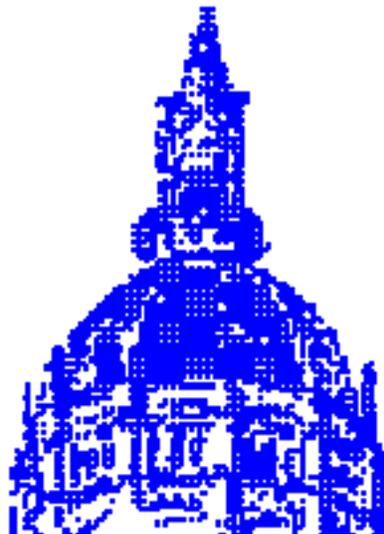


Office of Legislative Research
Connecticut General Assembly



OLR ACTS AFFECTING

2010 LAWS AFFECTING SENIORS



2010-R-0233

By: Robin Cohen, Principal Analyst

May 27, 2010

Sandra Norman-Eady, Director
Phone (860) 240-8400
FAX (860) 240-8881
<http://www.cga.ct.gov/olr>

Connecticut General Assembly
Office of Legislative Research

Room 5300
Legislative Office Building
Hartford, CT 06106-1591
Olr@cga.ct.gov

NOTICE TO READERS

This report provides brief highlights of new laws (public acts) affecting seniors (people age 60 or older) enacted during the 2010 session. At the end of each summary we indicate the public act (PA) number.

Not all provisions of the acts are included here. Complete summaries of all 2010 public acts will be available in the fall when OLR's Public Act Summary book is published; some are already on OLR's webpage:

<http://www.cga.ct.gov/olr/OLRPASums.asp>

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, the House Clerk's Office, or the General Assembly's website: <http://www.cga.ct.gov/>.

TABLE OF CONTENT

LONG-TERM CARE	4
Connecticut Home Care Program for Elders—Cost Sharing Reduction and Notice of Redetermination	4
Medicaid Coverage for Long-Term Care Services	4
Assisted Living—Help with Insurance Forms	4
Nursing Home Care	4
OTHER HEALTH CARE	5
Eyeglass Coverage in Medicaid Program	5
Adverse Event Reporting and Patient Complaints	5
PRIVACY PROTECTION.....	5
Senior Center Information.....	5
“Do Not Call” List.....	6
INSURANCE.....	6
Cancer Treatment.....	6
Auto Discount for Older Drivers	6
PROBATE	6
Probate Fees.....	6
RECREATION	6
Reduction in Sportsman’s Fees and Caps on Camping and Park Fees.....	6
RETIRED TEACHERS.....	7
Re-Employment	7
MISCELLANEOUS	7
Exempting Payments from Federal Health Care Reform Law for Program Eligibility Purposes	7
Delay in Reestablishment of Department on Aging	7
Funding for Alzheimer’s Research and Respite	7

LONG-TERM CARE

Connecticut Home Care Program for Elders—Cost Sharing Reduction and Notice of Redetermination

In 2009, the legislature imposed cost sharing on all participants in the state-funded portion of the Connecticut Home Care Program for Elders (CHCPE), not just those with incomes above 200% of the federal poverty level. Individuals were required to pay 15% of their care costs (which, for the higher income individuals, was on top of the amount they already paid). A new law reduces the contribution to 6%.

PA 10-179, effective July 1, 2010

Another new law requires the Department of Social Services (DSS), when sending renewal forms to CHCPE participants, to also notify the access agency or area agency on aging operating the particular home care program in which the client participates.

PA 10-126, effective July 1, 2010

Medicaid Coverage for Long-Term Care Services

A new law makes two changes in how DSS treats an individual's income and assets when determining his or her eligibility for Medicaid. First, it allows a

nursing home resident's spouse to keep a greater amount of the couple's combined liquid assets when eligibility is first determined. Second, it requires DSS to get permission from the federal Medicaid agency to exempt reverse annuity mortgages as income or assets, in certain circumstances.

PA 10-73, effective upon passage

Assisted Living—Help with Insurance Forms

Managed residential communities (MRC) must now help their residents prepare and submit claims on long-term care insurance policies under a new law. The residents must tell the insurer in writing to provide the MRC with (1) information about their eligibility for benefits and payment and (2) a copy of the insurer's decision that the residents receive. The new law prohibits the insurers and other long-term policy carriers from refusing to accept these claims or reimburse claims solely because the MRC assisted the resident.

PA 10-127, effective July 1, 2010

Nursing Home Care

An omnibus new law makes several changes in how nursing homes are overseen, managed, and operated. This includes allowing DSS to examine or audit

the financial records of management companies operating nursing homes, as the department may already do in the case of nursing homes. The new law also requires nursing homes to maintain resident records for at least seven years after the resident dies or is discharged from the home. It allows homes to keep the temperature in areas that residents use lower than the state Public Health Code minimum standards if the homes comply with federal law (71-81 degrees Fahrenheit). And it allows nursing homes to extend the break between the evening meal and breakfast if the resident agrees and the home provides a bedtime snack.

PA 10-117, effective October 1, 2010, except the break extension is effective July 1, 2010

OTHER HEALTH CARE

Eyeglass Coverage in Medicaid Program

Two new laws limit the number of pairs of eyeglasses that Medicaid recipients may receive to one per year. Previously, there was no limit as long as a doctor prescribed them and they were deemed medically necessary.

PA 10-3 and PA 10-179, effective upon passage

Adverse Event Reporting and Patient Complaints

A new law changes the state's hospital adverse event reporting law. It requires the Department of Public Health's (DPH) annual report to the legislature on adverse events to include (1) aggregate information for each hospital and outpatient surgical facility, (2) contextual information about the facility, and (3) any informational comments the facility provides on the events.

The new law also requires DPH to provide patients access to information if they have filed complaints with DPH alleging incompetence, negligence, fraud, or deceit by health care providers. DPH must also provide notice about any complaint's status and disposition.

PA 10-122, effective July 1, except the patient complaint provisions are effective October 1, 2010

PRIVACY PROTECTION

Senior Center Information

A new law exempts from disclosure under the state's Freedom of Information Act the name, address, telephone number, or email address of anyone who is a member of, or enrolled in, a senior center that a public agency administers or sponsors.

PA 10-17, effective October 1, 2010

“Do Not Call” List

A different new law adds a penalty of up to \$11,000 for each violation of the “do not call” list. State law allows any individual to register a telephone number with the “Do Not Call” registry, and prohibits telephone solicitors from making unsolicited telephone calls to anyone on it. By law, a violation is an unfair trade practice.

PA 10-52, effective January 1, 2011

INSURANCE

Cancer Treatment

A new law requires health insurance policies that cover intravenous (IV) and orally administered anticancer medications prescribed by a licensed practitioner to cover the oral drugs at least as favorably as it does the IV ones. It prohibits insurers, HMOs, medical and hospital service corporations, and fraternal benefit societies from reclassifying anticancer medications or increasing the patient’s out-of-pocket costs for them as a way to comply.

PA 10-63, effective January 1, 2011

Auto Discount for Older Drivers

A minimum 5% discount on auto insurance (good for two years) is available for drivers aged 60 and older who successfully complete an accident prevention course that the Department of Motor Vehicles approves. A new law specifies that the course must be four hours long.

PA 10-53, effective October 1, 2010

PROBATE

Probate Fees

A new law makes several changes in probate fees for settling decedents’ estates, including (1) imposing interest for unpaid costs for estates over certain amounts, (2) allowing probate court fees to be paid by credit card, and (3) making various other changes to related matters.

PA 10-184, effective various dates

RECREATION

Reduction in Sportsman’s Fees and Caps on Camping and Park Fees

A new law decreases several sportsman’s fees and caps camping and state park fees. For example, it reduces the resident fishing license fee from \$40 to \$28, and reduces the firearms

permit fee from \$28 to \$19. Resident fees for leasing campsites and buildings and parking, admission, boat launching, and other uses can be no more than 135% of the resident fees charged on April 1, 2009.

PA 10-3, effective upon passage, and the camping and state park fee changes apply to those collected after May 1, 2010

RETIRED TEACHERS

Re-Employment

A new law expands opportunities for a school district to reemploy retired teachers who are collecting pensions from the Teachers' Retirement System.

PA 10-111, effective upon passage

MISCELLANEOUS

Exempting Payments from Federal Health Care Reform Law for Program Eligibility Purposes

A new law excludes any payment under the federal Patient Protection and Affordable Care Act (new federal health care reform law)(e.g., Medicare Part D \$250 rebate in 2010) from being counted as income for someone who applies for or receives need-based benefits or services from any state or state-funded local program, including local property tax relief. Likewise, for program

eligibility purposes, the payment cannot be counted as an asset for the month in which it is received and the following two months.

PA 10-179, effective upon passage

Delay in Reestablishment of Department on Aging

The legislature again delayed the reestablishment of the Department on Aging from July 1, 2010 until July 1, 2011.

PA 10-179, effective July 1, 2010

Funding for Alzheimer's Research and Respite

The Biomedical Research Trust Fund, created with Tobacco Settlement Funds, can now be used to grant funds for biomedical research into Alzheimer's disease and diabetes under a law just passed. Previously, the funds could be used only for heart disease, cancer, and other tobacco-related disease research.

PA 10-136, effective July 1, 2010

The 2011 budget adjustments include an additional \$500,000 for the Alzheimer's respite care program.

PA 10-179, effective July 1, 2010

RC:ts