



General Assembly

Amendment

January Session, 2019

LCO No. 8540



Offered by:
SEN. KELLY, 21st Dist.

To: Subst. Senate Bill No. 1078

File No. 603

Cal. No. 288

"AN ACT CONCERNING DOULA CERTIFICATION AND MEDICAID REIMBURSEMENT FOR DOULA SERVICES."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective from passage*) (a) On or before December
4 31, 2019, the Commissioner of Social Services shall amend the
5 Medicaid state plan provisions governing the calculation of applied
6 income, as defined in section 17b-261r of the general statutes, to permit
7 a qualified deduction pursuant to 42 USC 1396a(r)(1)(A)(ii) for the
8 following expenses related to representation of a Medicaid applicant or
9 recipient: (1) Compensation of a conservator in the amount approved
10 by the Probate Court; (2) Probate Court filing fees and expenses under
11 subdivision (6) of subsection (b) of section 45a-106a and sections 45a-
12 108a and 45a-109 of the general statutes; (3) premiums for any probate
13 bond required by the Probate Court; and (4) any other fiduciary
14 expenses approved by the Probate Court, provided such deductions
15 are permissible under federal law.

16 (b) The Commissioner of Social Services shall seek federal approval
17 for a Medicaid state plan amendment as set forth in subsection (a) of
18 this section. The provisions of this section shall be effective upon the
19 commissioner receiving approval to amend the Medicaid state plan
20 from the Centers for Medicare and Medicaid Services, and, subject to
21 such federal approval, shall be applied to conservator expenses
22 incurred on or after October 1, 2019, or the approval date of the
23 Medicaid state plan amendment, whichever is later.

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

34 Sec. 502. (NEW) (*Effective from passage*) The baseline conservator
35 compensation to be deducted from applied income pursuant to
36 subsection (a) of section 501 of this act shall be one hundred twenty-
37 five dollars per month, provided the Commissioner of Social Services
38 shall approve fees above said amount if approved by the Probate
39 Court at the time Medicaid is granted to a conserved person and upon
40 redetermination of such conserved person's Medicaid eligibility.

41 Sec. 503. Subsection (d) of section 17b-261 of the general statutes is
42 repealed and the following is substituted in lieu thereof (*Effective from*
43 *passage*):

44 (d) The transfer of an asset in exchange for other valuable
45 consideration shall be allowable to the extent the value of the other
46 valuable consideration is equal to or greater than the value of the asset
47 transferred. The Commissioner of Social Services shall not treat any

- 48 Probate Court-approved conservator or fiduciary fee paid for services
 49 rendered as an improper transfer of assets for the purpose of obtaining
 50 Medicaid eligibility."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>from passage</i>	New section
Sec. 502	<i>from passage</i>	New section
Sec. 503	<i>from passage</i>	17b-261(d)