shall establish the standards for eligibility for
126 medical assistance at one hundred forty-three per cent of the benefit
127 amount paid to a household of equal size with no income under the
128 temporary family assistance program in the appropriate region of
129 residence. In determining eligibility, the commissioner shall not
130 consider as income any federal non-service-connected pension
131 benefits, including, but not limited to, the basic pension, the Aid and
132 Attendance [pension benefits] benefit and the Housebound benefit,
133 which pension benefits are granted to a veteran, as defined in section
134 27-103, or the surviving spouse of such veteran. Except as provided in
135 section 17b-277 and section 17b-292, the medical assistance program
136 shall provide coverage to persons under the age of nineteen with
137 household income up to one hundred ninety-six per cent of the federal
138 poverty level without an asset limit and to persons under the age of
139 nineteen, who qualify for coverage under Section 1931 of the Social
140 Security Act, with household income not exceeding one hundred
141 ninety-six per cent of the federal poverty level without an asset limit,
142 and their parents and needy caretaker relatives, who qualify for
143 coverage under Section 1931 of the Social Security Act, with household
144 income not exceeding one hundred thirty-three per cent of the federal
145 poverty level without an asset limit. Such levels shall be based on the
146 regional differences in such benefit amount, if applicable, unless such
147 levels based on regional differences are not in conformance with
148 federal law. Any income in excess of the applicable amounts shall be

149 applied as may be required by said federal law, and assistance shall be
150 granted for the balance of the cost of authorized medical assistance.
151 The Commissioner of Social Services shall provide applicants for
152 assistance under this section, at the time of application, with a written
153 statement advising them of (1) the effect of an assignment or transfer
154 or other disposition of property on eligibility for benefits or assistance,
155 (2) the effect that having income that exceeds the limits prescribed in
156 this subsection will have with respect to program eligibility, and (3)
157 the availability of, and eligibility for, services provided by the
158 Nurturing Families Network established pursuant to section 17b-751b.
159 For coverage dates on or after January 1, 2014, the department shall
160 use the modified adjusted gross income financial eligibility rules set
161 forth in Section 1902(e)(14) of the Social Security Act and the
162 implementing regulations to determine eligibility for HUSKY A,
163 HUSKY B and HUSKY D applicants, as defined in section 17b-290.
164 Persons who are determined ineligible for assistance pursuant to this
165 section shall be provided a written statement notifying such persons of
166 their ineligibility and advising such persons of their potential
167 eligibility for one of the other insurance affordability programs as
168 defined in 42 CFR 435.4.

169 Sec. 6. Subsection (l) of section 17b-342 of the general statutes is
170 repealed and the following is substituted in lieu thereof (*Effective from*
171 *passage*):

172 (l) In determining eligibility for the program described in this
173 section, the commissioner shall not consider as income any federal
174 non-service-connected pension benefits, including, but not limited to,
175 the basic pension, the Aid and Attendance [pension benefits] benefit
176 and the Housebound benefit, which pension benefits are granted to a
177 veteran, as defined in section 27-103, or the surviving spouse of such
178 veteran.

179 Sec. 7. Subsection (a) of section 17b-104 of the 2018 supplement to
180 the general statutes is repealed and the following is substituted in lieu
181 thereof (*Effective from passage*):

182 (a) The Commissioner of Social Services shall administer the
183 program of state supplementation to the Supplemental Security
184 Income Program provided for by the Social Security Act and state law.
185 The commissioner may delegate any powers and authority to any
186 deputy, assistant, investigator or supervisor, who shall have, within
187 the scope of the power and authority so delegated, all of the power
188 and authority of the Commissioner of Social Services. The
189 commissioner shall establish a standard of need based on the cost of
190 living in this state for the temporary family assistance program and the
191 state-administered general assistance program. The commissioner
192 shall make a reinvestigation, at least every twelve months, of all cases
193 receiving aid from the state, except that such reinvestigation may be
194 conducted every twenty-four months for recipients of assistance to the
195 elderly or disabled with stable circumstances, and shall maintain all
196 case records of the several programs administered by the Department
197 of Social Services so that such records show, at all times, full
198 information with respect to eligibility of the applicant or recipient. In
199 the determination of need under any public assistance program, such
200 income or earnings shall be disregarded as federal law requires, and
201 such income or earnings may be disregarded as federal law permits. In
202 determining eligibility, the commissioner shall disregard from income
203 any federal non-service-connected pension benefits, including, but not
204 limited to, the basic pension, the Aid and Attendance [pension
205 benefits] benefit and the Housebound benefit, which pension benefits
206 are granted to a veteran, as defined under section 27-103, or the
207 surviving spouse of such veteran. The commissioner shall encourage
208 and promulgate such incentive earning programs as are permitted by
209 federal law and regulations.

210 Sec. 8. Subsection (a) of section 17b-801 of the 2018 supplement to
211 the general statutes is repealed and the following is substituted in lieu
212 thereof (*Effective from passage*):

213 (a) The Commissioner of Social Services shall administer a state-
214 appropriated fuel assistance program to provide, within available
215 appropriations, fuel assistance to elderly and disabled persons whose

216 household gross income is above the income eligibility guidelines for
 217 the Connecticut energy assistance program but does not exceed two
 218 hundred per cent of federal poverty guidelines. The income eligibility
 219 guidelines for the state-appropriated fuel assistance program shall be
 220 determined, annually, by the Commissioner of Social Services, in
 221 conjunction with the Secretary of the Office of Policy and
 222 Management. In determining eligibility, the commissioner shall not
 223 consider as income any federal non-service-connected pension
 224 benefits, including, but not limited to, the basic pension, the Aid and
 225 Attendance [pension benefits] benefit and the Housebound benefit,
 226 which pension benefits are granted to a veteran, as defined under
 227 section 27-103, or the surviving spouse of such veteran. The
 228 commissioner may adopt regulations, in accordance with the
 229 provisions of chapter 54, to implement the provisions of this
 230 subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	17b-28i
Sec. 2	<i>from passage</i>	17b-191(c)
Sec. 3	<i>from passage</i>	17b-256f
Sec. 4	<i>July 1, 2018</i>	17b-256f
Sec. 5	<i>from passage</i>	17b-261(a)
Sec. 6	<i>from passage</i>	17b-342(l)
Sec. 7	<i>from passage</i>	17b-104(a)
Sec. 8	<i>from passage</i>	17b-801(a)

VA *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Social Services, Dept.	GF - Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill will result in a cost to the Department of Social Services (DSS) associated disregarding all federal non-service-connected pension benefits for veterans or their surviving spouses for purposes of determining income eligibility. By reducing the income that is currently counted towards income limits, the bill increases the number of individuals who could be eligible under the following DSS programs: Medicaid, the Medicare Savings Program, State Supplement (Aid to the Aged, Blind and Disabled), State Administered General Assistance, Connecticut Home Care Program for Elders, and fuel and weatherization assistance.

For context, there were 185,000 veterans in Connecticut on 9/30/17. The number of veterans participating in the assistance programs specified by the bill is unknown. The impact of the bill is dependent on (1) the number of veterans participating in each DSS program, (2) the benefit amount being disregarded, and (3) the income limits of the program.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of applicable veterans in DSS programs and the amount of benefit being disregarded.

OLR Bill Analysis**SB 288*****AN ACT EXPANDING CERTAIN VETERANS' ACCESS TO PUBLIC ASSISTANCE PROGRAMS.*****SUMMARY**

To the extent allowed by federal law, this bill requires the Department of Social Services (DSS) commissioner, when determining income eligibility for certain state assistance programs, to disregard all non-service-connected pension benefits granted to veterans or their surviving spouses. Current law only requires the commissioner to disregard federal Aid and Attendance pension benefits. The bill specifically includes federal basic pension and Housebound benefits (see BACKGROUND) as required income disregards.

Under the bill, the DSS income disregards apply to the following programs:

1. Medicaid,
2. State Administered General Assistance,
3. Medicare Savings Program,
4. Connecticut Home Care Program for Elders,
5. State Supplement Program, and
6. fuel and weatherization assistance.

Current law allows the commissioner to seek approval of an amendment to the State Medicaid Plan or a waiver from federal law to exempt Aid and Attendance pension benefits from income eligibility criteria. The bill allows him to seek such an exemption for all non-service connected pension benefits as unreimbursed medical expenses.

EFFECTIVE DATE: Upon passage

BACKGROUND

Aid and Attendance

The Aid and Attendance monthly pension amount may be added to a veteran's monthly pension if the veteran needs aid to perform personal everyday living functions, is bedridden or in a nursing home due to mental or physical incapacity, or has specific limited eyesight.

Housebound Benefit

This increased monthly pension amount may be added to a veteran's monthly pension if he or she is substantially confined to his or her immediate premises due to permanent disability.

Related Bill

sHB 5038, reported favorably by the Human Services Committee, makes permanent a limit on eligibility for the state-funded portion of the Connecticut Home Care for Elders program.

COMMITTEE ACTION

Veterans' Affairs Committee

Joint Favorable

Yea 14 Nay 0 (03/14/2018)