



Senate

General Assembly

File No. 493

January Session, 2021

Substitute Senate Bill No. 1075

Senate, April 15, 2021

The Committee on Government Administration and Elections reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING PAYROLL SERVICE PROVIDERS FOR THE EMPLOYMENT OF PERSONAL CARE ATTENDANTS.

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

1 Section 1. (NEW) (*Effective July 1, 2021*) (a) As used in this section,
2 "personal care attendant" and "consumer" have the same meanings as
3 provided in section 17b-706 of the general statutes.

4 (b) On and after July 1, 2021, no person submitting a response to a
5 request for proposals for the provision of payroll services for the
6 employment of personal care attendants shall be deemed qualified to
7 submit a response unless such person, either during the prequalification
8 process or in the submitted response, demonstrates an ability to provide
9 payroll services in a manner that meets or exceeds the following
10 requirements:

11 (1) Provision of clear and timely communication to the personal care
12 attendant directly about pay discrepancies, payment confirmation or a

13 change in consumer status, including providing (A) sufficient notice
 14 prior to the date of payment with specific information about any
 15 problem with the submitted time records which would impact the
 16 amount of pay the personal care attendant will receive on the date of
 17 payment, and (B) the personal care attendant with a specific and
 18 accessible method to address any problems in sufficient time to correct
 19 the problem and receive the correct amount on the payment date. As
 20 used in this subdivision, "sufficient notice" means a period of time that
 21 permits the personal care attendant to respond and correct any
 22 problems in time to receive the correct payment on the date of payment;

23 (2) Provision of a timely method for personal care attendants to
 24 receive pay between payroll cycles when a pay discrepancy has been
 25 resolved at least twenty-four hours after the date of payment. As used
 26 in this subdivision, "timely method" means payment not later than
 27 forty-eight hours after the resolution of the pay discrepancy; and

28 (3) An expanded telephonic and computer-based in-home
 29 scheduling, tracking and billing system that is capable of showing
 30 whether a personal care attendant's timesheet has been approved or
 31 there is a problem with such timesheet.

32 (c) The Commissioner of Administrative Services may adopt
 33 regulations, in accordance with the provisions of chapter 54 of the
 34 general statutes, to implement the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2021	New section

Statement of Legislative Commissioners:

In Subsec. (a), "subsection" was changed to "section" for accuracy and in Subsec. (b), a reference to section 17b-706 of the general statutes was deleted for consistency with standard drafting conventions.

GAE *Joint Favorable Subst. -LCO*

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 - Potential	See Below	See Below
Developmental Services, Dept.	Cost		

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill establishes requirements that responders to a request for proposals (RFP) to provide payroll services for certain personal care attendants (PCAs) must demonstrate in order to qualify for consideration. To the extent the requirements articulated in the bill adjust contract terms to increase Fiscal Intermediary responsibilities, it could result in increased contract costs to the Department of Social Services and the Department of Developmental Services.

The bill also allows the Department of Administrative Services Commissioner to adopt implementing regulations in accordance with the Uniform Administrative Procedure Act. This has no fiscal impact.

The Out Years

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

OLR Bill Analysis**sSB 1075*****AN ACT CONCERNING PAYROLL SERVICE PROVIDERS.*****SUMMARY**

Beginning July 1, 2021, this bill requires responders to a request for proposals (RFP) to provide payroll services for certain personal care attendants (PCAs) to demonstrate their ability to provide these services in a timely manner. To qualify, responders must demonstrate, either during the prequalification process or in their submitted response, an ability to provide payroll services meeting or exceeding the following requirements:

1. provides clear and timely direct communication to the PCA about pay discrepancies, payment confirmation, or a change in consumer status, including:
 - a. sufficient notice prior to his or her date of payment (i.e., pay day) with specific information about any problem with the submitted time records that would impact the amount of pay the PCA will receive on pay day, and
 - b. a specific and accessible method for PCAs to address any problems in sufficient time to correct them and receive the correct amount on pay day;
2. provides a timely method (i.e., within 48 hours after resolving the pay discrepancy) for PCAs to receive pay between payroll cycles when a pay discrepancy has been resolved at least 24 hours after pay day; and
3. uses an expanded telephonic and computer-based in-home scheduling, tracking, and billing system capable of showing

whether a PCA's timesheet has been approved or there is a problem with it.

The bill defines "sufficient notice" as a period of time that permits the PCA to respond and correct any problems in time to receive the correct payment on pay day. These requirements apply to PCAs employed by a consumer in the following state-funded programs:

1. Medicaid Acquired Brain Injury Waiver Program (CGS § 17b-260a);
2. Medicaid PCA Waiver Program for adults with disabilities (CGS § 17b-605a);
3. Connecticut Home Care Program for Elders (CGS § 17b-342);
4. Connecticut Home Care Program for Disabled Adults Pilot Program (CGS § 17b-617);
5. Individual, Family Support, and Comprehensive Medicaid waivers administered by the Department of Developmental Services; and
6. any other state-funded program that provides PCA services.

The bill also allows the Department of Administrative Services Commissioner to adopt implementing regulations in accordance with the Uniform Administrative Procedure Act.

EFFECTIVE DATE: July 1, 2021

BACKGROUND

Related Bill

sSB 942 (File 219), favorably reported by the Labor and Public Employees Committee, similarly requires fiscal intermediaries (i.e., payroll service providers) to provide PCAs with a way to address pay discrepancies and receive their pay, but imposes a fine of \$100 per violation, per day, until the violation is corrected.

sHB 6560 (File 307), favorably reported by the Human Services Committee, requires fiscal intermediaries to provide PCAs with a way to address pay discrepancies and timely receive their pay, and imposes a fine of \$25 per violation, per day, until corrected.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 18 Nay 0 (03/29/2021)