

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 21-65—sHB 6319

Human Services Committee

Judiciary Committee

**AN ACT CONCERNING PAYMENT RECOVERIES AND INCENTIVES
UNDER PUBLIC ASSISTANCE PROGRAMS**

SUMMARY: This act adds a notification requirement and filing deadline to the process of administering certain small estates to recover state claims when a person supported or cared for by the state dies. In addition, the act expands and makes permanent a pilot incentive program for nonprofit human services providers. It also makes several technical and conforming changes.

EFFECTIVE DATE: July 1, 2021

§ 1 — SMALL ESTATE ADMINISTRATION

By law, when a person supported or cared for by the state dies and leaves an estate worth less than \$40,000, the administrative services commissioner or his authorized representative must certify to the probate court (1) the estate's value and (2) that the state's claim, together with certain final expenses (i.e., last illness and funeral), equals or exceeds the estate's value. (PA 21-2, July Special Session, §§ 454-458, which amends PA 21-3, §§ 2-4, expands restrictions for placing liens to recover public assistance and deems additional previously filed claims released as of FY 22). By law, the court must then issue a certificate that he or his representative is the legal estate representative to recover the state's claim (CGS §§ 4a-14 to -16).

The act requires the commissioner or his authorized representative, after completing a financial accounting of the estate's assets and debt, to first make a reasonable effort to inform the next of kin in writing that he or his designee intends to become the estate's legal representative to recover the state's claim for care or assistance rendered to the decedent. It requires the commissioner or his designee to file with the probate court no later than 30 days after making the notification attempt. The provisions apply to the estates of individuals who received care or support (1) in a public assistance program, (2) in an institution maintained by the department of Developmental Services or Mental Health and Addiction Services, (3) while an inmate of the Department of Corrections, or (4) as a child committed to the commissioner of Children and Families or Social Services.

§ 2 — NONPROFIT INCENTIVE PROGRAM

The act requires the Office of Policy and Management (OPM) secretary to expand an incentive program for nonprofit human service providers that realize

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savings in the state-contracted services they deliver. Current practice requires nonprofits to return any realized savings. Under the act, the program must allow providers to keep any savings they realize from the contracted service cost if they meet their contractual requirements, rather than keeping a percentage of those savings as under prior law.

Prior law required OPM to establish a pilot program to allow eight participating nonprofit human service providers to keep some of the savings they realize, but it was not implemented. The act removes this eligibility criteria to allow participation by any contracted nonprofit providers of human services, which by law include service providers to persons with intellectual, physical, or mental disabilities or autism spectrum disorder.