



General Assembly

January Session, 2023

Raised Bill No. 6677

LCO No. 4181



Referred to Committee on AGING

Introduced by:
(AGE)

AN ACT CONCERNING ADULT DAY CENTERS.

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

1 Section 1. (*Effective from passage*) The Commissioner of Social
2 Services shall develop a plan to increase the number of persons eligible
3 to receive adult day services under the Connecticut home-care
4 program for the elderly, established pursuant to section 17b-342 of the
5 general statutes. Such plan shall include, but need not be limited to,
6 recommendations to (1) lower the age eligibility requirements for
7 participation in the program such that persons with early onset
8 dementia and similar needs are eligible for adult day services, (2)
9 amend, to the extent permissible under federal law, the Medicaid state
10 plan to lower such age eligibility requirements for such persons, (3)
11 increase rates of Medicaid reimbursement to adult day centers to offset
12 costs incurred to transport persons to and from the centers, and (4)
13 establish a program of all-inclusive care for the elderly pursuant to
14 Title IV, Subtitle I of P.L. 105-33. Not later than February 1, 2024, the
15 commissioner shall report, in accordance with the provisions of section
16 11-4a of the general statutes, to the joint standing committee of the
17 General Assembly having cognizance of matters relating to aging on

18 such plan.

19 Sec. 2. Section 17b-343 of the general statutes is repealed and the
20 following is substituted in lieu thereof (*Effective July 1, 2023*):

21 The Commissioner of Social Services shall establish annually the
22 maximum allowable rate to be paid by agencies for homemaker
23 services, chore person services, companion services, respite care, meals
24 on wheels, adult day care services, case management and assessment
25 services, transportation, mental health counseling and elderly foster
26 care. The Commissioner of Social Services shall prescribe uniform
27 forms on which agencies providing such services shall report their
28 costs for such services. Such rates shall be determined on the basis of a
29 reasonable payment for necessary services rendered. The maximum
30 allowable rates established by the Commissioner of Social Services for
31 the Connecticut home-care program for the elderly established under
32 section 17b-342 shall constitute the rates required under this section
33 until revised in accordance with this section. The Commissioner of
34 Social Services shall establish a fee schedule, to be effective on and
35 after July 1, 1994, for homemaker services, chore person services,
36 companion services, respite care, meals on wheels, adult day care
37 services, case management and assessment services, transportation,
38 mental health counseling and elderly foster care. The commissioner
39 may annually increase the fee schedule based on an increase in the cost
40 of services. The commissioner shall increase the fee schedule effective
41 July 1, 2000, by not less than five per cent, for adult day care services.
42 The commissioner shall increase the fee schedule effective July 1, 2011,
43 by four dollars per person, per day for adult day care services. The
44 commissioner shall increase the fee schedule effective July 1, 2023, for
45 adult day care services by ten per cent over the fee schedule for adult
46 day care services for the previous fiscal year for the purpose of
47 providing increased funding for adult day care transportation. The
48 commissioner shall increase the fee schedule effective July 1, 2019, for
49 meals on wheels by ten per cent over the fee schedule for meals on
50 wheels for the previous fiscal year. Effective July 1, 2020, and annually

51 thereafter, the commissioner may increase the fee schedule for meals
52 on wheels providers serving participants in the Connecticut home-care
53 program for the elderly by, at a minimum, the cost-of-living
54 adjustment as measured by the consumer price index. The
55 commissioner may increase any fee payable to a meals on wheels
56 provider upon the application of such provider evidencing
57 extraordinary costs related to delivery of meals on wheels in sparsely
58 populated rural regions of the state. Nothing contained in this section
59 shall authorize a payment by the state to any agency for such services
60 in excess of the amount charged by such agency for such services to
61 the general public.

62 Sec. 3. Section 17b-428 of the general statutes is repealed and the
63 following is substituted in lieu thereof (*Effective July 1, 2023*):

64 (a) As used in this section:

65 (1) "Commissioner" means the Commissioner of Social Services;

66 (2) "PACE program" has the same meaning as provided in 42 USC
67 1395eee, as amended from time to time, and includes a program of all-
68 inclusive care for the elderly;

69 ~~[(2)]~~ (3) "Eligible individual" means "PACE program eligible
70 individual", as defined in [Subtitle I of Public Law 105-33] 42 USC
71 1395eee, as amended from time to time, or in a [waiver application]
72 Medicaid state plan amendment approved by the United States
73 Department of Health and Human Services;

74 [(3) "PACE program" means "PACE program", as defined in Subtitle
75 I of Public Law 105-33, as amended from time to time, and includes a
76 program of all-inclusive care for the elderly;]

77 (4) "PACE program agreement" means "PACE program agreement",
78 as defined in [Subtitle I of Public Law 105-33] 42 USC 1395eee, as
79 amended from time to time;

80 (5) "PACE provider" means "PACE provider", as defined in [Subtitle
81 I of Public Law 105-33] 42 USC 1395eee, as amended from time to time;
82 and

83 [(6) "Secretary" means the Secretary of the United States Department
84 of Health and Human Services;]

85 [(7)] ~~(6)~~ "State administering agency" means "state administering
86 agency", as defined in [Subtitle I of Public Law 105-33] 42 USC 1395eee,
87 as amended from time to time.

88 (b) [Not later than July 1, 1998, the] The commissioner [shall
89 establish a pilot program in which PACE providers deliver] may
90 submit a Medicaid state plan amendment to add PACE program
91 services, within available appropriations, to [eligible individuals in this
92 state pursuant to a PACE program agreement. Under said program,
93 the commissioner, in consultation with the Insurance Commissioner,
94 may initially enter into contracts with integrated service networks
95 which have successfully completed a feasibility study, in conjunction
96 with a PACE technical assistance center, for the provision of PACE
97 program services] the Medicaid state plan.

98 (c) The Department of Social Services shall be the state
99 administering agency for the state of Connecticut responsible for
100 administering PACE program [agreements in this state. The
101 department, upon request, shall assist the secretary in establishing
102 procedures for entering into, extending and terminating PACE
103 program agreements for the operation of PACE programs by PACE
104 providers in this state] agreement services. Upon approval of the
105 Medicaid state plan amendment, the department shall establish
106 participation criteria for eligible individuals and PACE providers and
107 make payments for PACE program services from funds appropriated
108 to the Medicaid account.

109 [(d) The commissioner shall provide medical assistance under this
110 section for PACE program services to eligible individuals who are

111 eligible for medical assistance in this state and enrolled in a PACE
112 program under a PACE program agreement. The commissioner shall
113 seek any waiver from federal law necessary to permit federal
114 participation for Medicaid expenditures for PACE programs in this
115 state.]

116 [(e)] (d) The commissioner may adopt regulations in accordance
117 with chapter 54 to implement the provisions of this section. The
118 commissioner, pursuant to section 17b-10, may implement policies and
119 procedures to implement the provisions of this section while in the
120 process of adopting such policies and procedures in regulation form,
121 provided the commissioner posts notice of the intent to adopt the
122 regulation on the eRegulations System not later than twenty days after
123 the date of implementation. Such policies and procedures shall be
124 valid until the time final regulations are adopted.

125 Sec. 4. Section 17b-28c of the general statutes is repealed. (*Effective*
126 *July 1, 2023*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>July 1, 2023</i>	17b-343
Sec. 3	<i>July 1, 2023</i>	17b-428
Sec. 4	<i>July 1, 2023</i>	Repealer section

AGE *Joint Favorable*