

Aging Committee JOINT FAVORABLE REPORT

Bill No.: HB-6456

AN ACT ESTABLISHING A TASK FORCE TO PROTECT SENIOR CITIZENS

Title: FROM FRAUD.

Vote Date: 3/2/2021

Vote Action: JOINT FAVORABLE

PH Date: 2/23/2021

File No.:

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SPONSORS OF BILL:

Aging Committee

REASONS FOR BILL:

Currently some Medicaid applicants have received paid assistance from unqualified consultants in the preparation of their Medicaid applications. In many cases they have had to then seek additional paid services from elder law attorneys to successfully complete their applications, which has caused an unnecessary expense. The bill establishes a task force to study ways to protect senior citizens from fraud and it shall submit a report no later than January 1, 2022 to the Aging Committee and Human Services. The task force will terminate on the date it submits such report or January 1, 2022, whichever is later.

RESPONSE FROM ADMINISTRATION/AGENCY:

Amy Porter, Commissioner, Dept. of Aging and Disability Services: Their Dept. does not believe that a task force is required at this time to review the issues discussed. They are concerned that any blanket restriction on non-attorneys dispensing advice on Medicaid planning could restrict or hinder staff within their existing programs. They are already engaged in the fight to protect older residents against fraud and other forms of abuse. While they believe that a useful conversation can proceed on this topic without a task force, they would be pleased to serve on it and contribute their experience and expertise to the effort.

Michael Werner, Commission on Women, Children, Seniors, Equity and Opportunity: They offered testimony in support of this proposal. They appreciate the opportunity to comment and contribute to the discussions raised by this bill. They also note that there are

existing counselors managed by the Dept. of Aging and Disability Services who provide services on this subject.

The Dept. of Social Services: They do not believe it is apparent that a formal task force and report is required to evaluate this issue, but they would welcome the opportunity to serve. They do note that state employees, who are not attorneys, provide important information to Medicaid applicant and recipients and they are concerned that this legislation may have unintended consequences that could hamper the ability of the staff to provide such information

NATURE AND SOURCES OF SUPPORT:

Steve Rubin, Attorney, President-Elect of the Connecticut Chapter of the National Academy of Elder Law Attorneys: He offered testimony in support of this bill and points out that there are frauds and scams but that one area that has received little attention in Connecticut is the handling of Medicaid applications. The issue they are seeing are non-attorney advisors working on these applications. The problem is the legal advice that occurs and often requires a second fee for an attorney to complete the methods, costing more funds to the individual applying for a benefit. The Task Force is needed to evaluate the issues related to the unauthorized practice of law, consumer protection issues, fraud concerns and ensure that what is necessary is done to protect our seniors.

Anna Doroghazi, AARP Connecticut: They submitted testimony with conditional support for this legislation. They point out that not everyone who needs Medicaid planning advice is a senior. 44% of adults who need long-term services are between the ages of 18 and 64 and many of these people benefit from Medicaid planning. Elder law attorneys can be a good source of information, but they are not the only reputable sources of Medicaid planning assistance. Community organizations such as Area Agencies on Aging can also provide objective assistance to people and families who need to prepare a Medicaid application. Seniors and other potential Medicaid applicants would benefit from better access to neutral planners, but we would like to see the bill language amended to reflect a broader range of people who need Medicaid planning services and entities who provide those services.

NATURE AND SOURCES OF OPPOSITION:

No testimony offered in opposition to this bill.

**Reported by: Richard Ferrari, Assistant Clerk
Richard O'Neil, Assistant Clerk
Joseph Perkus, Clerk**

Date: 3/12/21