



## Testimony to the Human Services Committee

Submitted by Mag Morelli, President of LeadingAge Connecticut

March 5, 2024

### Regarding

- **Senate Bill 310, An Act Concerning Compensation for Family Caregivers, Retroactive Eligibility for Medicaid and Treatment of Assets Discovered After an Application for Medical Assistance**
- **House Bill 5373, An Act Concerning Various Revisions to Human Services Statutes**
- **Senate Bill 311, An Act Concerning the Connecticut Home-Care Program for the Elderly**
- **Senate Bill 316, An Act Concerning a Study of State-Funded Assisted Living Services**
- **Senate Bill 318, An Act Concerning a Study of Private Equity Ownership of Nursing Homes**
- **House Bill 5369, An Act Concerning a Benefits Cliff Pilot Program**

[LeadingAge Connecticut](#) is a statewide membership association representing not-for-profit provider organizations serving older adults across the continuum of aging services, including not-for-profit skilled nursing facilities, residential care homes, home health care agencies, hospice agencies, adult day centers, assisted living communities, senior housing and life plan communities. We thank you for this opportunity to submit testimony on several bills before you today.

### **Senate Bill 310, An Act Concerning Compensation for Family Caregivers, Retroactive Eligibility for Medicaid and Treatment of Assets Discovered After an Application for Medical Assistance**

This bill proposes to pay family caregivers authorized to receive compensation in Medicaid-funded programs at the rate of professional caregivers, grant retroactive Medicaid eligibility to eligible home care clients and remove penalties for assets discovered after Medicaid applications. **While we support this bill, we do reserve the right to review the provision in Section 1, lines 6-10**, which would allow the value of the services provided by a family member to be used when calculating and assessing a transfer of assets to that family member. We need to understand whether this would potentially establish a Medicaid penalty period if the

recipient were to need services outside of those provided by the family caregiver and if so, how do we address this so that there is not an interruption in services. The section reads: *The Commissioner of Social Services shall use the fair market value of services provided by a family caregiver in determining whether a Medicaid applicant who transferred assets to such caregiver as part of a legally enforceable compensation agreement for such services violated any provision of federal law regarding the transfer of assets.*

#### **House Bill 5373, An Act Concerning Various Revisions to Human Services Statutes**

Section 5 of this bill addresses the process for appealing a final rate decision following a rehearing before DSS by seeking to replace the binding arbitration process currently set forth in the statute with the right to appeal to the Superior Court. **We do not object to including the new language in the statute affording the right to a Superior Court appeal, but we believe that the statute should continue to permit arbitration as a more cost-effective alternative that may be appropriate in certain cases.** The current DSS regulations permit either arbitration or an administrative appeal and this approach would codify regulation and current practice.

#### **Senate Bill 311, An Act Concerning the Connecticut Home-Care Program for the Elderly.**

This bill expands access to the Connecticut Home-Care Program for the Elderly by establishing presumptive eligibility for Medicaid-funded services, reducing copayments, increasing asset limits, and expanding categories of persons who may be covered under the state-funded program and to authorize compensation for family caregivers, including the spouse. **We support the overall intent of this bill.**

The Connecticut Home Care Program for Elders Medicaid waiver and the state funded programs are wonderful programs that allow qualifying older adults to receive their long-term services and supports in their own home. Knowing this preference toward receiving such care in one's own home, we as a state must continuously update our eligibility criteria and plan specifications to recognize the cost of living, the cost of maintaining a dwelling in the community, and the changing dynamics of our available workforce. This bill attempts to make some of these necessary updates to the programs. In addition, presumptive eligibility would allow older adults to receive access to home based long-term service and supports as soon as they are needed without having to wait for their eligibility application to be fully processed. We support this presumptive eligibility proposal as the timely provision of services is often critical to ensuring that the applicant can remain at home.

#### **Senate Bill 316, An Act Concerning a Study of State-Funded Assisted Living Services**

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#### **Senate Bill 318, An Act Concerning a Study of Private Equity Ownership of Nursing Homes**

LeadingAge Connecticut has no objection to these proposed bills and would be happy to assist with such studies. We have several of the state funded assisted living services housing sites in our membership and would welcome an exploration of the expansion of the program.

**House Bill 5369, An Act Concerning a Benefits Cliff Pilot Program**

This bill seeks to establish a pilot program to prevent immediate loss of benefits in certain public assistance programs for persons who exceed income thresholds due to employment. LeadingAge Connecticut supports this effort to address the benefits cliff that discourages many individuals in the aging services workforce from increasing work hours or seeking higher paid positions. We appreciate this pilot design that will assist working individuals and may encourage personal career advancement by maintaining access to the critical personal and family support systems on which they depend.

We thank you for this opportunity to submit testimony on this bill and for your consideration of our opinion.

Respectfully submitted,

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