



General Assembly

February Session, 2024

***Raised Bill No. 5364***

LCO No. 206



Referred to Committee on HUMAN SERVICES

Introduced by:  
(HS)

***AN ACT PRESERVING ASSETS OF STATE HUMANE INSTITUTION RESIDENTS.***

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

1 Section 1. Section 4a-12 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2024*):

3 (a) The Commissioner of Administrative Services shall be responsible  
4 for the following: (1) Investigation, determination, billing and collection  
5 of all charges for support of persons aided, cared for or treated in a state  
6 humane institution, as defined in section 17b-222, and enforcement of  
7 support obligations of the liable relatives of such persons; (2)  
8 investigation, determination, billing and collection of all charges for  
9 services covered under the Medicaid or Medicare programs provided to  
10 persons aided, cared for or treated by the Department of Veterans  
11 Affairs; (3) billing and collection of any money due to the state in public  
12 assistance cases, and enforcement of support obligations of liable  
13 relatives in such cases; (4) collection of benefits and maintenance of  
14 trustee accounts therefor; and (5) such collection services for other state  
15 agencies and departments as shall be agreed to between said

16 commissioner and the heads of such other agencies and departments.

17 (b) Any debt referred to the Department of Administrative Services  
18 by a state agency may be referred by the commissioner to a consumer  
19 collection agency, licensed under section 36a-801, or, with the approval  
20 of the Attorney General, to an attorney admitted under the provisions  
21 of section 51-80 who practices in the area of debt collection, for  
22 collection, provided the debtor has been given at least thirty days' notice  
23 that the debt will be so referred.

24 (c) For purposes of this section, "liable relative" means the husband  
25 or wife of any person receiving public assistance or aided, cared for or  
26 treated in a state humane institution, as defined in said section 17b-222,  
27 and the father and mother of any such person under the age of eighteen  
28 years, but shall not include the parent or parents whose financial  
29 liability for a child is determined by the Office of Child Support Services  
30 under subsection (b) of section 17b-179. The Commissioner of  
31 Administrative Services, in consultation with the Secretary of the Office  
32 of Policy and Management, shall adopt regulations in accordance with  
33 the provisions of chapter 54 establishing: (1) A uniform contribution  
34 scale for liable relatives based upon ability to pay and the administrative  
35 feasibility of collecting such contributions, provided no such liable  
36 relative shall contribute an amount in excess of twelve per cent of the  
37 remainder, if any, after the state median income, adjusted for family  
38 size, has been deducted from such liable relative's taxable income for  
39 federal income tax purposes, or if such federal income tax information  
40 is unavailable, from such relative's taxable income, as calculated from  
41 other sources, including, but not limited to, information pertaining to  
42 wages, salaries and commissions as provided by such relative's  
43 employer; (2) the manner in which the Department of Administrative  
44 Services shall determine and periodically reinvestigate the ability of  
45 such liable relatives to pay; and (3) the manner in which the department  
46 shall waive such contributions upon determination that such  
47 contribution would pose a significant financial hardship upon such  
48 liable relatives.

49 (d) Notwithstanding the provisions of [subsection (c) of] this section,  
50 no liability shall be imposed upon a liable relative upon determination  
51 by the Department of Developmental Services, Social Services, Children  
52 and Families, Mental Health and Addiction Services or Public Health  
53 that the benefit of the assistance or service provided would be  
54 significantly impaired by the imposition of such liability. Each such  
55 department may waive all or part of any liability resulting from its delay  
56 in establishing such liability if it determines that imposition of such  
57 liability would pose a significant financial hardship upon a liable  
58 relative.

59 (e) Notwithstanding the provisions of this section, on and after July  
60 1, 2024, the Commissioner of Administrative Services shall not recover  
61 charges from the estate of a deceased person for the aid, care or  
62 treatment of such person in a state humane institution unless (1)  
63 recovery of such charges is required under federal law, or (2) the person  
64 was liable pursuant to subsection (d) of section 17b-223 for the  
65 difference between the amounts actually billed and paid and the  
66 amount that would have been billed against such person except for  
67 fraud or concealment. The commissioner shall release any liens filed for  
68 recovery of such charges except for any lien filed pursuant to  
69 subdivision (1) or (2) of this subsection. Nothing in this subsection shall  
70 be construed to authorize the commissioner to return to any person or  
71 estate payments properly recovered by the commissioner pursuant to  
72 this section for charges related to the aid, care or treatment of a person  
73 in a humane institution before July 1, 2024.

74 Sec. 2. Section 17b-224 of the general statutes is repealed and the  
75 following is substituted in lieu thereof (*Effective July 1, 2024*):

76 A patient who is receiving or has received care in a state humane  
77 institution, his estate or both shall be liable to reimburse the state for any  
78 unpaid portion of per capita cost in accordance with section 4a-12, as  
79 amended by this act, subject to the same protection of a surviving  
80 spouse or dependent child as is provided in section 17b-95.

81       Sec. 3. Section 17b-228 of the general statutes is repealed and the  
82 following is substituted in lieu thereof (*Effective July 1, 2024*):

83       (a) When any person has been supported, wholly or in part, by the  
84 state in a humane institution, whether such person was admitted thereto  
85 as a pauper or indigent or otherwise, and any portion of the charges for  
86 which such person or his liable relatives were liable under the  
87 provisions of section 17b-223 remains unpaid, such person or such  
88 relatives, as the case may be, or the estate of any such person or such  
89 relatives, shall be liable to the state therefor, and the Commissioner of  
90 Administrative Services may, in the name of the state, bring a complaint  
91 therefor, against any liable person or persons, in any court having  
92 jurisdiction thereof in the county in which such liable person or the  
93 conservator or guardian of such patient resides, or, if several are liable,  
94 in the county in which any of them resides, and any other person who  
95 might, under the provisions hereof, have been made a defendant in such  
96 action may be cited in as a party defendant on motion of either party  
97 thereto. Said court may render judgment against the defendant, or each  
98 or any of the several defendants, in favor of the state for the balance of  
99 the charges remaining unpaid for which such defendants are liable, and  
100 payment of such judgment may be secured by attachment and execution  
101 issued thereon. The limitation of action provided in section 52-576 shall  
102 apply only to any such claim against a relative as such, and any claim  
103 by the state for reimbursement of the balance of the billed charges  
104 remaining unpaid from the estate of any deceased person shall be  
105 presented to the executor or administrator thereof within the time  
106 limited for the presentation of other claims against such estate.

107       (b) Notwithstanding the provisions of subsection (a) of this section,  
108 on and after July 1, 2024, the Commissioner of Administrative Services  
109 shall not recover charges from the estate of a deceased person for the  
110 aid, care or treatment of such person in a state humane institution except  
111 in accordance with sections 4a-12, as amended by this act, and 17b-230,  
112 as amended by this act.

113       Sec. 4. Section 17b-230 of the general statutes is repealed and the

114 following is substituted in lieu thereof (*Effective July 1, 2024*):

115       Upon the death of a patient or of a person who has, at any time, been  
116 a patient in a state humane institution, the state shall have a claim  
117 against his estate for reimbursement for institutional support according  
118 to the provisions of sections 4a-12, as amended by this act, 17b-223, 17b-  
119 224, as amended by this act, and 17b-229 to the extent that the amount  
120 which the surviving spouse, parent or dependent children of the  
121 decedent would otherwise take from such estate is not needed for their  
122 support. Such claims shall have priority over all unsecured claims  
123 against such estate, except (1) expenses of last sickness not to exceed  
124 three hundred seventy-five dollars, (2) funeral and burial expenses in  
125 accordance with section 17b-84, (3) such unpaid fees and expenses of the  
126 conservator of such patient, if any, as are authorized by law, and (4)  
127 administrative expenses, including probate fees and taxes, and  
128 including fiduciary fees not exceeding the following commissions on the  
129 value of the whole estates accounted for by such fiduciaries: On the first  
130 two thousand dollars or portion thereof, five per cent; on the next eight  
131 thousand dollars or portion thereof, four per cent; on the excess over ten  
132 thousand dollars, three per cent. Upon petition by any fiduciary, the  
133 Probate Court, after hearing thereon, may authorize compensation in  
134 excess of the above schedule for extraordinary services. Notice of any  
135 such petition and hearing shall be given to the Commissioner of  
136 Administrative Services in Hartford at least ten days in advance of such  
137 hearing. The allowable funeral and burial payment herein shall be  
138 reduced by the amount of any prepaid funeral arrangement. Any  
139 amount paid from the estate under this section to any person which  
140 exceeds the limits provided herein shall be repaid to the estate by such  
141 person, and such amount may be recovered in a civil action with interest  
142 at six per cent from the date of demand.

143       Sec. 5. Subsection (e) of section 45a-273 of the general statutes is  
144 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
145 *2024*):

146       (e) The court shall determine the persons and entities entitled to

147 payment for the claims, expenses and taxes due from the estate, or  
 148 reimbursement for such amounts paid on behalf of the estate, in  
 149 accordance with section 45a-365 except, (1) if a decedent received aid or  
 150 care from the state or received care in a state humane institution, such  
 151 reimbursement shall be in accordance with [section] sections 4a-12, as  
 152 amended by this act, and 17b-95; and (2) if a decedent is obligated to pay  
 153 the decedent's cost of incarceration, such reimbursement shall be in  
 154 accordance with section 18-85c. If the claims, taxes and expenses exceed  
 155 the fair value of the decedent's assets, the court shall order payment in  
 156 accordance with this subsection, provided the procedures for insolvent  
 157 estates under sections 45a-376 to 45a-383, inclusive, shall not be  
 158 required.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2024</i>	4a-12
Sec. 2	<i>July 1, 2024</i>	17b-224
Sec. 3	<i>July 1, 2024</i>	17b-228
Sec. 4	<i>July 1, 2024</i>	17b-230
Sec. 5	<i>July 1, 2024</i>	45a-273(e)

**Statement of Purpose:**

To protect the assets of former residents of state humane institutions by limiting circumstances under which the state can recover costs for their care from their estates.

*[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.]*