



House of Representatives

General Assembly

File No. 122

January Session, 2021

House Bill No. 6469

House of Representatives, March 24, 2021

The Committee on Human Services reported through REP. ABERCROMBIE of the 83rd Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE CONNECTICUT HOME-CARE PROGRAM FOR THE ELDERLY.

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

1 Section 1. Subsections (i) and (j) of section 17b-342 of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2021*):

4 (i) (1) On and after July 1, 2015, the Commissioner of Social Services
5 shall, within available appropriations, administer a state-funded
6 portion of the program for persons (A) who are sixty-five years of age
7 and older; (B) who are inappropriately institutionalized or at risk of
8 inappropriate institutionalization; (C) whose income is less than or
9 equal to the amount allowed under subdivision (3) of subsection (a) of
10 this section; and (D) whose assets, if single, do not exceed one hundred
11 fifty per cent of the federal minimum community spouse protected
12 amount pursuant to 42 USC 1396r-5(f)(2) or, if married, the couple's
13 assets do not exceed two hundred per cent of said community spouse
14 protected amount. For program applications received by the

15 Department of Social Services for the fiscal years ending June 30, 2016,
16 and June 30, 2017, only persons who require the level of care provided
17 in a nursing home shall be eligible for the state-funded portion of the
18 program, except for persons residing in affordable housing under the
19 assisted living demonstration project established pursuant to section
20 17b-347e who are otherwise eligible in accordance with this section.

21 [(2) Except for persons residing in affordable housing under the
22 assisted living demonstration project established pursuant to section
23 17b-347e, as provided in subdivision (3) of this subsection, any person
24 whose income is at or below two hundred per cent of the federal poverty
25 level and who is ineligible for Medicaid shall contribute nine per cent of
26 the cost of his or her care. Any person whose income exceeds two
27 hundred per cent of the federal poverty level shall contribute nine per
28 cent of the cost of his or her care in addition to the amount of applied
29 income determined in accordance with the methodology established by
30 the Department of Social Services for recipients of medical assistance.
31 Any person who does not contribute to the cost of care in accordance
32 with this subdivision shall be ineligible to receive services under this
33 subsection. Notwithstanding any provision of sections 17b-60 and 17b-
34 61, the department shall not be required to provide an administrative
35 hearing to a person found ineligible for services under this subsection
36 because of a failure to contribute to the cost of care.

37 (3) Any person who resides in affordable housing under the assisted
38 living demonstration project established pursuant to section 17b-347e
39 and whose income is at or below two hundred per cent of the federal
40 poverty level, shall not be required to contribute to the cost of care. Any
41 person who resides in affordable housing under the assisted living
42 demonstration project established pursuant to section 17b-347e and
43 whose income exceeds two hundred per cent of the federal poverty
44 level, shall contribute to the applied income amount determined in
45 accordance with the methodology established by the Department of
46 Social Services for recipients of medical assistance. Any person whose
47 income exceeds two hundred per cent of the federal poverty level and
48 who does not contribute to the cost of care in accordance with this

49 subdivision shall be ineligible to receive services under this subsection.
 50 Notwithstanding any provision of sections 17b-60 and 17b-61, the
 51 department shall not be required to provide an administrative hearing
 52 to a person found ineligible for services under this subsection because
 53 of a failure to contribute to the cost of care.]

54 [(4)] (2) The annualized cost of services provided to an individual
 55 under the state-funded portion of the program shall not exceed fifty per
 56 cent of the weighted average cost of care in nursing homes in the state,
 57 except an individual who received services costing in excess of such
 58 amount under the Department of Social Services in the fiscal year
 59 ending June 30, 1992, may continue to receive such services, provided
 60 the annualized cost of such services does not exceed eighty per cent of
 61 the weighted average cost of such nursing home care. The commissioner
 62 may allow the cost of services provided to an individual to exceed the
 63 maximum cost established pursuant to this subdivision in a case of
 64 extreme hardship, as determined by the commissioner, provided in no
 65 case shall such cost exceed that of the weighted cost of such nursing
 66 home care.

67 (j) The Commissioner of Social Services may implement revised
 68 criteria for the operation of the program while in the process of adopting
 69 such criteria in regulation form, provided the commissioner prints
 70 notice of intention to adopt the regulations [in the Connecticut Law
 71 Journal within twenty days of implementing the policy] in accordance
 72 with section 17b-10. Such criteria shall be valid until the time final
 73 regulations are effective.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2021	17b-342(i) and (j)

HS *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 22 \$	FY 23 \$
Social Services, Dept.	GF - Cost	2,000,000	2,000,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a cost of approximately \$2 million annually associated with eliminating the co-pay under the state-funded Connecticut Homecare Program for Elders.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Department of Social Services Caseload and Utilization Information

OLR Bill Analysis**HB 6469*****AN ACT CONCERNING THE CONNECTICUT HOME-CARE PROGRAM FOR THE ELDERLY.*****SUMMARY**

This bill eliminates the required co-payments for participants in the state-funded portion of the Connecticut Home Care Program for Elders (CHCPE, see BACKGROUND). Under current law, the required co-payments are as follows:

1. Participants with income at or below 200% of the federal poverty level (FPL) and who are Medicaid-ineligible must generally contribute nine percent of the cost of their care each month.
2. Participants with income greater than 200% of the FPL must also contribute an applied income amount (calculated by subtracting certain personal needs allowances from their gross income).
3. Participants living in government-subsidized affordable housing programs are exempt from the 9% co-pay but must pay the applied income copay if their income exceeds 200% of the FPL.

(In 2021, 200% of the FPL is \$25,760 for an individual and \$34,840 for a family of two.)

Current law allows the Department of Social Services (DSS) commissioner to implement revised criteria for CHCPE's operation while in the process of adopting them as regulations, provided she publishes notice of intent to adopt the regulations in the Connecticut Law Journal within 20 days of implementing the policy. The bill requires DSS to generally conform to the Uniform Administrative Procedure Act by instead posting the notice on the department's website and the state's eRegulations System.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021

BACKGROUND

Connecticut Home Care Program for Elders

CHCPE is a Medicaid-waiver and state-funded program that provides a range of home- and community-based services for eligible individuals age 65 or older who are at risk of inappropriate institutionalization (e.g., nursing home placement). In comparison to the Medicaid-waiver component, the program's state-funded portion has no income limit and has higher asset limits. The state has authority to limit program enrollment or establish wait lists based on available resources.

COMMITTEE ACTION

Human Services Committee

Joint Favorable

Yea 14 Nay 5 (03/09/2021)