



General Assembly

Substitute Bill No. 946

January Session, 2023



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2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 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, transportation, mental health counseling, care
9 management, [elderly foster care] adult family living, minor home
10 modifications and assisted living services provided in state-funded
11 congregate housing and in other assisted living pilot or demonstration
12 projects established under state law. Personal care assistance services
13 shall be covered under the program to the extent that (1) such services
14 are not available under the Medicaid state plan and are more cost
15 effective on an individual client basis than existing services covered
16 under such plan, and (2) the provision of such services is approved by
17 the federal government. A family caregiver, including, but not limited
18 to, a spouse, who provides personal care assistance services to an
19 individual enrolled in the program shall be compensated to the extent

20 permissible under federal law. Recipients of state-funded services and
21 persons who are determined to be functionally eligible for community-
22 based services who have an application for medical assistance pending
23 shall have the cost of home health and community-based services
24 covered by the program, provided they comply with all medical
25 assistance application requirements. Access agencies shall not use
26 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29 repealed and the following is substituted in lieu thereof (*Effective July*
30 *1, 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
38 cent of the federal minimum community spouse protected amount
39 pursuant to 42 USC 1396r-5(f)(2) or, if married, the couple's assets do
40 not exceed two hundred per cent of said community spouse protected
41 amount. [For program applications received by the Department of
42 Social Services for the fiscal years ending June 30, 2016, and June 30,
43 2017, only persons who require the level of care provided in a nursing
44 home shall be eligible for the state-funded portion of the program,
45 except for persons residing in affordable housing under the assisted
46 living demonstration project established pursuant to section 17b-347e
47 who are otherwise 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
52 poverty level and who is ineligible for Medicaid shall contribute

53 [three] two per cent of the cost of his or her care. Any person whose
54 income exceeds two hundred per cent of the federal poverty level shall
55 contribute [three] two per cent of the cost of his or her care in addition
56 to the amount of applied income determined in accordance with the
57 methodology established by the Department of Social Services for
58 recipients of medical assistance. Any person who does not contribute
59 to the cost of care in accordance with this subdivision shall be
60 ineligible to receive services under this subsection. Notwithstanding
61 any provision of sections 17b-60 and 17b-61, the department shall not
62 be required to provide an administrative hearing to a person found
63 ineligible for services under this subsection because of a failure to
64 contribute to the cost of care.

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

82 (4) The annualized cost of services provided to an individual under
83 the state-funded portion of the program shall not exceed fifty per cent
84 of the weighted average cost of care in nursing homes in the state, [,
85 except an individual who received services costing in excess of such

86 amount under the Department of Social Services in the fiscal year
 87 ending June 30, 1992, may continue to receive such services, provided
 88 the annualized cost of such services does not exceed eighty per cent of
 89 the weighted average cost of such nursing home care.] The
 90 commissioner may allow the cost of services provided to an individual
 91 to exceed the maximum cost established pursuant to this subdivision
 92 in a case of extreme hardship, as determined by the commissioner,
 93 provided in no case shall such cost exceed that of the weighted cost of
 94 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 services provided to
 97 an individual enrolled in the program.

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)

Statement of Legislative Commissioners:

In Section 1(c), "family caregivers" was changed to "a family caregiver", ", but not limited to," was added after "including", "spouses" was changed to "spouse", "provide" was changed to "provides" and "participants in the program" was changed to "an individual enrolled in the program"; and in Section 2(i)(5), "services" was added after "assistance" and "individual in the program" was changed to "individual enrolled in the program", for clarity and consistency.

HS *Joint Favorable Subst. C/R* APP