



House of Representatives

General Assembly

File No. 687

January Session, 2023

Substitute House Bill No. 6616

House of Representatives, May 3, 2023

The Committee on Appropriations reported through REP. WALKER of the 93rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING EXPANSION OF HUSKY HEALTH BENEFITS TO THOSE INELIGIBLE DUE TO IMMIGRATION STATUS.

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

1 Section 1. Section 17b-261 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2024*):

3 (a) Medical assistance shall be provided for any otherwise eligible
4 person (1) whose income, including any available support from legally
5 liable relatives and the income of the person's spouse or dependent
6 child, is not more than one hundred forty-three per cent, pending
7 approval of a federal waiver applied for pursuant to subsection (e) of
8 this section, of the benefit amount paid to a person with no income
9 under the temporary family assistance program, and (2) if such person
10 is an institutionalized individual as defined in Section 1917 of the Social
11 Security Act, 42 USC 1396p(h)(3), and has not made an assignment or
12 transfer or other disposition of property for less than fair market value
13 for the purpose of establishing eligibility for benefits or assistance under
14 this section. Any such disposition shall be treated in accordance with

15 Section 1917(c) of the Social Security Act, 42 USC 1396p(c). Any
16 disposition of property made on behalf of an applicant or recipient or
17 the spouse of an applicant or recipient by a guardian, conservator,
18 person authorized to make such disposition pursuant to a power of
19 attorney or other person so authorized by law shall be attributed to such
20 applicant, recipient or spouse. A disposition of property ordered by a
21 court shall be evaluated in accordance with the standards applied to any
22 other such disposition for the purpose of determining eligibility. The
23 commissioner shall establish the standards for eligibility for medical
24 assistance at one hundred forty-three per cent of the benefit amount
25 paid to a household of equal size with no income under the temporary
26 family assistance program. In determining eligibility, the commissioner
27 shall not consider as income Aid and Attendance pension benefits
28 granted to a veteran, as defined in section 27-103, or the surviving
29 spouse of such veteran. Except as provided in section 17b-277 and
30 section 17b-292, as amended by this act, the medical assistance program
31 shall provide coverage to persons under the age of nineteen with
32 household income up to one hundred ninety-six per cent of the federal
33 poverty level without an asset limit and to persons under the age of
34 nineteen, who qualify for coverage under Section 1931 of the Social
35 Security Act, with household income not exceeding one hundred
36 ninety-six per cent of the federal poverty level without an asset limit,
37 and their parents and needy caretaker relatives, who qualify for
38 coverage under Section 1931 of the Social Security Act, with household
39 income not exceeding one hundred fifty-five per cent of the federal
40 poverty level without an asset limit. Such levels shall be based on the
41 regional differences in such benefit amount, if applicable, unless such
42 levels based on regional differences are not in conformance with federal
43 law. Any income in excess of the applicable amounts shall be applied as
44 may be required by said federal law, and assistance shall be granted for
45 the balance of the cost of authorized medical assistance. The
46 Commissioner of Social Services shall provide applicants for assistance
47 under this section, at the time of application, with a written statement
48 advising them of (A) the effect of an assignment or transfer or other
49 disposition of property on eligibility for benefits or assistance, (B) the

50 effect that having income that exceeds the limits prescribed in this
51 subsection will have with respect to program eligibility, and (C) the
52 availability of, and eligibility for, services provided by the Connecticut
53 Home Visiting System, established pursuant to section 17b-751b. For
54 coverage dates on or after January 1, 2014, the department shall use the
55 modified adjusted gross income financial eligibility rules set forth in
56 Section 1902(e)(14) of the Social Security Act and the implementing
57 regulations to determine eligibility for HUSKY A, HUSKY B and
58 HUSKY D applicants, as defined in section 17b-290. Persons who are
59 determined ineligible for assistance pursuant to this section shall be
60 provided a written statement notifying such persons of their ineligibility
61 and advising such persons of their potential eligibility for one of the
62 other insurance affordability programs as defined in 42 CFR 435.4.

63 (b) For the purposes of the Medicaid program, the Commissioner of
64 Social Services shall consider parental income and resources as available
65 to a child under eighteen years of age who is living with his or her
66 parents and is blind or disabled for purposes of the Medicaid program,
67 or to any other child under twenty-one years of age who is living with
68 his or her parents.

69 (c) For the purposes of determining eligibility for the Medicaid
70 program, an available asset is one that is actually available to the
71 applicant or one that the applicant has the legal right, authority or
72 power to obtain or to have applied for the applicant's general or medical
73 support. If the terms of a trust provide for the support of an applicant,
74 the refusal of a trustee to make a distribution from the trust does not
75 render the trust an unavailable asset. Notwithstanding the provisions of
76 this subsection, the availability of funds in a trust or similar instrument
77 funded in whole or in part by the applicant or the applicant's spouse
78 shall be determined pursuant to the Omnibus Budget Reconciliation Act
79 of 1993, 42 USC 1396p. The provisions of this subsection shall not apply
80 to a special needs trust, as defined in 42 USC 1396p(d)(4)(A), as
81 amended from time to time. For purposes of determining whether a
82 beneficiary under a special needs trust, who has not received a disability
83 determination from the Social Security Administration, is disabled, as

84 defined in 42 USC 1382c(a)(3), the Commissioner of Social Services, or
85 the commissioner's designee, shall independently make such
86 determination. The commissioner shall not require such beneficiary to
87 apply for Social Security disability benefits or obtain a disability
88 determination from the Social Security Administration for purposes of
89 determining whether the beneficiary is disabled.

90 (d) The transfer of an asset in exchange for other valuable
91 consideration shall be allowable to the extent the value of the other
92 valuable consideration is equal to or greater than the value of the asset
93 transferred.

94 (e) The Commissioner of Social Services shall seek a waiver from
95 federal law to permit federal financial participation for Medicaid
96 expenditures for families with incomes of one hundred forty-three per
97 cent of the temporary family assistance program payment standard.

98 (f) To the extent permitted by federal law, Medicaid eligibility shall
99 be extended for one year to a family that becomes ineligible for medical
100 assistance under Section 1931 of the Social Security Act due to income
101 from employment by one of its members who is a caretaker relative or
102 due to receipt of child support income. A family receiving extended
103 benefits on July 1, 2005, shall receive the balance of such extended
104 benefits, provided no such family shall receive more than twelve
105 additional months of such benefits.

106 (g) An institutionalized spouse applying for Medicaid and having a
107 spouse living in the community shall be required, to the maximum
108 extent permitted by law, to divert income to such community spouse in
109 order to raise the community spouse's income to the level of the
110 minimum monthly needs allowance, as described in Section 1924 of the
111 Social Security Act. Such diversion of income shall occur before the
112 community spouse is allowed to retain assets in excess of the
113 community spouse protected amount described in Section 1924 of the
114 Social Security Act. The Commissioner of Social Services, pursuant to
115 section 17b-10, may implement the provisions of this subsection while
116 in the process of adopting regulations, provided the commissioner

117 prints notice of intent to adopt the regulations in the Connecticut Law
118 Journal within twenty days of adopting such policy. Such policy shall
119 be valid until the time final regulations are effective.

120 (h) To the extent permissible under federal law, an institutionalized
121 individual, as defined in Section 1917 of the Social Security Act, 42 USC
122 1396p(h)(3), shall not be determined ineligible for Medicaid solely on
123 the basis of the cash value of a life insurance policy worth less than ten
124 thousand dollars provided the individual is pursuing the surrender of
125 the policy.

126 (i) Medical assistance shall be provided, in accordance with the
127 provisions of subsection (e) of section 17a-6, to any child under the
128 supervision of the Commissioner of Children and Families who is not
129 receiving Medicaid benefits, has not yet qualified for Medicaid benefits
130 or is otherwise ineligible for such benefits. Medical assistance shall also
131 be provided to any child in the behavioral services program operated
132 by the Department of Developmental Services who is not receiving
133 Medicaid benefits, has not yet qualified for Medicaid benefits or is
134 otherwise ineligible for benefits. To the extent practicable, the
135 Commissioner of Children and Families and the Commissioner of
136 Developmental Services shall apply for, or assist such child in qualifying
137 for, the Medicaid program.

138 (j) The Commissioner of Social Services shall provide Early and
139 Periodic Screening, Diagnostic and Treatment program services, as
140 required and defined as of December 31, 2005, by 42 USC 1396a(a)(43),
141 42 USC 1396d(r) and 42 USC 1396d(a)(4)(B) and applicable federal
142 regulations, to all persons who are under the age of twenty-one and
143 otherwise eligible for medical assistance under this section.

144 (k) A veteran, as defined in section 27-103, and any member of his or
145 her family, who applies for or receives assistance under the Medicaid
146 program, shall apply for all benefits for which he or she may be eligible
147 through the United States Department of Veterans Affairs or the United
148 States Department of Defense.

149 [(l) On and after January 1, 2023, the Commissioner of Social Services
150 shall, within available appropriations, provide state-funded medical
151 assistance to any child twelve years of age and younger, regardless of
152 immigration status, (1) whose household income does not exceed two
153 hundred one per cent of the federal poverty level without an asset limit,
154 and (2) who does not otherwise qualify for Medicaid, the Children's
155 Health Insurance Program, or an offer of affordable, employer-
156 sponsored insurance, as defined in the Affordable Care Act, as an
157 employee or a dependent of an employee. A child eligible for such
158 assistance under this subsection shall continue to receive such assistance
159 until such child is nineteen years of age, provided the child continues to
160 meet the eligibility requirements prescribed in subdivisions (1) and (2)
161 of this subsection.]

162 Sec. 2. (NEW) (*Effective July 1, 2024*) (a) The Commissioner of Social
163 Services shall, within available appropriations, provide state-funded
164 medical assistance to any person fifteen years of age and younger,
165 regardless of immigration status, (1) who, except for immigration status,
166 otherwise would qualify for HUSKY A, as defined in section 17b-290 of
167 the general statutes, and (2) who does not otherwise qualify for the
168 Children's Health Insurance Program, or an offer of affordable,
169 employer-sponsored insurance, as defined in the Affordable Care Act,
170 as an employee or a dependent of an employee. A child eligible for such
171 assistance under this subsection shall continue to receive such assistance
172 until such child is nineteen years of age, provided the child continues to
173 meet the eligibility requirements prescribed in subdivisions (1) and (2)
174 of this subsection.

175 (b) The Commissioner of Social Services shall study the costs and
176 benefits of providing medical assistance to any person twenty-five years
177 of age and younger, regardless of immigration status, (1) who, except
178 for immigration status, otherwise would qualify for HUSKY A, C or D,
179 as defined in section 17b-290 of the general statutes, and (2) who does
180 not otherwise qualify for the Children's Health Insurance Program, or
181 an offer of affordable, employer-sponsored insurance, as defined in the
182 Affordable Care Act, as an employee or a dependent of an employee.

183 Not later than January 1, 2025, the commissioner shall file a report, in
 184 accordance with the provisions of section 11-4a of the general statutes,
 185 to the joint standing committees of the General Assembly having
 186 cognizance of matters relating to appropriations and the budgets of state
 187 agencies and human services on (A) the costs and benefits of providing
 188 medical assistance to such persons, and (B) a plan to implement medical
 189 assistance to such persons.

190 Sec. 3. Subsection (a) of section 17b-292 of the general statutes is
 191 repealed and the following is substituted in lieu thereof (*Effective July 1,*
 192 *2024*):

193 (a) A child who resides in a household with household income that
 194 exceeds one hundred ninety-six per cent of the federal poverty level but
 195 does not exceed three hundred eighteen per cent of the federal poverty
 196 level may be eligible for benefits under HUSKY B. [Not later than
 197 January 1, 2023, the] The Commissioner of Social Services shall, within
 198 available appropriations, provide state-funded medical assistance to
 199 any child [twelve] fifteen years of age and younger, regardless of
 200 immigration status, (1) with a household income that exceeds two
 201 hundred one per cent of the federal poverty level but does not exceed
 202 three hundred twenty-three per cent of the federal poverty level, and (2)
 203 who does not otherwise qualify for Medicaid, the Children's Health
 204 Insurance Program, or an offer of affordable, employer-sponsored
 205 insurance, as defined in the Affordable Care Act, as an employee or a
 206 dependent of an employee. A child eligible for such assistance under
 207 this subsection shall continue to receive such assistance until such child
 208 is nineteen years of age, provided the child continues to meet the
 209 eligibility requirements prescribed in subdivisions (1) and (2) of this
 210 subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2024</i>	17b-261
Sec. 2	<i>July 1, 2024</i>	New section
Sec. 3	<i>July 1, 2024</i>	17b-292(a)

HS *Joint Favorable Subst. C/R*

APP

APP *Joint Favorable Subst.*

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 24 \$	FY 25 \$
Social Services, Dept.	GF - Cost	None	3,000,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a cost to the Department of Social Services (DSS) of approximately \$3 million beginning in FY 25 due to expanding HUSKY Health coverage for children, regardless of immigration status, from age 12 to age 15. This is anticipated to increase enrollment by approximately 1,200 children, effective 7/1/24.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of children eligible and utilization of services.

OLR Bill Analysis**sHB 6616*****AN ACT CONCERNING EXPANSION OF HUSKY HEALTH BENEFITS TO THOSE INELIGIBLE DUE TO IMMIGRATION STATUS.*****SUMMARY**

Current law requires the Department of Social Services (DSS) commissioner to provide state-funded medical assistance, within available appropriations, to certain children regardless of their immigration status. DSS must give the assistance to children who are ineligible for HUSKY A (Medicaid), HUSKY B (the Children's Health Insurance Program (CHIP)), or affordable employer-sponsored insurance, and have household incomes of (1) up to 201% of the federal poverty level (FPL) without an asset limit (aligning with HUSKY A limits) or (2) over 201% and up to 323% FPL (generally aligning with HUSKY B limits).

This bill expands eligibility for this assistance by requiring DSS to provide it to children ages 15 and under, rather than ages 12 and under as current law requires.

As under current law, children eligible for assistance must continue to receive it until they are 19 years old, so long as they continue to meet the income requirements and remain ineligible for HUSKY A, HUSKY B, or affordable employer-sponsored insurance.

The bill also requires the commissioner to study the costs and benefits of extending coverage to anyone ages 25 and younger under the same conditions. By January 1, 2025, she must report to the Appropriations and Human Services committees on the study and a plan to implement the extended coverage.

Lastly, the bill makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2024

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute Change of Reference - APP
Yea 14 Nay 8 (03/02/2023)

Appropriations Committee

Joint Favorable Substitute
Yea 37 Nay 13 (04/21/2023)