



General Assembly

January Session, 2023

Raised Bill No. 6616

LCO No. 3833



Referred to Committee on HUMAN SERVICES

Introduced by:
(HS)

***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 Section 17b-261 of the general statutes is repealed and the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 January 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 January 1, 2024*) (a) The Commissioner of
163 Social Services shall, within available appropriations, provide state-
164 funded medical assistance to any person twenty years of age and
165 younger, regardless of immigration status, (1) who, except for
166 immigration status, otherwise would qualify for HUSKY A, C or D, as
167 defined in section 17b-290 of the general statutes, and (2) who does not
168 otherwise qualify for the Children's Health Insurance Program, or an
169 offer of affordable, employer-sponsored insurance, as defined in the
170 Affordable Care Act, as an employee or a dependent of an employee.

171 (b) On and after June 1, 2024, the Commissioner of Social Services
172 shall, within available appropriations, provide state-funded medical
173 assistance to any person twenty-five years of age and younger,
174 regardless of immigration status, (1) who, except for immigration status,
175 otherwise would qualify for HUSKY A, C or D, as defined in section
176 17b-290 of the general statutes, and (2) who does not otherwise qualify
177 for the Children's Health Insurance Program, or an offer of affordable,
178 employer-sponsored insurance, as defined in the Affordable Care Act,
179 as an employee or a dependent of an employee.

180 Sec. 3. Subsection (a) of section 17b-292 of the general statutes is
181 repealed and the following is substituted in lieu thereof (*Effective January*

182 1, 2024):

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

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

Statement of Purpose:

To expand medical assistance to otherwise eligible persons regardless of immigration status.

[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.]