



House of Representatives

General Assembly

File No. 117

February Session, 2022

Substitute House Bill No. 5314

House of Representatives, March 24, 2022

The Committee on Aging reported through REP. GARIBAY of the 60th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT DETERRING FRAUD AND ABUSE PERPETRATED AGAINST SENIOR CITIZENS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 17b-451 of the 2022 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective from passage*):

4 (g) The Commissioner of Social Services shall develop an educational
5 training program to promote and encourage the accurate and prompt
6 identification and reporting of abuse, neglect, exploitation and
7 abandonment of elderly persons. Such training program shall be made
8 available on the Internet web site of the Department of Social Services
9 to mandatory reporters and other interested persons. The commissioner
10 shall also make such training available in person or otherwise at various
11 times and locations throughout the state as determined by the
12 commissioner. Except for a mandatory reporter who has received
13 training from an institution, organization, agency or facility required to
14 provide such training pursuant to subsection (a) of this section, a

15 mandatory reporter shall complete the educational training program
16 developed by the commissioner, or an alternate program approved by
17 the commissioner, not later than December 31, 2022, or not later than
18 ninety days after becoming a mandatory reporter.

19 Sec. 2. Section 17a-412 of the 2022 supplement to the general statutes
20 is amended by adding subsection (i) as follows (*Effective from passage*):

21 (NEW) (i) Any person required to report suspected abuse, neglect,
22 exploitation or abandonment pursuant to subsection (a) of this section
23 shall complete the educational training program provided by the
24 Commissioner of Social Services pursuant to subsection (g) of section
25 17b-451, as amended by this act, or an alternate program approved by
26 the commissioner, not later than December 31, 2022, or not later than
27 ninety days after beginning employment as a person required to report
28 suspected abuse, neglect, exploitation or abandonment pursuant to
29 subsection (a) of this section.

30 Sec. 3. (NEW) (*Effective July 1, 2022*) (a) As used in this section, (1)
31 "Protective Services for the Elderly" program means the program
32 administered by the Department of Social Services to investigate
33 suspected abuse, neglect, exploitation or abandonment of elderly
34 persons, and (2) "abuse", "neglect", "exploitation" and "abandonment"
35 have the same meanings as provided in section 17b-450 of the general
36 statutes.

37 (b) The Commissioner of Social Services, within available
38 appropriations, shall hire sufficient staff for the Protective Services for
39 the Elderly program to ensure that no staff member is investigating
40 more than twenty-five suspected cases of abuse, neglect, exploitation or
41 abandonment at any one time.

42 Sec. 4. (NEW) (*Effective July 1, 2022*) Any person who provides an
43 elderly person with assistance completing a Medicaid application and
44 who is not related to such elderly person by blood or marriage shall
45 disclose any affiliations, business relationship, ownership interests or
46 employment with any business or entity that may bill Medicaid for

47 services provided to such elderly person. For purposes of this section,
48 "elderly person" means a person sixty years of age or older.

49 Sec. 5. (NEW) (Effective July 1, 2022) Any person who provides a
50 person with assistance in completing an application for Medicaid
51 benefits and who is not related to such person by blood or marriage shall
52 provide the applicant with the following conspicuous written
53 disclosure:

54 "Please know that you have legal rights that can protect your assets.

55 You may wish to seek the advice of an elder law attorney PRIOR to
56 completing this Medicaid application to ensure your finances and rights
57 are protected.

58 For example, if you are seeking long-term medical care or home care
59 services and you:

60 (1) Have a spouse;

61 (2) Own real estate;

62 (3) Have a child who is disabled; or

63 (4) If someone has been living with and caring for you in the last two
64 years:

65 You may have rights that can be protected with the help of an elder
66 law attorney.

67 If you have suffered Medicaid ineligibility and/or significant
68 financial loss due to the actions or advice of a non-attorney Medicaid
69 planner, you may file a complaint with the Connecticut Department of
70 Consumer Protection by calling (860) 713-6100."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	17b-451(g)

Sec. 2	<i>from passage</i>	17a-412
Sec. 3	<i>July 1, 2022</i>	New section
Sec. 4	<i>July 1, 2022</i>	New section
Sec. 5	<i>July 1, 2022</i>	New section

Statement of Legislative Commissioners:

In Section 1(g), "mandated reporter" was changed to "mandatory reporter" for statutory consistency; in Section 2, "17b-451 of the general statutes" was changed to "17b-451" for consistency with standard drafting conventions; in Section 3(a)(2), ""exploitation" or "abandonment"" was changed to ""exploitation" and "abandonment"" for accuracy; and technical changes were made in Sections 4 and 5.

AGE *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Social Services, Dept.	GF - Cost	At least \$5.2 million	At least \$5.2 million
State Comptroller - Fringe Benefits ¹	GF - Cost	At least \$2.2 million	At least \$2.2 million

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires a 25:1 caseload-to-staff ratio for the Protective Services for the Elderly (PSE) program. Based upon current staffing levels and caseload trends, DSS will incur costs associated with the addition of at least 60 Social Workers and approximately 10 Social Worker Supervisors at a cost of \$5.2 million (with associated fringe costs of \$2.2 million) in FY 23 and FY 24. Depending on caseload trends, DSS could incur additional staffing costs. For context, the salary of an individual Social Worker is \$71,551 and the salary of an individual Social Worker Supervisor is \$89,277.

The bill requires other provisions related to the PSE program that have no fiscal impact.

The Out Years

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 40.53% of payroll in FY 23.

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Department of Social Services Caseload Information

OLR Bill Analysis**sHB 5314*****AN ACT DETERRING FRAUD AND ABUSE PERPETRATED AGAINST SENIOR CITIZENS.*****SUMMARY**

This bill requires:

1. certain professionals to complete a training course on elder abuse, neglect, exploitation, and abandonment;
2. the Department of Social Services (DSS) commissioner, within available appropriations, to hire enough staff to ensure that its Protective Services for the Elderly Program staff members have a caseload of 25 or fewer; and
3. certain individuals assisting Medicaid applicants with their applications to disclose specified conflicts of interest and provide a written disclosure regarding the applicants' legal rights.

EFFECTIVE DATE: July 1, 2022, except the elder abuse reporter training provisions are effective upon passage.

§§ 1 & 2 — ELDER ABUSE REPORTER TRAINING

The bill generally requires mandated elder abuse reporters to complete the DSS elder abuse training program, or another DSS-approved program, by December 31, 2022, or within 90 days after becoming a mandated elder abuse reporter (see BACKGROUND). The requirement does not apply to any reporter who has already received the training from an entity required to provide such training to its employees. By law, any institution, organization, agency, or facility that employs people to care for seniors age 60 and older must (1) provide mandatory training on detecting potential elder abuse and (2) inform employees of their obligation to report such incidences.

By law, the DSS commissioner must develop a training program on identifying and reporting elder abuse, neglect, exploitation, and abandonment and make the program available on the department's website and in-person or otherwise throughout the state.

§ 3 — PROTECTIVE SERVICES FOR THE ELDERLY PROGRAM STAFFING

The bill requires the DSS commissioner, within available appropriations, to hire enough staff for the Protective Services for the Elderly Program to ensure that no staff member has an investigation caseload of more than 25 cases at a time. Under this program, DSS staff investigate complaints of abuse, neglect, exploitation, or abandonment of seniors age 60 or older living in the community and provide them with any needed protective services.

§§ 4 & 5 — REQUIRED DISCLOSURES TO MEDICAID APPLICANTS

The bill requires any person who assists with a Medicaid application, other than those related by blood or marriage, to do the following:

1. while assisting a senior age 60 or older, disclose any affiliations, business relationships, ownership interests, or employment with a business or entity that may bill Medicaid for services provided to the applicant and
2. while assisting any person, provide a conspicuous written disclosure about the protection of the applicant's legal rights and assets.

Under the bill, the written disclosure must read as follows:

"Please know that you have legal rights that can protect your assets.

You may wish to seek the advice of an elder law attorney PRIOR to completing this Medicaid application to ensure your finances and rights are protected.

For example, if you are seeking long-term medical care or home care services and you:

- (1) Have a spouse;
- (2) Own real estate;
- (3) Have a child who is disabled; or
- (4) If someone has been living with and caring for you in the last two years:

You may have rights that can be protected with the help of an elder law attorney.

If you have suffered Medicaid ineligibility and/or significant financial loss due to the actions or advice of a non-attorney Medicaid planner, you may file a complaint with the Connecticut Department of Consumer Protection by calling (860) 713-6100.”

BACKGROUND

Mandatory Elder Abuse Reporters

Existing law requires doctors, nurses, long-term care (LTC) facility administrators and staff, other health care personnel, and certain other professionals to report suspected abuse, neglect, abandonment, or exploitation of the elderly and LTC facility residents to DSS within 72 hours of suspecting the abuse or face penalties. They must also report to the department if they suspect an elderly person needs protective services (CGS §§ 17a-412 & 17b-451).

COMMITTEE ACTION

Aging Committee

Joint Favorable
 Yea 15 Nay 0 (03/10/2022)