



General Assembly

February Session, 2022

Raised Bill No. 264

LCO No. 2110



Referred to Committee on AGING

Introduced by:
(AGE)

AN ACT CONCERNING A QUALIFIED DEDUCTION FROM MEDICAID APPLIED INCOME FOR CONSERVATOR COSTS.

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

1 Section 1. (NEW) (*Effective from passage*) (a) On or before December
2 31, 2022, the Commissioner of Social Services shall amend the Medicaid
3 state plan provisions governing the calculation of applied income, as
4 defined in section 17b-261r of the general statutes, to permit a qualified
5 deduction pursuant to 42 USC 1396a(r)(1)(A)(ii), as amended from time
6 to time, for the following expenses related to representation of a
7 Medicaid applicant or recipient: (1) Compensation of a conservator in
8 the amount approved by the Probate Court or a minimum of one
9 hundred twenty-five dollars a month, whichever amount is higher; (2)
10 Probate Court filing fees and expenses under subdivision (7) of
11 subsection (b) of section 45a-106a and sections 45a-108a and 45a-109 of
12 the general statutes; (3) premiums for any probate bond required by the
13 Probate Court; and (4) any other fiduciary expenses approved by the
14 Probate Court, provided such deductions are permissible under federal
15 law.

16 (b) The provisions of this section shall be applied to conservator
17 expenses incurred on or after October 1, 2022, or the approval date of
18 the Medicaid state plan amendment, whichever is later.

19 (c) On or before December 31, 2023, and annually thereafter, the
20 Commissioner of Social Services shall calculate the total amount
21 deducted from the applied income of Medicaid applicants and
22 recipients under subsection (a) of this section during the preceding fiscal
23 year and inform the Probate Court Administrator, in writing, of the
24 amount. Not later than thirty days after receipt of the commissioner's
25 calculation, the Probate Court Administrator shall transfer funds from
26 the Probate Court Administration fund to the Department of Social
27 Services equal to one-half of such amount for that year.

28 Sec. 2. (NEW) (*Effective from passage*) The baseline conservator
29 compensation to be deducted from applied income pursuant to
30 subsection (a) of section 1 of this act shall be one hundred twenty-five
31 dollars per month, provided the Commissioner of Social Services shall
32 approve fees above said amount if approved by the Probate Court at the
33 time Medicaid is granted to a conserved person and upon
34 redetermination of such conserved person's Medicaid eligibility.

35 Sec. 3. Subsection (d) of section 17b-261 of the 2022 supplement to the
36 general statutes is repealed and the following is substituted in lieu
37 thereof (*Effective from passage*):

38 (d) The transfer of an asset in exchange for other valuable
39 consideration shall be allowable to the extent the value of the other
40 valuable consideration is equal to or greater than the value of the asset
41 transferred. The Commissioner of Social Services shall not treat any
42 Probate Court-approved conservator or fiduciary fee paid by a
43 Medicaid applicant or recipient for services rendered as an improper
44 transfer of assets for the purpose of obtaining Medicaid eligibility.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	17b-261(d)

Statement of Purpose:

To authorize a qualified deduction from the income a Medicaid applicant or recipient must apply to the cost of care and not treat payment made by a Medicaid applicant or recipient to a conservator as an improper transfer of assets.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]