



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 Section 17b-261 of the general statutes is repealed and the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 July 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 July 1, 2024*) (a) The Commissioner of Social
165 Services shall, within available appropriations, provide state-funded
166 medical assistance to any person fifteen years of age and younger,
167 regardless of immigration status, (1) who, except for immigration
168 status, otherwise would qualify for HUSKY A, as defined in section
169 17b-290 of the general statutes, and (2) who does not otherwise qualify
170 for the Children's Health Insurance Program, or an offer of affordable,
171 employer-sponsored insurance, as defined in the Affordable Care Act,
172 as an employee or a dependent of an employee. A child eligible for
173 such assistance under this subsection shall continue to receive such
174 assistance until such child is nineteen years of age, provided the child
175 continues to meet the eligibility requirements prescribed in
176 subdivisions (1) and (2) of this subsection.

177 (b) The Commissioner of Social Services shall study the costs and
178 benefits of providing medical assistance to any person twenty-five
179 years of age and younger, regardless of immigration status, (1) who,
180 except for immigration status, otherwise would qualify for HUSKY A,
181 C or D, as defined in section 17b-290 of the general statutes, and (2)
182 who does not otherwise qualify for the Children's Health Insurance
183 Program, or an offer of affordable, employer-sponsored insurance, as

184 defined in the Affordable Care Act, as an employee or a dependent of
 185 an employee. Not later than January 1, 2025, the commissioner shall
 186 file a report, in accordance with the provisions of section 11-4a of the
 187 general statutes, to the joint standing committees of the General
 188 Assembly having cognizance of matters relating to appropriations and
 189 the budgets of state agencies and human services on (A) the costs and
 190 benefits of providing medical assistance to such persons, and (B) a plan
 191 to implement medical assistance to such persons.

192 Sec. 3. Subsection (a) of section 17b-292 of the general statutes is
 193 repealed and the following is substituted in lieu thereof (*Effective July*
 194 *1, 2024*):

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2024</i>	17b-261

