



Senate

General Assembly

File No. 162

January Session, 2019

Senate Bill No. 801

Senate, March 26, 2019

The Committee on Veterans' Affairs reported through SEN. MARONEY of the 14th Dist., Chairperson 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 Section 17b-28i of the general statutes is repealed and the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 July 1, 2019, and*
3 *applicable to all applications for assistance filed on or after said date*):

4 (a) To the extent permissible by federal law, the Commissioner of
5 Social Services shall disregard, when determining income eligibility for
6 the state's Medicare savings, medical assistance and energy assistance
7 programs administered under section 17b-2, all federal nonservice-
8 connected pension benefits, including, but not limited to, the basic
9 pension, the Aid and Attendance [pension benefits] benefit and the
10 Housebound benefit, which pension benefits are granted to a veteran
11 or the surviving spouse of such veteran. [when determining income
12 eligibility for the state's Medicare savings, medical assistance and
13 energy assistance programs administered under section 17b-2.] As
14 used in this subsection, "veteran" means any person (1) honorably

15 discharged from, or released under honorable conditions from active
16 service in, the armed forces, as defined in section 27-103, or (2) with a
17 qualifying condition, as defined in said section, who has received a
18 discharge other than bad conduct or dishonorable from active service
19 in the armed forces.

20 (b) The Commissioner of Social Services may seek approval of an
21 amendment to the state Medicaid plan or a waiver from federal law, if
22 necessary, to exempt such benefits from income eligibility criteria as
23 unreimbursed medical expenses.

24 Sec. 2. Subsection (c) of section 17b-191 of the general statutes is
25 repealed and the following is substituted in lieu thereof (*Effective July*
26 *1, 2019, and applicable to all applications for assistance filed on or after said*
27 *date*):

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

47 Sec. 3. Section 17b-256f of the general statutes is repealed and the

48 following is substituted in lieu thereof (*Effective July 1, 2019, and*
49 *applicable to all applications for assistance filed on or after said date*):

50 The Commissioner of Social Services shall increase income
51 disregards used to determine eligibility by the Department of Social
52 Services for the federal Qualified Medicare Beneficiary, the Specified
53 Low-Income Medicare Beneficiary and the Qualifying Individual
54 programs, administered in accordance with the provisions of 42 USC
55 1396d(p), by such amounts that shall result in persons with income
56 that is (1) less than two hundred eleven per cent of the federal poverty
57 level qualifying for the Qualified Medicare Beneficiary program, (2) at
58 or above two hundred eleven per cent of the federal poverty level but
59 less than two hundred thirty-one per cent of the federal poverty level
60 qualifying for the Specified Low-Income Medicare Beneficiary
61 program, and (3) at or above two hundred thirty-one per cent of the
62 federal poverty level but less than two hundred forty-six per cent of
63 the federal poverty level qualifying for the Qualifying Individual
64 program. The commissioner shall not apply an asset test for eligibility
65 under the Medicare Savings Program. The commissioner shall not
66 consider as income any federal nonservice-connected pension benefits,
67 including, but not limited to, the basic pension, the Aid and
68 Attendance [pension benefits] benefit and the Housebound benefit,
69 which pension benefits are granted to a veteran, as defined in section
70 27-103, or the surviving spouse of such veteran. The Commissioner of
71 Social Services, pursuant to section 17b-10, may implement policies
72 and procedures to administer the provisions of this section while in the
73 process of adopting such policies and procedures in regulation form,
74 provided the commissioner prints notice of the intent to adopt the
75 regulations on the department's Internet web site and the eRegulations
76 System not later than twenty days after the date of implementation.
77 Such policies and procedures shall be valid until the time final
78 regulations are adopted.

79 Sec. 4. Subsection (a) of section 17b-261 of the general statutes is
80 repealed and the following is substituted in lieu thereof (*Effective July*
81 *1, 2019, and applicable to all applications for assistance filed on or after said*

82 *date*):

83 (a) Medical assistance shall be provided for any otherwise eligible
84 person whose income, including any available support from legally
85 liable relatives and the income of the person's spouse or dependent
86 child, is not more than one hundred forty-three per cent, pending
87 approval of a federal waiver applied for pursuant to subsection (e) of
88 this section, of the benefit amount paid to a person with no income
89 under the temporary family assistance program in the appropriate
90 region of residence and if such person is an institutionalized
91 individual as defined in Section 1917 of the Social Security Act, 42 USC
92 1396p(h)(3), and has not made an assignment or transfer or other
93 disposition of property for less than fair market value for the purpose
94 of establishing eligibility for benefits or assistance under this section.
95 Any such disposition shall be treated in accordance with Section
96 1917(c) of the Social Security Act, 42 USC 1396p(c). Any disposition of
97 property made on behalf of an applicant or recipient or the spouse of
98 an applicant or recipient by a guardian, conservator, person
99 authorized to make such disposition pursuant to a power of attorney
100 or other person so authorized by law shall be attributed to such
101 applicant, recipient or spouse. A disposition of property ordered by a
102 court shall be evaluated in accordance with the standards applied to
103 any other such disposition for the purpose of determining eligibility.
104 The commissioner shall establish the standards for eligibility for
105 medical assistance at one hundred forty-three per cent of the benefit
106 amount paid to a household of equal size with no income under the
107 temporary family assistance program in the appropriate region of
108 residence. In determining eligibility, the commissioner shall not
109 consider as income any federal nonservice-connected pension benefits,
110 including, but not limited to, the basic pension, the Aid and
111 Attendance [pension benefits] benefit and the Housebound benefit,
112 which pension benefits are granted to a veteran, as defined in section
113 27-103, or the surviving spouse of such veteran. Except as provided in
114 section 17b-277 and section 17b-292, the medical assistance program
115 shall provide coverage to persons under the age of nineteen with
116 household income up to one hundred ninety-six per cent of the federal

117 poverty level without an asset limit and to persons under the age of
118 nineteen, who qualify for coverage under Section 1931 of the Social
119 Security Act, with household income not exceeding one hundred
120 ninety-six per cent of the federal poverty level without an asset limit,
121 and their parents and needy caretaker relatives, who qualify for
122 coverage under Section 1931 of the Social Security Act, with household
123 income not exceeding one hundred fifty per cent of the federal poverty
124 level without an asset limit. Such levels shall be based on the regional
125 differences in such benefit amount, if applicable, unless such levels
126 based on regional differences are not in conformance with federal law.
127 Any income in excess of the applicable amounts shall be applied as
128 may be required by said federal law, and assistance shall be granted
129 for the balance of the cost of authorized medical assistance. The
130 Commissioner of Social Services shall provide applicants for assistance
131 under this section, at the time of application, with a written statement
132 advising them of (1) the effect of an assignment or transfer or other
133 disposition of property on eligibility for benefits or assistance, (2) the
134 effect that having income that exceeds the limits prescribed in this
135 subsection will have with respect to program eligibility, and (3) the
136 availability of, and eligibility for, services provided by the Nurturing
137 Families Network established pursuant to section 17b-751b. For
138 coverage dates on or after January 1, 2014, the department shall use the
139 modified adjusted gross income financial eligibility rules set forth in
140 Section 1902(e)(14) of the Social Security Act and the implementing
141 regulations to determine eligibility for HUSKY A, HUSKY B and
142 HUSKY D applicants, as defined in section 17b-290. Persons who are
143 determined ineligible for assistance pursuant to this section shall be
144 provided a written statement notifying such persons of their
145 ineligibility and advising such persons of their potential eligibility for
146 one of the other insurance affordability programs as defined in 42 CFR
147 435.4.

148 Sec. 5. Subsection (l) of section 17b-342 of the general statutes is
149 repealed and the following is substituted in lieu thereof (*Effective July*
150 *1, 2019, and applicable to all applications for assistance filed on or after said*
151 *date*):

152 (l) In determining eligibility for the program described in this
153 section, the commissioner shall not consider as income any federal
154 nonservice-connected pension benefits, including, but not limited to,
155 the basic pension, the Aid and Attendance [pension benefits] benefit
156 and the Housebound benefit, which pension benefits are granted to a
157 veteran, as defined in section 27-103, or the surviving spouse of such
158 veteran.

159 Sec. 6. Subsection (a) of section 17b-104 of the general statutes is
160 repealed and the following is substituted in lieu thereof (*Effective July*
161 *1, 2019, and applicable to all applications for assistance filed on or after said*
162 *date*):

163 (a) The Commissioner of Social Services shall administer the
164 program of state supplementation to the Supplemental Security
165 Income Program provided for by the Social Security Act and state law.
166 The commissioner may delegate any powers and authority to any
167 deputy, assistant, investigator or supervisor, who shall have, within
168 the scope of the power and authority so delegated, all of the power
169 and authority of the Commissioner of Social Services. The
170 commissioner shall establish a standard of need based on the cost of
171 living in this state for the temporary family assistance program and the
172 state-administered general assistance program. The commissioner
173 shall make a reinvestigation, at least every twelve months, of all cases
174 receiving aid from the state, except that such reinvestigation may be
175 conducted every twenty-four months for recipients of assistance to the
176 elderly or disabled with stable circumstances, and shall maintain all
177 case records of the several programs administered by the Department
178 of Social Services so that such records show, at all times, full
179 information with respect to eligibility of the applicant or recipient. In
180 the determination of need under any public assistance program, such
181 income or earnings shall be disregarded as federal law requires, and
182 such income or earnings may be disregarded as federal law permits. In
183 determining eligibility, the commissioner shall disregard from income
184 any federal nonservice-connected pension benefits, including, but not
185 limited to, the basic pension, the Aid and Attendance [pension

186 benefits] benefit and the Housebound benefit, which pension benefits
 187 are granted to a veteran, as defined under section 27-103, or the
 188 surviving spouse of such veteran. The commissioner shall encourage
 189 and promulgate such incentive earning programs as are permitted by
 190 federal law and regulations.

191 Sec. 7. Subsection (a) of section 17b-801 of the general statutes is
 192 repealed and the following is substituted in lieu thereof (*Effective July*
 193 *1, 2019, and applicable to all applications for assistance filed on or after said*
 194 *date*):

195 (a) The Commissioner of Social Services shall administer a state-
 196 appropriated fuel assistance program to provide, within available
 197 appropriations, fuel assistance to elderly and disabled persons whose
 198 household gross income is above the income eligibility guidelines for
 199 the Connecticut energy assistance program but does not exceed two
 200 hundred per cent of federal poverty guidelines. The income eligibility
 201 guidelines for the state-appropriated fuel assistance program shall be
 202 determined, annually, by the Commissioner of Social Services, in
 203 conjunction with the Secretary of the Office of Policy and
 204 Management. In determining eligibility, the commissioner shall not
 205 consider as income any federal nonservice-connected pension benefits,
 206 including, but not limited to, the basic pension, the Aid and
 207 Attendance [pension benefits] benefit and the Housebound benefit,
 208 which pension benefits are granted to a veteran, as defined under
 209 section 27-103, or the surviving spouse of such veteran. The
 210 commissioner may adopt regulations, in accordance with the
 211 provisions of chapter 54, to implement the provisions of this
 212 subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019, and applicable to all applications for assistance filed on or after said date</i>	17b-28i

Sec. 2	<i>July 1, 2019, and applicable to all applications for assistance filed on or after said date</i>	17b-191(c)
Sec. 3	<i>July 1, 2019, and applicable to all applications for assistance filed on or after said date</i>	17b-256f
Sec. 4	<i>July 1, 2019, and applicable to all applications for assistance filed on or after said date</i>	17b-261(a)
Sec. 5	<i>July 1, 2019, and applicable to all applications for assistance filed on or after said date</i>	17b-342(l)
Sec. 6	<i>July 1, 2019, and applicable to all applications for assistance filed on or after said date</i>	17b-104(a)
Sec. 7	<i>July 1, 2019, and applicable to all applications for assistance filed on or after said date</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 20 \$	FY 21 \$
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 with 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 Administered General Assistance, Connecticut Home Care Program for Elders, State Supplement (Aid to the Aged, Blind and Disabled), and fuel and weatherization assistance.

For context, there were 177,000 veterans in Connecticut on 9/30/18. 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 benefits being disregarded.

OLR Bill Analysis**SB 801*****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 the state's Medicare savings, medical assistance, and energy 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 also 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.

The bill also makes conforming changes.

EFFECTIVE DATE: July 1, 2019, and applicable to all applications for assistance filed on or after that date.

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.

COMMITTEE ACTION

Veterans' Affairs Committee

Joint Favorable

Yea 16 Nay 0 (03/12/2019)