



General Assembly

January Session, 2023

Raised Bill No. 946

LCO No. 3546



Referred to Committee on HUMAN SERVICES

Introduced by:
(HS)

AN ACT CONCERNING THE CONNECTICUT HOME-CARE PROGRAM FOR THE ELDERLY.

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

1 Section 1. Subsection (c) of section 17b-342 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*
3 *2023*):

4 (c) The community-based services covered under the program shall
5 include, but not be limited to, the following services to the extent that
6 they are not available under the state Medicaid plan, occupational
7 therapy, homemaker services, companion services, meals on wheels,
8 adult day care, up to two social worker visits per participant in the
9 program, transportation, mental health counseling, care management,
10 elderly foster care, minor home modifications and assisted living
11 services provided in state-funded congregate housing and in other
12 assisted living pilot or demonstration projects established under state
13 law. Personal care assistance services shall be covered under the
14 program to the extent that (1) such services are not available under the
15 Medicaid state plan and are more cost effective on an individual client

16 basis than existing services covered under such plan, and (2) the
17 provision of such services is approved by the federal government.
18 Family caregivers, including spouses, who provide personal care
19 assistance services to participants in the program shall be compensated
20 to the extent permissible under federal law. Recipients of state-funded
21 services and persons who are determined to be functionally eligible for
22 community-based services who have an application for medical
23 assistance pending shall have the cost of home health and community-
24 based services covered by the program, provided they comply with all
25 medical assistance application requirements. Access agencies shall not
26 use department funds to purchase community-based services or home
27 health services from themselves or any related parties.

28 Sec. 2. Subsection (i) of section 17b-342 of the general statutes is
29 repealed and the following is substituted in lieu thereof (*Effective July 1,*
30 *2023*):

31 (i) (1) The Commissioner of Social Services shall, within available
32 appropriations, administer a state-funded portion of the program for
33 persons (A) who are sixty-five years of age and older; (B) who are
34 inappropriately institutionalized or at risk of inappropriate
35 institutionalization; (C) whose income is less than or equal to the
36 amount allowed under subdivision (3) of subsection (a) of this section;
37 and (D) whose assets, if single, do not exceed one hundred fifty per cent
38 of the federal minimum community spouse protected amount pursuant
39 to 42 USC 1396r-5(f)(2) or, if married, the couple's assets do not exceed
40 two hundred per cent of said community spouse protected amount. [For
41 program applications received by the Department of Social Services for
42 the fiscal years ending June 30, 2016, and June 30, 2017, only persons
43 who require the level of care provided in a nursing home shall be
44 eligible for the state-funded portion of the program, except for persons
45 residing in affordable housing under the assisted living demonstration
46 project established pursuant to section 17b-347e who are otherwise
47 eligible in accordance with this section.]

48 (2) Except for persons residing in affordable housing under the

49 assisted living demonstration project established pursuant to section
50 17b-347e, as provided in subdivision (3) of this subsection, any person
51 whose income is at or below two hundred per cent of the federal poverty
52 level and who is ineligible for Medicaid shall contribute [~~three~~] two per
53 cent of the cost of his or her care. Any person whose income exceeds two
54 hundred per cent of the federal poverty level shall contribute [~~three~~] two
55 per cent of the cost of his or her care in addition to the amount of applied
56 income determined in accordance with the methodology established by
57 the Department of Social Services for recipients of medical assistance.
58 Any person who does not contribute to the cost of care in accordance
59 with this subdivision shall be ineligible to receive services under this
60 subsection. Notwithstanding any provision of sections 17b-60 and 17b-
61 61, the department shall not be required to provide an administrative
62 hearing to a person found ineligible for services under this subsection
63 because of a failure to contribute to the cost of care.

64 (3) Any person who resides in affordable housing under the assisted
65 living demonstration project established pursuant to section 17b-347e
66 and whose income is at or below two hundred per cent of the federal
67 poverty level, shall not be required to contribute to the cost of care. Any
68 person who resides in affordable housing under the assisted living
69 demonstration project established pursuant to section 17b-347e and
70 whose income exceeds two hundred per cent of the federal poverty
71 level, shall contribute to the applied income amount determined in
72 accordance with the methodology established by the Department of
73 Social Services for recipients of medical assistance. Any person whose
74 income exceeds two hundred per cent of the federal poverty level and
75 who does not contribute to the cost of care in accordance with this
76 subdivision shall be ineligible to receive services under this subsection.
77 Notwithstanding any provision of sections 17b-60 and 17b-61, the
78 department shall not be required to provide an administrative hearing
79 to a person found ineligible for services under this subsection because
80 of a failure to contribute to the cost of care.

81 (4) The annualized cost of services provided to an individual under
82 the state-funded portion of the program shall not exceed fifty per cent

83 of the weighted average cost of care in nursing homes in the state. [,
84 except an individual who received services costing in excess of such
85 amount under the Department of Social Services in the fiscal year
86 ending June 30, 1992, may continue to receive such services, provided
87 the annualized cost of such services does not exceed eighty per cent of
88 the weighted average cost of such nursing home care.] Services
89 provided to an individual in the program shall include up to two visits
90 by a licensed social worker. The commissioner may allow the cost of
91 services provided to an individual to exceed the maximum cost
92 established pursuant to this subdivision in a case of extreme hardship,
93 as determined by the commissioner, provided in no case shall such cost
94 exceed that of the weighted cost of such nursing home care.

95 (5) A family caregiver, including, but not limited to, a spouse, shall
96 be compensated for any personal care assistance provided to an
97 individual in the program.

98 Sec. 3. Subsection (a) of section 17b-242 of the general statutes is
99 repealed and the following is substituted in lieu thereof (*Effective July 1,*
100 *2023*):

101 (a) The Department of Social Services shall determine the rates to be
102 paid to home health care agencies and home health aide agencies by the
103 state or any town in the state for persons aided or cared for by the state
104 or any such town. The Commissioner of Social Services shall establish a
105 fee schedule for home health services to be effective on and after July 1,
106 1994. The commissioner may annually modify such fee schedule if such
107 modification is needed to ensure that the conversion to an
108 administrative services organization is cost neutral to home health care
109 agencies and home health aide agencies in the aggregate and ensures
110 patient access. Utilization may be a factor in determining cost neutrality.
111 The commissioner shall increase the fee schedule for home health
112 services provided under the Connecticut home-care program for the
113 elderly established under section 17b-342, as amended by this act,
114 effective July 1, 2000, by two per cent over the fee schedule for home
115 health services for the previous year. The fee schedule shall include up

116 to two visits by a licensed social worker to an individual enrolled in the
 117 Connecticut home-care program for the elderly. The commissioner may
 118 increase any fee payable to a home health care agency or home health
 119 aide agency upon the application of such an agency evidencing
 120 extraordinary costs related to (1) serving persons with AIDS; (2) high-
 121 risk maternal and child health care; (3) escort services; or (4) extended
 122 hour services. In no case shall any rate or fee exceed the charge to the
 123 general public for similar services. A home health care agency or home
 124 health aide agency which, due to any material change in circumstances,
 125 is aggrieved by a rate determined pursuant to this subsection may,
 126 within ten days of receipt of written notice of such rate from the
 127 Commissioner of Social Services, request in writing a hearing on all
 128 items of aggrievement. The commissioner shall, upon the receipt of all
 129 documentation necessary to evaluate the request, determine whether
 130 there has been such a change in circumstances and shall conduct a
 131 hearing if appropriate. The Commissioner of Social Services shall adopt
 132 regulations, in accordance with chapter 54, to implement the provisions
 133 of this subsection. The commissioner may implement policies and
 134 procedures to carry out the provisions of this subsection while in the
 135 process of adopting regulations, provided notice of intent to adopt the
 136 regulations is published in the Connecticut Law Journal not later than
 137 twenty days after the date of implementing the policies and procedures.
 138 Such policies and procedures shall be valid for not longer than nine
 139 months.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	17b-342(c)
Sec. 2	<i>July 1, 2023</i>	17b-342(i)
Sec. 3	<i>July 1, 2023</i>	17b-242(a)

Statement of Purpose:

To expand access to the state-funded portion of the Connecticut home-care program for the elderly, compensate family caregivers and authorize and compensate up to two visits by licensed social workers to home-care clients.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]