



General Assembly

Substitute Bill No. 418

January Session, 2021



AN ACT INCREASING THE PERSONAL NEEDS ALLOWANCE FOR CERTAIN LONG-TERM CARE FACILITY RESIDENTS AND AUTHORIZING A DEDUCTION FOR CONSERVATOR EXPENSES FROM THE AMOUNT OF INCOME A MEDICAID RECIPIENT APPLIES TO THE COST OF CARE.

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

1 Section 1. Subsection (b) of section 17b-106 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*
3 *2021*):

4 (b) [Effective July 1, 2011, the] The commissioner shall provide a state
5 supplement payment for recipients of Medicaid and the federal
6 Supplemental Security Income Program who reside in long-term care
7 facilities sufficient to increase their personal needs allowance to [sixty
8 dollars] seventy-two dollars and seventy-five cents per month. Such
9 state supplement payment shall be made to the long-term care facility
10 to be deposited into the personal fund account of each such recipient.
11 For the purposes of this subsection, "long-term care facility" means a
12 licensed chronic and convalescent nursing home, a chronic disease
13 hospital, a rest home with nursing supervision, an intermediate care
14 facility for individuals with intellectual disabilities or a state humane
15 institution.

16 Sec. 2. Section 17b-272 of the general statutes is repealed and the

17 following is substituted in lieu thereof (*Effective July 1, 2021*):

18 [Effective July 1, 2011, the] The Commissioner of Social Services shall
19 permit patients residing in nursing homes, chronic disease hospitals and
20 state humane institutions who are medical assistance recipients under
21 sections 17b-260 to 17b-262, inclusive, 17b-264 to 17b-285, inclusive, and
22 17b-357 to 17b-361, inclusive, to have a monthly personal fund
23 allowance of [sixty dollars] seventy-two dollars and seventy-five cents.

24 Sec. 3. (NEW) (*Effective from passage*) (a) On or before December 31,
25 2021, the Commissioner of Social Services shall amend the Medicaid
26 state plan provisions governing the calculation of applied income, as
27 defined in section 17b-261r of the general statutes, to permit a qualified
28 deduction pursuant to 42 USC 1396a(r)(1)(A)(ii) for the following
29 expenses related to representation of a Medicaid applicant or recipient:
30 (1) Compensation of a conservator in the amount approved by the
31 Probate Court; (2) Probate Court filing fees and expenses under
32 subdivision (6) of subsection (b) of section 45a-106a and sections 45a-
33 108a and 45a-109 of the general statutes; (3) premiums for any probate
34 bond required by the Probate Court; and (4) any other fiduciary
35 expenses approved by the Probate Court, provided such deductions are
36 permissible under federal law. Whenever such qualified deduction
37 from the applied income is permitted, the Commissioner of Social
38 Services shall increase the Medicaid payment in the amount of such
39 deduction to the nursing home where the applicant or recipient resides
40 or intends to reside.

41 (b) The provisions of this section shall be effective upon the
42 commissioner receiving federal approval to amend the Medicaid state
43 plan pursuant to subsection (a) of this section and shall be applied to
44 conservator expenses incurred on or after October 1, 2021, or the
45 approval date of the Medicaid state plan amendment, whichever is later.

46 (c) On or before December 31, 2022, and annually thereafter, the
47 Commissioner of Social Services shall calculate the total amount
48 deducted from applied income under subsection (a) of this section

49 during the preceding fiscal year and inform the Probate Court
50 Administrator, in writing, of the amount. Not later than thirty days after
51 receipt of the commissioner's calculation, the Probate Court
52 Administrator shall transfer funds from the Probate Court
53 Administration Fund to the Department of Social Services equal to one-
54 half of such amount for that year.

55 Sec. 4. (NEW) (*Effective from passage*) Notwithstanding the provisions
56 of section 45a-594 of the general statutes, the baseline conservator
57 compensation to be deducted from applied income pursuant to
58 subsection (a) of section 3 of this act shall be one hundred twenty-five
59 dollars per month, provided the Commissioner of Social Services shall
60 approve fees above said amount if approved by the Probate Court at the
61 time Medicaid is granted to a conserved person and upon
62 redetermination of such conserved person's Medicaid eligibility.

63 Sec. 5. Subsection (d) of section 17b-261 of the general statutes is
64 repealed and the following is substituted in lieu thereof (*Effective July 1,*
65 *2021*):

66 (d) The transfer of an asset in exchange for other valuable
67 consideration shall be allowable to the extent the value of the other
68 valuable consideration is equal to or greater than the value of the asset
69 transferred. The Commissioner of Social Services shall not treat any
70 conservator or fiduciary fee paid for services rendered that has been
71 approved by the Probate Court as an improper transfer of assets for the
72 purpose of obtaining Medicaid eligibility.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	17b-106(b)
Sec. 2	<i>July 1, 2021</i>	17b-272
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>July 1, 2021</i>	17b-261(d)

Statement of Legislative Commissioners:

In Section 1(b) and Section 2, "Effective July 1, 2011, the" was changed to [Effective July 1, 2011, the] The" for clarity and consistency with the effective dates of the sections; in Section 3(a), the last sentence was redrafted for clarity; and in Section 5(d), "Probate Court- approved conservator or fiduciary fee paid for services rendered" was changed to "conservator or fiduciary fee paid for services rendered that has been approved by the Probate Court" for clarity.

AGE *Joint Favorable Subst.*