

File No. 635

(Reprint of File No. 157)

House Bill No. 5460
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
April 29, 1998

AN ACT CONCERNING A MEANS TEST UNDER THE BUREAU OF
REHABILITATION SERVICES.

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

1 Section 17b-653 of the general statutes is
2 repealed and the following is substituted in lieu
3 thereof:

4 (a) Vocational rehabilitation services shall
5 be provided, [completely or in part, at] WITH OR
6 WITHOUT public cost, directly or through public or
7 private instrumentalities, as part of an
8 individual written rehabilitation program for a
9 person with disabilities determined to be eligible
10 by the Bureau of Rehabilitation Services, in
11 accordance with Title I of the Rehabilitation Act,
12 29 USC 701 et seq., as amended from time to time.
13 Nothing in this section shall be construed to mean
14 that an individual's ability or inability to share
15 in the cost of vocational rehabilitative services
16 may be taken into account during the determination
17 of eligibility for such services.

18 (b) If vocational rehabilitation services
19 cannot be provided for all eligible persons with
20 disabilities who apply for such services, the
21 Department of Social Services shall determine, in

22 accordance with Title I of the Rehabilitation Act
23 of 1973, 29 USC 701 et seq., and federal
24 regulations, as amended from time to time, the
25 order to be followed in selecting those to whom
26 such services will be provided.

27 (c) Nothing in section 17b-650 or subsection
28 (a) of this section shall be construed to preclude
29 provision of vocational rehabilitation services,
30 WITH OR WITHOUT PUBLIC COST, to a person with a
31 disability under an extended evaluation for a
32 total period not in excess of eighteen months, in
33 accordance with Title I of the Rehabilitation Act
34 of 1973, 29 USC 701 et seq., as amended from time
35 to time.

36 (d) The Department of Social Services may
37 adopt regulations in accordance with the
38 provisions of chapter 54 to establish standards
39 and procedures governing the provision of
40 vocational rehabilitation services and, where
41 appropriate, [for determining] A MEANS TEST TO
42 DETERMINE, based upon the financial need of each
43 eligible person with disabilities, [whether
44 vocational rehabilitation services are to be
45 provided completely or in part] THE EXTENT TO
46 WHICH SUCH SERVICES WILL BE PROVIDED at public
47 cost. [Regulations developed to determine whether
48 vocational rehabilitation services are to be
49 provided completely or in part at public cost
50 shall provide that all individuals required to
51 share in the cost of such services shall make all
52 payments to the Department of Social Services.
53 Funds] ANY FUNDS received by the department from
54 individuals [required to share in the cost of] OR
55 THIRD PARTIES FOR THE PROVISION OF vocational
56 rehabilitation services shall be used by the
57 department to provide such services. [for eligible
58 recipients.] The regulations [also shall] MAY ALSO
59 prescribe the procedures [and sanctions to be used
60 to ensure that] TO BE USED WHEN payment is made
61 [to the department] by individuals required to
62 [share in] CONTRIBUTE TO the cost of vocational
63 rehabilitation services. REGULATIONS DEVELOPED TO
64 IMPLEMENT A MEANS TEST SHALL INCLUDE, BUT NOT BE
65 LIMITED TO: (1) AN EXEMPTION FOR ANY INDIVIDUAL
66 WITH AN INCOME OF LESS THAN ONE HUNDRED PER CENT
67 OF THE STATE MEDIAN INCOME AND ASSETS WHICH ARE
68 LESS THAN FIVE THOUSAND DOLLARS; (2) AN EXEMPTION
69 FOR SERVICES COVERED IN AN INDIVIDUAL WRITTEN

70 REHABILITATION PROGRAM IN EFFECT AT THE TIME OF
71 IMPLEMENTATION OF THE MEANS TEST; (3) AN EXCLUSION
72 FROM AN INDIVIDUAL'S INCOME OF THE COSTS OF
73 NECESSARY AND REASONABLE DISABILITY-RELATED
74 EXPENSES INCLUDING, BUT NOT LIMITED TO, PERSONAL
75 ATTENDANT SERVICES AND MEDICATIONS FOR WHICH
76 PAYMENT IS UNAVAILABLE TO THE INDIVIDUAL THROUGH
77 OTHER BENEFITS OR RESOURCES; (4) AN EXCLUSION FROM
78 THE INDIVIDUAL'S ASSETS OF THE VALUE OF THE
79 INDIVIDUAL'S PRIMARY RESIDENCE AND MOTOR VEHICLE;
80 (5) A METHOD BY WHICH THE DIRECTOR OF THE BUREAU
81 OF REHABILITATION SERVICES MAY REDUCE THE LEVEL OF
82 REQUIRED CONTRIBUTIONS BY AN INDIVIDUAL IN THE
83 CASE OF UNDUE HARDSHIP; AND (6) A REQUIREMENT THAT
84 SUCH BUREAU NOTIFY AN INDIVIDUAL OF THE RESULTS OF
85 THE MEANS TEST ANALYSIS WITHIN THIRTY DAYS OF
86 RECEIPT OF NECESSARY FINANCIAL INFORMATION FROM
87 THE INDIVIDUAL. SUCH MEANS TEST SHALL NOT APPLY TO
88 SERVICES COVERED UNDER A DETERMINATION OF
89 FINANCIAL NEED MADE BY AN INSTITUTION OF HIGHER
90 EDUCATION. The Department of Social Services shall
91 develop the regulations in consultation with
92 representatives of providers of vocational
93 rehabilitation services and recipients of such
94 services or their representatives.

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER HB 5460

STATE IMPACT	See Explanation Below
MUNICIPAL IMPACT	None
STATE AGENCY(S)	Department of Social Services

EXPLANATION OF ESTIMATES:

This bill makes various changes concerning client and third party contributions for services received under the Bureau of Rehabilitation Services (BRS). To the extent that these changes enhance the department's ability to receive payments for services rendered by BRS, a minimal revenue gain could result.

There will be a minimal workload increase and cost for the department associated with adopting regulations in compliance with this bill. However, it is anticipated that the department can adopt these regulations within current budgetary resources

House "A" outlined specific exemptions for the means test regulations to be developed by the department. To the extent that these exemptions result in fewer individuals who are liable to the state for services rendered, the revenue gain to the state from the bill will be lowered.

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OLR AMENDED BILL ANALYSIS

HB 5460 (as amended by House "A")*

AN ACT CONCERNING A MEANS TEST UNDER THE BUREAU OF REHABILITATION SERVICES

SUMMARY: This bill allows the Department of Social Services (DSS) to charge its vocational rehabilitation clients up to the full cost of providing services, including clients with disabilities that are under an extended evaluation. The bill allows DSS to set regulatory procedures, including a means test, to determine a client's financial contribution and allows rather than requires the regulations to set procedures to be used when clients or third parties make payments to DSS. Under current law DSS can require clients to contribute partially for the cost of services.

The bill establishes that BRS cannot require clients to contribute if an institution of higher education determines that the applicant has a financial need for the services. It eliminates the requirement that regulations include procedures to ensure that clients pay their contribution and allows the regulations to specify procedures for handling client payment.

*House Amendment "A" (1) establishes requirements for any means test established in regulation, (2) establishes that BRS cannot require clients to contribute if the services they receive are covered in a determination of financial need made by a higher education institution, and (3) allows rather than requires DSS regulations concerning vocational rehabilitation services to set procedures to be used when clients or third parties make payments to DSS.

EFFECTIVE DATE: October 1, 1998

FURTHER EXPLANATION**Means Test Requirements**

Any means test set in regulations must:

1. exempt individuals with income less than 100% of the state median income and assets less than \$5,000;

2. exempt vocational rehabilitation services identified in a client's written rehabilitation program in effect when the means test becomes effective;
3. exclude from an applicant's income calculation all necessary and reasonable disability-related expenses;
4. exclude from an applicant's asset calculation the value of his vehicle and primary home;
5. allow the director of the Bureau of Rehabilitation Services (BRS) to reduce a client's contribution if he finds it causes undue hardship; and
6. require BRS to notify applicants of the payments they must make for services within 30 days of receiving necessary financial information from the applicant.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Report
Yea 16 Nay 0