

Human Services Committee JOINT FAVORABLE REPORT

Bill No.: SB-58

AN ACT CONCERNING CONSERVATOR COMPENSATION BY MEDICAID

Title: APPLICANTS AND RECIPIENTS.

Vote Date: 2/14/2023

Vote Action: Joint Favorable Substitute

PH Date: 2/7/2023

File No.: 3

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SPONSORS OF BILL:

Human Services Committee

REASONS FOR BILL:

Conservator and probate court fees are a necessity for individuals in need of oversight for their personal affairs or finances. These fees should be disregarded from the income or assets of a Medicaid applicant in much the same way that medical expenses are disregarded from applied income. This bill would require the CT Department of Social Services to allow a qualified deduction from applied income.

SUBSTITUTE LANGUAGE:

The substitute language adds that any required deduction must be covered before a conservator fee deduction.

RESPONSE FROM ADMINISTRATION/AGENCY:

Department of Social Services (DSS), Commissioner-Designate, Andrea Barton Reeves; opposes this bill if sections are inconsistent with state and federal law and if it had a negative fiscal impact on the state budget. It is stated that adding the conservator expenses, including conservator compensation, probate court filing fee and expenses, and premiums for any probated court bonds would increase the cost of the Medicaid program in several ways.

It is stated that currently allowable monthly deductions consist of a personal needs allowance established by state law, a community spouse allowance, a community family allowance, Medicare and other health insurance premiums, costs for medical treatment approved by a physician when incurred subsequent to the effective date of eligibility, \$90 for a war veteran or spouse of a deceased war veteran and deduction of cost maintaining a home in a community when expected to return home.

NATURE AND SOURCES OF SUPPORT:

The Arc of Connecticut Inc., Director of Advocacy, Carol Scully; supports this bill stating it would disallow the Commissioner of Social Services to treat any conservator compensation, fiduciary fee, and expense that has already been deemed reasonable and approved by the Probate Court as an improper transfer of assets for the purpose of obtaining Medicaid eligibility.

Center of Disability Rights, CEO and Chief Advocate, Mark Anthony Gallucci; supports this bill stating that the conservator's fees are an allowable deduction from Applied Income that needs to be paid to the nursing homes. It is stated that many attorneys, Conservators, and advocates constantly educate the nursing facilities and, at times DSS about this allowance. It is stated that substitute language be included to provide clear intent that fees for long-term care planning and attorney's fees to seek probate court approvals and the application of Trusts.

Connecticut Legal Rights Project, Executive Director, Kathy Flaherty; supports this bill with a suggested language change in Section 1. It was suggested that deductions for conservator costs and Probate court fees and expenses be deducted only after the other currently permissible federal deductions to an individual are paid out first.

Connecticut Legal Services, Volunteer, Jean Mills Aranha; supports this bill stating that substitute language should be added to Section 1 to require the decision be made only after the other currently permissible federal deductions essential to the well-being of the individual and his or her family members were paid out first. Section 1 requires the Department of Social Services to seek federal approval to amend the state Medicaid plan to allow deductions from the income of the conserved nursing home residents,

Office of the Probate Court Administrator, Probate Court Administrator, Beverly Streit-Kefalas; supports this bill. It is stated that conservatorship serves as the state's safety net for elders with dementia and individuals with mental illness and intellectual disabilities. It is stated that this will not impact the conserved person and it will allow for more efficient financial management by the conservator. It is stated that this will address the escalating cost of the Probate Court system by making specified conservatorship expenses eligible for federal Medicaid reimbursement. It was recommended that the baseline conservator compensation. It was stated that contract conservators in Probate Courts currently receive monthly compensation of \$90.00 and suggest the baseline compensation be aligned with that rate.

Southwestern CT Agency on Aging, President, Marie Allen; supports SB-58 because a conservator and probate fees are a necessity for individuals in need of oversight for their personal affairs or finances.

NATURE AND SOURCES OF OPPOSITION:

None stated.

Reported by: Chandra Persaud & Kelly Houston Date: 3/1/2023