



General Assembly

Substitute Bill No. 6665

January Session, 2023



**AN ACT CONCERNING THE GOVERNOR'S BUDGET
RECOMMENDATIONS FOR HEALTH AND HUMAN SERVICES.**

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

1 Section 1. Section 38a-1084 of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective from passage*):

3 The exchange shall:

4 (1) Administer the exchange for both qualified individuals and
5 qualified employers;

6 (2) Commission surveys of individuals, small employers and health
7 care providers on issues related to health care and health care
8 coverage;

9 (3) Implement procedures for the certification, recertification and
10 decertification, consistent with guidelines developed by the Secretary
11 under Section 1311(c) of the Affordable Care Act, and section 38a-1086,
12 of health benefit plans as qualified health plans;

13 (4) Provide for the operation of a toll-free telephone hotline to
14 respond to requests for assistance;

15 (5) Provide for enrollment periods, as provided under Section
16 1311(c)(6) of the Affordable Care Act;

17 (6) Maintain an Internet web site through which enrollees and
18 prospective enrollees of qualified health plans may obtain
19 standardized comparative information on such plans including, but
20 not limited to, the enrollee satisfaction survey information under
21 Section 1311(c)(4) of the Affordable Care Act and any other
22 information or tools to assist enrollees and prospective enrollees
23 evaluate qualified health plans offered through the exchange;

24 (7) Publish the average costs of licensing, regulatory fees and any
25 other payments required by the exchange and the administrative costs
26 of the exchange, including information on moneys lost to waste, fraud
27 and abuse, on an Internet web site to educate individuals on such
28 costs;

29 (8) On or before the open enrollment period for plan year 2017,
30 assign a rating to each qualified health plan offered through the
31 exchange in accordance with the criteria developed by the Secretary
32 under Section 1311(c)(3) of the Affordable Care Act, and determine
33 each qualified health plan's level of coverage in accordance with
34 regulations issued by the Secretary under Section 1302(d)(2)(A) of the
35 Affordable Care Act;

36 (9) Use a standardized format for presenting health benefit options
37 in the exchange, including the use of the uniform outline of coverage
38 established under Section 2715 of the Public Health Service Act, 42
39 USC 300gg-15, as amended from time to time;

40 (10) Inform individuals, in accordance with Section 1413 of the
41 Affordable Care Act, of eligibility requirements for the Medicaid
42 program under Title XIX of the Social Security Act, as amended from
43 time to time, the Children's Health Insurance Program (CHIP) under
44 Title XXI of the Social Security Act, as amended from time to time, or
45 any applicable state or local public program, and enroll an individual
46 in such program if the exchange determines, through screening of the
47 application by the exchange, that such individual is eligible for any
48 such program;

49 (11) Collaborate with the Department of Social Services, to the
50 extent possible, to allow an enrollee who loses premium tax credit
51 eligibility under Section 36B of the Internal Revenue Code and is
52 eligible for HUSKY A or any other state or local public program, to
53 remain enrolled in a qualified health plan;

54 (12) Establish and make available by electronic means a calculator to
55 determine the actual cost of coverage after application of any premium
56 tax credit under Section 36B of the Internal Revenue Code and any
57 cost-sharing reduction under Section 1402 of the Affordable Care Act;

58 (13) Establish a program for small employers through which
59 qualified employers may access coverage for their employees and that
60 shall enable any qualified employer to specify a level of coverage so
61 that any of its employees may enroll in any qualified health plan
62 offered through the exchange at the specified level of coverage;

63 (14) Offer enrollees and small employers the option of having the
64 exchange collect and administer premiums, including through
65 allocation of premiums among the various insurers and qualified
66 health plans chosen by individual employers;

67 (15) Grant a certification, subject to Section 1411 of the Affordable
68 Care Act, attesting that, for purposes of the individual responsibility
69 penalty under Section 5000A of the Internal Revenue Code, an
70 individual is exempt from the individual responsibility requirement or
71 from the penalty imposed by said Section 5000A because:

72 (A) There is no affordable qualified health plan available through
73 the exchange, or the individual's employer, covering the individual; or

74 (B) The individual meets the requirements for any other such
75 exemption from the individual responsibility requirement or penalty;

76 (16) Provide to the Secretary of the Treasury of the United States the
77 following:

78 (A) A list of the individuals granted a certification under
79 subdivision (15) of this section, including the name and taxpayer
80 identification number of each individual;

81 (B) The name and taxpayer identification number of each individual
82 who was an employee of an employer but who was determined to be
83 eligible for the premium tax credit under Section 36B of the Internal
84 Revenue Code because:

85 (i) The employer did not provide minimum essential health benefits
86 coverage; or

87 (ii) The employer provided the minimum essential coverage but it
88 was determined under Section 36B(c)(2)(C) of the Internal Revenue
89 Code to be unaffordable to the employee or not provide the required
90 minimum actuarial value; and

91 (C) The name and taxpayer identification number of:

92 (i) Each individual who notifies the exchange under Section
93 1411(b)(4) of the Affordable Care Act that such individual has changed
94 employers; and

95 (ii) Each individual who ceases coverage under a qualified health
96 plan during a plan year and the effective date of that cessation;

97 (17) Provide to each employer the name of each employee, as
98 described in subparagraph (B) of subdivision (16) of this section, of the
99 employer who ceases coverage under a qualified health plan during a
100 plan year and the effective date of the cessation;

101 (18) Perform duties required of, or delegated to, the exchange by the
102 Secretary or the Secretary of the Treasury of the United States related
103 to determining eligibility for premium tax credits, reduced cost-
104 sharing or individual responsibility requirement exemptions;

105 (19) Select entities qualified to serve as Navigators in accordance

106 with Section 1311(i) of the Affordable Care Act and award grants to
107 enable Navigators to:

108 (A) Conduct public education activities to raise awareness of the
109 availability of qualified health plans;

110 (B) Distribute fair and impartial information concerning enrollment
111 in qualified health plans and the availability of premium tax credits
112 under Section 36B of the Internal Revenue Code and cost-sharing
113 reductions under Section 1402 of the Affordable Care Act;

114 (C) Facilitate enrollment in qualified health plans;

115 (D) Provide referrals to the Office of the Healthcare Advocate or
116 health insurance ombudsman established under Section 2793 of the
117 Public Health Service Act, 42 USC 300gg-93, as amended from time to
118 time, or any other appropriate state agency or agencies, for any
119 enrollee with a grievance, complaint or question regarding the
120 enrollee's health benefit plan, coverage or a determination under that
121 plan or coverage; and

122 (E) Provide information in a manner that is culturally and
123 linguistically appropriate to the needs of the population being served
124 by the exchange;

125 (20) Review the rate of premium growth within and outside the
126 exchange and consider such information in developing
127 recommendations on whether to continue limiting qualified employer
128 status to small employers;

129 (21) Credit the amount, in accordance with Section 10108 of the
130 Affordable Care Act, of any free choice voucher to the monthly
131 premium of the plan in which a qualified employee is enrolled and
132 collect the amount credited from the offering employer;

133 (22) Consult with stakeholders relevant to carrying out the activities
134 required under sections 38a-1080 to 38a-1090, inclusive, including, but

135 not limited to:

136 (A) Individuals who are knowledgeable about the health care
137 system, have background or experience in making informed decisions
138 regarding health, medical and scientific matters and are enrollees in
139 qualified health plans;

140 (B) Individuals and entities with experience in facilitating
141 enrollment in qualified health plans;

142 (C) Representatives of small employers and self-employed
143 individuals;

144 (D) The Department of Social Services; and

145 (E) Advocates for enrolling hard-to-reach populations;

146 (23) Meet the following financial integrity requirements:

147 (A) Keep an accurate accounting of all activities, receipts and
148 expenditures and annually submit to the Secretary, the Governor, the
149 Insurance Commissioner and the General Assembly a report
150 concerning such accountings;

151 (B) Fully cooperate with any investigation conducted by the
152 Secretary pursuant to the Secretary's authority under the Affordable
153 Care Act and allow the Secretary, in coordination with the Inspector
154 General of the United States Department of Health and Human
155 Services, to:

156 (i) Investigate the affairs of the exchange;

157 (ii) Examine the properties and records of the exchange; and

158 (iii) Require periodic reports in relation to the activities undertaken
159 by the exchange; and

160 (C) Not use any funds in carrying out its activities under sections

161 38a-1080 to 38a-1089, inclusive, that are intended for the administrative
162 and operational expenses of the exchange, for staff retreats,
163 promotional giveaways, excessive executive compensation or
164 promotion of federal or state legislative and regulatory modifications;

165 (24) (A) Seek to include the most comprehensive health benefit
166 plans that offer high quality benefits at the most affordable price in the
167 exchange, (B) encourage health carriers to offer tiered health care
168 provider network plans that have different cost-sharing rates for
169 different health care provider tiers and reward enrollees for choosing
170 low-cost, high-quality health care providers by offering lower
171 copayments, deductibles or other out-of-pocket expenses, and (C) offer
172 any such tiered health care provider network plans through the
173 exchange;

174 (25) Report at least annually to the General Assembly on the effect
175 of adverse selection on the operations of the exchange and make
176 legislative recommendations, if necessary, to reduce the negative
177 impact from any such adverse selection on the sustainability of the
178 exchange, including recommendations to ensure that regulation of
179 insurers and health benefit plans are similar for qualified health plans
180 offered through the exchange and health benefit plans offered outside
181 the exchange. The exchange shall evaluate whether adverse selection is
182 occurring with respect to health benefit plans that are grandfathered
183 under the Affordable Care Act, self-insured plans, plans sold through
184 the exchange and plans sold outside the exchange; [and]

185 (26) Consult with the Commissioner of Social Services, Insurance
186 Commissioner and Office of Health Strategy, established under section
187 19a-754a for the purposes set forth in section 19a-754c; and

188 (27) (A) Notwithstanding the provisions of section 12-15, the
189 exchange shall make a written request to the Commissioner of
190 Revenue Services, for return or return information, as such terms are
191 defined in section 12-15, for use in conducting targeted outreach to
192 uninsured residents of this state. If the Commissioner of Revenue

193 Services deems such return or return information to be relevant to the
194 targeted outreach to uninsured residents, said commissioner may
195 disclose such information to the exchange. To effectuate the disclosure
196 of such information, the Commissioner of Revenue Services and the
197 exchange shall enter into a memorandum of understanding that sets
198 forth the specific information to be disclosed and contains the terms
199 and conditions under which said commissioner will disclose such
200 information to the exchange. Any return or return information
201 disclosed by the Commissioner of Revenue Services shall not be
202 redisclosed by the recipient to a third party without permission from
203 the commissioner and shall only be used by the exchange in the
204 manner prescribed in the memorandum of understanding. Any person
205 who violates the provisions of this subparagraph shall be fined not
206 more than five thousand dollars.

207 (B) To assist the exchange in conducting targeted outreach to
208 uninsured residents of this state, the Commissioner of Revenue
209 Services shall revise the tax return form prescribed under chapter 229
210 to include space on the tax return for residents to authorize the
211 exchange to contact such residents regarding enrollment through the
212 exchange. The Commissioner of Revenue Services and the exchange
213 shall develop language to be included on the tax return form and shall
214 include in the instructions accompanying the tax return a description
215 of how the authorization provided will be relayed to the exchange.

216 Sec. 2. Section 17b-112 of the general statutes is repealed and the
217 following is substituted in lieu thereof (*Effective from passage*):

218 (a) The Department of Social Services shall administer a temporary
219 family assistance program under which cash assistance shall be
220 provided to eligible families in accordance with the temporary
221 assistance for needy families program, established pursuant to the
222 Personal Responsibility and Work Opportunity Reconciliation Act of
223 1996. The Commissioner of Social Services may operate portions of the
224 temporary family assistance program as a solely state-funded
225 program, separate from the federal temporary assistance for needy

226 families program, if the commissioner determines that doing so will
227 enable the state to avoid fiscal penalties under the temporary
228 assistance for needy families program. Families receiving assistance
229 under the solely state-funded portion of the temporary family
230 assistance program shall be subject to the same conditions of eligibility
231 as those receiving assistance under the federal temporary assistance for
232 needy families program. Under the temporary family assistance
233 program, benefits shall be provided to a family for not longer than
234 twenty-one months, except as provided in subsections (b) and (c) of
235 this section. For the purpose of calculating said twenty-one-month
236 time limit, months of assistance received on and after January 1, 1996,
237 pursuant to time limits under the aid to families with dependent
238 children program, shall be included. For purposes of this section,
239 "family" means one or more individuals who apply for or receive
240 assistance together under the temporary family assistance program. If
241 the commissioner determines that federal law allows individuals not
242 otherwise in an eligible covered group for the temporary family
243 assistance program to become covered, such family may also, at the
244 discretion of the commissioner, be composed of (1) a pregnant woman,
245 or (2) a parent, both parents or other caretaker relative and at least one
246 child who is under the age of eighteen, or who is under the age of
247 nineteen and a full-time student in a secondary school or its
248 equivalent. A caretaker relative shall be related to the child or children
249 by blood, marriage or adoption or shall be the legal guardian of such a
250 child or pursuing legal proceedings necessary to achieve guardianship.
251 If the commissioner elects to allow state eligibility consistent with any
252 change in federal law, the commissioner may administratively transfer
253 any qualifying family cases under the cash assistance portion of the
254 state-administered general assistance program to the temporary family
255 assistance program without regard to usual eligibility and enrollment
256 procedures. If such families become an ineligible coverage group
257 under the federal law, the commissioner shall administratively transfer
258 such families back to the cash assistance portion of the state-
259 administered general assistance program without regard to usual
260 eligibility and enrollment procedures to the degree that such families

261 are eligible for the state program.

262 (b) The Commissioner of Social Services shall exempt a family from
263 such time-limited benefits for circumstances including, but not limited
264 to: (1) A family with a needy caretaker relative who is incapacitated or
265 of an advanced age, as defined by the commissioner, if there is no
266 other nonexempt caretaker relative in the household; (2) a family with
267 a needy caretaker relative who is needed in the home because of the
268 incapacity of another member of the household, if there is no other
269 nonexempt caretaker relative in the household; (3) a family with a
270 caretaker relative who is not legally responsible for the dependent
271 children in the household if such relative's needs are not considered in
272 calculating the amount of the benefit and there is no other nonexempt
273 caretaker relative in the household; (4) a family with a caretaker
274 relative caring for a child who is under one year of age if there is no
275 other nonexempt caretaker relative in the household; (5) a family with
276 a pregnant or postpartum caretaker relative if a physician has
277 indicated that such relative is unable to work and there is no other
278 nonexempt caretaker relative in the household; (6) a family with a
279 caretaker relative determined by the commissioner to be unemployable
280 and there is no other nonexempt caretaker relative in the household;
281 and (7) minor parents attending and satisfactorily completing high
282 school or high school equivalency programs.

283 (c) [A] On and after April 1, 2024, the Commissioner of Social
284 Services shall automatically grant, to the extent permissible under
285 federal law, two six-month extensions to a family who is subject to
286 time-limited benefits. A family may petition the [Commissioner of
287 Social Services] commissioner for [six-month extensions] an additional
288 one-year extension of such benefits. The commissioner shall grant [not
289 more than two extensions] the one-year extension to such family who
290 has made a good faith effort to comply with the requirements of the
291 program and despite such effort has a total family income at a level
292 below the payment standard, or has encountered circumstances
293 preventing employment including, but not limited to: (1) Domestic

294 violence or physical harm to such family's children; or (2) other
295 circumstances beyond such family's control. The commissioner shall
296 disregard ninety dollars of earned income in determining applicable
297 family income. The commissioner may grant a subsequent six-month
298 extension if each adult in the family meets one or more of the
299 following criteria: (A) The adult is precluded from engaging in
300 employment activities due to domestic violence or another reason
301 beyond the adult's control; (B) the adult has two or more substantiated
302 barriers to employment including, but not limited to, the lack of
303 available child care, substance abuse or addiction, severe mental or
304 physical health problems, one or more severe learning disabilities,
305 domestic violence or a child who has a serious physical or behavioral
306 health problem; (C) the adult is working thirty-five or more hours per
307 week, is earning at least the minimum wage and continues to earn less
308 than the family's temporary family assistance payment standard; or
309 (D) the adult is employed and works less than thirty-five hours per
310 week due to (i) a documented medical impairment that limits the
311 adult's hours of employment, provided the adult works the maximum
312 number of hours that the medical condition permits, or (ii) the need to
313 care for a disabled member of the adult's household, provided the
314 adult works the maximum number of hours the adult's caregiving
315 responsibilities permit. Families receiving temporary family assistance
316 shall be notified by the department of the right to petition for such
317 extensions. Notwithstanding the provisions of this section, the
318 commissioner shall not provide benefits under the state's temporary
319 family assistance program to a family that is subject to the twenty-one
320 month benefit limit and has received benefits beginning on or after
321 October 1, 1996, if such benefits result in that family's receiving more
322 than sixty months of time-limited benefits unless that family
323 experiences domestic violence, as defined in Section 402(a)(7)(B), P.L.
324 104-193. For the purpose of calculating said sixty-month limit: (I) A
325 month shall count toward the limit if the family receives assistance for
326 any day of the month, provided any months of temporary family
327 assistance received during the public health emergency declared by
328 Governor Ned Lamont related to the COVID-19 pandemic shall not be

329 included, and (II) a month in which a family receives temporary
330 assistance for needy families benefits that are issued from a jurisdiction
331 other than Connecticut shall count toward the limit.

332 (d) (1) Under said program, no family shall be eligible that has total
333 gross earnings exceeding the federal poverty level, however, in the
334 calculation of the benefit amount for eligible families and previously
335 eligible families that become ineligible temporarily because of receipt
336 of workers' compensation benefits by a family member who
337 subsequently returns to work immediately after the period of receipt of
338 such benefits, earned income shall be disregarded up to the federal
339 poverty level. On and after October 1, 2023, the commissioner shall not
340 deny a family assistance under said program on the basis of such
341 family's assets unless such assets exceed six thousand dollars. Except
342 when determining eligibility for [a six-month extension] extensions of
343 benefits pursuant to subsection (c) of this section, the commissioner
344 shall disregard the first fifty dollars per month of income attributable
345 to current child support that a family receives in determining
346 eligibility and benefit levels for temporary family assistance. Any
347 current child support in excess of fifty dollars per month collected by
348 the department on behalf of an eligible child shall be considered in
349 determining eligibility but shall not be considered when calculating
350 benefits and shall be taken as reimbursement for assistance paid under
351 this section, except that when the current child support collected
352 exceeds the family's monthly award of temporary family assistance
353 benefits plus fifty dollars, the current child support shall be paid to the
354 family and shall be considered when calculating benefits.

355 (2) Notwithstanding the provisions of subdivision (1) of this
356 subsection, on and after January 1, 2024, in the first month in which a
357 family's total gross earnings exceed the federal poverty level and for a
358 period not to exceed six consecutive months, the department shall
359 disregard, for purposes of eligibility, a family's total gross earnings in
360 an amount not to exceed two hundred thirty per cent of the federal
361 poverty level. If a family's total gross earnings are an amount between

362 one hundred seventy-one per cent and two hundred thirty per cent of
363 the federal poverty level, the department shall reduce the household's
364 benefit by twenty per cent for the months in which earnings are
365 between one hundred seventy-one per cent and two hundred thirty
366 per cent of the federal poverty level.

367 (e) A family receiving assistance under said program shall cooperate
368 with child support enforcement, under title IV-D of the Social Security
369 Act. A family shall be ineligible for benefits for failure to cooperate
370 with child support enforcement.

371 (f) A family leaving assistance at the end of (1) said twenty-one-
372 month time limit, as extended pursuant to subsection (b) or (c) of this
373 section, including a family with income above the payment standard,
374 or (2) the sixty-month limit shall have an interview for the purpose of
375 being informed of services that may continue to be available to such
376 family, including employment services available through the Labor
377 Department. Such interview shall include (A) a determination of
378 benefits available to the family provided by the Department of Social
379 Services; and (B) a determination of whether such family is eligible for
380 supplemental nutrition assistance or Medicaid. Information and
381 referrals shall be made to such a family for services and benefits
382 including, but not limited to, the earned income tax credit, rental
383 subsidies emergency housing, employment services and energy
384 assistance.

385 (g) Notwithstanding section 17b-104, commencing on July 1, 2023,
386 the Commissioner of Social Services shall provide an annual cost-of-
387 living adjustment in temporary family assistance benefits equal to the
388 most recent percentage increase in the consumer price index for urban
389 consumers whenever funds appropriated for temporary family
390 assistance lapse at the close of any fiscal year and such adjustment has
391 not otherwise been included in the budget for the assistance program,
392 provided the increase would not create a budget deficiency in
393 succeeding years. The commissioner shall provide a prorated benefit
394 increase from such available lapsed funds in any fiscal year when such

395 funds are not sufficient to cover a cost-of-living adjustment in
396 accordance with this subsection.

397 (h) An applicant or recipient of temporary family assistance who is
398 adversely affected by a decision of the Commissioner of Social Services
399 may request and shall be provided a hearing in accordance with
400 section 17b-60.

401 Sec. 3. Subsection (c) of section 17b-191 of the general statutes is
402 repealed and the following is substituted in lieu thereof (*Effective*
403 *October 1, 2023*):

404 (c) To be eligible for cash assistance under the program, a person
405 shall (1) be (A) eighteen years of age or older; (B) a minor found by a
406 court to be emancipated pursuant to section 46b-150; or (C) under
407 eighteen years of age and the commissioner determines good cause for
408 such person's eligibility, and (2) not have assets exceeding [two
409 hundred fifty] five hundred dollars or, if such person is married, such
410 person and his or her spouse shall not have assets exceeding [five
411 hundred] one thousand dollars. In determining eligibility, the
412 commissioner shall not consider as income (A) Aid and Attendance
413 pension benefits granted to a veteran, as defined in section 27-103, or
414 the surviving spouse of such veteran; and (B) any tax refund or
415 advance payment with respect to a refundable credit to the same
416 extent such refund or advance payment would be disregarded under
417 26 USC 6409 in any federal program or state or local program financed
418 in whole or in part with federal funds. No person who is a substance
419 abuser and refuses or fails to enter available, appropriate treatment
420 shall be eligible for cash assistance under the program until such
421 person enters treatment. No person whose benefits from the temporary
422 family assistance program have terminated as a result of time-limited
423 benefits or for failure to comply with a program requirement shall be
424 eligible for cash assistance under the program.

425 Sec. 4. Section 17b-601 of the general statutes is repealed and the
426 following is substituted in lieu thereof (*Effective October 1, 2023*):

427 The Commissioner of Social Services shall adopt regulations in
428 accordance with the provisions of chapter 54 establishing the method
429 by which payments are made for recipients of the state supplement
430 program who are residents of licensed residential care homes, as
431 defined in section 19a-490, and a rated housing facility, as defined in
432 section 17b-82. Such regulations shall provide for the safeguarding of
433 residents' personal funds with respect to any homes, or rated housing
434 facilities that handle such funds. Regulations concerning payment for
435 residents shall provide for payment to the licensed residential care
436 home or rated housing facility for the period during which the
437 recipient makes such home or facility his or her residence, without
438 regard to periods during which the recipient is absent, provided (1) the
439 recipient's bed at the home or facility would otherwise be available
440 during such absence, and (2) the recipient can reasonably be expected
441 to return to the home or facility before the end of the month following
442 the month in which the recipient leaves the home or facility. If the
443 department determines that a resident of a home or rated housing
444 facility who applies for state supplement benefits is eligible for such
445 benefits, the department shall pay the home or facility at a per diem or
446 monthly rate less any applied income due from the resident. The start
447 date of eligibility for state supplement benefits for an individual
448 residing in a home or facility shall be the date the person became a
449 resident in such home or facility and met all eligibility criteria for the
450 state supplement program, but in no event shall the start date be more
451 than ninety days prior to the date the department received the
452 application for assistance. Any retroactive adjustment to the rate of
453 such a home or facility by the commissioner that results in money due
454 to such home or facility shall be made to such home or facility directly,
455 and any such adjustment that results in an overpayment to the home
456 or facility shall be paid by the home or facility to the department. If a
457 retroactive adjustment to the rate of such home or facility results in a
458 current resident becoming eligible for state supplement benefits, and
459 such resident applies for state supplement benefits, the department
460 may determine the start date of eligibility for state supplement benefits
461 to be the later of the resident's admission date or the date ninety days

462 prior to the date the department receives the application.

463 Sec. 5. Subsection (a) of section 17b-244 of the general statutes is
464 repealed and the following is substituted in lieu thereof (*Effective July*
465 *1, 2023*):

466 (a) The room and board component of the rates to be paid by the
467 state to private facilities and facilities operated by regional education
468 service centers which are licensed to provide residential care pursuant
469 to section 17a-227, but not certified to participate in the Title XIX
470 Medicaid program as intermediate care facilities for individuals with
471 intellectual disabilities, shall be determined annually by the
472 Commissioner of Social Services, except that rates effective April 30,
473 1989, shall remain in effect through October 31, 1989. Any facility with
474 real property other than land placed in service prior to July 1, 1991,
475 shall, for the fiscal year ending June 30, 1995, receive a rate of return on
476 real property equal to the average of the rates of return applied to real
477 property other than land placed in service for the five years preceding
478 July 1, 1993. For the fiscal year ending June 30, 1996, and any
479 succeeding fiscal year, the rate of return on real property for property
480 items shall be revised every five years. The commissioner shall, upon
481 submission of a request by such facility, allow actual debt service,
482 comprised of principal and interest, on the loan or loans in lieu of
483 property costs allowed pursuant to section 17-313b-5 of the regulations
484 of Connecticut state agencies, whether actual debt service is higher or
485 lower than such allowed property costs, provided such debt service
486 terms and amounts are reasonable in relation to the useful life and the
487 base value of the property. In the case of facilities financed through the
488 Connecticut Housing Finance Authority, the commissioner shall allow
489 actual debt service, comprised of principal, interest and a reasonable
490 repair and replacement reserve on the loan or loans in lieu of property
491 costs allowed pursuant to section 17-313b-5 of the regulations of
492 Connecticut state agencies, whether actual debt service is higher or
493 lower than such allowed property costs, provided such debt service
494 terms and amounts are determined by the commissioner at the time

495 the loan is entered into to be reasonable in relation to the useful life
496 and base value of the property. The commissioner may allow fees
497 associated with mortgage refinancing provided such refinancing will
498 result in state reimbursement savings, after comparing costs over the
499 terms of the existing proposed loans. For the fiscal year ending June 30,
500 1992, the inflation factor used to determine rates shall be one-half of
501 the gross national product percentage increase for the period between
502 the midpoint of the cost year through the midpoint of the rate year. For
503 fiscal year ending June 30, 1993, the inflation factor used to determine
504 rates shall be two-thirds of the gross national product percentage
505 increase from the midpoint of the cost year to the midpoint of the rate
506 year. For the fiscal years ending June 30, 1996, and June 30, 1997, no
507 inflation factor shall be applied in determining rates. The
508 Commissioner of Social Services shall prescribe uniform forms on
509 which such facilities shall report their costs. Such rates shall be
510 determined on the basis of a reasonable payment for necessary
511 services. Any increase in grants, gifts, fund-raising or endowment
512 income used for the payment of operating costs by a private facility in
513 the fiscal year ending June 30, 1992, shall be excluded by the
514 commissioner from the income of the facility in determining the rates
515 to be paid to the facility for the fiscal year ending June 30, 1993,
516 provided any operating costs funded by such increase shall not
517 obligate the state to increase expenditures in subsequent fiscal years.
518 Nothing contained in this section shall authorize a payment by the
519 state to any such facility in excess of the charges made by the facility
520 for comparable services to the general public. The service component
521 of the rates to be paid by the state to private facilities and facilities
522 operated by regional education service centers which are licensed to
523 provide residential care pursuant to section 17a-227, but not certified
524 to participate in the Title XIX Medicaid programs as intermediate care
525 facilities for individuals with intellectual disabilities, shall be
526 determined annually by the Commissioner of Developmental Services
527 in accordance with section 17b-244a. For the fiscal year ending June 30,
528 2008, no facility shall receive a rate that is more than two per cent
529 greater than the rate in effect for the facility on June 30, 2007, except

530 any facility that would have been issued a lower rate effective July 1,
531 2007, due to interim rate status or agreement with the department,
532 shall be issued such lower rate effective July 1, 2007. For the fiscal year
533 ending June 30, 2009, no facility shall receive a rate that is more than
534 two per cent greater than the rate in effect for the facility on June 30,
535 2008, except any facility that would have been issued a lower rate
536 effective July 1, 2008, due to interim rate status or agreement with the
537 department, shall be issued such lower rate effective July 1, 2008. For
538 the fiscal years ending June 30, 2010, and June 30, 2011, rates in effect
539 for the period ending June 30, 2009, shall remain in effect until June 30,
540 2011, except that (1) the rate paid to a facility may be higher than the
541 rate paid to the facility for the period ending June 30, 2009, if a capital
542 improvement required by the Commissioner of Developmental
543 Services for the health or safety of the residents was made to the
544 facility during the fiscal years ending June 30, 2010, or June 30, 2011,
545 and (2) any facility that would have been issued a lower rate for the
546 fiscal year ending June 30, 2010, or June 30, 2011, due to interim rate
547 status or agreement with the department, shall be issued such lower
548 rate. For the fiscal year ending June 30, 2012, rates in effect for the
549 period ending June 30, 2011, shall remain in effect until June 30, 2012,
550 except that (A) the rate paid to a facility may be higher than the rate
551 paid to the facility for the period ending June 30, 2011, if a capital
552 improvement required by the Commissioner of Developmental
553 Services for the health or safety of the residents was made to the
554 facility during the fiscal year ending June 30, 2012, and (B) any facility
555 that would have been issued a lower rate for the fiscal year ending
556 June 30, 2012, due to interim rate status or agreement with the
557 department, shall be issued such lower rate. Any facility that has a
558 significant decrease in land and building costs shall receive a reduced
559 rate to reflect such decrease in land and building costs. The rate paid to
560 a facility may be increased if a capital improvement approved by the
561 Department of Developmental Services, in consultation with the
562 Department of Social Services, for the health or safety of the residents
563 was made to the facility during the fiscal year ending June 30, 2014, or
564 June 30, 2015, only to the extent such increases are within available

565 appropriations. For the fiscal years ending June 30, 2016, and June 30,
566 2017, rates shall not exceed those in effect for the period ending June
567 30, 2015, except the rate paid to a facility may be higher than the rate
568 paid to the facility for the period ending June 30, 2015, if a capital
569 improvement approved by the Department of Developmental Services,
570 in consultation with the Department of Social Services, for the health
571 or safety of the residents was made to the facility during the fiscal year
572 ending June 30, 2016, or June 30, 2017, to the extent such rate increases
573 are within available appropriations. For the fiscal years ending June 30,
574 2016, and June 30, 2017, and each succeeding fiscal year, any facility
575 that would have been issued a lower rate, due to interim rate status, a
576 change in allowable fair rent or agreement with the department, shall
577 be issued such lower rate. For the fiscal years ending June 30, 2018, and
578 June 30, 2019, rates shall not exceed those in effect for the period
579 ending June 30, 2017, except the rate paid to a facility may be higher
580 than the rate paid to the facility for the period ending June 30, 2017, if a
581 capital improvement approved by the Department of Developmental
582 Services, in consultation with the Department of Social Services, for the
583 health or safety of the residents was made to the facility during the
584 fiscal year ending June 30, 2018, or June 30, 2019, to the extent such rate
585 increases are within available appropriations. For the fiscal years
586 ending June 30, 2020, and June 30, 2021, rates shall not exceed those in
587 effect for the fiscal year ending June 30, 2019, except the rate paid to a
588 facility may be higher than the rate paid to the facility for the fiscal
589 year ending June 30, 2019, if a capital improvement approved by the
590 Department of Developmental Services, in consultation with the
591 Department of Social Services, for the health or safety of the residents
592 was made to the facility during the fiscal year ending June 30, 2020, or
593 June 30, 2021, to the extent such rate increases are within available
594 appropriations. For the fiscal years ending June 30, 2022, and June 30,
595 2023, rates shall be based upon rates in effect for the fiscal year ending
596 June 30, 2021, inflated by the gross domestic product deflator
597 applicable to each rate year, except the commissioner may, in the
598 commissioner's discretion and within available appropriations,
599 provide pro rata fair rent increases to facilities which have

600 documented fair rent additions placed in service in the cost report
601 years ending September 30, 2020, and September 30, 2021, that are not
602 otherwise included in rates issued, or if a rate adjustment for a capital
603 improvement approved by the Department of Developmental Services,
604 in consultation with the Department of Social Services, for the health
605 or safety of the residents was made to the facility during the fiscal year
606 ending June 30, 2022, or June 30, 2023. For the fiscal years ending June
607 30, 2024, and June 30, 2025, the rate paid to a facility may be higher
608 than the rate paid to the facility for the fiscal year ending June 30, 2023,
609 if a capital improvement approved by the Department of
610 Developmental Services, in consultation with the Department of Social
611 Services, for the health or safety of the residents was made to the
612 facility during the fiscal year ending June 30, 2024, or June 30, 2025, to
613 the extent such rate increases are within available appropriations.

614 Sec. 6. Subsection (i) of section 17b-340 of the general statutes is
615 repealed and the following is substituted in lieu thereof (*Effective July*
616 *1, 2023*):

617 (i) For the fiscal year ending June 30, 1993, any residential care home
618 with an operating cost component of its rate in excess of one hundred
619 thirty per cent of the median of operating cost components of rates in
620 effect January 1, 1992, shall not receive an operating cost component
621 increase. For the fiscal year ending June 30, 1993, any residential care
622 home with an operating cost component of its rate that is less than one
623 hundred thirty per cent of the median of operating cost components of
624 rates in effect January 1, 1992, shall have an allowance for real wage
625 growth equal to sixty-five per cent of the increase determined in
626 accordance with subsection (q) of section 17-311-52 of the regulations
627 of Connecticut state agencies, provided such operating cost component
628 shall not exceed one hundred thirty per cent of the median of
629 operating cost components in effect January 1, 1992. Beginning with
630 the fiscal year ending June 30, 1993, for the purpose of determining
631 allowable fair rent, a residential care home with allowable fair rent less
632 than the twenty-fifth percentile of the state-wide allowable fair rent

633 shall be reimbursed as having allowable fair rent equal to the twenty-
634 fifth percentile of the state-wide allowable fair rent. Beginning with the
635 fiscal year ending June 30, 1997, a residential care home with allowable
636 fair rent less than three dollars and ten cents per day shall be
637 reimbursed as having allowable fair rent equal to three dollars and ten
638 cents per day. Property additions placed in service during the cost year
639 ending September 30, 1996, or any succeeding cost year shall receive a
640 fair rent allowance for such additions as an addition to three dollars
641 and ten cents per day if the fair rent for the facility for property placed
642 in service prior to September 30, 1995, is less than or equal to three
643 dollars and ten cents per day. Beginning with the fiscal year ending
644 June 30, 2016, a residential care home shall be reimbursed the greater
645 of the allowable accumulated fair rent reimbursement associated with
646 real property additions and land as calculated on a per day basis or
647 three dollars and ten cents per day if the allowable reimbursement
648 associated with real property additions and land is less than three
649 dollars and ten cents per day. For the fiscal year ending June 30, 1996,
650 and any succeeding fiscal year, the allowance for real wage growth, as
651 determined in accordance with subsection (q) of section 17-311-52 of
652 the regulations of Connecticut state agencies, shall not be applied. For
653 the fiscal year ending June 30, 1996, and any succeeding fiscal year, the
654 inflation adjustment made in accordance with subsection (p) of section
655 17-311-52 of the regulations of Connecticut state agencies shall not be
656 applied to real property costs. Beginning with the fiscal year ending
657 June 30, 1997, minimum allowable patient days for rate computation
658 purposes for a residential care home with twenty-five beds or less shall
659 be eighty-five per cent of licensed capacity. Beginning with the fiscal
660 year ending June 30, 2002, for the purposes of determining the
661 allowable salary of an administrator of a residential care home with
662 sixty beds or less the department shall revise the allowable base salary
663 to thirty-seven thousand dollars to be annually inflated thereafter in
664 accordance with section 17-311-52 of the regulations of Connecticut
665 state agencies. The rates for the fiscal year ending June 30, 2002, shall
666 be based upon the increased allowable salary of an administrator,
667 regardless of whether such amount was expended in the 2000 cost

668 report period upon which the rates are based. Beginning with the fiscal
669 year ending June 30, 2000, and until the fiscal year ending June 30,
670 2009, inclusive, the inflation adjustment for rates made in accordance
671 with subsection (p) of section 17-311-52 of the regulations of
672 Connecticut state agencies shall be increased by two per cent, and
673 beginning with the fiscal year ending June 30, 2002, the inflation
674 adjustment for rates made in accordance with subsection (c) of said
675 section shall be increased by one per cent. Beginning with the fiscal
676 year ending June 30, 1999, for the purpose of determining the
677 allowable salary of a related party, the department shall revise the
678 maximum salary to twenty-seven thousand eight hundred fifty-six
679 dollars to be annually inflated thereafter in accordance with section 17-
680 311-52 of the regulations of Connecticut state agencies and beginning
681 with the fiscal year ending June 30, 2001, such allowable salary shall be
682 computed on an hourly basis and the maximum number of hours
683 allowed for a related party other than the proprietor shall be increased
684 from forty hours to forty-eight hours per work week. For the fiscal
685 year ending June 30, 2005, each facility shall receive a rate that is two
686 and one-quarter per cent more than the rate the facility received in the
687 prior fiscal year, except any facility that would have been issued a
688 lower rate effective July 1, 2004, than for the fiscal year ending June 30,
689 2004, due to interim rate status or agreement with the department shall
690 be issued such lower rate effective July 1, 2004. Effective upon receipt
691 of all the necessary federal approvals to secure federal financial
692 participation matching funds associated with the rate increase
693 provided in subdivision (4) of subsection (f) of this section, but in no
694 event earlier than October 1, 2005, and provided the user fee imposed
695 under section 17b-320 is required to be collected, each facility shall
696 receive a rate that is determined in accordance with applicable law and
697 subject to appropriations, except any facility that would have been
698 issued a lower rate effective October 1, 2005, than for the fiscal year
699 ending June 30, 2005, due to interim rate status or agreement with the
700 department, shall be issued such lower rate effective October 1, 2005.
701 Such rate increase shall remain in effect unless: (1) The federal financial
702 participation matching funds associated with the rate increase are no

703 longer available; or (2) the user fee created pursuant to section 17b-320
704 is not in effect. For the fiscal year ending June 30, 2007, rates in effect
705 for the period ending June 30, 2006, shall remain in effect until
706 September 30, 2006, except any facility that would have been issued a
707 lower rate effective July 1, 2006, than for the fiscal year ending June 30,
708 2006, due to interim rate status or agreement with the department,
709 shall be issued such lower rate effective July 1, 2006. Effective October
710 1, 2006, no facility shall receive a rate that is more than four per cent
711 greater than the rate in effect for the facility on September 30, 2006,
712 except for any facility that would have been issued a lower rate
713 effective October 1, 2006, due to interim rate status or agreement with
714 the department, shall be issued such lower rate effective October 1,
715 2006. For the fiscal years ending June 30, 2010, and June 30, 2011, rates
716 in effect for the period ending June 30, 2009, shall remain in effect until
717 June 30, 2011, except any facility that would have been issued a lower
718 rate for the fiscal year ending June 30, 2010, or the fiscal year ending
719 June 30, 2011, due to interim rate status or agreement with the
720 department, shall be issued such lower rate, except (A) any facility that
721 would have been issued a lower rate for the fiscal year ending June 30,
722 2010, or the fiscal year ending June 30, 2011, due to interim rate status
723 or agreement with the Commissioner of Social Services shall be issued
724 such lower rate; and (B) the commissioner may increase a facility's rate
725 for reasonable costs associated with such facility's compliance with the
726 provisions of section 19a-495a concerning the administration of
727 medication by unlicensed personnel. For the fiscal year ending June 30,
728 2012, rates in effect for the period ending June 30, 2011, shall remain in
729 effect until June 30, 2012, except that (i) any facility that would have
730 been issued a lower rate for the fiscal year ending June 30, 2012, due to
731 interim rate status or agreement with the Commissioner of Social
732 Services shall be issued such lower rate; and (ii) the commissioner may
733 increase a facility's rate for reasonable costs associated with such
734 facility's compliance with the provisions of section 19a-495a
735 concerning the administration of medication by unlicensed personnel.
736 For the fiscal year ending June 30, 2013, the Commissioner of Social
737 Services may, within available appropriations, provide a rate increase

738 to a residential care home. Any facility that would have been issued a
739 lower rate for the fiscal year ending June 30, 2013, due to interim rate
740 status or agreement with the Commissioner of Social Services shall be
741 issued such lower rate. For the fiscal years ending June 30, 2012, and
742 June 30, 2013, the Commissioner of Social Services may provide fair
743 rent increases to any facility that has undergone a material change in
744 circumstances related to fair rent and has an approved certificate of
745 need pursuant to section 17b-352, 17b-353, 17b-354 or 17b-355. For the
746 fiscal years ending June 30, 2014, and June 30, 2015, for those facilities
747 that have a calculated rate greater than the rate in effect for the fiscal
748 year ending June 30, 2013, the commissioner may increase facility rates
749 based upon available appropriations up to a stop gain as determined
750 by the commissioner. No facility shall be issued a rate that is lower
751 than the rate in effect on June 30, 2013, except that any facility that
752 would have been issued a lower rate for the fiscal year ending June 30,
753 2014, or the fiscal year ending June 30, 2015, due to interim rate status
754 or agreement with the commissioner, shall be issued such lower rate.
755 For the fiscal year ending June 30, 2014, and each fiscal year thereafter,
756 a residential care home shall receive a rate increase for any capital
757 improvement made during the fiscal year for the health and safety of
758 residents and approved by the Department of Social Services,
759 provided such rate increase is within available appropriations. For the
760 fiscal year ending June 30, 2015, and each succeeding fiscal year
761 thereafter, costs of less than ten thousand dollars that are incurred by a
762 facility and are associated with any land, building or nonmovable
763 equipment repair or improvement that are reported in the cost year
764 used to establish the facility's rate shall not be capitalized for a period
765 of more than five years for rate-setting purposes. For the fiscal year
766 ending June 30, 2015, subject to available appropriations, the
767 commissioner may, at the commissioner's discretion: Increase the
768 inflation cost limitation under subsection (c) of section 17-311-52 of the
769 regulations of Connecticut state agencies, provided such inflation
770 allowance factor does not exceed a maximum of five per cent; establish
771 a minimum rate of return applied to real property of five per cent
772 inclusive of assets placed in service during cost year 2013; waive the

773 standard rate of return under subsection (f) of section 17-311-52 of the
774 regulations of Connecticut state agencies for ownership changes or
775 health and safety improvements that exceed one hundred thousand
776 dollars and that are required under a consent order from the
777 Department of Public Health; and waive the rate of return adjustment
778 under subsection (f) of section 17-311-52 of the regulations of
779 Connecticut state agencies to avoid financial hardship. For the fiscal
780 years ending June 30, 2016, and June 30, 2017, rates shall not exceed
781 those in effect for the period ending June 30, 2015, except the
782 commissioner may, in the commissioner's discretion and within
783 available appropriations, provide pro rata fair rent increases to
784 facilities which have documented fair rent additions placed in service
785 in cost report years ending September 30, 2014, and September 30,
786 2015, that are not otherwise included in rates issued. For the fiscal
787 years ending June 30, 2016, and June 30, 2017, and each succeeding
788 fiscal year, any facility that would have been issued a lower rate, due
789 to interim rate status, a change in allowable fair rent or agreement with
790 the department, shall be issued such lower rate. For the fiscal year
791 ending June 30, 2018, rates shall not exceed those in effect for the
792 period ending June 30, 2017, except the commissioner may, in the
793 commissioner's discretion and within available appropriations,
794 provide pro rata fair rent increases to facilities which have
795 documented fair rent additions placed in service in the cost report year
796 ending September 30, 2016, that are not otherwise included in rates
797 issued. For the fiscal year ending June 30, 2019, rates shall not exceed
798 those in effect for the period ending June 30, 2018, except the
799 commissioner may, in the commissioner's discretion and within
800 available appropriations, provide pro rata fair rent increases to
801 facilities which have documented fair rent additions placed in service
802 in the cost report year ending September 30, 2017, that are not
803 otherwise included in rates issued. For the fiscal year ending June 30,
804 2020, rates shall not exceed those in effect for the fiscal year ending
805 June 30, 2019, except the commissioner may, in the commissioner's
806 discretion and within available appropriations, provide pro rata fair
807 rent increases to facilities which have documented fair rent additions

808 placed in service in the cost report year ending September 30, 2018,
809 that are not otherwise included in rates issued. For the fiscal year
810 ending June 30, 2021, rates shall not exceed those in effect for the fiscal
811 year ending June 30, 2020, except the commissioner may, in the
812 commissioner's discretion and within available appropriations,
813 provide pro rata fair rent increases to facilities which have
814 documented fair rent additions placed in service in the cost report year
815 ending September 30, 2019, that are not otherwise included in rates
816 issued. For the fiscal year ending June 30, 2022, the commissioner may,
817 in the commissioner's discretion and within available appropriations,
818 provide pro rata fair rent increases to facilities that have documented
819 fair rent additions placed in service in the cost report year ending
820 September 30, 2020, that are not otherwise included in rates issued. For
821 the fiscal year ending June 30, 2023, the commissioner may, in the
822 commissioner's discretion and within available appropriations,
823 provide pro rata fair rent increases to facilities which have
824 documented fair rent additions placed in service in the cost report year
825 ending September 30, 2021, that are not otherwise included in rates
826 issued. For the fiscal years ending June 30, 2022, and June 30, 2023, a
827 facility may receive a rate increase for a capital improvement approved
828 by the Department of Social Services, for the health or safety of the
829 residents during the fiscal year ending June 30, 2022, or June 30, 2023,
830 only to the extent such rate increases are within available
831 appropriations. For the fiscal year ending June 30, 2022, and June 30,
832 2023, rates shall be based upon rates in effect for the fiscal year ending
833 June 30, 2021, inflated by the gross domestic product deflator
834 applicable to each rate year, except the commissioner may, in the
835 commissioner's discretion and within available appropriations,
836 provide pro rata fair rent increases to facilities which have
837 documented fair rent additions placed in service in the cost report
838 years ending September 30, 2020, and September 30, 2021, that are not
839 otherwise included in rates issued. For the fiscal years ending June 30,
840 2024, and June 30, 2025, a facility may receive a rate increase for a
841 capital improvement approved by the Department of Social Services,
842 for the health or safety of the residents during the fiscal year ending

843 June 30, 2024, or June 30, 2025, only to the extent such rate increases
844 are within available appropriations. For the fiscal year ending June 30,
845 2024, the commissioner may, in the commissioner's discretion and
846 within available appropriations, provide pro rata fair rent increases to
847 facilities that have documented fair rent additions placed in service in
848 the cost report year ending September 30, 2022, that are not otherwise
849 included in rates issued. For the fiscal year ending June 30, 2025, the
850 commissioner may, in the commissioner's discretion and within
851 available appropriations, provide pro rata fair rent increases to
852 facilities that have documented fair rent additions placed in service in
853 the cost report year ending September 30, 2023, that are not otherwise
854 included in rates issued.

855 Sec. 7. Subsection (h) of section 17b-340 of the general statutes is
856 repealed and the following is substituted in lieu thereof (*Effective July*
857 *1, 2023*):

858 (h) For the fiscal year ending June 30, 1993, any intermediate care
859 facility for individuals with intellectual disabilities with an operating
860 cost component of its rate in excess of one hundred forty per cent of
861 the median of operating cost components of rates in effect January 1,
862 1992, shall not receive an operating cost component increase. For the
863 fiscal year ending June 30, 1993, any intermediate care facility for
864 individuals with intellectual disabilities with an operating cost
865 component of its rate that is less than one hundred forty per cent of the
866 median of operating cost components of rates in effect January 1, 1992,
867 shall have an allowance for real wage growth equal to thirty per cent
868 of the increase determined in accordance with subsection (q) of section
869 17-311-52 of the regulations of Connecticut state agencies, provided
870 such operating cost component shall not exceed one hundred forty per
871 cent of the median of operating cost components in effect January 1,
872 1992. Any facility with real property other than land placed in service
873 prior to October 1, 1991, shall, for the fiscal year ending June 30, 1995,
874 receive a rate of return on real property equal to the average of the
875 rates of return applied to real property other than land placed in

876 service for the five years preceding October 1, 1993. For the fiscal year
877 ending June 30, 1996, and any succeeding fiscal year, the rate of return
878 on real property for property items shall be revised every five years.
879 The commissioner shall, upon submission of a request, allow actual
880 debt service, comprised of principal and interest, in excess of property
881 costs allowed pursuant to section 17-311-52 of the regulations of
882 Connecticut state agencies, provided such debt service terms and
883 amounts are reasonable in relation to the useful life and the base value
884 of the property. For the fiscal year ending June 30, 1995, and any
885 succeeding fiscal year, the inflation adjustment made in accordance
886 with subsection (p) of section 17-311-52 of the regulations of
887 Connecticut state agencies shall not be applied to real property costs.
888 For the fiscal year ending June 30, 1996, and any succeeding fiscal year,
889 the allowance for real wage growth, as determined in accordance with
890 subsection (q) of section 17-311-52 of the regulations of Connecticut
891 state agencies, shall not be applied. For the fiscal year ending June 30,
892 1996, and any succeeding fiscal year, no rate shall exceed three
893 hundred seventy-five dollars per day unless the commissioner, in
894 consultation with the Commissioner of Developmental Services,
895 determines after a review of program and management costs, that a
896 rate in excess of this amount is necessary for care and treatment of
897 facility residents. For the fiscal year ending June 30, 2002, rate period,
898 the Commissioner of Social Services shall increase the inflation
899 adjustment for rates made in accordance with subsection (p) of section
900 17-311-52 of the regulations of Connecticut state agencies to update
901 allowable fiscal year 2000 costs to include a three and one-half per cent
902 inflation factor. For the fiscal year ending June 30, 2003, rate period, the
903 commissioner shall increase the inflation adjustment for rates made in
904 accordance with subsection (p) of section 17-311-52 of the regulations
905 of Connecticut state agencies to update allowable fiscal year 2001 costs
906 to include a one and one-half per cent inflation factor, except that such
907 increase shall be effective November 1, 2002, and such facility rate in
908 effect for the fiscal year ending June 30, 2002, shall be paid for services
909 provided until October 31, 2002, except any facility that would have
910 been issued a lower rate effective July 1, 2002, than for the fiscal year

911 ending June 30, 2002, due to interim rate status or agreement with the
912 department shall be issued such lower rate effective July 1, 2002, and
913 have such rate updated effective November 1, 2002, in accordance with
914 applicable statutes and regulations. For the fiscal year ending June 30,
915 2004, rates in effect for the period ending June 30, 2003, shall remain in
916 effect, except any facility that would have been issued a lower rate
917 effective July 1, 2003, than for the fiscal year ending June 30, 2003, due
918 to interim rate status or agreement with the department shall be issued
919 such lower rate effective July 1, 2003. For the fiscal year ending June
920 30, 2005, rates in effect for the period ending June 30, 2004, shall
921 remain in effect until September 30, 2004. Effective October 1, 2004,
922 each facility shall receive a rate that is five per cent greater than the
923 rate in effect September 30, 2004. Effective upon receipt of all the
924 necessary federal approvals to secure federal financial participation
925 matching funds associated with the rate increase provided in
926 subdivision (4) of subsection (f) of this section, but in no event earlier
927 than October 1, 2005, and provided the user fee imposed under section
928 17b-320 is required to be collected, each facility shall receive a rate that
929 is four per cent more than the rate the facility received in the prior
930 fiscal year, except any facility that would have been issued a lower rate
931 effective October 1, 2005, than for the fiscal year ending June 30, 2005,
932 due to interim rate status or agreement with the department, shall be
933 issued such lower rate effective October 1, 2005. Such rate increase
934 shall remain in effect unless: (1) The federal financial participation
935 matching funds associated with the rate increase are no longer
936 available; or (2) the user fee created pursuant to section 17b-320 is not
937 in effect. For the fiscal year ending June 30, 2007, rates in effect for the
938 period ending June 30, 2006, shall remain in effect until September 30,
939 2006, except any facility that would have been issued a lower rate
940 effective July 1, 2006, than for the fiscal year ending June 30, 2006, due
941 to interim rate status or agreement with the department, shall be
942 issued such lower rate effective July 1, 2006. Effective October 1, 2006,
943 no facility shall receive a rate that is more than three per cent greater
944 than the rate in effect for the facility on September 30, 2006, except any
945 facility that would have been issued a lower rate effective October 1,

946 2006, due to interim rate status or agreement with the department,
947 shall be issued such lower rate effective October 1, 2006. For the fiscal
948 year ending June 30, 2008, each facility shall receive a rate that is two
949 and nine-tenths per cent greater than the rate in effect for the period
950 ending June 30, 2007, except any facility that would have been issued a
951 lower rate effective July 1, 2007, than for the rate period ending June
952 30, 2007, due to interim rate status, or agreement with the department,
953 shall be issued such lower rate effective July 1, 2007. For the fiscal year
954 ending June 30, 2009, rates in effect for the period ending June 30, 2008,
955 shall remain in effect until June 30, 2009, except any facility that would
956 have been issued a lower rate for the fiscal year ending June 30, 2009,
957 due to interim rate status or agreement with the department, shall be
958 issued such lower rate. For the fiscal years ending June 30, 2010, and
959 June 30, 2011, rates in effect for the period ending June 30, 2009, shall
960 remain in effect until June 30, 2011, except any facility that would have
961 been issued a lower rate for the fiscal year ending June 30, 2010, or the
962 fiscal year ending June 30, 2011, due to interim rate status or
963 agreement with the department, shall be issued such lower rate. For
964 the fiscal year ending June 30, 2012, rates in effect for the period
965 ending June 30, 2011, shall remain in effect until June 30, 2012, except
966 any facility that would have been issued a lower rate for the fiscal year
967 ending June 30, 2012, due to interim rate status or agreement with the
968 department, shall be issued such lower rate. For the fiscal years ending
969 June 30, 2014, and June 30, 2015, rates shall not exceed those in effect
970 for the period ending June 30, 2013, except the rate paid to a facility
971 may be higher than the rate paid to the facility for the period ending
972 June 30, 2013, if a capital improvement approved by the Department of
973 Developmental Services, in consultation with the Department of Social
974 Services, for the health or safety of the residents was made to the
975 facility during the fiscal year ending June 30, 2014, or June 30, 2015, to
976 the extent such rate increases are within available appropriations. Any
977 facility that would have been issued a lower rate for the fiscal year
978 ending June 30, 2014, or the fiscal year ending June 30, 2015, due to
979 interim rate status or agreement with the department, shall be issued
980 such lower rate. For the fiscal years ending June 30, 2016, and June 30,

981 2017, rates shall not exceed those in effect for the period ending June
982 30, 2015, except the rate paid to a facility may be higher than the rate
983 paid to the facility for the period ending June 30, 2015, if a capital
984 improvement approved by the Department of Developmental Services,
985 in consultation with the Department of Social Services, for the health
986 or safety of the residents was made to the facility during the fiscal year
987 ending June 30, 2016, or June 30, 2017, to the extent such rate increases
988 are within available appropriations. For the fiscal years ending June 30,
989 2016, and June 30, 2017, and each succeeding fiscal year, any facility
990 that would have been issued a lower rate, due to interim rate status, a
991 change in allowable fair rent or agreement with the department, shall
992 be issued such lower rate. For the fiscal years ending June 30, 2018, and
993 June 30, 2019, rates shall not exceed those in effect for the period
994 ending June 30, 2017, except the rate paid to a facility may be higher
995 than the rate paid to the facility for the period ending June 30, 2017, if a
996 capital improvement approved by the Department of Developmental
997 Services, in consultation with the Department of Social Services, for the
998 health or safety of the residents was made to the facility during the
999 fiscal year ending June 30, 2018, or June 30, 2019, only to the extent
1000 such rate increases are within available appropriations. For the fiscal
1001 years ending June 30, 2020, and June 30, 2021, rates shall not exceed
1002 those in effect for the fiscal year ending June 30, 2019, except the rate
1003 paid to a facility may be higher than the rate paid to the facility for the
1004 fiscal year ending June 30, 2019, if a capital improvement approved by
1005 the Department of Developmental Services, in consultation with the
1006 Department of Social Services, for the health or safety of the residents
1007 was made to the facility during the fiscal year ending June 30, 2020, or
1008 June 30, 2021, only to the extent such rate increases are within available
1009 appropriations. For the fiscal year ending June 30, 2022, rates shall not
1010 exceed those in effect for the fiscal year ending June 30, 2021, except
1011 the commissioner may, in the commissioner's discretion and within
1012 available appropriations, provide pro rata fair rent increases to
1013 facilities that have documented fair rent additions placed in service in
1014 the cost report year ending September 30, 2020, that are not otherwise
1015 included in rates issued. For the fiscal year ending June 30, 2023, rates

1016 shall not exceed those in effect for the fiscal year ending June 30, 2022,
1017 except the commissioner may, in the commissioner's discretion and
1018 within available appropriations, provide pro rata fair rent increases to
1019 facilities which have documented fair rent additions placed in service
1020 in the cost report year ending September 30, 2021, that are not
1021 otherwise included in rates issued. For the fiscal years ending June 30,
1022 2022, and June 30, 2023, a facility may receive a rate increase for a
1023 capital improvement approved by the Department of Developmental
1024 Services, in consultation with the Department of Social Services, for the
1025 health or safety of the residents during the fiscal year ending June 30,
1026 2022, or June 30, 2023, only to the extent such rate increases are within
1027 available appropriations. For the fiscal years ending June 30, 2024, and
1028 June 30, 2025, a facility may receive a rate increase for a capital
1029 improvement approved by the Department of Developmental Services,
1030 in consultation with the Department of Social Services, for the health
1031 or safety of the residents during the fiscal year ending June 30, 2024, or
1032 June 30, 2025, only to the extent such rate increases are within available
1033 appropriations. Any facility that has a significant decrease in land and
1034 building costs shall receive a reduced rate to reflect such decrease in
1035 land and building costs. For the fiscal years ending June 30, 2012, June
1036 30, 2013, June 30, 2014, June 30, 2015, June 30, 2016, June 30, 2017, June
1037 30, 2018, June 30, 2019, June 30, 2020, June 30, 2021, June 30, 2022, [and]
1038 June 30, 2023, June 30, 2024, and June 30, 2025, the Commissioner of
1039 Social Services may provide fair rent increases to any facility that has
1040 undergone a material change in circumstances related to fair rent and
1041 has an approved certificate of need pursuant to section 17b-352, 17b-
1042 353, 17b-354 or 17b-355. Notwithstanding the provisions of this section,
1043 the Commissioner of Social Services may, within available
1044 appropriations, increase or decrease rates issued to intermediate care
1045 facilities for individuals with intellectual disabilities to reflect a
1046 reduction in available appropriations as provided in subsection (a) of
1047 this section. For the fiscal years ending June 30, 2014, and June 30,
1048 2015, the commissioner shall not consider rebasing in determining
1049 rates. Notwithstanding the provisions of this subsection, effective July
1050 1, 2021, and July 1, 2022, the commissioner shall, within available

1051 appropriations, increase rates for the purpose of wage and benefit
1052 enhancements for employees of intermediate care facilities. Facilities
1053 that receive a rate adjustment for the purpose of wage and benefit
1054 enhancements but do not provide increases in employee salaries as
1055 described in this subsection on or before July 31, 2021, and July 31,
1056 2022, respectively, may be subject to a rate decrease in the same
1057 amount as the adjustment by the commissioner.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	38a-1084
Sec. 2	<i>from passage</i>	17b-112
Sec. 3	<i>October 1, 2023</i>	17b-191(c)
Sec. 4	<i>October 1, 2023</i>	17b-601
Sec. 5	<i>July 1, 2023</i>	17b-244(a)
Sec. 6	<i>July 1, 2023</i>	17b-340(i)
Sec. 7	<i>July 1, 2023</i>	17b-340(h)

HS

Joint Favorable Subst. C/R

APP