

Office of Legislative Research  
Connecticut General Assembly



**SENIORS**



2012-R-0208  
(Revised)

By: Nicole Dube, Associate Analyst

June 26, 2012

## **TO THE READER**

This report provides highlights of new laws (Public Acts and Special Acts) affecting seniors enacted during the 2012 regular legislative session and June Special session. At the end of each summary we indicate the Public Act (PA) or Special Act (SA) number and the date the legislation takes effect.

Not all provisions of the acts are included here. Complete summaries of all 2012 Public Acts will be available on OLR's webpage: [www.cga.ct.gov/olr/OLRPASums.asp](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 ([www.cga.ct.gov/](http://www.cga.ct.gov/)).

## TABLE OF CONTENTS

<b>ADULT CONSERVATORSHIPS.....</b>	<b>5</b>
Interaction With Other States .....	5
Appointment of a Guardian Ad Litem .....	5
<b>GRANDPARENTS' VISITATION RIGHTS .....</b>	<b>5</b>
<b>HOUSING.....</b>	<b>5</b>
Elderly Rental Rebate Program .....	5
Security Deposits Of Seniors In Public Housing .....	6
<b>INSURANCE.....</b>	<b>6</b>
Colorectal Cancer Screening .....	6
Deductibles For Colonoscopies.....	6
<b>LONG-TERM CARE.....</b>	<b>6</b>
Aging In Place Task Force .....	6
Bond Authorization For Nursing Home "Right-Sizing" .....	7
Collective Bargaining For Personal Care Attendants (PCA).....	7
Department on Aging.....	7
Extended Moratorium On Certain Long-Term Care Beds .....	7
Inmates Released to Nursing Homes .....	7
Financial Stability Of Long-Term Care Facilities .....	8
Medication Administration By Unlicensed Personnel.....	8
New Internet-Based Information System to Transition People From Hospitals Into the Community.....	8
New Automated Long-Term Care Assessment Tool .....	8
Nursing Home Care For High Need Individuals.....	8
PCAs Allowed to Administer Medication .....	9
Prescription Drug Administration In Nursing Homes.....	9
Private Pay Assisted Living Pilot Expanded.....	9
Statewide Community Choices Program.....	9
<b>MEDICAID .....</b>	<b>9</b>
Advanced Medicaid Payments to Nursing Homes.....	9
Medicaid PCA Waiver Program .....	10
Pilot Program for Life Support Home Care .....	10
Services Expanded Under CHCPE and the Medicaid PCA Waiver Program .....	10

**MISCELLANEOUS..... 10**  
Municipal Agents For The Elderly ..... 10  
Silver Alert System ..... 11  
Veterans' Access To Public Assistance Programs ..... 11  
Veterans Required To Apply For Federal Benefits ..... 11

## **ADULT CONSERVATORSHIPS**

### ***Interaction With Other States***

A new law creates rules and procedures for Connecticut probate courts to interact with courts in other states about adult conservatorships, including interstate transfers, registering out-of-state appointments, and communicating with out-of-state courts. ([PA 12-22](#), effective October 1, 2012)

### ***Appointment of a Guardian Ad Litem***

A new law limits the circumstances under which judges or family support magistrates can appoint a guardian ad litem (GAL). Previously, court GAL appointments and functions were discretionary and varied widely from court to court.

The law applies when:

1. the court is being asked to order that an individual be given psychiatric medication or hospital treatment against his or her will;
2. a litigant, by request, has a court-approved conservator to handle his or her daily or financial affairs, or both; or
3. a mentally ill person has filed a habeas corpus writ, claiming that he or she is being held or medicated unlawfully. (In this case, the law prohibits GAL appointments.)

([PA 12-25](#), effective October 1, 2012)

## **GRANDPARENTS' VISITATION RIGHTS**

Prior law allowed grandparents and other third parties to petition the Superior Court to grant them visitation with their grandchildren in limited circumstances. A new law instead requires a petitioner to include in the request specific and good-faith allegations that (1) a parent-like relationship with the minor exists and (2) the minor will suffer real and substantial harm if the visitation is denied. (This means a degree of harm analogous to a claim that the minor is neglected or uncared-for, as defined under state child abuse statutes.) The court must hold a hearing and grant the request if it finds, by clear and convincing evidence, that these conditions have been met. The "clear and convincing evidence" standard complies with the standard stated in a recent Connecticut Supreme Court decision (*Roth v. Weston*, 259 Conn. 202 (2002)). ([PA 12-137](#), effective October 1, 2012)

## **HOUSING**

### ***Elderly Rental Rebate Program***

A new law extends, from four to six months, the period for submitting applications under the rental rebate program for elderly and totally disabled people. Prior law required renters to apply from May 15 through

September 15 each year for a rebate for the previous year. The law extends the application period to April 1 through October 1. ([PA 12-69](#), effective October 1, 2012)

### ***Security Deposits Of Seniors In Public Housing***

A new law lowers the annual interest rate that housing authorities, community housing authorities, and other corporations must pay on security deposits made by seniors and individuals with disabilities living in public housing.

Prior law required them to pay an annual rate of 5.25%. The new law instead requires them to pay at least the average savings deposit interest rate paid by insured commercial banks as published in the Federal Reserve Board Bulletin in November of the prior year (i.e., deposit index). (The deposit index for calendar year 2012 is 0.16%.)([PA 12-24](#), effective October 1, 2012)

## **INSURANCE**

### ***Colorectal Cancer Screening***

A new law requires specified health insurance policies to cover colorectal cancer screening in accordance with the American Cancer Society's recommendations. Under prior law, they had to do so following the American College of Gastroenterology's recommendations, made in consultation with the American

Cancer Society and the American College of Radiology. ([PA 12-61](#), effective January 1, 2013)

### ***Deductibles For Colonoscopies***

A new law bars insurers from charging a deductible for procedures a physician initially undertakes as a colorectal cancer screening colonoscopy or sigmoidoscopy. Some insurers currently charge a deductible when these screening procedures discover a polyp, which is removed at the same time. ([PA 12-190](#), effective January 1, 2013)

## **LONG-TERM CARE**

### ***Aging In Place Task Force***

The legislature created a 16-member task force to study how Connecticut can encourage "aging in place." The task force must examine:

1. infrastructure and transportation improvements,
2. zoning changes to facilitate home care,
3. enhanced nutrition programs and delivery options,
4. improved fraud and abuse protections,
5. expansion of home medical care options, and
6. tax and private insurance incentives.

The task force must submit its findings to the Aging Committee by January 1, 2013. ([SA 12-6](#), effective upon passage)

### ***Bond Authorization For Nursing Home “Right-Sizing”***

The legislature made a new \$10 million state general obligation bond authorization to the Department of Economic and Community Development. The bond funds must be used for grants to nursing homes for alterations, renovations, and improvements to convert the homes to other uses. ([PA 12-189](#), effective July 1, 2012)

### ***Collective Bargaining For Personal Care Attendants (PCA)***

A new law allows certain PCAs who receive payments from the state to collectively bargain with the state over reimbursement rates, benefits, payment procedures, contract grievance arbitration, training, professional development, and other requirements and opportunities. It explicitly states that the PCAs are not state employees. The legislation establishes a collective bargaining and arbitration process for the PCAs and grants them many of the same collective bargaining rights and obligations given to state employees. It also specifically prohibits certain subjects from being collectively bargained and sets conditions under which the General Assembly must affirmatively approve any contract or arbitration award. ([PA 12-33](#), effective July 1, 2012)

### ***Department on Aging***

A new law moves the start date for the reestablished Department on Aging from July 1, 2013 to January 1, 2013. Connecticut disbanded this department in 1993 and merged most of its functions and personnel into the Department of Social Services’ (DSS) Division of Elderly Services. In 2005, the legislature reestablished the department effective January 1, 2007, but has postponed the start date several times thereafter. ([PA 12-1, June Special Session](#), effective July 1, 2012)

### ***Extended Moratorium On Certain Long-Term Care Beds***

The legislature extended, from June 30, 2012 until June 30, 2016, the DSS moratorium on certificates of need (CON) for new nursing home beds. It also imposed a moratorium on CONs for new long-term care acute hospital beds in certain chronic disease hospitals. This moratorium took effect when the act passed and expires on June 30, 2017. ([PA 12-118](#), effective upon passage)

### ***Inmates Released to Nursing Homes***

A new law gives the Department of Correction (DOC) commissioner the discretion to release certain inmates from custody for nursing home placement for palliative and end-of-life care, under certain conditions. DOC must supervise

in the community any inmate released in this manner. The placement must be in a licensed community-based nursing home under contract with the state. ([PA 12-1, June Special Session](#), effective July 1, 2012)

### ***Financial Stability Of Long-Term Care Facilities***

A new law requires a nursing home and residential care home to notify prospective and current residents if it is placed in receivership or files for bankruptcy. It also requires an assisted living facility to provide such notice if it files for bankruptcy. ([PA 12-6](#), effective October 1, 2012)

### ***Medication Administration By Unlicensed Personnel***

A new law allows a registered nurse to delegate the administration of medications that are not injected into patients to homemaker-home health aides who obtain certification for medication administration. Administration cannot be delegated when the prescribing physician specifies that a nurse must administer the medication.

The law already allows residential care homes that admit residents requiring medication administration assistance to employ a sufficient number of certified, unlicensed personnel to perform this function in accordance with DPH regulations. ([PA 12-1, June Special Session](#), effective July 1, 2012)

### ***New Internet-Based Information System to Transition People From Hospitals Into the Community***

The FY 13 budget includes \$250,000 to create an internet-based information system to help seniors transition from hospitals into home- and community-based services instead of nursing homes. ([PA 12-104](#), effective July 1, 2012)

### ***New Automated Long-Term Care Assessment Tool***

The legislature provided \$300,000 to DSS to create a standardized level of care assessment across all long-term care services and supports, including developing an automated needs assessment tool, screening tool, and care plan budget methodology. ([PA 12-104](#), effective July 1, 2012)

### ***Nursing Home Care For High Need Individuals***

The legislature provided additional funding to departments of social services and mental health and addiction services (DMHAS) to pay for nursing home services for certain state clients who are traditionally difficult to place in the proper setting (i.e., those transitioning from a correctional or DMHAS facility). ([PA 12-104](#), effective July 1, 2012)



### ***PCAs Allowed to Administer Medication***

A new law provides that nothing in the state's Nurse Practice Act can be construed to prohibit a PCA employed by a registered homemaker-companion agency from administering medications to a competent adult who directs his or her own care and makes his or her own decisions pertaining to assessment, planning, and evaluation. ([PA 12-1, June Special Session](#), effective July 1, 2012)

### ***Prescription Drug Administration In Nursing Homes***

A new law allows a nursing home's medical director to establish a prescription drug formulary system. This system will allow the director to substitute a drug prescribed to a nursing home patient if the prescribing practitioner (1) is notified and (2) does not object or otherwise unauthorize it. For patients receiving state medical assistance, prescription drugs must be administered in accordance with (1) DSS' preferred drug lists; (2) Medicare Part D prescription drug formularies; or (3) the patient's health insurance policy, as appropriate. ([PA 12-30](#), effective October 1, 2012)

### ***Private Pay Assisted Living Pilot Expanded***

The legislature increased, from 75 to 125, the total number

of people who can participate in two private assisted living pilot programs (one Medicaid- and one state-funded, administered by DSS). The programs help pay for assisted living services, but not room and board, for people living in private assisted living facilities who have used up their own resources. Participants must use their own funds to pay their room and board costs. ([PA 12-1, June Special Session](#), effective July 1, 2012)

### ***Statewide Community Choices Program***

A new law requires DSS to administer a statewide Community Choices program to help the elderly, people with disabilities, and their caregivers. It will provide a single, coordinated information, referral, and access program for people seeking long-term care support such as in-home, community-based, and institutional services. The act designates the state's Aging and Disability Resource Center as the Community Choices program. Three regions of the state (Western, South Central, and North Central) currently operate such programs. ([PA 12-119](#), effective upon passage)

## **MEDICAID**

### ***Advanced Medicaid Payments to Nursing Homes***

By law, DSS can make Medicaid payments to nursing homes in advance of normal

payment processing. A new law allows DSS to advance nursing homes that are in receivership more than the amount the nursing homes estimate they are owed for the most recent two months of care they provided to their Medicaid-eligible residents. It also allows DSS to waive the requirement that it recover these payments within 90 days of issuing them by reducing any future amounts it reimburses the home. By law, the homes must request these payments. ([PA 12-130](#), effective upon passage)

### ***Medicaid PCA Waiver Program***

A new law requires Medicaid PCA waiver program participants, once turning 65, to be transitioned to the Connecticut Homecare Program for Elders (CHCPE) to receive PCA services.

The Medicaid PCA Program offers PCA services to adults with severe disabilities age 18 and older who meet the program's eligibility criteria (e. g., income no higher than \$ 2,094 per month).

CHCPE is a Medicaid- and state-funded program that provides home- and community-based services to frail individuals age 65 and older. ([PA 12-1, June Special Session](#), effective July 1, 2012)

### ***Pilot Program for Life Support Home Care***

A new law requires DSS, within available appropriations, to operate a two-year, state-

funded pilot program for up to 10 ventilator-dependent Medicaid recipients who (1) live in Fairfield County and (2) receive medical care at home. Pilot participants can hire their own licensed registered nurses and respiratory therapists directly rather than going through a home health care agency as Medicaid rules generally require.

Participating providers must (1) submit to criminal history background checks and (2) certify in writing that they will not terminate a patient's care unless they provide at least two weeks notice, except in an emergency. ([PA 12-91](#), effective October 1, 2012)

### ***Services Expanded Under CHCPE and the Medicaid PCA Waiver Program***

Adult foster care services will now be available under the CHCPE and Medicaid PCA waiver programs as an alternative for people who require 24-hour supervision and assistance with activities of daily living. In addition, the PCA waiver program will now provide independent support broker services, which help consumers design and direct their own supports. ([PA 12-104](#), effective July 1, 2012)

## **MISCELLANEOUS**

### ***Municipal Agents For The Elderly***

By law, municipalities must appoint a municipal agent for the elderly if a local ordinance

requires it. Agents assist seniors in learning about community resources and filing for benefits; they are also required to submit annual reports to state and local government officials.

A new law removes an elected state official from the list of those who can be appointed town agents, leaving as eligible a (1) member of a municipal agency for the elderly or (2) municipal resident with a demonstrated interest in the elderly or elderly programs. It makes the agents' functions discretionary and replaces their annual written reports with a requirement that they report to the town's chief elected official or executive officer and DSS on consumers' needs and problems along with recommendations for improving elderly services. ([PA 12-119](#), effective upon passage)

### ***Silver Alert System***

By law, the Department of Emergency Services and Public Protection's Missing Child Information Clearinghouse operates a Silver Alert system to help locate missing people who are (1) seniors age 65 or older or (2) mentally impaired adults at least 18 years old. A new law allows DMHAS employees certified as police officers to file missing person reports to trigger an alert. ([PA 12-48](#), effective October 1, 2012)

### ***Veterans' Access To Public Assistance Programs***

A new law directs DSS, to the extent allowed by federal law, to disregard a veteran's or surviving spouse's federal Aid and Attendance Pension (AAP) benefits when calculating income for certain means-tested assistance programs. The AAP program assists single and married veterans and surviving spouses who need regular assistance with such things as dressing, bathing, cooking, taking off prosthetics, and leaving home. The program provides monthly cash benefits of up to \$1,704 for single veterans, \$2,020 for couples, and \$1,094 for surviving spouses. ([PA 12-208](#), effective July 1, 2012)

### ***Veterans Required To Apply For Federal Benefits***

A new law requires veterans and their families who apply for or receive Medicaid benefits to apply for any benefits for which they might be eligible through the federal Veteran's Administration (VA) or Department of Defense. VA medical benefits are available to all veterans who served honorably for at least two years in any branch of the military. ([PA 12-1, June Special Session](#), effective July 1, 2012)

ND:ro