

**PA 14-150**

HB5402

House	6086-6103	18
Senate	3426-3428, 3476, 3480-3481	6
Appropriations	2510	<u>1</u>
		<b>25</b>

**H – 1198**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2014**

**VOL.57  
PART 18  
5882 – 6232**

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House waiting further action.

DEPUTY SPEAKER RITTER:

So ordered.

Will the Clerk please call Calendar 384.

THE CLERK:

On page 14, Calendar Number 384, favorable report of the Joint Standing Committee in Appropriations. Substitute House Bill Number 5402, AN ACT CONCERNING WAIVERS FOR MEDICAID-FINANCED, HOME AND COMMUNITY-BASED PROGRAMS FOR INDIVIDUALS WITH ACQUIRED BRAIN INJURY.

DEPUTY SPEAKER RITTER:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Thank you, Madam Speaker.

Madam Speaker, I move for the Joint Committee's favorable report and passage of the bill.

DEPUTY SPEAKER RITTER:

The question is acceptance of the Joint Committee's favorable report and passage of the bill.

Representative Abercrombie, you have the floor.

REP. ABERCROMBIE (83rd):

Thank you, Madam Speaker.

Madam Speaker, this has three parts to it. One is that DSS will now apply for a second waiver under BA -- ABI, Applied B, under brain injury alliance.

The second part is -- is that they're going to put together an advisory committee who's going to look at the second waiver to make sure that everyone is held harmless.

And then, the third piece is to make sure everyone that's in the first waiver, which there was a lot of information about that, that under cost neutrality, they are held harmless and no one will ever be returned to a nursing home.

I move adoption.

DEPUTY SPEAKER RITTER:

Will you remark further on the bill? Will you remark further on the bill before us?

Representative Miner, you have the floor, sir.

REP. MINER (66th):

Thank you, Madam Speaker. Good afternoon.

If I might, just a couple of questions, through you, to the proponent of the bill please.

DEPUTY SPEAKER RITTER:

Please proceed.

REP. MINER (66th):

Thank you, Madam Speaker.

I remember during the public hearing, as the gentlelady said, one of the big concerns voiced to all of us was that the -- there was a population that knew, on occasion, they would have to visit some type of a facility and that, as a result of

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that short-term stay, they didn't want to be restricted from going back into the ABI Waiver Program that they came from.

And it was my understanding, then, that as a part of that conversation, those folks would be protected, in fact, so that that vacancy would not be filled by someone else, it would be held, and they would move back. Is that, in fact, correct?

Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker.

That's my understanding also.

Through you.

DEPUTY SPEAKER RITTER:

Representative Miner.

REP. MINER (66th):

And thank you, Madam Speaker.

And the gentlelady spoke about, I think, cost cap neutrality. And I think we all may know that under -- or maybe we don't know. Under this ABI Waiver 2, one of the reasons for looking into this possibility was that it permitted the state of Connecticut to save some \$6 million, as I recall. And, in fact, the appropriations' budget was predicated initially on that \$6 million savings.

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And then, after the fact, we came in for this conversation about the ABI Waiver.

So, through you, Madam Speaker.

Not only do we have what I would call "cost cap neutrality" to be worried about, from one plan to the other, we also have the underlying budget issue to worry about. And so, in an effort to try and maintain that achievement of \$6 million savings, the agency and this committee would look at ways to try and keep that balance.

Through you.

DEPUTY SPEAKER RITTER:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker.

That is correct.

DEPUTY SPEAKER RITTER:

Representative Miner.

REP. MINER (66th):

And the last question had to do with the -- the committee itself. I remember when the administration participated in the conversation out in the hallway. I think there was an effort to try and have the two commissioners be the two chairs. And as I understand it, in reading the bill, not only would be the -- not only would the commissioners be chairs, but there would be a

convention, kind of, of the committees of cognizance so that one chair and one Ranking Member from those committees of cognizance would all serve -- also serve as chairs of this advisory committee.

Is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker.

Part of that is correct. My understanding -- my understanding is -- sorry -- my understanding is the chairs of the Human Services or the Appropriations Committee would be the ones that would decide if they wanted to be the cochairs, even though Public Health was part of this discussion.

Through you, Madam Chair.

DEPUTY SPEAKER RITTER:

Representative Miner.

REP. ABERCROMBIE (83rd):

Madam Speaker.

REP. MINER (66th):

Thank you, Madam Speaker.

And I guess you're right. Under -- under Section -- on part 2 there, the Ranking Members would be, I guess, Ranking Members of joint standing committee. And so, if the relationship of this

group is the way we have our relationship in the Appropriations Committee, I think that will work just fine.

Madam Speaker, this was, I would say, probably one of the more contentious public hearings I've ever been at here in the Chamber -- not in the Chamber but in the Legislature. There's no doubt that there was very strong interest on the part of advocates, many of whom were parents or grandparents that were trying to deal with their dependent children or grandchildren who had suffered some traumatic brain injury.

The Chamber may remember not so long away, when we were talking about an insurance bill, I think I raised the specter that, you know, maybe one of the things we should do here in the state of Connecticut is go back and take a look at these minimum personal liability thresholds because all this falls to the state of Connecticut.

This is a very expensive prospect here, taking care of people, especially when young people get hurt at a very early stage of life. It's something that I think had great support within the committee. I know there were a couple of no votes and I -- I certainly wouldn't want to try and explain why we cast the votes that we do.

But I think, universally, Republicans and

Democrats, we had the same concern. And the concern was trying to do the very best we could, with as much money as we had, for this population in the state of Connecticut. I think we were able to create a few more slots, which I think helped. I think the creation of this committee will be helpful.

As I said, I think it was a rather contentious hearing, some of which I think was fallout because people felt they weren't being heard. And I think we very much heard what was being said. And I think, if nothing else in this bill, I think we've created a -- an actual venue, an opportunity, for people to share their concerns, try and work through their differences, so that next year, if there's something for any of these committees to work on with this population, it will be provided around probably the issues of expanded care or trying to maintain care, rather than, kind of, a personal situation.

So I support the bill. I understand it's not perfect. I understand it didn't go as far as some of the advocates wanted it to go. But I do think we have restrictions, limitations, in the state. And I think this is one of those examples where we did as much as we could this year.

Thank you, Madam Speaker.

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DEPUTY SPEAKER RITTER:

Thank you, Representative.

Representative Kokoruda, you have the floor  
ma'am.

REP. KOKORUDA (101st):

I just want to agree with what Representative Miner said. This public hearing, as I'm sure Representative Abercrombie remembers, was pretty emotional. It's such an important issue. And I know -- I just wanted to ask a couple of the issues.

One of them was the wait list. And there was concern about, you know, if we were jumping people on the wait list that were under DMHAS, if -- how many people we were going to be able to serve.

And I just, through you, Madam Speaker, would ask Representative Abercrombie what is the status of the wait list -- through -- with this bill?

Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker.

Currently, there were 30 people on the wait list. In this budget, we put \$650,000 to reduce it by 15 people that will go into Waiver 1.

Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Kokoruda.

REP. KOKORUDA (101st):

Yes.

And through you, Madam Speaker.

Would that be in addition to the 19 DMHAS wait list folks?

Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker.

Yes.

REP. KOKORUDA (101st):

And then my other question is --

DEPUTY SPEAKER RITTER:

Representative Kokoruda.

REP. KOKORUDA (101st):

Yes, thank you. Thank you, Madam Speaker.

My other question is, this advisory committee, which I think all of us agree is a good idea, could we just have some idea on -- on the role of that advisory committee?

Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker.

The role of the advisory committee is to look at the status of what's going on in Waiver 2. In Waiver 1, it's a 200 percent that we use. In Waiver 2, we use 150. And we wanted to make sure that the 150 was not going to jeopardize anybody from coming out of a nursing home.

Through you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Representative Kokoruda.

REP. KOKORUDA (101st):

And I thank Representative Abercrombie for that.

You know, I was one of the ones that voted against (inaudible) committee. And I know so many of the folks that testified really, really want to ensure that they get the same level of care as -- as Waiver 1. And it's -- it's not only the level but it's also the type of people, the training of the people that will be working with this very, very vulnerable citizens of our state.

So I know there was concern about it. I know it's about level of care. I think the advisory committee will take care of that problem. And I was a no vote in committee. It's not everything, but I think the advisory committee will help us get back to where -- what we heard from these parents.

So today I will be a yes vote and I urge

support.

Thank you, Madam Speaker.

DEPUTY SPEAKER RITTER:

Thank you, Representative.

Representative Wood, you have the floor, ma'am.

REP. WOOD (141st):

Thank you, Madam Speaker.

I also stand in support of this and echo the words of my colleague, Representative Miner, on -- this expands the slots and it serves more people. And that is our goal, under the Medicaid waivers, is to support more people and get them out of institutional care, so in that way, it was very good.

Yes, the public hearings were highly contentious. I think we all learned a lot. And going forward, the group of us that will be meeting this summer to work through this, I think, certainly will be able to work through and make sure the level of care remains the same.

So I do stand in support of this, and thank everybody for their work and efforts to move this forward.

Thank you very much.

Mr. Speaker, you morphed.

(Deputy Speaker Altobello in the Chair.)

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Wood.

Further on the bill, Representative Lavielle of  
the 143rd, you have the floor, madam.

REP. LAVIELLE (143rd):

Thank you, Mr. Speaker. Good afternoon.

DEPUTY SPEAKER ALTOBELLO:

Good afternoon.

REP. LAVIELLE (143rd):

You transformed before our very eyes. And if  
we weren't looking, it was surprising.

I also stand in support of this bill. I think  
that as my colleagues from both sides of the aisle  
have said just now, I don't know that I've ever  
attended a series of public hearings that were so  
moving in their testimony, both the informational  
hearing and the formal public hearing before  
Appropriations.

It -- it was really incumbent on the General  
Assembly and on us to do whatever we could. I know  
everyone would like to have been able to do more.  
But the concern really is that it's difficult to  
understand how much care, 24 hours a day, some  
people in this category need and how important it is  
to be able to provide it properly. And it's -- it's  
agonizing for some of these families not to have the

level of service that they need.

So this is a good step. I think that maybe the-- the important thing to take away from this whole experience is that the -- the -- these people in this category, and their families, it's very important to listen to them. They have many vital arguments to contribute. They have life experiences that they can make us understand. And the better we understand that, the better we can serve them. So I'm glad for this first step and I hope that we will continue to listen to them as attentively in the coming months and years.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Lavielle.

Representative Ackert, of the 8th district, you have the floor.

REP. ACKERT (8th):

Oh, I didn't hear you.

Sorry, Mr. Speaker. I was being -- working with my -- one of my interns on some business.

Through you, Mr. Speaker, a couple of questions to the proponent of the bill..

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. ACKERT (8th):

Thank you, Mr. Speaker.

So to the good Chair, so we've got Waiver 1 which we know quite a bit about and had the testimony. And I -- you may have answered this, because I think I heard a piece of it. So if I'm on -- I'm somebody on Waiver 1. I'm at home with my support staff, and because of a -- a -- a setback, I now go back into care. And that care has me in there for, say, a period of time, a month, two months, three months, and then I come -- I'm -- I'm able to now go back out. I'm well enough to go back out into home care. Would that -- would I be on Waiver 1 or would I be now on -- placed on Waiver 2?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Mr. Speaker.

Your place on Waiver 1 would not move.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Ackert.

REP. ACKERT (8th):

Thank you.

Thank you, Mr. Speaker.

And I thought that's what I heard, but I wanted to -- I -- I was unfortunately being interrupted so I wanted to clarify that. And I appreciate the good

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work that the chair did on this. I do wish that we just remained Waiver 1 and we were able to get the funding to fill the rest of those slots. But I thank her for her work on this.

And I thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Ackert.

Representative Case, of the 63rd district, you have the floor, sir.

REP. CASE (63rd):

Thank you, Mr. Speaker. How are you doing?

DEPUTY SPEAKER ALTOBELLO:

Doing well. Yourself?

REP. CASE (63rd):

Mr. Speaker, a few questions to you to the proponent of the bill.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. CASE (63rd):

Mr. Speaker, as we speak on Waiver 1 and Waiver 2, and the differences between moving from Waiver 1 to Waiver 2, how much money has the state saved by going to Waiver 2?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Mr. Speaker.

There's an approximately \$6 million in the budget.

Through you.

~~DEPUTY~~ SPEAKER ALTOBELLO:

Representative Case.

REP. CASE (63rd):

Okay. Mr. Speaker, I was one of those no votes in Appropriations and it was a very interesting public hearing, tough public hearing. And the concerns that I had, I think this is a great step moving forward. And I think I voiced myself, as the good Chair would -- would say, that we're saving \$6 million on a program but we're leaving 15 people on the waiting list.

The concern that I had, at the time, was if we're saving 6 million, why couldn't we put that little bit more into there, in the Waiver 2, and get everybody off the list?

These are people that don't have a voice, and we are the voice for those people. I will listen to the rest of the people who have to speak today on this bill. I am trying to urge myself to vote for it because this is a big step forward. But I'm concerned on saving money in the state's coffers and leaving people on the waiting list.

And I thank you, Mr. Chair -- Mr. Speaker.

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DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Case.

Representative Frey of the 111th.

Further on the bill? Further on the bill?

If not, staff and guests, please retire to the Well. 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.

Will members please report to the Chamber immediately.

DEPUTY SPEAKER ALTOBELLO:

That was just a test. Just a test.

A VOICE:

Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Represent -- would you please -- is my mic on? Barely.

Represent -- Representative Cafero. Can you hear me?

REP. CAFERO (142nd):

Mr. Speaker, I'm Larry Cafero, and I, too, want to welcome you to the Legislative session, 2014.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative.

Have all members voted?

If all members voted, please check the board to make sure your vote is properly case.

If all members have voted, the machine will be locked. Will the Clerk please take a tally.

And will the Clerk please announce the tally?

THE CLERK:

House Bill 5402,  
Total Number Voting 147  
Necessary for Passage 74  
Those Voting Yea 141  
Those Voting Nay 6  
Those Absent and Not Voting 4

DEPUTY SPEAKER ALTOBELLO:

The bill passes.

Majority Speaker Aresimowicz.

REP. ARESIMOWICZ (30th):

Thank you very much, Mr. Speaker.

Mr. Speaker, I move that we immediately transmit House Bill 5402 to the Senate.

DEPUTY SPEAKER ALTOBELLO:

Seeing no objection, so ordered.

Will the Clerk please call Calendar 336.

THE CLERK:

On page 12, Calendar 336, favorable report of the (inaudible) Government Administration and Elections, Substitute House Bill 5311, AN ACT RAISING THE THRESHOLD FOR STATE CONSTRUCTION

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SENATE

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THE CHAIR:

The bill passes. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Madam President, I move for suspension for immediate transmittal to the House of Representatives of Calendar Page 36, Calendar 286, Senate Bill 35.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President. If the Clerk would call as the next item from Calendar Page 29, Calendar 586, House Bill 5402 and after that, or a couple of more items we will have a Consent Calendar to present.

THE CHAIR:

Thank you, Senator. Mr. Clerk.

THE CLERK:

On Page 29, Calendar 586, Substitute for House Bill 5402 AN ACT CONCERNING WAIVERS FOR MEDICAID-FINANCED, HOME AND COMMUNITY-BASED PROGRAMS FOR INDIVIDUALS WITH ACQUIRED BRAIN INJURY.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Thank you, Madam President. I move acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the House.

THE CHAIR:

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Motion is on acceptance and passage. Will you remark, ma'am?

SENATOR BYE:

Madam President, these are some very important changes to the acquired brain injury waiver that came with a great deal of public input, negotiations, bipartisan agreement through the Appropriations Committee. I urge passage.

THE CHAIR:

Motion is on passage. Will you remark? Will you remark? Senator Kane.

SENATOR KANE:

It's getting late, Madam President. I'm just going to remark very briefly. I want to thank the good Chairman of the Appropriations Committee. This is certainly a bipartisan effort. We've seen the families come to our committee and ask for this waiver and this legislation.

I look forward to its passage and supporting the bill.

THE CHAIR:

Thank you. Will you remark, Senator Bye? Oops, Senator Osten.

SENATOR OSTEN:

Thank you very much, Madam President. I also join with my colleagues. This is a piece of legislation that will dramatically impact those that have traumatic brain injury with a new acquired brain injury waiver, and I clearly appreciate all the work that was done by everyone to get it here in front of everyone and I am looking forward to its passage.

THE CHAIR:

Senator Bye.

SENATOR BYE:

Thank you, Madam President. I want to make sure I think Senator Kane for his work on this and Senator Osten, and actually move it to Consent.

THE CHAIR:

If there's no objection, it will be put on the Consent Calendar. Mr. Clerk. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Madam President, if the Clerk would mark as the next item, Madam President, Calendar Page 39, Calendar 311, Senate Bill 332.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 39, Calendar 311, Substitute for Senate Bill Number 332 AN ACT AMENDING THE CHARTER OF GHE METROPOLITAN DISTRICT IN HARTFORD COUNTY. It's been amended by Senate Amendment Schedule "A". Favorable Report of the Committee on Planning and Development.

THE CHAIR:

Senator Osten.

SENATOR OSTEN:

Good evening, Madam President. I move acceptance of and in concurrence with the House. This bill was passed out of this Chamber, went down to the House --

THE CHAIR:

The motion is on acceptance and passage. Will you remark, ma'am?

SENATOR OSTEN:

Thank you very much, Madam President. Sorry about that.

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On Page 27, Calendar 574, House Bill 5564.

House Bill 578, House Bill 5220.

On Page 28, Calendar 580, House Bill 5310.

Calendar 584, House Bill 5334.

Calendar 585, House Bill 5586.

Calendar 583, House Bill 5289.

On Page 29, Calendar 586, House Bill 5402.

Calendar 589, House Bill 5550.

Calendar 590, House Bill 5262.

Calendar 587, House Bill 5377.

On Page 30, Calendar 593, House Bill 5526.

Calendar 592, House Bill 5476.

On Page 33, Calendar 215, Senate Bill 243.

On Page 39, Calendar 387, Senate Bill 432.

On Page 40, Calendar 475, House Joint Resolution  
Number 20.

Calendar 476, House Joint Resolution Number 26.

Calendar 532, House Joint Resolution Number 42.

THE CHAIR:

Mr. Clerk, can you please check on Consent Calendar  
House Bill 5593. I don't see if you called that, on  
the top.

THE CLERK:

That's on the previously adopted Senate Agenda House  
Bill 5593.

THE CHAIR:

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SENATOR LOONEY:

If we might pause for just a moment to verify a couple of additional items.

Madam President, to verify an additional item, I believe it was placed on the Consent Calendar and Calendar Page 30, on Calendar Page 30, Calendar 592, Substitute for House Bill 5476.

THE CHAIR:

It is, sir.

SENATOR LOONEY:

It is on? Okay. Thank you. Thank you, Madam President. If the Clerk would now, finally, Agenda Number 4, Madam President, Agenda Number 4 one additional item ask for suspension to place up on Agenda Number 4 and that is, ask for suspension to place on the Consent Calendar an item from Agenda Number 4.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President, and that item is Substitute House Bill Number 5566 from Senate Agenda Number 4.

Thank you, Madam President. If the Clerk would now, if we might call for a vote on the Consent Calendar.

THE CHAIR:

Mr. Clerk. Will you please call for a Roll Call Vote on the Consent Calendar. The machine will be opened.

THE CLERK:

An immediate Roll Call has been ordered in the Senate.

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An immediate Roll Call on Consent Calendar Number 2 has been ordered in the Senate.

THE CHAIR:

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

THE CLERK:

Consent Calendar Number 2.

Total number voting	36
Necessary for adoption	19
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

The Consent Calendar passes. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Two additional items to take up before the, our final vote on the implementer. If we might stand for just, for just a moment.

The first item to mark Go is, Calendar, to remove from the Consent Calendar, Calendar Page 22, Calendar 536, House Bill 5546. If that item might be marked Go.

And one additional item, Madam President, and that was from Calendar, or rather from Agenda Number 4, ask for suspension to take it up for purposes of marking it Go, that is House Bill, Substitute for House Bill 5417. Thank you, Madam President.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**APPROPRIATIONS  
PART 5  
2177 -2515**

**2014**

March 25, 2014  
House Bill No. 5402

Madam Chair Walker and Chair Bye, and the members of the committee,

My name is Taylor Ford. I am a resident of Bloomfield, CT and am currently an UCONN graduate student. I would like to briefly discuss House Bill No. 5402.

I support this bill as it is written. As a MSW candidate, the review and evaluation process for agencies that provide social services to residents of the state is very important to the social work profession. Using these reviews to examine the effectiveness of the programs needs to be done both internally by the individual agencies and externally by the state. There is no sense in continuing to provide a service that is ineffective to its recipients. Using this review process to determine the effects of the possible phase out or elimination of the service is most important. If the programs and services are suddenly discontinued, many more people will suffer as a result.

Each state agency that provides social services to the residents of Connecticut is too important to continuously be facing budget cuts without a full and accurate review and evaluation the programs that are utilized. We should want to continue to help those that are in need of the services they are receiving and look to improve the help that is available to residents of the state today.

Sincerely,

Taylor Ford  
UCONN MSW Candidate