



General Assembly

**Substitute Bill No. 6616**

January Session, 2023



**AN ACT CONCERNING EXPANSION OF HUSKY HEALTH BENEFITS TO THOSE INELIGIBLE DUE TO IMMIGRATION STATUS.**

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

1 Section 1. Section 17b-261 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective January 1, 2024*):

3 (a) Medical assistance shall be provided for any otherwise eligible  
4 person (1) whose income, including any available support from legally  
5 liable relatives and the income of the person's spouse or dependent  
6 child, is not more than one hundred forty-three per cent, pending  
7 approval of a federal waiver applied for pursuant to subsection (e) of  
8 this section, of the benefit amount paid to a person with no income  
9 under the temporary family assistance program, and (2) if such person  
10 is an institutionalized individual as defined in Section 1917 of the  
11 Social Security Act, 42 USC 1396p(h)(3), and has not made an  
12 assignment or transfer or other disposition of property for less than  
13 fair market value for the purpose of establishing eligibility for benefits  
14 or assistance under this section. Any such disposition shall be treated  
15 in accordance with Section 1917(c) of the Social Security Act, 42 USC  
16 1396p(c). Any disposition of property made on behalf of an applicant  
17 or recipient or the spouse of an applicant or recipient by a guardian,  
18 conservator, person authorized to make such disposition pursuant to a  
19 power of attorney or other person so authorized by law shall be  
20 attributed to such applicant, recipient or spouse. A disposition of

21 property ordered by a court shall be evaluated in accordance with the  
22 standards applied to any other such disposition for the purpose of  
23 determining eligibility. The commissioner shall establish the standards  
24 for eligibility for medical assistance at one hundred forty-three per  
25 cent of the benefit amount paid to a household of equal size with no  
26 income under the temporary family assistance program. In  
27 determining eligibility, the commissioner shall not consider as income  
28 Aid and Attendance pension benefits granted to a veteran, as defined  
29 in section 27-103, or the surviving spouse of such veteran. Except as  
30 provided in section 17b-277 and section 17b-292, as amended by this  
31 act, the medical assistance program shall provide coverage to persons  
32 under the age of nineteen with household income up to one hundred  
33 ninety-six per cent of the federal poverty level without an asset limit  
34 and to persons under the age of nineteen, who qualify for coverage  
35 under Section 1931 of the Social Security Act, with household income  
36 not exceeding one hundred ninety-six per cent of the federal poverty  
37 level without an asset limit, and their parents and needy caretaker  
38 relatives, who qualify for coverage under Section 1931 of the Social  
39 Security Act, with household income not exceeding one hundred fifty-  
40 five per cent of the federal poverty level without an asset limit. Such  
41 levels shall be based on the regional differences in such benefit  
42 amount, if applicable, unless such levels based on regional differences  
43 are not in conformance with federal law. Any income in excess of the  
44 applicable amounts shall be applied as may be required by said federal  
45 law, and assistance shall be granted for the balance of the cost of  
46 authorized medical assistance. The Commissioner of Social Services  
47 shall provide applicants for assistance under this section, at the time of  
48 application, with a written statement advising them of (A) the effect of  
49 an assignment or transfer or other disposition of property on eligibility  
50 for benefits or assistance, (B) the effect that having income that exceeds  
51 the limits prescribed in this subsection will have with respect to  
52 program eligibility, and (C) the availability of, and eligibility for,  
53 services provided by the Connecticut Home Visiting System,  
54 established pursuant to section 17b-751b. For coverage dates on or  
55 after January 1, 2014, the department shall use the modified adjusted

56 gross income financial eligibility rules set forth in Section 1902(e)(14) of  
57 the Social Security Act and the implementing regulations to determine  
58 eligibility for HUSKY A, HUSKY B and HUSKY D applicants, as  
59 defined in section 17b-290. Persons who are determined ineligible for  
60 assistance pursuant to this section shall be provided a written  
61 statement notifying such persons of their ineligibility and advising  
62 such persons of their potential eligibility for one of the other insurance  
63 affordability programs as defined in 42 CFR 435.4.

64 (b) For the purposes of the Medicaid program, the Commissioner of  
65 Social Services shall consider parental income and resources as  
66 available to a child under eighteen years of age who is living with his  
67 or her parents and is blind or disabled for purposes of the Medicaid  
68 program, or to any other child under twenty-one years of age who is  
69 living with his or her parents.

70 (c) For the purposes of determining eligibility for the Medicaid  
71 program, an available asset is one that is actually available to the  
72 applicant or one that the applicant has the legal right, authority or  
73 power to obtain or to have applied for the applicant's general or  
74 medical support. If the terms of a trust provide for the support of an  
75 applicant, the refusal of a trustee to make a distribution from the trust  
76 does not render the trust an unavailable asset. Notwithstanding the  
77 provisions of this subsection, the availability of funds in a trust or  
78 similar instrument funded in whole or in part by the applicant or the  
79 applicant's spouse shall be determined pursuant to the Omnibus  
80 Budget Reconciliation Act of 1993, 42 USC 1396p. The provisions of  
81 this subsection shall not apply to a special needs trust, as defined in 42  
82 USC 1396p(d)(4)(A), as amended from time to time. For purposes of  
83 determining whether a beneficiary under a special needs trust, who  
84 has not received a disability determination from the Social Security  
85 Administration, is disabled, as defined in 42 USC 1382c(a)(3), the  
86 Commissioner of Social Services, or the commissioner's designee, shall  
87 independently make such determination. The commissioner shall not  
88 require such beneficiary to apply for Social Security disability benefits

89 or obtain a disability determination from the Social Security  
90 Administration for purposes of determining whether the beneficiary is  
91 disabled.

92 (d) The transfer of an asset in exchange for other valuable  
93 consideration shall be allowable to the extent the value of the other  
94 valuable consideration is equal to or greater than the value of the asset  
95 transferred.

96 (e) The Commissioner of Social Services shall seek a waiver from  
97 federal law to permit federal financial participation for Medicaid  
98 expenditures for families with incomes of one hundred forty-three per  
99 cent of the temporary family assistance program payment standard.

100 (f) To the extent permitted by federal law, Medicaid eligibility shall  
101 be extended for one year to a family that becomes ineligible for  
102 medical assistance under Section 1931 of the Social Security Act due to  
103 income from employment by one of its members who is a caretaker  
104 relative or due to receipt of child support income. A family receiving  
105 extended benefits on July 1, 2005, shall receive the balance of such  
106 extended benefits, provided no such family shall receive more than  
107 twelve additional months of such benefits.

108 (g) An institutionalized spouse applying for Medicaid and having a  
109 spouse living in the community shall be required, to the maximum  
110 extent permitted by law, to divert income to such community spouse  
111 in order to raise the community spouse's income to the level of the  
112 minimum monthly needs allowance, as described in Section 1924 of  
113 the Social Security Act. Such diversion of income shall occur before the  
114 community spouse is allowed to retain assets in excess of the  
115 community spouse protected amount described in Section 1924 of the  
116 Social Security Act. The Commissioner of Social Services, pursuant to  
117 section 17b-10, may implement the provisions of this subsection while  
118 in the process of adopting regulations, provided the commissioner  
119 prints notice of intent to adopt the regulations in the Connecticut Law  
120 Journal within twenty days of adopting such policy. Such policy shall

121 be valid until the time final regulations are effective.

122 (h) To the extent permissible under federal law, an institutionalized  
123 individual, as defined in Section 1917 of the Social Security Act, 42  
124 USC 1396p(h)(3), shall not be determined ineligible for Medicaid solely  
125 on the basis of the cash value of a life insurance policy worth less than  
126 ten thousand dollars provided the individual is pursuing the  
127 surrender of the policy.

128 (i) Medical assistance shall be provided, in accordance with the  
129 provisions of subsection (e) of section 17a-6, to any child under the  
130 supervision of the Commissioner of Children and Families who is not  
131 receiving Medicaid benefits, has not yet qualified for Medicaid benefits  
132 or is otherwise ineligible for such benefits. Medical assistance shall also  
133 be provided to any child in the behavioral services program operated  
134 by the Department of Developmental Services who is not receiving  
135 Medicaid benefits, has not yet qualified for Medicaid benefits or is  
136 otherwise ineligible for benefits. To the extent practicable, the  
137 Commissioner of Children and Families and the Commissioner of  
138 Developmental Services shall apply for, or assist such child in  
139 qualifying for, the Medicaid program.

140 (j) The Commissioner of Social Services shall provide Early and  
141 Periodic Screening, Diagnostic and Treatment program services, as  
142 required and defined as of December 31, 2005, by 42 USC 1396a(a)(43),  
143 42 USC 1396d(r) and 42 USC 1396d(a)(4)(B) and applicable federal  
144 regulations, to all persons who are under the age of twenty-one and  
145 otherwise eligible for medical assistance under this section.

146 (k) A veteran, as defined in section 27-103, and any member of his  
147 or her family, who applies for or receives assistance under the  
148 Medicaid program, shall apply for all benefits for which he or she may  
149 be eligible through the United States Department of Veterans Affairs  
150 or the United States Department of Defense.

151 [(l) On and after January 1, 2023, the Commissioner of Social

152 Services shall, within available appropriations, provide state-funded  
153 medical assistance to any child twelve years of age and younger,  
154 regardless of immigration status, (1) whose household income does  
155 not exceed two hundred one per cent of the federal poverty level  
156 without an asset limit, and (2) who does not otherwise qualify for  
157 Medicaid, the Children's Health Insurance Program, or an offer of  
158 affordable, employer-sponsored insurance, as defined in the  
159 Affordable Care Act, as an employee or a dependent of an employee.  
160 A child eligible for such assistance under this subsection shall continue  
161 to receive such assistance until such child is nineteen years of age,  
162 provided the child continues to meet the eligibility requirements  
163 prescribed in subdivisions (1) and (2) of this subsection.]

164 Sec. 2. (NEW) (*Effective January 1, 2024*) (a) The Commissioner of  
165 Social Services shall, within available appropriations, provide state-  
166 funded medical assistance to any person eighteen years of age and  
167 younger, regardless of immigration status, (1) who, except for  
168 immigration status, otherwise would qualify for HUSKY A, C or D, as  
169 defined in section 17b-290 of the general statutes, and (2) who does not  
170 otherwise qualify for the Children's Health Insurance Program, or an  
171 offer of affordable, employer-sponsored insurance, as defined in the  
172 Affordable Care Act, as an employee or a dependent of an employee.

173 (b) The Commissioner of Social Services shall study the costs and  
174 benefits of providing medical assistance to any person twenty-five  
175 years of age and younger, regardless of immigration status, (1) who,  
176 except for immigration status, otherwise would qualify for HUSKY A,  
177 C or D, as defined in section 17b-290 of the general statutes, and (2)  
178 who does not otherwise qualify for the Children's Health Insurance  
179 Program, or an offer of affordable, employer-sponsored insurance, as  
180 defined in the Affordable Care Act, as an employee or a dependent of  
181 an employee. Not later than July 1, 2024, the commissioner shall file a  
182 report, in accordance with the provisions of section 11-4a of the general  
183 statutes, to the joint standing committees of the General Assembly  
184 having cognizance of matters relating to appropriations and the

185 budgets of state agencies and human services on (A) the costs and  
 186 benefits of providing medical assistance to such persons, and (B) a plan  
 187 to implement medical assistance to such persons.

188 Sec. 3. Subsection (a) of section 17b-292 of the general statutes is  
 189 repealed and the following is substituted in lieu thereof (*Effective*  
 190 *January 1, 2024*):

191 (a) A child who resides in a household with household income that  
 192 exceeds one hundred ninety-six per cent of the federal poverty level  
 193 but does not exceed three hundred eighteen per cent of the federal  
 194 poverty level may be eligible for benefits under HUSKY B. [Not later  
 195 than January 1, 2023, the] The Commissioner of Social Services shall,  
 196 within available appropriations, provide state-funded medical  
 197 assistance to any child [twelve] eighteen years of age and younger,  
 198 regardless of immigration status, (1) with a household income that  
 199 exceeds two hundred one per cent of the federal poverty level but does  
 200 not exceed three hundred twenty-three per cent of the federal poverty  
 201 level, and (2) who does not otherwise qualify for Medicaid, the  
 202 Children's Health Insurance Program, or an offer of affordable,  
 203 employer-sponsored insurance, as defined in the Affordable Care Act,  
 204 as an employee or a dependent of an employee. [A child eligible for  
 205 such assistance under this subsection shall continue to receive such  
 206 assistance until such child is nineteen years of age, provided the child  
 207 continues to meet the eligibility requirements prescribed in  
 208 subdivisions (1) and (2) of this subsection.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2024</i>	17b-261
Sec. 2	<i>January 1, 2024</i>	New section
Sec. 3	<i>January 1, 2024</i>	17b-292(a)

**HS**

*Joint Favorable Subst. C/R*

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