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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2009**

**JUNE
SEPTEMBER
DECEMBER
SPECIAL
SESSIONS
VETO
SESSION**

**VOL. 52
PART 22
6820 – 7149**

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Emergency Certified Senate Bill 2052 as amended.

THE CHAIR:

There's a motion on the floor to transmit Senate Bill 2052 to the House. Without objection, so ordered, sir.

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President.

Mr. President, continuing on Senate Agenda Number 1, under Number 2, Business From the House, if the Clerk would call Emergency Certified House Bill 7075.

THE CHAIR:

The Senate will stand at ease for a second, please.

(Chamber at ease.)

THE CHAIR:

The Senate will come back to order.

Mr. Clerk.

THE CLERK:

Calling from Senate Agenda Number 1, Emergency Certified Bill 7005, AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING HUMAN SERVICES

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MAKING CHANGES TO VARIOUS SOCIAL SERVICE STATUTES.

The bill is accompanied by an emergency certification, signed Donald E. Williams, Jr., President Pro Tempore of the Senate; Christopher G. Donovan, Speaker of the House of Representatives.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Thank you, and good evening, Mr. President.

THE CHAIR:

Good evening, sir.

SENATOR DOYLE:

I move acceptance of the emergency certified bill in concurrence with the House.

THE CHAIR:

On acceptance and approval with the House, sir, would you like to remark further?

SENATOR DOYLE:

Yes. Thank you, Mr. President.

THE CHAIR:

Without objection, please proceed.

SENATOR DOYLE:

Thank you.

Yes. This bill is the, as all of us know, it's a

human services implementor that implements our budget, passed a few weeks ago.

And I would first like to thank some of the hard-working staff. I would like to acknowledge and thank -- this was my first experience on any implementor. I spent a lot of time in Judiciary Committee so it was a learning experience for me how the whole implementor and budget process works. And it was -- I had to rely on a lot of our staff, and I do appreciate it.

Our nonpartisan staff, Neil Ayers, Spencer Cain. Our LCO attorney, Heather Bannister, I want to especially thank her -- Robin Cohen and Nicole Dube, for all their hard work. It really is a -- it's a behind-the-scenes situation that I learned how much work it really is, and I do appreciate their efforts.

I also would point out the staff of Office of Policy and Management was in most of our meetings. They spent a lot of time, and despite being on the other side, they certainly -- we worked together on a lot of issues. And I think this bill is a pretty good combination and coalition between the two groups.

I, again, would like also -- especially like to thank my cochair and colleague, Senator Toni Harp.

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Because of her many years of experience, she really gave me some assistance along the way, and appreciate that. Also Representative John Geragosian, who worked with me and helped me along. And of course, my cochair in the House, Representative Toni Harp -- Toni Walker, excuse me, and then also Vice Chair Catherine Abercrombie, both of them worked very hard and helped me with the implementor, and of course, also, through the session as I learned more and more about this committee.

But again, this bill does a lot of things, as I said, implements our budget, but it -- I'll just make a few highlights, and I'll leave it to any of the other members if they have questions for me. But one of the big things it does is it integrates the Children's Trust Fund into the DC -- sorry, the Department of Social Services. The goal is to try to maintain the service level to try to save some funds in terms of integrating it into the department.

We also make some budgetary changes to ConnPACE, Medicare Part D, the Medicaid Program, HUSKY. We also increase some resources for child support enforcement to try to benefit the state and some of our -- the spouses that are in a difficult situation.

And also one of the issues that the Human Services Committee spent a lot of time on this year was trying to encourage the department to seek Medicaid waivers for a number of items such as SAGA, family planning, and AIDS. That's in here and we're hoping that will encourage the department to move forward promptly to get those funds.

It also does a number of other things, trying to maximize federal funding, which of course, would help us to try to achieve a balanced budget and try to bring more resources, because if the funds are out there in the federal government, I think, it's our obligation and duty to seek those funds. That's one of the main goals of this bill before us today, and I think it's a good point.

It also does another thing, it also -- there, it's a very long comprehensive bill with about 82 sections, but it does provide more oversight and care to try to assure quality of care for our citizens in the state of Connecticut. And again it does identify efficiencies.

I will say, though, as happened in the House, this bill, on its face, it was the budget we passed -- and I've been in the Legislature 16 years, now. No

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budget is perfect. This budget was a tough budget.

Despite a lot of the criticisms, there were cuts in this budget, and this bill has some of the cuts. And we have cuts to -- cuts that increases the ConnPACE to some of the HUSKY people. Some of our poor people are going to have to, unfortunately, pay some more. No one, you know, on the Human Services Committee or Appropriations Committee wanted to do it, but it's a difficult time. Of course, one of the other issues is the Home Care Program. Some of the fees are increased there. I also don't like that.

So I'm sure a lot of the Senators do have a temptation to vote no on this. Unfortunately, in these difficult times we have to make difficult decisions, and I think this bill before us does make some of these difficult decisions.

Do I wish we didn't have to make them? Of course that's it. And so, Senator Harp, I'm sure, thinks that and all the other people involved with this bill and the budget process. However, I did support the budget, however flawed, and this bill implements that budget, and I think we have to support it today. Down the road we can always, you know, if the economy turns around, we can try to reverse some of these changes.

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I remember back in 2003 we passed a budget that made similar difficult decisions to ConnPACE. We reversed them the next year. I'm not sure it's going to happen next year, but we can keep that interest. If our economy improves, maybe we can make some changes and reverse them.

But we have before us a bill that implements the budget. There are difficult decisions in here, but difficult times necessitate difficult decisions, and there are some cuts here that, unfortunately, we have to make, but I think are -- all of you should think, highly.

We talk a lot about cuts, and everyone had -- it's easy to talk the talk. This, unfortunately -- bill makes some of these difficult cuts, and I urge my colleagues to support it.

Thank you, Mr. President.

THE CHAIR:

Will you remark further House Bill 7005?

Senator Kane.

SENATOR KANE:

Thank you, Mr. President. Good afternoon.

THE CHAIR:

Good afternoon, sir.

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SENATOR KANE:

Thank you.

Without -- or I should say at the risk of entering the kind of exchange we had a couple of minutes ago in the previous bill, I would like to say, however, that I do have a question for the proponent of the bill.

THE CHAIR:

Senator Doyle.

SENATOR KANE:

Thank you, Mr. President.

And the reason I do is we saw that in the previous debate we talked about what the Governor proposed in her budget and then of course, what the majority party proposed in coming back. And we went back and forth a little bit.

But what I do see in this particular budget that the Governor did propose during her budget in February that the committee, the Human Services Committee, of which I am the ranking member, was opposed to during the entire committee process, but I see that it's in here now.

So I see -- I'm referring to the medical assistance for qualified aliens. Apparently, the

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statute or the law says that after five years the federal government says we must have medical assistance for these individuals. The State of Connecticut offers this assistance to these individuals prior to five years. And in the Governor's proposal there was a savings of \$24 million if we did not do that.

And it's, of course, nice to do all things for all people, but at certain times we cannot. So I am happy to see that this particular proposal that the Governor made is in this budget.

So just want to ask you through the -- you, Mr. President, if that's correct in my assumption in looking at this?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President, it's my understanding that there are a few sections about legal aliens, and a lot of them are trying to maximize federal funds for them, in terms of some of the Governor's recommendations are in here, that I believe we rejected, but there's also provisions that we can try to maximize some of the existing federal funds for

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these programs.

Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Okay. Thank you, Mr. President. I thank the Senator for his answers, but -- and I appreciate that very much.

I just do believe that this is a good proposal that the Governor made by saving of \$24 million, and I'm glad to see that this portion is in this bill.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further on House Bill 7005?

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Mr. President.

Through you, Mr. President, a couple of questions for the proponent of the bill.

THE CHAIR:

Senator Doyle.

Please proceed, ma'am.

SENATOR SLOSSBERG:

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Thank you, Mr. President.

In reviewing Sections 1 and 2 of the bill, it appears to adopt a State False Claims Act. Is that -- that is limited specifically to Medicaid programs only. Could you just clarify if that is correct?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Yes. Through you, Mr. President, the answer to the Senator's question is yes. And to clarify, there were other proposals throughout the year in the different committees that had a broader false claims act. This is a narrow one just focused on the Medicaid programs in the Department of Social Services programs.

Through you, Mr. President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Mr. President.

Through you, an additional question. Would the provisions of Section 2 of the bill, which set forth a series of violations or causes of action under medical assistance programs administered by the Department of

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Social Services, or any other part of the bill, apply to any other area, such as construction or any person operating under a contract with the state that is not related to Medicaid?

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President, again, the answer is no. This -- the language of this bill is -- you'll -- is focused specifically on medical assistance programs administered by the Department of Social Services.

So for other areas such as construction, contracting, property management, leases, landscaping, like that -- is not covered here. This is a very narrow False Claims Act.

In other years, the Judiciary Committee and even Human Services Committee -- I believe the Governor introduced a bill this year, a broad one. That's not before us today. Today is a very narrow False Claims Act dealing with, again, medical assistant programs administered by the Department of Social Services. Through you, Mr. President.

THE CHAIR:

Senator Slossberg.

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SENATOR SLOSSBERG:

Thank you, Mr. President.

And I have no further questions.

THE CHAIR:

Thank you, ma'am.

Will you remark further on House Bill 7005? Will you remark further? If not, Mr. Clerk, please call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call vote has been ordered in the Senate. Will all Senators please return to the chamber. Immediate roll call vote has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted?

Senator Harp.

Senator Roraback, could you step back so I could see if Senator Harp is there? Thank you, sir.

If all Senators have voted -- thank you -- please check the vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on passage of Emergency Certified Bill

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7005.

Total number voting	33
Necessary for Adoption	17
Those voting Yea	22
Those voting Nay	11
Those absent and not voting	3

THE CHAIR:

The bill passes.

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President.

Mr. President, would move for immediate
transmittal to the Governor of Emergency Certified
House Bill 7005.

THE CHAIR:

There's a motion on the floor for immediate
transmittal to the Governor. Seeing no objection, so
ordered.

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President.

Mr. President, moving to Senate Agenda Number 2,
previously adopted under Emergency Certified Business
from the House, would ask the Clerk to call House

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HOUSE**

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**SEPTEMBER
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Will the Clerk please call Emergency Certified
Bill Number 7005.

THE CLERK:

House Bill 7005, AN ACT IMPLEMENTING THE
PROVISIONS OF THE BUDGET CONCERNING HUMAN SERVICES AND
MAKING CHANGES TO VARIOUS SOCIAL SERVICES STATUTES,
introduced by Representative Donovan and Senator
Williams.

SPEAKER DONOVAN:

Representative Walker, Chair of the Human
Services Committee, madam, you have the floor.

REP. WALKER (93rd):

Mr. Speaker, I move passage of the bill.

SPEAKER DONOVAN:

The question is on passage of the bill.

Representative, you may remark.

REP. WALKER (93rd):

Thank you, Mr. Speaker.

Mr. Speaker, this has been a long, long journey
in trying to come up with some things that are going
to help us to address this \$8 billion deficit. And
many, many agencies have been struggling and trying to
meet their end because of the fact that we have not
been able to complete it. Well, with these cuts in

program implementations we hope that this will have to expedite that.

First, I want to thank the Office of Policy Management for their cooperation and assistance in ensuring the proper implementation of the budget that we're -- we see, and information we see before us. In particular, I want to thank Secretary Genuario, Anne Foley, Jeff Beckham for their cooperation, their assistance and their input in helping to do this.

I would also like to thank our dedicated nonpartisan staff, Neil Ayers, and say thank you to Spencer Cain, who is working on his last implementation bill for the -- his career here with us. And Heather Bannister and Robin Cohen who stayed up every night with us until three o'clock, working on this bill, and who is now making -- finally going home.

I also want to say congratulations to Heather Bannister because this is her wedding anniversary and she spent it with us. I also want to thank the Appropriations Chair, John Geragosian and Toni Harp. And my human services team, Paul Doyle and especially my partner and vice chair, Cathy Abercrombie.

This bill implements the provisions of the budget

concerning human services and makes many various changes to our service delivery system. I want to highlight just a few.

Among those, it makes a technical revision and outlines the integration of the Children's Trust Fund into DSS, while maintaining programs that promote prevention aimed at strengthening families and abuse -- and of preventing abuse.

It implements the budgetary changes to ConnPACE, Medicaid Part D, HUSKY, and increases the resources with child support enforcement. It establishes a fall prevention program and enables DSS to seek federal funding reimbursement for SAGA in family-planning aides waivers. The bill takes steps that will improve oversight and monitor quality state programs.

It brings Connecticut's laws concerning the subsidized guardianship program into compliance with the federal laws so that we can seek reimbursement for our programs.

And finally, it saves taxpayers money by identifying efficiencies in the state programs while ensuring protection for those who need them most.

Mr. Speaker, I think that this is a good bill. There are many things that we need to work on, but

this is the best we can do to address the problem, the serious fiscal problem that we have.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Will you remark further on the bill?

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

Mr. Speaker, through you, some questions to the Chair of the Human Services.

SPEAKER DONOVAN:

Please proceed, sir.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

Having received the copy, this latest copy maybe half an hour ago, and the fiscal note just a few moments ago, I haven't gone through it, I'm sure, as extensively as the Chairlady from Human Services, but I was looking at Sections 32, 35 and 40 through 42 that looks as if we're eliminating Medicaid rate increases that were scheduled to take place. Is that correct?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, that is correct.

SPEAKER DONOVAN:

I was pondering that answer.

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

Could the Chairlady tell me what the percentages for those increases would have been for these facilities?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, just one moment, please.

In Sections 33, the increases for the annual enrollment fee for ConnPACE is going from 35 to 45.

Could you also -- through you, Mr. Speaker, could you identify the other sections that you asked, sir?

SPEAKER DONOVAN:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

Specifically, Sections 32, according to the fiscal note, Sections 32, 35 and 40, 41 and 42 eliminate these statutory increases, increases for nursing homes, intermediate care facilities for the mentally retarded and residential care homes.

I was wondering if the Chairman of the Human Services Committee could tell me what those percentage increases are that these facilities will no longer receive if this bill were to pass?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, I'm not exactly sure what the percentages are, but the assumes -- excuse me.

Is about -- through you, Mr. Speaker, it's about 9 percent, but if you note in the fiscal note, the savings is 122 million in FY10 and 181 million in FY11.

SPEAKER DONOVAN:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

I thank the gentlelady for answer. She also referenced, in a prior answer, Section 33, which increases the annual enrollment fee for the ConnPACE program.

Can she tell me how many members or how many Connecticut residents that would affect? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, I do not have that answer.

SPEAKER DONOVAN:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

As I look at the fiscal note, it would appear the assumed savings of -- it says that the assumed savings were 500,000 in fiscal year '10. So if we're increasing the co-pay or the premium by \$10, I -- would she agree that that could possibly impact 50,000 people?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Walker.

REP. WALKER (93rd):

Through you, Mr. Speaker, I would accept that.

SPEAKER DONOVAN:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

Mr. Speaker, I thank the gentlelady for her answers.

The hour is late, and I'm sure there are other sections which others may have questions on, but I would like to focus on these particular sections.

Over the course of the budget process, over the last regular session and throughout the summer I heard from many nursing home employees, as well as residents themselves, who spoke of the hardships if we were to not provide some sort of an increase for them.

I know in years past we have given them zero percent increases and other years, slight increases, but at a time when we rely on these people to care for our frail and elderly, that is one of the areas, as a member of Human Services for nine years, that I always

expressed support for.

I think it's unfortunate that we found ourselves in this position tonight where, once again, these people who contact all of us, I'm sure, find themselves in a position where they'll certainly be disappointed, and quite honestly, perhaps the residents eventually will be displaced without these sorts of increases.

I applaud the efforts of those who put this implementor together. I think there are a lot of good changes in this. Unfortunately, these particular areas are troublesome to me, and I won't be supporting it this evening.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further? Would you care to remark further on the bill? If not, staff and guests please come to the well of the House. Members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call. Members to the chamber.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board to make sure your vote has been properly cast. Make sure you vote has been properly cast.

If your vote has been properly cast, the machine will be locked and the Clerk will please take a tally. Will the Clerk please announce the tally.

THE CLERK:

House Bill Number 7005.

Total Number voting 128

Necessary for adoption 65

Those voting Yea 80

Those voting Nay 48

Those absent and not voting 23

SPEAKER DONOVAN:

The bill as amended is passed -- the bill is --
emergency certified bill is passed.

Any announcements or introductions? Any
announcements or introductions? Representative
Piscopo.

REP. PISCOPO (76th):

Thank you, Mr. Speaker.

For a journal notation.