



General Assembly

January Session, 2019

Raised Bill No. 818

LCO No. 3412



Referred to Committee on HUMAN SERVICES

Introduced by:
(HS)

***AN ACT ALLOWING FOR THE DEDUCTION OF COURT-APPROVED
CONSERVATOR AND FIDUCIARY EXPENSES FROM MEDICAID
APPLIED INCOME.***

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

1 Section 1. (NEW) (*Effective from passage*) (a) On or before December
2 31, 2019, the Commissioner of Social Services shall amend the
3 Medicaid state plan provisions governing the calculation of applied
4 income, as defined in section 17b-261r of the general statutes, to permit
5 a qualified deduction pursuant to 42 USC 1396a(r)(1)(A)(ii) for the
6 following expenses related to representation of a Medicaid applicant or
7 recipient: (1) Compensation of a conservator in the amount approved
8 by the 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 (b) The provisions of this section shall be effective upon the

15 commissioner receiving federal approval to amend the Medicaid state
16 plan pursuant to subsection (a) of this section and shall be applied to
17 conservator expenses incurred on or after October 1, 2019, or the
18 approval date of the Medicaid state plan amendment, whichever is
19 later.

20 (c) On or before December 31, 2020, and annually thereafter, the
21 Commissioner of Social Services shall calculate the total amount
22 deducted from applied income under subsection (a) of this section
23 during the preceding fiscal year and inform the Probate Court
24 Administrator, in writing, of the amount. Not later than thirty days
25 after receipt of the commissioner's calculation, the Probate Court
26 Administrator shall transfer funds from the Probate Court
27 Administration fund to the Department of Social Services equal to one-
28 half of such amount for that year.

29 Sec. 2. (NEW) (*Effective from passage*) The baseline conservator
30 compensation to be deducted from applied income pursuant to
31 subsection (a) of section 1 of this act shall be one hundred twenty-five
32 dollars per month, provided the Commissioner of Social Services shall
33 approve fees above said amount if approved by the Probate Court at
34 the time Medicaid is granted to a conserved person and upon
35 redetermination of such conserved person's Medicaid eligibility.

36 Sec. 3. Subsection (d) of section 17b-261 of the general statutes is
37 repealed and the following is substituted in lieu thereof (*Effective from*
38 *passage*):

39 (d) The transfer of an asset in exchange for other valuable
40 consideration shall be allowable to the extent the value of the other
41 valuable consideration is equal to or greater than the value of the asset
42 transferred. The Commissioner of Social Services shall not treat any
43 Probate Court-approved conservator or fiduciary fee paid for services
44 rendered as an improper transfer of assets for the purpose of obtaining
45 Medicaid eligibility.

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>	New section
Sec. 3	<i>from passage</i>	17b-261(d)

Statement of Purpose:

To allow for the deduction of court-approved conservator and fiduciary expenses from the amount of a Medicaid recipient's income applied to the cost of his or her care.

[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.]