

**PA 14-157**

HB5443

House	844-849	6
Senate	3453, 3474, 3480-3481	4
Human Services	<u>676-677, 806-807</u>	<u>4</u>

**H - 1183**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2014**

**VOL.57  
PART 3  
685 - 1026**

THE CLERK:

On House Bill 5117.

Total number voting	146
Necessary for passage	74
Those voting Yea	144
Those voting Nay	2
Those absent and not voting	3

DEPUTY SPEAKER MILLER:

The bill passes.

Will the Clerk please call Calendar Number 214.

THE CLERK:

On page 14, Calendar 214, favorable report of the Joint Standing Committee on Human Services, Substitute House Bill 5443, AN ACT CONCERNING COVERAGE UNDER STATE MEDICAL ASSISTANCE PROGRAMS FOR CERTAIN OVER-THE-COUNTER DRUGS.

DEPUTY SPEAKER MILLER:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Good morning, madam, it's nice to see you.

DEPUTY SPEAKER MILLER:

Good morning, madam.

REP. ABERCROMBIE (83rd):

I move acceptance of the Joint Committee's favorable report and passage of the bill.

DEPUTY SPEAKER MILLER:

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

Representative Abercrombie, you have the floor, madam.

REP. ABERCROMBIE (83rd):

Thank you, madam.

This bill expands the list of over-the-counter drugs that the Department of Social Services may now pay for through the Medicaid program. Two of the types of prescriptions -- over-the-counter supplies that will be offered is aspirin for men 45 to 79, women 55 to 79, and folic acid for women who are -- are pregnant. This makes us in compliance with the ACA, and I move adoption.

DEPUTY SPEAKER MILLER:

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

Representative Wood of the 141st.

REP. WOOD (141st):

Thank you, Madam Speaker.

And I concur with the chair of the Human Services, this is a good bill, it makes sense. It brings us in compliance with the Affordable Care Act and the Medicaid expansion for this. It is common sense and serves those who need it. Thank you. I urge support.

DEPUTY SPEAKER MILLER:

Representative Carter of the 2nd.

REP. CARTER (2nd):

Thank you very much, Madam Chairman. One question, through you, to the proponent of the bill, please.

DEPUTY SPEAKER MILLER:

Please frame your question, sir.

REP. CARTER (2nd):

Thank you, Madam Speaker -- I think I said Madam Chairman, I apologize.

Through you, Madam Speaker, so the way I understand this, this is targeting aspirin and folic acid. Could there be other things that are recommended by the United States Preventative Services Task Force that would also be covered? Through you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Through you, Madam Speaker, yes. There's a list compiled of what's called A and B listings, and anything that's on that list. I was just giving a couple of examples so that people understood what we were talking about. Through you, Madam Chair.

DEPUTY SPEAKER MILLER:

Representative Carter.

REP. CARTER (2nd):

Great. I -- I thank the chairman for her answers.

Ladies and gentlemen, I actually had a chance to look at that list and I wanted to clarify. One of the things that are offered on that list that will now be paid for are smoking cessation products that are over-the-counter. So I think that's important to realize because it is a fiscal commitment that could be made that's not really listed here, but it's a good thing. Because, ladies and gentlemen, this is a great bill because it's targeting preventative medicine. You know, the risk of stroke reduction and heart attack reduction with aspirin could save us huge numbers of dollars in the future. And, of course, anybody we get

to stop smoking, you know, we're paying for that in the long run. So I think this is a great bill. I support it wholeheartedly, and I hope my colleagues do as well. Thank you, Madam Speaker.

DEPUTY SPEAKER MILLER:

Thank you, sir.

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

If not, will staff and guests please come to the well of the House, will the members please take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please return to the chamber immediately.

DEPUTY SPEAKER MILLER:

Have all members voted? Have all members voted? Will the members please check the board to determine if your vote is properly cast. If all members have voted, the machine will be locked, and the Clerk will take a tally.

Will the Clerk please announce the tally.

THE CLERK:

House Bill 5443.

Total number voting	145
Necessary for passage	73
Those voting Yea	144
Those voting Nay	1
Those absent and not voting	4

DEPUTY SPEAKER MILLER:

The bill passes.

Will the Clerk please call Calendar Number 213.

THE CLERK:

Also on page 14, Calendar 213, favorable report of the Joint Standing Committee on Human Services, Substitute House Bill 4 -- excuse me -- 5442, AN ACT CONCERNING THE STATE-ADMINISTERED GENERAL ASSISTANCE PROGRAM.

DEPUTY SPEAKER MILLER:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Good morning, Madam Speaker, thank you. Madam Speaker, I move for acceptance of the Joint Committee's favorable report and passage of the bill.

DEPUTY SPEAKER MILLER:

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

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CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2014**

**VETO  
SESSION**

**VOL. 57  
PART 11  
3246 – 3508**

pat/gbr  
SENATE

268  
May 7, 2014

SENATOR LOONEY:

Thank you, Mr. President. Moving now to Calendar Page 7, Calendar 345, House Bill 5443, move to place on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Mr. President. Moving to Calendar Page 9, Calendar 417, House Bill 5410, move to place on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Mr. President. Moving to Calendar Page 10 where there are three items. The first, Calendar 420, House Bill 5258, move to place on the Consent Calendar.

THE CHAIR:

(The President in the Chair.)

So ordered, sir.

THE CHAIR:

Oh, thank you, Madam President. Madam President, Calendar Page 10, Calendar 421, Calendar 5263 move to place on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

pat/gbr  
SENATE

289  
May 7, 2014

Calendar 334, House Bill 5339.  
Calendar 336, House Bill 5056.  
On Page 7, Calendar 345, House Bill 5443.  
On Page 9, Calendar 417, House Bill 5410.  
On Page 10, Calendar 420, House Bill 5258.  
Calendar 421, House Bill 5263.  
Calendar 424, House Bill 5439.  
On Page 11, Calendar 429, House Bill 5581.  
On Page 12, Calendar 445, House Bill 5418.  
Calendar 438, House Bill 5336.  
On Page 13, Calendar 453, House Bill 5133.  
Calendar 446, House Bill 5150.  
Calendar 452, House Bill 5531.  
On Page 14, Calendar 457, House Bill 5516.  
Calendar 455, House Bill 5325.  
Calendar 456, House Bill 5440.  
Calendar 459, House Bill 5321.  
Calendar 461, House Bill 5140.  
On Page 15, Calendar 468, House Bill 5450.  
Calendar 465, House Bill 5341.  
On Page 16, Calendar 474, House Bill 5337.  
Calendar 469, 5538.  
Calendar 473, House Bill 5328.  
On Page 17, Calendar 496, House Bill 5115.

pat/gbr  
SENATE

295  
May 7, 2014

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.

pat/gbr  
SENATE

296  
May 7, 2014

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**

**HUMAN  
SERVICES  
PART 2  
505 – 933**

**2014**

1  
jat/mcr HUMAN SERVICES COMMITTEE

March 6, 2014  
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 5439  
HB 5441 SB 324  
SB 252 SB 328  
SB 322 SB 323  
HB 5444 HB 5440  
HB 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.



T1  
page 1, line 2



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

HB5439 HB5441  
SB324 SB252  
SB328 SB322  
SB323 HB5444

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.

HB5440  
HB5446

**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

coverage, except in limited circumstances not applicable to the preventive services requirements. Recognizing that 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 of these drugs to other Medicaid-eligible populations.

We ask for your support of this bill.

**H.B. No. 5439 (RAISED) AN ACT CONCERNING MEDICAID BRAND NAME DRUG PRESCRIPTIONS.**

This bill seeks to revise the requirements for practitioners utilizing electronic prescriptions to prescribe a brand name drug product as "medically necessary." Section 17b-274 (b) currently requires the prescribing practitioner to follow up with written certification that the brand name drug is medically necessary. As a result, the prescribing practitioner is required to send something in writing to the pharmacy, even though the electronic prescription was meant to replace the need for a written prescription and allow for more efficiency in the provision of medical care to patients.

The electronic prescription system is a secure system, and each physician has a unique log-in and password. Electronic prescriptions allow a provider to send an accurate, error-free, and understandable prescription directly to the pharmacy. During the process of sending a prescription electronically, the prescribing physician can verify eligibility and formulary data for a patient and view medication history for the patient. Electronic prescribing also helps the providers save time and money. Requiring follow-up written notification within 10 days of sending the electronic prescription defeats the purpose of submitting electronic prescriptions and creates unnecessary paperwork. Given the current requirements, many providers may opt to send a written prescription when prescribing brand name medication to avoid the two-step process associated with electronic prescribing.

We ask for your support of this bill.

**H.B. No. 5441 (RAISED) AN ACT CONCERNING DIRECT PAYMENT OF RESIDENTIAL CARE FACILITIES.**

This bill is intended to improve the process by which DSS makes 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 to make 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 extra step in the payment process and frequently results in difficulties when the boarding home is unable to obtain the owed payments from the residents. Residential care homes (RCH) have requested this operational change and the Department believes that it will improve payment accuracy and efficiency.