OLR Bill Analysis

sHB 6665

AN ACT CONCERNING THE GOVERNOR'S BUDGET RECOMMENDATIONS FOR HEALTH AND HUMAN SERVICES.

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Requires DSS to determine FY 24 rates for residential care homes based on 2022 cost report filings and allows other increases within available appropriations

SUMMARY

This bill makes the Office of Policy and Management (OPM) the lead agency for autism spectrum disorder (ASD) programs and services and makes changes in laws related to rates, eligibility, and payments under Department of Social Services (DSS)-administered programs, as described in the section-by-section analysis below.

EFFECTIVE DATE: July 1, 2023, unless otherwise noted.

§§ 1-3 & 12-16 — AUTISM SPECTRUM DISORDER (ASD) AND OPM

Makes OPM, rather than DSS, the lead agency to coordinate ASD services and transfers many of DSS's ASD-related duties to OPM; and requires the ASDAC to report to OPM, rather than DSS

Under current law, DSS serves as the lead agency to coordinate the functions of several state agencies responsible for providing services to people diagnosed with ASD. The bill instead makes OPM the lead agency to coordinate these functions. It requires OPM, rather than DSS, to serve as the lead state agency for (1) the federal Combating Autism Act and (2) applying for and receiving funds and performing related responsibilities concerning ASD as state or federal law authorizes. The bill correspondingly transfers many of DSS's ASD-related duties to OPM. Under the bill, DSS remains the state agency for administering Medicaid state plan services and the Medicaid waiver program for people with ASD.

Current law allows DSS's Division of Autism Spectrum Disorder Services to research, design, and deliver appropriate and necessary services and programs for all state residents with ASD. The bill instead allows OPM to examine and make recommendations on these services and programs. Under the bill, services and programs may include the following:

1. autism-spectrum early intervention services for any child under age three diagnosed with ASD;

2. education, recreation, habilitation, vocational, and transitional services for people ages three to 21 diagnosed with ASD;
3. services for adults over age 21 diagnosed with ASD;
4. housing assistance for people diagnosed with ASD;
5. services that address the way autism and the criminal justice system intersect;
6. commercial insurance coverage of autism services;
7. ASD-specific workforce training; and
8. related ASD services the OPM secretary deems necessary.

The bill requires OPM to research and locate possible funding streams to continually develop and implement services for people diagnosed with ASD.

The bill allows OPM, rather than DSS, to make recommendations to the governor and the Human Services Committee on legislation and funding required to provide necessary services to people diagnosed with ASD. The bill additionally allows OPM to report this information to the Appropriations and Public Health committees.

DSS's Division of Autism Spectrum Disorder Services

The bill retains DSS's Division of Autism Spectrum Disorder Services but narrows its purpose to overseeing Medicaid state plan services and the Medicaid waiver program for ASD services. The bill eliminates requirements that the division do the following:

1. research and locate possible funding streams to continually develop and implement services for people diagnosed with ASD but not diagnosed with an intellectual disability,
2. design and implement a training initiative and develop an ASD-specific curriculum, and
3. annually report to the Human Services Committee on the status

of a federal Medicaid waiver or state plan amendment to provide home- and community-based services to people with ASD who do not have an intellectual disability and the establishment and implementation of the program.

The bill retains a separate requirement that DSS report annually on the division's and the ASD Advisory Council's (ASDAC) (see below) activities to the Human Services Committee.

Existing law, unchanged by the bill, requires DSS, in consultation with the ASDAC, to designate services and interventions that demonstrate empirical effectiveness in treating ASD and to update the designations periodically.

ASD Advisory Council (ASDAC)

The bill puts the ASDAC within OPM for administrative services only. The bill requires the council to advise OPM, rather than DSS, and eliminates requirements that it advise on (1) services provided by DSS's Division of Autism Spectrum Services and (2) implementing recommendations from an autism feasibility study. The bill requires the council to advise on recommendations to improve coordination of and address gaps in autism services.

The bill also makes technical and conforming changes.

§ 4 — TEMPORARY FAMILY ASSISTANCE (TFA) ELIGIBILITY AND BENEFITS

Expands TFA eligibility by (1) statutorily raising the asset limit and (2) disregarding income for certain households

The bill increases the TFA asset limit from $3,000 to $6,000 beginning October 1, 2023. In practice, DSS sets the asset limit in the federally approved Temporary Assistance for Needy Families (TANF) state plan. The bill sets the $6,000 limit in statute.

By law, when calculating the TFA benefit amount for eligible families, DSS must disregard earned income up to 100% of the Federal Poverty Level (FPL). Under the bill, DSS must also disregard up to 200% of FPL in gross earnings for purposes of determining TFA eligibility. Under the bill, beginning January 1, 2024, this disregard applies in the first month a family's total gross earnings exceed FPL and continues for up to six consecutive months (generally allowing a household to remain eligible for TFA longer than they would under current law when the earnings increase). For families with total gross earnings between 171% and 230% of FPL, the bill requires DSS to reduce the household's benefit amount by 20% in months when the household's income is in that range. The current TFA payment standard (i.e., maximum benefit amount) is $771 per month for a family of three. The benefit amount is typically calculated by deducting certain income from the payment standard.

EFFECTIVE DATE: Upon passage

§ 5 — STATE ADMINISTERED GENERAL ASSISTANCE (SAGA) ASSET LIMIT INCREASE

Expands SAGA eligibility by raising asset limits from $250 to $500 for individuals and $500 to $1,000 for married couples

The bill raises the asset limits for SAGA from $250 to $500 for individuals and $500 to $1,000 for married couples. SAGA generally provides cash assistance to single or married childless individuals who have very low incomes, do not qualify for other cash assistance programs, and are considered "transitional" or "unemployable."

EFFECTIVE DATE: October 1, 2023

§ 6 — STATE SUPPLEMENT PROGRAM (SSP) BENEFIT START DATE

Aligns the start date for SSP eligibility for a residential care home or rated housing facility resident with the date the person begins residing in the home or a facility, subject to a 90-day limit based on when DSS received the application

By law, SSP provides cash assistance to people who are age 65 and older, living with a permanent disability, or blind and (1) receive federal Supplemental Security Income (SSI) benefits or (2) would be eligible for SSI, but for excess income. By law, for people living in residential care homes or rated housing facilities, DSS must pay SSP benefits to the home or facility at a per diem or monthly rate, minus any applied resident income.

The bill aligns the start date for these SSP applicants with the date when they became a resident in the home or facility and met all SSP eligibility criteria. The bill also limits the start date to no earlier than 90 days before DSS received the SSP application.

By law, rated housing facilities are (1) a boarding facility or home, excluding community companion homes, licensed by the developmental services, mental health and addiction services, or the children and families departments or (2) a facility established by New Horizons, Inc. and approved by DSS to receive SSP payments (CGS § 17b-82).

EFFECTIVE DATE: October 1, 2023

§ 7 — DSS PAYMENTS TO NON-ICF-ID BOARDING HOMES

Generally caps FYs 24 and 25 rates at FY 23 levels for room and board at private residential facilities and similar facilities

The bill generally caps rates for room and board at private residential facilities and similar facilities operated by regional educational services centers that are licensed to provide residential care for people with certain disabilities but not licensed as intermediate care facilities for people with intellectual disabilities (ICF-ID).

The bill caps FYs 24 and 25 rates at FY 23 levels but allows for higher rates, within available appropriations, for facilities that make a capital improvement for resident health or safety approved by the Department of Developmental Services (DDS), in consultation with DSS, during FY 24 or FY 25.

Background — Related Bill

sSB 1109, § 1, favorably reported by the Appropriations and Human Services committees, allows DSS to annually provide pro rata rent increases for fair rent additions not otherwise included in rates beginning in FY 24.

§ 8 — DSS PAYMENTS TO ICF-IDS

Caps FY 24 rates at FY 23 levels and FY 25 rates at FY 24 levels, with certain exceptions

For ICF-IDs, the bill caps FY 24 rates at FY 23 levels and FY 25 rates at FY 24 levels, except that in both years, the commissioner may, in her discretion and within available appropriations, provide pro rata fair rent increases to facilities with documented fair rent additions placed in service during the previous cost report year and not otherwise included in the issued rates.

For both years, the bill allows a facility to receive a rate increase for a capital improvement for resident health or safety approved by DDS, in consultation with DSS, but only within available appropriations. The bill also allows DSS to provide fair rent increases to any facility that undergoes a material change in circumstances related to fair rent and has an approved certificate of need (CON) under DSS's CON processes.

Background — Related Bill

sSB 1109, § 2, favorably reported by the Appropriations and Human Services committees, sets requirements for how DSS determines inflationary adjustments; requires DSS to determine whether a facility's change in ownership requires DSS to rebase its costs to calculate payment rates; and allows DSS to provide annual pro rata rent increases beginning in FY 24.

§ 9 — NURSING HOME RATES

Limits inflationary increases to nursing home rates for FYs 24 and 25

Existing law requires DSS to implement an acuity-based reimbursement rate for nursing homes effective July 1, 2022. Acuity-based rates generally reimburse nursing homes based on the level of care needed for patients. In practice, DSS is transitioning to the acuity-based system from a cost-based system over a period of years.

Separately, DSS regulations generally account for inflation when calculating nursing home rates (Conn. Agencies Regs., § 17-311-52).

The bill supersedes these regulations for FYs 24 and 25 to prohibit inflationary increases to the rates beyond those already factored into the model DSS is using to transition to an acuity-based reimbursement system.

Background — Related Bill

sSB 1109, §§ 4 & 5, favorably reported by the Appropriations and

Human Services committees, allows the DSS commissioner to give pro rata fair rent increases to nursing homes with documented fair rent additions; sets a schedule for DSS to rebase facility costs; requires future inflationary adjustments to be based on a GDP deflator and adjusted by the DSS commissioner as she determines; and makes conforming changes.

§ 10 — FACILITIES PAID A FLAT RATE

Freezes FY 24 rates at FY 16 levels for residential care homes, community living arrangements, and community companion homes that receive a flat rate rather than a cost-based rate

Under the bill, regardless of rate-setting laws or regulations to the contrary, the rates the state pays to residential care homes, community living arrangements, and community companion homes that receive the flat rate for residential services in FY 16 remain in effect through FY 24. State regulations permit these facilities to have their rates determined on a flat rate basis rather than based on submitted cost reports (Conn. Agencies Regs., § 17-311-54).

§ 11 — RESIDENTIAL CARE HOME RATES

Requires DSS to determine FY 24 rates for residential care homes based on 2022 cost report filings and allows other increases within available appropriations

The bill requires DSS to determine FY 24 rates for residential care homes based on their 2022 cost report filings, adjusted for any rate increases provided after the cost report ended. For that year, the bill prohibits rate increases based on inflationary factors.

For FYs 24 and 25, the bill allows the following, within available appropriations:

1. facilities to receive a rate increase for a capital improvement approved by DSS for residents’ health or safety and

2. the DSS commissioner, in her discretion, to provide pro rata fair rent increases to facilities with documented fair rent additions placed in service in the 2022 cost year (for FY 24) or the 2023 cost year (for FY 25) that are not otherwise included in the issued rates.

Background — Related Bill

sSB 1109, § 3, favorably reported by the Appropriations and Human Services committees, sets requirements for how DSS determines inflationary adjustments and requires DSS to determine whether a facility's change in ownership requires DSS to rebase its costs to calculate payment rates.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute Change of Reference - APP

Yea	15	Nay	6	(03/28/2023)

Appropriations Committee

Joint Favorable Substitute

Yea	52	Nay	0	(04/20/2023)