

Public Health Committee JOINT FAVORABLE REPORT

Bill No.: SB-376
Title: AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES' RECOMMENDATIONS REGARDING ABLE ACCOUNTS.
Vote Date: 3/16/2022
Vote Action: Joint Favorable Substitute
PH Date: 3/14/2022
File No.: 153

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SPONSORS OF BILL:

The Public Health Committee.

REASONS FOR BILL:

The state-administered general assistance program (SAGA) provides cash assistance to low income single or married individuals with no children. Such individuals cannot qualify for any other state cash assistance and must be considered transitional or unemployable. The Achieving a Better Life Experience (ABLE) program assists eligible individuals and their families to save private funds for qualified expenses if they are related to a disability or blindness. This bill would disregard funds in an ABLE account from determining an individual's eligibility for assistance under SAGA.

RESPONSE FROM ADMINISTRATION/AGENCY:

Peter Mason, Deputy Commissioner, Department of Developmental Services, (DDS):

DDS supports the bill as it would align the disregard of ABLE account money for eligibility for SAGA with the current statute regarding other assistance programs such as the temporary family assistance program and programs funded under the federal Low Income Home Energy Assistance Program block grant. ABLE accounts are an important part of planning for the future of a disabled person. DDS encourages individuals and their families to put aside money in an account such as ABLE to have funds in case of an emergency or, as a supplement to purchase items and services not covered under the DDS Medicaid waivers. This proposal would bring the ABLE account in line with Special Needs Trusts which are also exempt from eligibility for SAGA. This proposal would also protect people who already established ABLE accounts and may have fallen on hard times from being ineligible for assistance under SAGA. DDS has been made aware of amendment language from the Office

of the State Treasurer that would make changes to the state's ABLÉ account statutes to align with federal requirements. DDS would not oppose this bill being amended if the disregard language for SAGA is included in any JFS language.

Shawn Wooden, Treasurer, State of Connecticut:

Mr. Wooden testified that a federal law passed in 2014 enabled states to pass their own ABLÉ legislation authorizing the creation of a federally tax-advantaged savings program for individuals living with a disability. Connecticut passed such legislation in 2015. ABLÉ CT, implemented and administered by the Treasurer, helps individuals living with a disability plan for their future. The ABLÉ CT account does not jeopardize eligibility to receive federal benefits, such as Medicaid and Supplemental Security Income (SSI). ABLÉ CT also exempts money invested in an individual ABLÉ account from several state-assistance programs. This bill would add SAGA to this list. Allowing ABLÉ accounts to affect eligibility for SAGA runs counter to the goals of the program. Mr. Wooden supports this bill and respectfully requests that the committee consider substitute language to align ABLÉ CT with two recent federal regulatory changes. The enclosed language contains two suggested recommendations. Authorizing individuals beyond the designated beneficiary and their parent or guardian to open an ABLÉ CT account on behalf of the individual. Additionally, allow for self-certification which was previously unavailable under state law but included in federal ABLÉ regulations. Mr. Wooden encourages these two changes that will expand accessibility to this important program.

NATURE AND SOURCES OF SUPPORT:

Alison Weir, Policy Advocate Greater Hartford Legal Aid, (GHLA):

GHLA supports this bill which would correct the omission of the SAGA program from the list of programs for which ABLÉ accounts would be considered assets affecting the eligibility for assistance through this program. This is currently the practice on the federal level and yet somehow was not addressed in state ABLÉ accounts. GHLA urges passage of this bill.

Margaret Watt:

Ms. Watt has held several leadership positions in Southwestern CT including launching the RBHAO for Southwestern CT and as a member for the CT chapter of the National Alliance on Mental Illness (NAMI CT). Ms. Watt supports this bill. ABLÉ accounts were created as a way for qualified individuals with developmental and psychiatric disabilities to set aside savings for their future and still be eligible for state assistance programs. SAGA was not included. This bill closes this loophole and corrects this omission.

Carol Scully, Director of Advocacy for the Arc of Connecticut:

The ARC is the state's oldest and largest advocacy organization dedicated to protecting the rights of individuals with intellectual and developmental disabilities (IDD). Individuals with IDD and their families are required to have very limited assets to qualify for state administered services. By allowing ABLÉ accounts to be exempt from asset calculations, families will be provided with an economic buffer and peace of mind to make financial plans for their loved ones when they are no longer able to care for them on their own. DDS encourages the use of ABLÉ accounts to be able to purchase items and services not covered

under Medicaid waivers. This bill will also align the state with federal regulations. The ARC supports this legislation.

NATURE AND SOURCES OF OPPOSITION:

None expressed.

Reported by: Kathleen Panazza

Date: 3/25/22