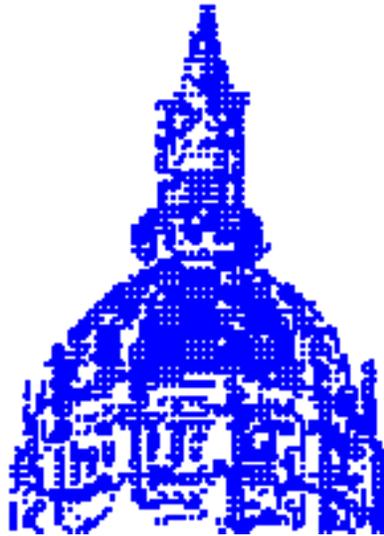


2000  
ACTS AFFECTING  

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SENIORS

Office of Legislative Research



Prepared for members of the  
Connecticut General Assembly

by  
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## **NOTICE TO READERS**

This report provides brief summaries of the 2000 session public acts affecting seniors. Not all provisions of the acts are included. Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library or the House Clerk's office. *Highlights of the Revised FY 01 Budget and Statutory Formula Grants to Municipalities* is available from the Office of Fiscal Analysis. Complete summaries of all public acts passed during 2000 will be available in early fall when OLR's Public Act Summary book is published, and some are available now on the OLR Web site.

This is a revision of prior 2000-R-0557 which dealt with acts passed in the regular session to reflect actions the General Assembly took during the June 19 Special Session (JSS).

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## **SUMMARY**

The General Assembly passed a number of new laws affecting senior citizens during the 2000 regular session and the June 19 Special Session. Major changes include:

- Expanded eligibility for the home care program and authorization for the program to pay for minor home modifications and for assisted living services in congregate housing and certain demonstration programs
- Authorization for assisted living services in state congregate housing
- An increase in the rates the state pays to home health care agencies and adult day care centers
- A pilot personal care assistance program for seniors
- A directive to the Department of Social Services (DSS) to develop a plan to create a ConnPACE B program to provide a prescription drug discount to seniors and disabled people with incomes above the regular ConnPACE limits
- More money for elderly nutrition, Alzheimer's respite, and kinship care
- More training for nurse's aides; studies of nurse staffing, quality of care, and the nurse shortage; medical protocols; insurance coverage for pain management and ostomy-related items, and authority for insurance companies to sell combination life and long-term care insurance for a single premium
- A six-year phaseout of the tax on gifts under \$1 million; sales tax exemptions for certain medically related items and food, meals, candy, and beverages in certain institutions; and an income tax exemption for Holocaust reparations

**HOME CARE AND ASSISTED LIVING**

**CT Home Care Program for Elders (CHCPE)**

**Elimination of Gross Income Test.** More seniors will be eligible for the CHCPE as a result of a new law. The program's gross income limit is gone; now, someone can qualify for homecare benefits if he would otherwise qualify for Medicaid in a nursing home. Under the old law, gross income could not exceed \$1,536 per month. (People will still have to contribute toward their care costs and asset limits do not change.) The changes will apply to the program's state-funded portion October 1, 2000 but federal approval is needed for the Medicaid waiver portion.

**New Services.** The same law adds assisted living services and minor home modifications to the current program offerings. The assisted living services must be offered in (1) state-funded congregate housing and (2) other assisted living pilot or demonstration programs established under state law. **(PA 00-2, JSS, effective October 1, 2000)**

**Pilot Extension.** The new law also extends the 10-person pilot program that the legislature approved last year, which allows people with incomes up to \$100 over the old limits (i.e., \$1,536)

who are otherwise eligible for Medicaid to qualify both for CHCPE services and non-home care services. The extension lasts until the earlier of when these services are covered by Medicaid or July 1, 2001. **(PA 00-2, JSS, effective upon passage)**

**Rate Increase in State Payments.** The new law increases the rates the state pays to home health agencies by 2% for people who qualify for these services under CHCPE. It also increases the rate the state pays for adult day care services by 5%. **(PA 00-2 effective July 1, 2000)**

**Personal Care Assistance (PCA) Pilot**

This same new law requires the DSS commissioner, if funds are available, to establish a pilot PCA program to allow up to 50 seniors (and up to 100 if the program is cost-effective) to hire their own attendant as an alternative to going through a home health care agency for services. The program is available to individuals (1) who were receiving PCA waiver services any time during the year before they turned 65 or (2) eligible for CHCPE services but unable to access adequate home care services. **(PA 00-2, JSS, effective July 1, 2000)**

### ***Assisted Living***

The bill authorizes state-funded congregate senior housing facilities to provide residents with assisted living services (paid for by the CHCPE program for those who qualify) through assisted living service agencies. It allows a waiver of some existing regulations to facilitate this authorization. It also requires the state to establish assisted living demonstration programs in two federally assisted elderly housing projects. **(PA 00-2, JSS, effective October 1, 2000)**

### ***PRESCRIPTION DRUGS***

#### ***ConnPACE B***

While it did not make any changes to the existing ConnPACE program, the legislature did address the issue of the state's seniors' prescription drug needs. A new law directs DSS to come up with a plan to establish a ConnPACE "B" program for people who don't qualify for regular ConnPACE. The plan may provide for drugs at a reduced price to seniors, income limits, and an income exclusion for people with catastrophic prescription costs. The program will operate only if the costs associated with running it are less than the revenues that accrue from such things as manufacturer rebates and participant fees. If this requirement is met, the program

must start by July 1, 2001. **(PA 00-2, JSS, effective July 1, 2000)**

#### ***Prescriptions—Prior Authorization and Generic Substitutions***

A new law may make it harder for seniors to get certain prescription drugs in both the ConnPACE and Medicaid programs as a result of two changes.

First, it allows DSS to require "prior authorizations" for (1) initial prescriptions for 30-day supplies of drugs costing more than \$500 a month and (2) early refill requests. An independent pharmacy consultant hired by DSS will determine whether the prescriptions should be filled; he will have two hours to get back to the pharmacy or the prescription is deemed approved. DSS can also review drug utilization patterns to establish a schedule of maximum quantities of oral drugs (taken by mouth) that can be dispensed at one time.

The bill also requires health care professionals prescribing brand-name drugs for ConnPACE and Medicaid recipients to specify in writing why a generic cannot be dispensed. Before, they could simply write "Brand Medically Necessary" for Medicaid or "No Substitution" for the other programs and the brand-name would be filled. (Now, only "Brand Medically Necessary" will be written for these prescriptions.) And pharmacists will have to get DSS

approval to dispense these drugs. As with the new law's prior authorization provisions, the pharmacy consultant has two hours to approve the brand-name. Pharmacists and prescribers can appeal adverse decisions to DSS. **(PA 00-2, JSS, effective July 1, 2000)**

### **PROGRAM FUNDING INCREASES**

#### ***Elderly Nutrition***

Elderly nutrition programs received an additional \$1 million. The extra money is to meet the demand for these services and prevent waiting lists and deficits caused by "overserving" in the congregate elderly nutrition and meals on wheels programs. **(SA 00-13, effective July 1, 2000)**

#### ***Alzheimer's Respite***

The Alzheimer's Respite Care Program received an additional \$200,000 in the budget for a total of \$1.1 million. Family caregivers needing a break from caring for someone with Alzheimer's disease or a related disorder have been able to get respite care from the state under this program since 1998 if they meet certain income and asset limits. Services paid for are limited to \$3,500 a year. **(SA 00-13, effective July 1, 2000)**

#### ***Kinship Care Program***

The budget adds \$200,000 to a Children's Trust Fund pilot program that provides small grants to relatives (including grandparents) who are appointed as guardians for children by a probate court. The extra funding will expand existing programs in Bridgeport, New Haven, and Hartford and expand the project to probate courts in New London, Norwich, and Waterbury. The grants range up to \$500 per family and can be used for health care or extra-curricular school activities. **(SA 00-13, effective July 1, 2000)**

#### **STATE SUPPLEMENT TRANSFER ASSISTANCE PILOT**

Under a new pilot program, severely physically disabled seniors and others receiving State Supplement Program benefits will be able to receive higher monthly benefits if they live with a non-relative who helps them move ("transfer") to or from a bed, wheelchair, or other surface. Only people who cannot transfer independently in an emergency will qualify for the higher benefits. **(PA 00-2, effective July 1, 2000)**

#### **HUSKY FOR ADULTS DELAY AND STRICTER INCOME LIMITS**

A new law delays, from July 1, 2000 to January 1, 2001, the planned HUSKY medical coverage

for uninsured parents and relative caregivers (who could be grandparents) of children enrolled in HUSKY Part A and reduces the program's family income limits for this adult coverage from 185% to 150% of the federal poverty level. (**HB 6002, JSS**, effective July 1, 2000)

## **TAXES**

### ***Gift Tax***

A new law phases out state tax on gifts under \$1 million over six years starting Jan. 1, 2001. (**PA 00-170, Sec. 8**, effective beginning with gifts made after January 1, 2001)

### ***Sales Tax***

Two new tax laws add several sales tax exemptions likely to affect seniors more than the general population. These include certain items used by invalids and handicapped people such as canes, medically necessary support hose, and closed circuit television equipment used to help visually impaired people read. There is also a new exemption for burial caskets (the first \$2,500 of personal property for burial services is already exempt). (**PA 00-170**, effective July 1, 2001) Other new sales tax exemptions include (1) candy, confectionary, and beverages sold to people in hospitals; residential care, convalescent, nursing, and rest

homes; assisted living facilities; senior centers; and day care centers and (2) food and meals sold to people in assisted living facilities, senior centers, and day care centers. (**PA 00-174, Sec. 9**, effective October 1, 2000).

### ***Tax Treatment of Holocaust Reparations***

A new law exempts settlement payments to Holocaust victims from the state income tax and from inclusion when calculating eligibility for state programs based on need and legally liable relative repayment obligations (**PA 00-82**, effective upon passage and applicable to taxable years beginning on or after January 1, 2000)

## **HEALTH ISSUES**

### ***Nurse's Aide Training***

A new law increases training for nurse's aides from 75 hours to 100 hours and requires the extra 25 hours to cover specialized training in understanding and responding to challenging behaviors related to physical, psychiatric, psychological, and cognitive disorders. (These kinds of disorders can be caused by Alzheimer's disease, senile dementia, or other diseases that disproportionately affect seniors.) But it lets trainees enrolled in a training program before October 1, 2000 complete the program as it existed when they enrolled,

regardless of changes the public health commissioner makes to implement these new requirements. (**PA 00-59**, effective October 1, 2000)

### ***Studies of Nurse Staffing, Quality of Care, and Nurse Shortage***

The legislature has charged the Department of Public Health with (1) developing a single, uniform method for collecting and analyzing standardized data concerning the linkage between nurse staffing levels and the quality of acute care, long-term care, and home care, including patient outcomes; (2) conducting a study of hospital nurse staffing patterns and the quality of care; (3) obtaining relevant licensure and demographic data from other state agencies and making all the data collected publicly available in a standardized format; and (4) collaborating with hospitals and the nursing profession in collecting the standardized data on patient outcomes and making it publicly available in a report card format. (**PA 00-216, Sec. 20**, effective October 1, 2000)

The legislature also charged the public health commissioner with conducting a study of the nurse shortage in Connecticut. This study must examine the shortage's underlying causes; make recommendations for collecting uniform data on nurse-to-patient ratios in hospitals, nursing homes, and home health

agencies; and make recommendations for supplementing nursing care in the state in response to the shortage, including the feasibility of developing criteria for the certification, training, and supervision of medication technicians in long-term care facilities. (**PA 00-216, Sec. 21**, effective upon passage)

## ***INSURANCE***

### ***Managed Care Organization Medical Protocols***

A new law includes drug formularies or lists of covered drugs in the medical protocols that managed care organizations cannot alter unless they seek physician-input. (**PA 00-216, Sec. 7**, effective July 1, 2000)

### ***Pain Management Insurance Coverage***

A new law requires individual and group health insurance policies that are issued, delivered, renewed, amended, or continued in the state on or after January 1, 2001 to provide access to a pain management specialist and to cover pain treatment ordered by such a specialist. (**PA 00-216, Sec. 18, 19**, effective January 1, 2001)

### ***Insurance Coverage for Ostomy-Related Appliances and Supplies***

A new law requires individual and group health insurance policies delivered, issued for delivery, renewed or continued in Connecticut beginning October 1, 2000 to cover up to \$1,000 a year of medically necessary ostomy-related appliances and supplies, including collection devices, irrigation equipment and supplies, and skin barriers and protectors. The requirement applies to policies that cover ostomy, colostomy, ileostomy, or urostomy surgery. But such payments cannot be applied towards any durable medical equipment benefit maximum, nor can they be used to decrease policy benefits beyond \$1,000. **(PA 00-63, effective October 1, 2000)**

### ***Long-Term Care Insurance***

A new law allows insurers licensed for both life and health insurance in this state to offer policies that combine, for a single premium, (1) life insurance, endowment or pure endowment insurance, or a straight or survivorship annuity and (2) long-term care coverage. It allows insurers that offer life insurance policies with long-term care benefits to sell them in conjunction with a long-term care benefit rider. In such cases, it (1) allows long-term care benefits under the rider to be

paid after exhaustion of the life insurance policy's cash value, (2) prohibits the long-term care rider from including any elimination period, and (3) prohibits the life insurance policy from including an elimination period greater than 100 days. **(PA 00-34, effective October 1, 2000)**

### ***ELDERLY TRANSPORTATION SERVICES MUNICIPAL GRANT PROGRAM***

In 1999, the legislature created an as yet unfunded Department of Transportation (DOT)-administered municipal grant program that was to provide funds to towns applying for financial assistance for transportation services for the elderly and disabled. This year, the legislature made a procedural change, requiring municipalities to apply for the grants through the designated regional planning organizations or transit districts to the DOT (as they do for the Federal Transit Administration Section 5310 program, which currently provides capital equipment grants to agencies serving the elderly and disabled) rather than directly to DOT. The regional planning organization or transit district and municipalities wanting to apply for funds allocated to the municipalities in the transportation service region must collaborate on service design to most effectively use funding. The new law gives the transportation commissioner authority to approve or

disapprove the method for service delivery. (**PA 00-148**, effective October 1, 2000)

## **RETIREMENT**

### ***Municipal Employees' Deferred Retirement Option***

A new law allows the Retirement Commission to establish a deferred retirement option plan and prescribe how a town participating in the Municipal Employees' Retirement Fund (MERF) can adopt the plan. MERF members who are eligible for a service retirement allowance can participate in the plan if their town adopts it. Deferred retirement option plans allow municipal employees to continue working when they are eligible to retire while their retirement benefits are placed in an interest-bearing account administered by MERF. Participants stop accruing additional retirement credit once they enter the plan. (**PA 00-192, Sec. 98** effective July 1, 2000; supersedes PA 00-73)

### ***Retired State Employees Minimum Monthly Benefit***

This year, the legislature increased the minimum monthly retirement income from \$300 to \$833.34 (\$3,600 to \$10,000 annually) for Tier I state employees who have retired with 25 years of service and for hazardous duty employees who have retired with 20 years of

service. (**PA 00-192, Sec. 99**, effective upon passage).

### ***Teacher Retirement Benefits***

Under a new law, for benefits effective on or after January 1, 2001, the Teacher's Retirement Board (TRB) may refund the balance of a member's retirement contributions in a lump sum to the deceased member's or coparticipant's estate if the last survivor (member or coparticipant) dies shortly after retirement without using up his full contribution plus credited interest. The new law also includes amounts paid to members while they are on sabbatical in the salary used to figure teacher retirement benefits, as long as the member teaches full-time for five years after returning from the sabbatical. Finally, it makes two exceptions that affect only a few people concerning disability benefit recalculations and filing deadlines. (**PA 00-187**, effective July 1, 2000)

### ***Retired Teachers' Health Insurance***

The legislature established a 25% premium co-share for members receiving health benefits under the TRB plan and eliminated the relationship between the subsidy for municipal plan coverage and the TRB plan premium. The new law also makes certain retired teachers eligible for an additional

\$110 per month subsidy paid on the member's behalf to the local board of education to subsidize health insurance costs. In order to qualify, a retired member must (1) be age 65, (2) not be eligible for Medicare Part A, (3) not be receiving a spousal subsidy, (4) have 25 years or more of full-time service and (5) be receiving a monthly benefit of less than \$1,500 as of July 1, 2000.

The act also establishes a task force to study the health insurance benefits offered by the TRB and the funding of the teachers' retirement health insurance program. The task force is charged with making recommendations concerning the (1) long-term solvency of the health insurance fund; (2) funding method for the municipal subsidy and state plans; (3) expected future levels of costs to the state, active teachers, and retired teachers covered by the system; and (4) impact of an aging teacher population on the system's ability to provide future benefits. The task force must report its findings and recommendations to the governor and the General Assembly by December 15, 2000. **(PA 00-187, effective July 1, 2000)**

### ***Teacher's Retirement Board Procedural Changes***

Under a new law, the TRB must credit interest earned on contributions to a member's account based on the balance as

of the previous June 30<sup>th</sup> instead of compounding interest on June 30<sup>th</sup> every year. Interest must be assessed on any mandatory contributions for salary the local school board pays but does not remit to the TRB before the close of the school year.

The act extends the deadline for towns to send member contributions to TRB from the last day of the month in which they are made to the fifth day of the following month and requires districts to transmit electronically starting on July 1, 2001. It imposes the 9% annual interest penalty on overdue funds sooner - starting on the fifth of the month following the month of the contribution instead of when the funds are one month overdue. In addition, the interest must be compounded annually from the due date to the payment date.

The act lengthens by one day the time the TRB has to mail retirement checks. It must mail the check on the next to last business day before the check is due rather than no later than three days before the due date.

Finally, the act requires members who become eligible for retirement benefits beginning January 1, 2001 to identify a financial institution to which the TRB can electronically transmit payments. The TRB must transmit the payment on the last business day of each month and may not mail these members' benefits. **(PA 00-187, effective July 1, 2000)**

## **MISCELLANEOUS**

### ***Long-Term Care Advisory Council***

Legislation added 10 members to the existing nine-member Long-Term Care Advisory Council, which advises the interagency Long-Term Care Planning Committee. The Planning Committee, created in 1998, coordinates long-term care policy development in the state and issues a biennial statewide long-term care plan. The new advisory council members are the following people or their designees: the Connecticut Hospital Association President, the Connecticut Assisted Living Association executive director, the Connecticut Homecare Association executive director, the Connecticut Community Care, Inc. president, a Connecticut Association of Area Agencies on Aging member appointed by the agency, the Connecticut Alzheimer's Association executive director, an Adult Day Care Association member appointed by the association, the Connecticut Chapter of the American College of Health Care Administrators president, the Connecticut Council for Persons with Disabilities president, and the Connecticut Association of Community Action Agencies president. **(PA 00-135, Sec. 20, effective upon passage)**

### ***Recovery In Conservator Of Estate Matters***

A new law removes the requirement that a deceased person's estate pay the Department of Social Services (DSS) conservator costs from its assets if DSS has acted as a conservator of the estate or person and the probate court approves the payment. By law, the probate court can direct DSS to appoint a conservator for anyone age 60 or over who is found incapable of managing his affairs or caring for himself, whose liquid assets are no more than \$1,500, and whose health and welfare is determined to be in jeopardy. The conservator of estate provides basic financial management services; the conservator of the person makes health care decisions and generally supervises the individual's personal affairs. **(PA 00-39, effective upon passage)**

### ***Professional Counselor Disclosures in Elderly Abuse Cases***

With several exceptions, a new law makes confidential and not subject to disclosure, any communications between a patient and his licensed professional counselor or between the patient's family and the counselor. The patient or his authorized representative may, however, give written consent to disclosure by the counselor. One of the several exceptions is that

counselors do not need consent to disclose a patient's diagnosis and treatment if they know, or in good faith suspect, that a child, elderly adult, or disabled or incompetent person is being abused. (**PA 00-190**, effective October 1, 2000)

### ***Legal Immigrants Eligible For State-Funded Programs***

A new law makes legal immigrants who formerly held "permanently residing under color of law" (PRUCOL) immigration status eligible for the Connecticut Home Care Program for Elders (CHCPE) and certain other state-funded welfare programs. As with "qualified aliens" and "other lawfully residing immigrant aliens" who were already eligible for these programs, the new law applies only to those who are barred from assistance programs that get federal funding. Prior to federal immigration reform, the Immigration and Naturalization Service (INS) assigned PRUCOL status to noncitizens without permanent resident status whom the agency chose not to deport. Because INS now classifies many who had this status as "non-immigrants," some apparently were ineligible for state assistance under prior law. (In practice, DSS allowed them to participate in its state-funded programs.) (**PA 00-83**, effective July 1, 2000)

### ***High School Diplomas For Certain WW II Veterans***

A new law lets local school boards award high school diplomas to World War II veterans who did not receive them because they left high school for military service. A World War II veteran is anyone honorably discharged following at least 90 days of service in the U.S. Army, Navy, Marine Corps, Coast Guard, or Air Force (or less if discharged due to service-connected disability) between December 7, 1941 and December 31, 1946. (**PA 00-124**, effective May 29, 2000)

### ***Jury Duty***

A new law gives the state's jury administrator authority to create and maintain a list of people to exclude from the process of summoning jurors. The list must include, among others, (1) people permanently disqualified from jury duty because of a disability, and (2) people age 70 or older who request not to be summoned. These people are already exempt from jury duty, but including them on this list ensures that they will not be repeatedly summoned. Under this new law, both permanently disabled people and people age 70 and over must give the administrator their name, address, date of birth, and Social Security number for use in matching names. A disabled person must

also submit a letter from a licensed physician stating that the disability is permanent and prevents the person from giving satisfactory jury service. A person can rescind an exclusion request at any time by written notice to the jury administrator. **(PA 00-116, effective September 1, 2000)**

### ***Bacon Congregate Housing***

Generally, state-assisted elderly congregate housing facilities are restricted to individuals 62 years of age and older. This special act makes an exception so that the Department of Economic and Community Development (DECD) can continue to make grants-in-aid and rent subsidy payments to Bacon Congregate Housing in Hartford and its residents. This change will allow the facility to maintain its current operations as some of its current residents are under the standard 62-year age limit. **(SA 00-11, effective upon passage)**