



General Assembly

January Session, 2019

***Raised Bill No. 801***

LCO No. 3532



Referred to Committee on VETERANS' AFFAIRS

Introduced by:  
(VA)

***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 Section 17b-28i of the general statutes is repealed and the  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25 repealed and the following is substituted in lieu thereof (*Effective July*  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)

**Statement of Purpose:**

To require that pension benefits granted to certain veterans by the United States Department of Veterans Affairs be disregarded when determining income eligibility for certain state Medicaid programs.

*[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.]*