



General Assembly

Substitute Bill No. 58

January Session, 2023



**AN ACT CONCERNING CONSERVATOR COMPENSATION BY
MEDICAID APPLICANTS AND RECIPIENTS.**

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

1 Section 1. (NEW) (*Effective October 1, 2023*) (a) On or before
2 December 31, 2023, the Commissioner of Social Services shall amend
3 the Medicaid state plan provisions governing the calculation of
4 applied income, as defined in section 17b-261r of the general statutes,
5 to permit a qualified deduction pursuant to 42 USC 1396a(r)(1)(A)(ii),
6 as amended from time to time, for the following expenses related to
7 representation of a Medicaid applicant or recipient: (1) Compensation
8 of a conservator in the amount approved by the Probate Court or a
9 minimum of one hundred twenty-five dollars per month for any
10 accounting period continuing for at least a year, whichever amount is
11 higher; (2) Probate Court filing fees and expenses under subdivision
12 (7) of subsection (b) of section 45a-106a and sections 45a-108a and 45a-
13 109 of the general statutes; (3) premiums for any probate bond
14 required by the Probate Court; and (4) any other fiduciary expenses
15 approved by the Probate Court, provided such deductions are
16 permissible under federal law and are taken from applied income after
17 all other deductions provided for in the Medicaid state plan.

18 (b) The provisions of this section shall be applied to conservator
19 expenses incurred on or after October 1, 2023, or the approval date of

20 the Medicaid state plan amendment, whichever is later.

21 (c) Not later than December 31, 2024, and annually thereafter, the
22 Commissioner of Social Services shall calculate the total amount
23 deducted from the applied income of Medicaid applicants and
24 recipients under subsection (a) of this section during the preceding
25 fiscal year and inform the Probate Court Administrator, in writing, of
26 the amount deducted. Not later than thirty days after receipt of the
27 commissioner's calculation, the Probate Court Administrator shall
28 transfer funds from the Probate Court Administration Fund to the
29 Department of Social Services in an amount equal to one-half of the
30 total amount deducted during the preceding fiscal year.

31 Sec. 2. Subsection (d) of section 17b-261 of the general statutes is
32 repealed and the following is substituted in lieu thereof (*Effective July*
33 *1, 2023*):

34 (d) The transfer of an asset in exchange for other valuable
35 consideration shall be allowable to the extent the value of the other
36 valuable consideration is equal to or greater than the value of the asset
37 transferred. The Commissioner of Social Services shall not treat any
38 conservator compensation, fiduciary fee and expense approved by the
39 Probate Court that is paid by a Medicaid applicant or recipient for
40 services rendered by a conservator as an improper transfer of assets for
41 the purpose of obtaining Medicaid eligibility, provided the applicant
42 or recipient submits documentation to the commissioner
43 demonstrating the services rendered were in accordance with Probate
44 Court regulations and the compensation, fee and expense were for the
45 fair market value of the services rendered.

46 Sec. 3. Subsection (a) of section 45a-594 of the general statutes is
47 repealed and the following is substituted in lieu thereof (*Effective*
48 *October 1, 2023*):

49 (a) Compensation payable to the conservator or guardian of any
50 person who is supported wholly or in part by the state in any humane

51 institution, or who is receiving benefits under any of the state's
52 programs of public assistance, shall be based upon services rendered
53 and shall not exceed five per cent of the gross income to the estate
54 during the period covered by any account. The conservator or
55 guardian shall be entitled to compensation of not less than [fifty] one
56 hundred twenty-five dollars for any accounting period continuing for
57 at least a year. If extraordinary services are rendered by any
58 conservator or guardian, the court of probate, upon petition and
59 hearing, may authorize reasonable additional compensation. A copy of
60 the petition and notice of hearing shall be lodged in the office of the
61 Commissioner of Administrative Services in Hartford at least ten days
62 before the hearing. No commission or compensation shall be allowed
63 on any moneys or other assets received from a prior guardian or
64 conservator nor upon any amount received from liquidation of loans
65 or other investments.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	New section
Sec. 2	<i>July 1, 2023</i>	17b-261(d)
Sec. 3	<i>October 1, 2023</i>	45a-594(a)

HS *Joint Favorable Subst.*