

Legislative History for Connecticut Act

PA 14-116

SB324

House	6959-6962	4
Senate	980-981, 989-990	4
Human Services	676-677, 679-682, 701, <u>806, 809-810</u>	10
		18

H – 1201

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2014**

**VOL.57
PART 21
6912 – 7260**

Those absent and not voting 6

DEPUTY SPEAKER GODFREY:

The bill, as amended, is passed.

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Thank you very much, Mr. Speaker.

Mr. Speaker, I move that we immediately transmit to the Senate any items waiting further action.

DEPUTY SPEAKER GODFREY:

Without objection, so ordered.

Representative Aresimowicz, I understand we have another Consent Calendar.

REP. ARESIMOWICZ (30th):

Thank you very much, Mr. Speaker.

We are. We are about to list off the bills that will be included in our second Consent Calendar for the evening, sir.

DEPUTY SPEAKER GODFREY:

Proceed, sir.

REP. ARESIMOWICZ (30th):

Thank you very much, Mr. Speaker.

I move -- I'd to add the following to the Consent Calendar. Calendar 426, Calendar 308, Calendar 438, Calendar 488 --

SB281

SB19

SB182

SB330

DEPUTY SPEAKER GODFREY:

Whoa, whoa, whoa.

REP. ARESIMOWICZ (30th):

I apologize, Mr. Speaker. The first number was
427.

DEPUTY SPEAKER GODFREY:

So 427, thank you, sir. Proceed.

REP. ARESIMOWICZ (30th):

Calendar 476, as amended by Senate "A"; Calendar
445, Calendar 514, Calendar 505, as amended by Senate
"A"; Calendar 455, Calendar 456, as amended by Senate
"A"; Calendar 322, Calendar 536, as amended by Senate
"A" and Senate "B"; Calendar 430, Calendar 520, as
amended by Senate "A" and Senate "B"; Calendar 538, as
amended by Senate "A"; Calendar 424, as amended by
Senate "A"; Calendar 439, as amended by Senate "A";
Calendar 482, as amended by Senate "A"; Calendar 325,
as amended by Senate "A."

Calendar 526, as amended by Senate "A"; Calendar
509, as amended by Senate "A"; Calendar 532, Calendar
502, as amended by Senate "A"; Calendar 421, as
amended by Senate "A"; Calendar 431, as amended by
Senate "A"; and Calendar 539, as amended by Senate
"A."

- SB 194
- SB 402
- SB 324
- SB 45
- SB 221
- SB 257
- SB 201
- SB 389
- SB 418
- SB 438
- SB 427
- SB 260
- SB 208
- SB 424
- SB 241
- SB 14
- SB 106
- SB 322
- SB 410
- SB 217
- SB 477
- SB 429

DEPUTY SPEAKER GODFREY:

Is there objection to any of these items being placed on the Consent Calendar? If not, Representative Aresimowicz, would you like to move passage of the Consent Calendar?

REP. ARESIMOWICZ (30th):

Mr. Speaker, I want to remove Calendar 539.

SB429

DEPUTY SPEAKER GODFREY:

Please remove Calendar 539, Mr. Clerk.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I move passage of the bills on the second Consent Calendar of the day.

DEPUTY SPEAKER GODFREY:

The question is on passage of the items on Consent Calendar Number 2.

Staff and guests please come to the well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll on the second Consent Calendar of the day, House Consent 2. Please report to the Chamber immediately.

DEPUTY SPEAKER GODFREY:

Have all the members voted? Have all the members
voted?

If all the members have voted, the machine will
be locked.

The Clerk will take a tally.

And the Clerk will announce the tally.

THE CLERK:

Consent Calendar Number 2.

Total Number Voting 147

Necessary for Passage 74

Those voting Yea 147

Those voting Nay 0

Those absent and not voting 4

DEPUTY SPEAKER GODFREY:

The items on the Consent Calendar are passed.

(Speaker Sharkey in the Chair.)

SPEAKER SHARKEY:

The House will please come back to order.

Will the Clerk please call Emergency Certified
Bill 5597.

THE CLERK:

S - 671

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2014**

**VOL. 57
PART 3
703 – 1013**

jmf/gbr
SENATE

72
April 22, 2014

SENATOR DOYLE:

Yes, Madam President. If there's no objection, I move this bill to the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President before calling other bills in the sequence from the go list, I would move that all of the items referred to various Committees be immediately transmitted to those Committees and not held.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

And if the Clerk would call as the next three items three bills from the Human Services Committee. The first is Calendar page 6, Calendar 142, Senate Bill 324, Calendar page 21, Calendar 375, Senate Bill 323, and under Matters Returned Calendar page 36, Calendar 139, Senate Bill 252.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 6, Calendar 142, Substitute for Senate Bill Number 324, AN ACT CONCERNING DEPARTMENT OF SOCIAL SERVICES AND AGING PROGRAMS, favorable report of the Committee on Human Services.

jmf/gbr
SENATE

73
April 22, 2014

THE CHAIR:

Good afternoon, Senator Slossberg.

SENATOR SLOSSBERG:

Good afternoon, Madam President. I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

The motion is on acceptance and passage. Will you remark?

SENATOR SLOSSBERG:

Yes, thank you, Madam President.

This is simply the Department of Social Service's technical bill and makes a number of minor and technical changes to the DSS statutes in order to clarify provisions passed in the 2013 legislative section and align statutes with current practice.

THE CHAIR:

Will you remark?

SENATOR SLOSSBERG:

If there is no objection, Madam President, I'd ask that this item be placed on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR SLOSSBERG:

Thank you, Madam President.

THE CHAIR:

Mr. Clerk.

THE CLERK:

jmf/gbr
SENATE

81
April 22, 2014

Excuse me, Madam President.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Madam President.

I apologize for the interruption. Before moving to that bill, if the Clerk would call the items on the Consent Calendar so that we might move to a vote on the first Consent Calendar.

THE CHAIR:

Absolutely.

Mr. Clerk, will you please call the Consent Calendar.

THE CLERK:

On today's first Consent Calendar, page 4, Calendar 413, House Joint Resolution Number 73, page 6, Calendar 142, Senate Bill Number 324, on page 7, Calendar 176, Senate Bill 267, on page 10, Calendar 228, Senate Bill Number 299, and on page 21, Calendar 375, Senate Bill 323, page 23, Calendar 389, Senate Bill 52, on page 36, Calendar 139, Senate Bill 252, page 37, Calendar 154, Senate Bill 83, page 37 again, Calendar 157, Senate Bill 208, and also on page 37, Calendar 158, Senate Bill 209.

THE CHAIR:

Mr. Clerk, did you miss page 36, Calendar 139?

THE CLERK:

No, I got it.

THE CHAIR:

jmf/gbr
SENATE

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April 22, 2014

You got it. Thank you very much, sorry. At this time, Mr. Clerk, will you call for a roll call vote on the first Consent Calendar, the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Immediate roll call on Consent Calendar Number One has been ordered in the Senate.

THE CHAIR:

If all members have voted, if all members have voted, the machine will be closed. Mr. Clerk, will you please call the tally.

THE CLERK:

On today's first Consent Calendar.

Total Number Voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

The Consent Calendar passes.

Mr. Clerk, I think we go back to the roll call vote -- I mean the vote on --

THE CLERK:

Calendar page 14, Calendar 311, Substitute for Senate Bill Number 332, AN ACT AMENDING THE CHARTER OF THE METROPOLITAN DISTRICT IN HARTFORD COUNTY, favorable report of the Committee on Planning and Development.

THE CHAIR:

Senator Osten, let's try this again.

SENATOR OSTEN:

**JOINT
STANDING
COMMITTEE
HEARINGS**

**HUMAN
SERVICES
PART 2
505 – 933**

2014

1

March 6, 2014

jat/mcr HUMAN SERVICES COMMITTEE

11:00 A.M.

CHAIRMAN: Senator Slossberg
 Representative Abercrombie
 Senator Coleman
 Representative Stallworth

MEMBERS PRESENT:

SENATORS: Markley

REPRESENTATIVES:

Ackert, Bowles, Butler,
Case, Cook, McGee, Miller,
Morris, Ritter,
Rutigliano, Santiago,
Wood, Zupkus

REP. ABERCROMBIE: I'd like to combine the Human
 Services public hearing for today.

SENATOR SLOSSBERG: Combine.

REP. ABERCROMBIE: Madam Co-Chair any opening --
 what did I say?

SENATOR SLOSSBERG: Combine.

REP. ABERCROMBIE: Oh, sorry. Oh, wow, if I'm
 starting this way, it's going to be a long
 hearing. Sorry about that, guys. Maybe I need
 more coffee. No comment? Okay.

So with that we'll move on to the Commissioner
 Bremby.

Good morning, sir. Thank you for being here.

COMMISSIONER BREMBY: Morning, Senator Slossberg,
 Representative Abercrombie, members of the
 Human Services Committee. I'm Rod Bremby. I'm
 the Commissioner of Department of Social
 Services, and I'm pleased to be back before you
 again to testify on bills related to the
 Department, raised on behalf of the Department,
 and we offer written remarks on several of the

HB 5443 HB 5439HB 5441 SB 324SB 252 SB 328SB 322 SB 323HB 5444 HB 5440HB 5446

bills on today's agenda which impact the Department.

In terms of bills raised by the Department or on behalf of the Department, House Bill 5443 is an act concerning Medicaid coverage for certain over-the-counter drugs. This proposal, while adding very modest additional Medicaid over-the-counter drug coverage, is necessary to comply with federal requirements for the Medicaid expansion. This change is necessary to allow cover of over-the-counter drugs that are required to be included in the benefits package for the Medicaid expansion to non-disabled, non-elderly person, adults with dependent children.

At this time, the only additional over-the-counter drugs that would be required to be covered by this change are those listed in the U.S. Preventative Services Task Force A and B recommendations. Specifically, those drugs include only, one, low dose aspirin to prevent cardiovascular disease for men ages 45 to 79 years of age and women ages 55 to 79 years of age where the potential benefit outweighs the potential harm, and, two, folic acid for women who are planning or are capable of becoming pregnant. Folic acid is already covered for women who are already pregnant.

Connecticut's Medicaid program already covers the vast majority of preventative services included in these guidelines. The only items not currently covered are the OTC that are within the USPSTF. So recognizing the benefits of this expansion outweigh the costs as well as the advantages in managing a uniform program from an administrative standpoint. This bill also extends coverage to these drugs to other Medicaid eligible. We ask for your support of this bill.

bill.

Senate or House Bill 5441, an act concerning direct payment of residential care facilities. This bill is intended to improve the process by which we make payments to licensed boarding homes. This improvement is accomplished by permitting the Department to make state supplement benefit payments directly to boarding homes instead of through residents. DSS uses a similar model for payments to nursing facilities on behalf of Medicaid recipients.

The current payment process for state supplement benefits that are owed to a boarding home requires that the benefits pass through the resident and then be paid to the boarding home. This adds an unnecessary next step in the payment process and frequently results in difficulties when the boarding home is unable to obtain the old payments from the residents.

Residential care homes have requested this operational change, and the Department believes it will improve payment accuracy and efficiency.

The Department would also like to respectfully ask or request an amendment to this provision and have amended recommended language to add testimony, which I think you have in front of you. The purpose is to reflect a more up-to-date definition of boarding home that captures all of the existing facilities. It is our intention to incorporate this definition into the Department's UPN, and we ask that the bill be amended for consistency as well. So we ask for your support of this bill.

Senate Bill 324, an act concerning the Department of Social Services programs. This

bill seeks to make a number of minor and technical changes to the Department's statutes in order to clarify provisions passed in the 2013 legislative session, remove obsolete provisions, and align statutes with current practice.

In Section 1, we seek to amend the date that the Department must submit the annual low income energy assistance plan allocation from August 1 to October 1. This change is being requested to reflect current time frames in which the allocation plan is developed based on the release of the federal block grant allocation amounts and the scheduling of legislative hearings.

Section 2 - we respectfully request withdrawal of this provision. This section was merely seeking to correct an error from the legislation that was passed in the previous session in which it was added to the wrong statutory section. However, the Department does not need this language for any administrative purposes. We will not pursue this proposal, and we respectfully request that it be deleted from the bill.

Section 3 and 4 - amend Sections 89 and 90 of Public Act 13-247 of the 2013 session. This correction was brought to our attention by LCO and OLR after the passage of the public act.

The intent of these provisions was to allow the Department to issue rates lower than those in effect on June 30, 2013, to facilities with interim rate status agreements with the Department. Therefore, language should have been included to make an exception to the language that no facility shall be issued a rate that is lower than the rate as in effect on June 30, 2013. In other words, no facility

shall be issued a rate lower than what was in effect on June 30, except for those that would have been due interim rates.

Section 5 - amends 17b-408, which describes the process of receiving the report of abuse made under Section 17b-407 (Protective Services for the Elderly) and how it must be investigated. Pursuant to legislation establishing the state Department on Aging, Section 17b-407, was amended so that Commissioner now refers to the Commissioner on Aging. However, DSS retained and administers the Protective Services For the Elderly Program and is conducting the investigations as outlined in Section 17b-408. Therefore, it is necessary to amend Section 17b-408 by adding of Social Services to clarify that these investigations are being conducted by the Department of Social Services.

Section 6 - .repeals Section 17b-239(f), which allows the Department to pay hospitals for administratively necessary days (ANDs) when the client no longer needs acute hospital level of care, but the hospital is unable to find an appropriate placement.

There are no HIPAA-compliant billing codes for these services, which federal regulations require in order for Medicaid to make payments. In addition, these payments are made on an interim basis and must be cost-settled at the end of the year, so that the target amount for each discharge and allowable pass-through amounts are calculated and compared to the interim payment, meaning they're recouped and, thus, have no effect on the payment for an individual's care.

.This process of entering interim payment and then later cost-settling the fund creates administrative burdens on the Department.

Also, we're currently in the process of restructuring payments to inpatient hospitals utilizing the Diagnostic-Related Group methodology. Providing payments for ANDs which do not reflect services provided at the time of treatment is inconsistent with the DRG model. So we ask for your support with this bill.

Senate Bill 252, an act concerning the Office of Child Support Services. This bill changes the name of the Bureau of Child Support Enforcement to the Office of Child Support Services to better reflect the nature of the services we provide to all parents and caretakers of children.

The Bureau of Child Support Enforcement is not adequate to fully describe the programs and services Connecticut's lead IV-D agency has to offer the public. These child support services include case initiation, location of parents, establishment of legal paternity, establishment of financial and medical support orders, and collection, distribution, disbursement of child support payments through 4-D and non-4-D cases.

The services also include those made available through John S. Martinez, Fatherhood Initiative, which are focused on changing the systems, which can improve fathers' abilities to be fully and positively involved in the lives of their children. The name further reflects this agency's and the federal child support oversight agency's evolving innovative approach to serving the whole family, whether attacked or not. We ask for your support of this bill.

Senate Bill Number 328, an act containing -- or concerning *capias mittimus* orders. This bill would permit judicial marshals to execute

children's behavioral health services, and I think they're to be commended for the work they've done on that. And I think that work could be incorporated if, in fact, this particular initiative moves forward. So I thank you.

Thank you, Madam Chair.

REP. ABERCROMBIE: Thank you.

I just have a couple of quick questions for you, Commissioner, and thank you, again, for being here.

SB 324, which has many sections. Section 1, which has to do with the energy assistant program. Can you walk me through what the thought is changing from August 1 to October 1st? I know we talk about this year after year, and I'm still not convinced this is the way to go. So if you could explain it to me; that would be great.

COMMISSIONER BREMBY: Sure. This reflects what is current practice now. The federal government releases its allocations so late that we typically get the plan -- I mean, we can't meet the August 1st deadline. So we're just trying to true up what's in the statute with what happens in practice.

REP. ABERCROMBIE: Okay. Okay. Have to think about it.

Moving on to Senate Bill 328, which is the capias orders. We've gotten a couple of calls on this issue, having to do with the relationship with the state marshals. Can you walk through if you know the difference in their job descriptions and what, under this legislation, where the separation is between



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page 1, line 2



Testimony before the Human Services Committee
Roderick L. Bremby, Commissioner
March 6, 2014

HB 5439 HB 5441
SB 324 SB 252
SB 328 SB 322
SB 323 HB 5444

Good morning, Senator Slossberg and Representative Abercrombie and distinguished members of the Human Services Committee. My name is Roderick Bremby and I am the Commissioner of the Department of Social Services. I am pleased to be before you today to testify on several bills raised on behalf of the Department. In addition, I offer written remarks on several other bills on today's agenda that impact the Department.

HB 5440
HB 5446

Bills Raised on Behalf of DSS:

H.B. No. 5443 (RAISED) AN ACT CONCERNING MEDICAID COVERAGE FOR CERTAIN OVER-THE-COUNTER DRUGS.

This proposal, while adding very modest additional Medicaid over-the-counter drug coverage, is necessary to comply with federal requirements for the Medicaid expansion. This change is necessary to allow coverage of over-the-counter drugs that are required to be included in the benefits package for the Medicaid expansion to non-disabled, non-elderly adults without dependent children (Medicaid Coverage for the Lowest Income Populations or HUSKY D) earning up to 138% of the federal poverty level. At this time, the only additional over-the-counter drugs that would be required to be covered by this change are those listed in the U.S. Preventive Services Task Force A and B recommendations. Specifically, those drugs include only: (1) low-dose aspirin to prevent cardiovascular disease for men ages 45 to 79 years of age and women ages 55 to 79 years of age when the potential benefit outweighs the potential harm; and (2) folic acid for women who are planning or are capable of becoming pregnant (folic acid is already covered for women who are pregnant).

The Medicaid expansion is governed by federal law, pursuant to section 2001 of the Affordable Care Act. Beginning January 1, 2014, federal law requires the benefit package provided to individuals in the Medicaid expansion to offer ten Essential Health Benefits. These requirements apply both to newly eligible individuals under the Medicaid expansion and also to individuals previously included in Connecticut's partial expansion of Medicaid to low-income adults beginning in April 2010, pursuant to 42 U.S.C. § 1396a(k)(2).

Connecticut's Medicaid program already covers the vast majority of the preventive services included in those guidelines. The only items not currently covered are the over-the-counter medications recommended for individuals with certain diagnoses in the U.S. Preventive Services Task Force ("USPSTF") recommendations. Those over-the-counter drugs are not currently covered because Conn. Gen. Stat. § 17b-280a, which was adopted in 2010, prohibits such

S.B. No. 324 (RAISED) AN ACT CONCERNING DEPARTMENT OF SOCIAL SERVICES PROGRAMS.

This bill seeks to make a number of minor and technical changes to the Department's statutes in order to clarify provisions passed in the 2013 legislative session, remove obsolete provisions, and align statutes with current practice.

Section 1 -- seeks to amend the date that the Department must submit the annual Low-Income Energy Assistance Program allocation plan from August 1 to October 1. This change is being requested to reflect current timeframes in which the allocation plan is developed, based on the release of federal block grant allocation amounts and the scheduling of legislative hearings.

Section 2 -- we respectfully request withdrawal of this provision. This section was merely seeking to correct an error from legislation that passed in the previous session in which it was added to wrong statutory section. However, as the Department does not need this language for any administrative purposes, we will not pursue this proposal and respectfully request that it be deleted from the bill.

Section 3 and 4 -- amend sections 89 and 90 of Public Act 13-247 of the 2013 session. This correction was brought to our attention by LCO and OLR after the passage of the public act.

The intent of these provisions was to allow the Department to issue rates lower than those in effect on June 30, 2013, to facilities with interim rate status agreements with the Department. Therefore, language should have been included to make an exception to the language that "no facility shall be issued a rate that is lower than the rate in effect on June 30, 2013." In other words, no facility shall be issued a rate lower than what was in effect June 30, 2013, except for those that would have been due interim rates.

Section 5 -- amends section 17b-408, which describes the process for receiving the report of abuse made under section 17b-407 (Protective Services for the Elderly) and how it must be investigated. Pursuant to legislation establishing the state Department on Aging, section 17b-407 was amended so that "commissioner" now refers to the Commissioner on Aging. However, DSS retained and administers the Protective Services for the Elderly Program and is conducting the investigations outlined in section 17b-408. Therefore, it is necessary to amend section 17b-408 by adding "of Social Services" to clarify that these investigations are being conducted by the Department of Social Services.

Section 6 -- repeals section 17b-239(f), which allows the Department to pay hospitals for administratively necessary days (ANDs) when the client no longer needs acute hospital level of care but the hospital is unable to find an appropriate placement. There are no HIPAA-compliant billing codes for these services, which federal regulations require in order for Medicaid to make payments. In addition, these payments are made on an interim basis and must be cost-settled at the end of the each year, so that the target amount for each discharge and allowable pass-through amounts are calculated and compared to interim payments (meaning they are recouped and thus have no net effect on the payment for an individual's care). This process of issuing interim payment and then later cost-settling the funds creates administrative burdens on the Department. Also, we are currently in the process of restructuring payments to inpatient hospitals utilizing a

Diagnosis-Related Group (DRG) methodology. DRG is a classification system that groups patients based on the procedure, health status, diagnosis, type of treatment, age, and other relevant criteria. Under the payment system, hospitals are paid a set fee for treating patients in a single DRG category. Providing payment for ANDs, which do not reflect services provided at the time of treatment, is inconsistent with the DRG model.

We ask for your support of this bill.

S.B. No. 252 (RAISED) AN ACT CONCERNING THE OFFICE OF CHILD SUPPORT SERVICES.

This bill changes the name of the Bureau of Child Support Enforcement to the Office of Child Support Services to better reflect the nature of the services we provide to all parents and caretakers of children.

The name Bureau of Child Support Enforcement is not adequate to fully describe the programs and services Connecticut's lead IV-D agency has to offer the public. These child support services include: case initiation; location of parents; establishment of legal paternity; establishment of financial and medical support orders; and collection, distribution, and disbursement of child support payments in IV-D and non-IV-D cases. The services also include those made available through the John S. Martinez Fatherhood Initiative, which are focused on changing the systems that can improve fathers' abilities to be fully and positively involved in the lives of their children. The name change further reflects this agency's, and the federal child support oversight agency's, evolving integrated approach to serving the whole family, whether intact or not.

We ask for your support of this bill.

S.B. No. 328 (RAISED) AN ACT CONCERNING CAPIAS MITTIMUS ORDERS.

This bill would permit judicial marshals to execute capias mittimus orders using a copy of the original document, as state marshals and special policemen are allowed to do. The expansion of this statute to include judicial marshals would assist in reducing capias mittimus backlogs, and improve child support collections. Providing the capias mittimus order in a timely manner to the judicial marshals at a courthouse where criminal and motor vehicle matters are being heard will increase the likelihood of effecting an arrest and bringing the party before a family support magistrate to address paternity or child support issues.

Approval of this provision is recommended in the final report of the Task Force to Study Methods for Improving the Collection of Past Due Child Support, pursuant to Special Act 13-14.

We ask for your support of this bill.