



House of Representatives

General Assembly

File No. 285

February Session, 2024

Substitute House Bill No. 5373

House of Representatives, April 4, 2024

The Committee on Human Services reported through REP. GILCHREST of the 18th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING VARIOUS REVISIONS TO HUMAN SERVICES STATUTES.

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

1 Section 1. Section 17b-606 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 [(a) The Department of Social Services shall be the lead agency for
4 services to persons with physical or mental disabilities and shall
5 coordinate the delivery of such services by all state agencies servicing
6 persons with disabilities.

7 (b) Not later than September 30, 1988, the Commissioner of Social
8 Services shall appoint a Connecticut Council for Persons with
9 Disabilities to advise the Department of Social Services in carrying out
10 its duties pursuant to the provisions of subsection (a) of this section. The
11 council shall be composed of seventeen members, a majority of whom
12 shall be persons with disabilities. The council shall establish its own
13 rules and shall meet at least quarterly.]

14 [(c)] (a) There shall be established an interagency management
15 committee for services to persons with disabilities. The committee shall
16 be composed of the commissioners, or their designees, of each state
17 agency that provides services to persons with disabilities. The
18 committee shall monthly review and evaluate services to persons with
19 disabilities and shall develop a policy under which state agencies may
20 enter into contracts with other state agencies for the delivery of services
21 to persons with disabilities. The first meeting of the committee shall be
22 convened by the Commissioner of Social Services.

23 [(d)] (b) The Department of Social Services shall maintain on the
24 department's Internet web site information on services provided to
25 persons with disabilities. The department's Internet web site shall
26 include a link to the Internet web page maintained by the Department
27 of Aging and Disability Services pursuant to section 17a-838 containing
28 information about services for deaf, deafblind and hard of hearing
29 individuals.

30 Sec. 2. Subdivision (1) of subsection (h) of section 17b-340 of the 2024
31 supplement to the general statutes is repealed and the following is
32 substituted in lieu thereof (*Effective from passage*):

33 (h) (1) For the fiscal year ending June 30, 1993, any intermediate care
34 facility for individuals with intellectual disabilities with an operating
35 cost component of its rate in excess of one hundred forty per cent of the
36 median of operating cost components of rates in effect January 1, 1992,
37 shall not receive an operating cost component increase. For the fiscal
38 year ending June 30, 1993, any intermediate care facility for individuals
39 with intellectual disabilities with an operating cost component of its rate
40 that is less than one hundred forty per cent of the median of operating
41 cost components of rates in effect January 1, 1992, shall have an
42 allowance for real wage growth equal to thirty per cent of the increase
43 determined in accordance with subsection (q) of section 17-311-52 of the
44 regulations of Connecticut state agencies, provided such operating cost
45 component shall not exceed one hundred forty per cent of the median
46 of operating cost components in effect January 1, 1992. Any facility with

47 real property other than land placed in service prior to October 1, 1991,
48 shall, for the fiscal year ending June 30, 1995, receive a rate of return on
49 real property equal to the average of the rates of return applied to real
50 property other than land placed in service for the five years preceding
51 October 1, 1993. For the fiscal year ending June 30, 1996, and any
52 succeeding fiscal year, the rate of return on real property for property
53 items shall be revised every five years. The commissioner shall, upon
54 submission of a request, allow actual debt service, comprised of
55 principal and interest, in excess of property costs allowed pursuant to
56 section 17-311-52 of the regulations of Connecticut state agencies,
57 provided such debt service terms and amounts are reasonable in
58 relation to the useful life and the base value of the property. For the fiscal
59 year ending June 30, 1995, and any succeeding fiscal year, the inflation
60 adjustment made in accordance with subsection (p) of section 17-311-52
61 of the regulations of Connecticut state agencies shall not be applied to
62 real property costs. For the fiscal year ending June 30, 1996, and any
63 succeeding fiscal year, the allowance for real wage growth, as
64 determined in accordance with subsection (q) of section 17-311-52 of the
65 regulations of Connecticut state agencies, shall not be applied. For the
66 fiscal year ending June 30, 1996, and any succeeding fiscal year, no rate
67 shall exceed three hundred seventy-five dollars per day unless the
68 commissioner, in consultation with the Commissioner of
69 Developmental Services, determines after a review of program and
70 management costs, that a rate in excess of this amount is necessary for
71 care and treatment of facility residents. For the fiscal year ending June
72 30, 2002, rate period, the Commissioner of Social Services shall increase
73 the inflation adjustment for rates made in accordance with subsection
74 (p) of section 17-311-52 of the regulations of Connecticut state agencies
75 to update allowable fiscal year 2000 costs to include a three and one-half
76 per cent inflation factor. For the fiscal year ending June 30, 2003, rate
77 period, the commissioner shall increase the inflation adjustment for
78 rates made in accordance with subsection (p) of section 17-311-52 of the
79 regulations of Connecticut state agencies to update allowable fiscal year
80 2001 costs to include a one and one-half per cent inflation factor, except
81 that such increase shall be effective November 1, 2002, and such facility

82 rate in effect for the fiscal year ending June 30, 2002, shall be paid for
83 services provided until October 31, 2002, except any facility that would
84 have been issued a lower rate effective July 1, 2002, than for the fiscal
85 year ending June 30, 2002, due to interim rate status or agreement with
86 the department shall be issued such lower rate effective July 1, 2002, and
87 have such rate updated effective November 1, 2002, in accordance with
88 applicable statutes and regulations. For the fiscal year ending June 30,
89 2004, rates in effect for the period ending June 30, 2003, shall remain in
90 effect, except any facility that would have been issued a lower rate
91 effective July 1, 2003, than for the fiscal year ending June 30, 2003, due
92 to interim rate status or agreement with the department shall be issued
93 such lower rate effective July 1, 2003. For the fiscal year ending June 30,
94 2005, rates in effect for the period ending June 30, 2004, shall remain in
95 effect until September 30, 2004. Effective October 1, 2004, each facility
96 shall receive a rate that is five per cent greater than the rate in effect
97 September 30, 2004. Effective upon receipt of all the necessary federal
98 approvals to secure federal financial participation matching funds
99 associated with the rate increase provided in subdivision (4) of
100 subsection (f) of this section, but in no event earlier than October 1, 2005,
101 and provided the user fee imposed under section 17b-320 is required to
102 be collected, each facility shall receive a rate that is four per cent more
103 than the rate the facility received in the prior fiscal year, except any
104 facility that would have been issued a lower rate effective October 1,
105 2005, than for the fiscal year ending June 30, 2005, due to interim rate
106 status or agreement with the department, shall be issued such lower rate
107 effective October 1, 2005. Such rate increase shall remain in effect unless:
108 (A) The federal financial participation matching funds associated with
109 the rate increase are no longer available; or (B) the user fee created
110 pursuant to section 17b-320 is not in effect. For the fiscal year ending
111 June 30, 2007, rates in effect for the period ending June 30, 2006, shall
112 remain in effect until September 30, 2006, except any facility that would
113 have been issued a lower rate effective July 1, 2006, than for the fiscal
114 year ending June 30, 2006, due to interim rate status or agreement with
115 the department, shall be issued such lower rate effective July 1, 2006.
116 Effective October 1, 2006, no facility shall receive a rate that is more than

117 three per cent greater than the rate in effect for the facility on September
118 30, 2006, except any facility that would have been issued a lower rate
119 effective October 1, 2006, due to interim rate status or agreement with
120 the department, shall be issued such lower rate effective October 1, 2006.
121 For the fiscal year ending June 30, 2008, each facility shall receive a rate
122 that is two and nine-tenths per cent greater than the rate in effect for the
123 period ending June 30, 2007, except any facility that would have been
124 issued a lower rate effective July 1, 2007, than for the rate period ending
125 June 30, 2007, due to interim rate status, or agreement with the
126 department, shall be issued such lower rate effective July 1, 2007. For the
127 fiscal year ending June 30, 2009, rates in effect for the period ending June
128 30, 2008, shall remain in effect until June 30, 2009, except any facility that
129 would have been issued a lower rate for the fiscal year ending June 30,
130 2009, due to interim rate status or agreement with the department, shall
131 be issued such lower rate. For the fiscal years ending June 30, 2010, and
132 June 30, 2011, rates in effect for the period ending June 30, 2009, shall
133 remain in effect until June 30, 2011, except any facility that would have
134 been issued a lower rate for the fiscal year ending June 30, 2010, or the
135 fiscal year ending June 30, 2011, due to interim rate status or agreement
136 with the department, shall be issued such lower rate. For the fiscal year
137 ending June 30, 2012, rates in effect for the period ending June 30, 2011,
138 shall remain in effect until June 30, 2012, except any facility that would
139 have been issued a lower rate for the fiscal year ending June 30, 2012,
140 due to interim rate status or agreement with the department, shall be
141 issued such lower rate. For the fiscal years ending June 30, 2014, and
142 June 30, 2015, rates shall not exceed those in effect for the period ending
143 June 30, 2013, except the rate paid to a facility may be higher than the
144 rate paid to the facility for the period ending June 30, 2013, if a capital
145 improvement approved by the Department of Developmental Services,
146 in consultation with the Department of Social Services, for the health or
147 safety of the residents was made to the facility during the fiscal year
148 ending June 30, 2014, or June 30, 2015, to the extent such rate increases
149 are within available appropriations. Any facility that would have been
150 issued a lower rate for the fiscal year ending June 30, 2014, or the fiscal
151 year ending June 30, 2015, due to interim rate status or agreement with

152 the department, shall be issued such lower rate. For the fiscal years
153 ending June 30, 2016, and June 30, 2017, rates shall not exceed those in
154 effect for the period ending June 30, 2015, except the rate paid to a
155 facility may be higher than the rate paid to the facility for the period
156 ending June 30, 2015, if a capital improvement approved by the
157 Department of Developmental Services, in consultation with the
158 Department of Social Services, for the health or safety of the residents
159 was made to the facility during the fiscal year ending June 30, 2016, or
160 June 30, 2017, to the extent such rate increases are within available
161 appropriations. For the fiscal years ending June 30, 2016, and June 30,
162 2017, and each succeeding fiscal year, any facility that would have been
163 issued a lower rate, due to interim rate status, a change in allowable fair
164 rent or agreement with the department, shall be issued such lower rate.
165 For the fiscal years ending June 30, 2018, and June 30, 2019, rates shall
166 not exceed those in effect for the period ending June 30, 2017, except the
167 rate paid to a facility may be higher than the rate paid to the facility for
168 the period ending June 30, 2017, if a capital improvement approved by
169 the Department of Developmental Services, in consultation with the
170 Department of Social Services, for the health or safety of the residents
171 was made to the facility during the fiscal year ending June 30, 2018, or
172 June 30, 2019, only to the extent such rate increases are within available
173 appropriations. For the fiscal years ending June 30, 2020, and June 30,
174 2021, rates shall not exceed those in effect for the fiscal year ending June
175 30, 2019, except the rate paid to a facility may be higher than the rate
176 paid to the facility for the fiscal year ending June 30, 2019, if a capital
177 improvement approved by the Department of Developmental Services,
178 in consultation with the Department of Social Services, for the health or
179 safety of the residents was made to the facility during the fiscal year
180 ending June 30, 2020, or June 30, 2021, only to the extent such rate
181 increases are within available appropriations. For the fiscal year ending
182 June 30, 2022, rates shall not exceed those in effect for the fiscal year
183 ending June 30, 2021, except the commissioner may, in the
184 commissioner's discretion and within available appropriations, provide
185 pro rata fair rent increases to facilities that have documented fair rent
186 additions placed in service in the cost report year ending September 30,

187 2020, that are not otherwise included in rates issued. For the fiscal year
188 ending June 30, 2023, rates shall not exceed those in effect for the fiscal
189 year ending June 30, 2022, except the commissioner may, in the
190 commissioner's discretion and within available appropriations, provide
191 pro rata fair rent increases to facilities which have documented fair rent
192 additions placed in service in the cost report year ending September 30,
193 2021, that are not otherwise included in rates issued. For the fiscal years
194 ending June 30, 2022, and June 30, 2023, a facility may receive a rate
195 increase for a capital improvement approved by the Department of
196 Developmental Services, in consultation with the Department of Social
197 Services, for the health or safety of the residents during the fiscal year
198 ending June 30, 2022, or June 30, 2023, only to the extent such rate
199 increases are within available appropriations. There shall be no increase
200 to rates based on inflation or any inflationary factor for the fiscal years
201 ending June 30, 2022, and June 30, 2023. Notwithstanding any other
202 provisions of this chapter, any subsequent increase to allowable
203 operating costs, excluding fair rent, shall be inflated by the gross
204 domestic product deflator when funding is specifically appropriated for
205 such purposes in the enacted budget. The rate of inflation shall be
206 computed by comparing the most recent rate year to the average of the
207 gross domestic product deflator for the previous four fiscal quarters
208 ending [April thirtieth] March thirty-first. Any increase to rates based
209 on inflation shall be applied prior to the application of any other budget
210 adjustment factors that may impact such rates. For the fiscal year ending
211 June 30, 2024, the department shall determine facility rates based upon
212 2022 cost report filings subject to the provisions of this section, adjusted
213 to reflect any rate increases provided after the cost report year ending
214 June 30, 2022, and with the addition of a two per cent adjustment factor.
215 No facility shall receive a rate less than the rate in effect for the fiscal
216 year ending June 30, 2023. For the fiscal year ending June 30, 2024, the
217 minimum per diem, per bed rate shall remain at five hundred one
218 dollars for a residential facility licensed pursuant to section 17a-227 and
219 certified to participate in the Title XIX Medicaid program as an
220 intermediate care facility for individuals with intellectual disability.
221 There shall be no increase to rates based on any inflationary factor for

222 the fiscal year ending June 30, 2024. For the fiscal year ending June 30,
223 2024, and each subsequent fiscal year, the commissioner may, in the
224 commissioner's discretion and within available appropriations, provide
225 pro rata fair rent increases to facilities that have documented fair rent
226 additions placed in service in the cost report years that are not otherwise
227 included in rates issued. For the fiscal year ending June 30, 2025, the
228 department shall determine facility rates based upon 2023 cost report
229 filings subject to the provisions of this section, adjusted to reflect any
230 rate increases provided after the cost report ending June 30, 2023. A
231 facility may receive a rate that is less than the rate in effect for the fiscal
232 year ending June 30, 2024, but shall not receive a rate less than the
233 minimum per diem, per bed rate. For the fiscal year ending June 30,
234 2025, the minimum per diem, per bed rate shall remain at five hundred
235 one dollars for a residential facility licensed pursuant to section 17a-227
236 and certified to participate in the Title XIX Medicaid program as an
237 intermediate care facility for individuals with intellectual disability.
238 There shall be no increase to rates based on any inflationary factor for
239 the fiscal year ending June 30, 2025. For the fiscal year ending June 30,
240 2026, the department shall determine facility rates based upon 2024 cost
241 report filings subject to the provisions of this section, adjusted to reflect
242 any rate increases provided after the cost report ending June 30, 2024.
243 For the fiscal year ending June 30, 2026, there shall be no minimum per
244 diem, per bed rate for a residential facility licensed pursuant to section
245 17a-227 and certified to participate in the Title XIX Medicaid program
246 as an intermediate care facility for individuals with intellectual
247 disability. There shall be no increase to rates based on any inflationary
248 factor for the fiscal year ending June 30, 2026. For the fiscal years ending
249 June 30, 2024, and June 30, 2025, a facility may receive a rate increase for
250 a capital improvement approved by the Department of Developmental
251 Services, in consultation with the Department of Social Services, for the
252 health or safety of the residents during the fiscal year ending June 30,
253 2024, or June 30, 2025, only to the extent such rate increases are within
254 available appropriations. Any facility that has a significant decrease in
255 land and building costs shall receive a reduced rate to reflect such
256 decrease in land and building costs. For the fiscal years ending June 30,

257 2012, June 30, 2013, June 30, 2014, June 30, 2015, June 30, 2016, June 30,
258 2017, June 30, 2018, June 30, 2019, June 30, 2020, June 30, 2021, June 30,
259 2022, June 30, 2023, June 30, 2024, and June 30, 2025, the Commissioner
260 of Social Services may provide fair rent increases to any facility that has
261 undergone a material change in circumstances related to fair rent and
262 has an approved certificate of need pursuant to section 17b-352, 17b-353,
263 17b-354 or 17b-355. Notwithstanding the provisions of this section, the
264 Commissioner of Social Services may, within available appropriations,
265 increase or decrease rates issued to intermediate care facilities for
266 individuals with intellectual disabilities to reflect a reduction in
267 available appropriations as provided in subsection (a) of this section.
268 For the fiscal years ending June 30, 2014, and June 30, 2015, the
269 commissioner shall not consider rebasing in determining rates.
270 Notwithstanding the provisions of this subsection, effective July 1, 2021,
271 and July 1, 2022, the commissioner shall, within available
272 appropriations, increase rates for the purpose of wage and benefit
273 enhancements for employees of intermediate care facilities. Facilities
274 that receive a rate adjustment for the purpose of wage and benefit
275 enhancements but do not provide increases in employee salaries as
276 described in this subsection on or before July 31, 2021, and July 31, 2022,
277 respectively, may be subject to a rate decrease in the same amount as the
278 adjustment by the commissioner.

279 Sec. 3. Subsection (i) of section 17b-340 of the 2024 supplement to the
280 general statutes is repealed and the following is substituted in lieu
281 thereof (*Effective from passage*):

282 (i) For the fiscal year ending June 30, 1993, any residential care home
283 with an operating cost component of its rate in excess of one hundred
284 thirty per cent of the median of operating cost components of rates in
285 effect January 1, 1992, shall not receive an operating cost component
286 increase. For the fiscal year ending June 30, 1993, any residential care
287 home with an operating cost component of its rate that is less than one
288 hundred thirty per cent of the median of operating cost components of
289 rates in effect January 1, 1992, shall have an allowance for real wage
290 growth equal to sixty-five per cent of the increase determined in

291 accordance with subsection (q) of section 17-311-52 of the regulations of
292 Connecticut state agencies, provided such operating cost component
293 shall not exceed one hundred thirty per cent of the median of operating
294 cost components in effect January 1, 1992. Beginning with the fiscal year
295 ending June 30, 1993, for the purpose of determining allowable fair rent,
296 a residential care home with allowable fair rent less than the twenty-
297 fifth percentile of the state-wide allowable fair rent shall be reimbursed
298 as having allowable fair rent equal to the twenty-fifth percentile of the
299 state-wide allowable fair rent. Beginning with the fiscal year ending
300 June 30, 1997, a residential care home with allowable fair rent less than
301 three dollars and ten cents per day shall be reimbursed as having
302 allowable fair rent equal to three dollars and ten cents per day. Property
303 additions placed in service during the cost year ending September 30,
304 1996, or any succeeding cost year shall receive a fair rent allowance for
305 such additions as an addition to three dollars and ten cents per day if
306 the fair rent for the facility for property placed in service prior to
307 September 30, 1995, is less than or equal to three dollars and ten cents
308 per day. Beginning with the fiscal year ending June 30, 2016, a
309 residential care home shall be reimbursed the greater of the allowable
310 accumulated fair rent reimbursement associated with real property
311 additions and land as calculated on a per day basis or three dollars and
312 ten cents per day if the allowable reimbursement associated with real
313 property additions and land is less than three dollars and ten cents per
314 day. For the fiscal year ending June 30, 1996, and any succeeding fiscal
315 year, the allowance for real wage growth, as determined in accordance
316 with subsection (q) of section 17-311-52 of the regulations of Connecticut
317 state agencies, shall not be applied. For the fiscal year ending June 30,
318 1996, and any succeeding fiscal year, the inflation adjustment made in
319 accordance with subsection (p) of section 17-311-52 of the regulations of
320 Connecticut state agencies shall not be applied to real property costs.
321 Beginning with the fiscal year ending June 30, 1997, minimum allowable
322 patient days for rate computation purposes for a residential care home
323 with twenty-five beds or less shall be eighty-five per cent of licensed
324 capacity. Beginning with the fiscal year ending June 30, 2002, for the
325 purposes of determining the allowable salary of an administrator of a

326 residential care home with sixty beds or less the department shall revise
327 the allowable base salary to thirty-seven thousand dollars to be annually
328 inflated thereafter in accordance with section 17-311-52 of the
329 regulations of Connecticut state agencies. The rates for the fiscal year
330 ending June 30, 2002, shall be based upon the increased allowable salary
331 of an administrator, regardless of whether such amount was expended
332 in the 2000 cost report period upon which the rates are based. Beginning
333 with the fiscal year ending June 30, 2000, and until the fiscal year ending
334 June 30, 2009, inclusive, the inflation adjustment for rates made in
335 accordance with subsection (p) of section 17-311-52 of the regulations of
336 Connecticut state agencies shall be increased by two per cent, and
337 beginning with the fiscal year ending June 30, 2002, the inflation
338 adjustment for rates made in accordance with subsection (c) of said
339 section shall be increased by one per cent. Beginning with the fiscal year
340 ending June 30, 1999, for the purpose of determining the allowable
341 salary of a related party, the department shall revise the maximum
342 salary to twenty-seven thousand eight hundred fifty-six dollars to be
343 annually inflated thereafter in accordance with section 17-311-52 of the
344 regulations of Connecticut state agencies and beginning with the fiscal
345 year ending June 30, 2001, such allowable salary shall be computed on
346 an hourly basis and the maximum number of hours allowed for a related
347 party other than the proprietor shall be increased from forty hours to
348 forty-eight hours per work week. For the fiscal year ending June 30,
349 2005, each facility shall receive a rate that is two and one-quarter per
350 cent more than the rate the facility received in the prior fiscal year,
351 except any facility that would have been issued a lower rate effective
352 July 1, 2004, than for the fiscal year ending June 30, 2004, due to interim
353 rate status or agreement with the department shall be issued such lower
354 rate effective July 1, 2004. Effective upon receipt of all the necessary
355 federal approvals to secure federal financial participation matching
356 funds associated with the rate increase provided in subdivision (4) of
357 subsection (f) of this section, but in no event earlier than October 1, 2005,
358 and provided the user fee imposed under section 17b-320 is required to
359 be collected, each facility shall receive a rate that is determined in
360 accordance with applicable law and subject to appropriations, except

361 any facility that would have been issued a lower rate effective October
362 1, 2005, than for the fiscal year ending June 30, 2005, due to interim rate
363 status or agreement with the department, shall be issued such lower rate
364 effective October 1, 2005. Such rate increase shall remain in effect unless:
365 (1) The federal financial participation matching funds associated with
366 the rate increase are no longer available; or (2) the user fee created
367 pursuant to section 17b-320 is not in effect. For the fiscal year ending
368 June 30, 2007, rates in effect for the period ending June 30, 2006, shall
369 remain in effect until September 30, 2006, except any facility that would
370 have been issued a lower rate effective July 1, 2006, than for the fiscal
371 year ending June 30, 2006, due to interim rate status or agreement with
372 the department, shall be issued such lower rate effective July 1, 2006.
373 Effective October 1, 2006, no facility shall receive a rate that is more than
374 four per cent greater than the rate in effect for the facility on September
375 30, 2006, except for any facility that would have been issued a lower rate
376 effective October 1, 2006, due to interim rate status or agreement with
377 the department, shall be issued such lower rate effective October 1, 2006.
378 For the fiscal years ending June 30, 2010, and June 30, 2011, rates in effect
379 for the period ending June 30, 2009, shall remain in effect until June 30,
380 2011, except any facility that would have been issued a lower rate for
381 the fiscal year ending June 30, 2010, or the fiscal year ending June 30,
382 2011, due to interim rate status or agreement with the department, shall
383 be issued such lower rate, except (A) any facility that would have been
384 issued a lower rate for the fiscal year ending June 30, 2010, or the fiscal
385 year ending June 30, 2011, due to interim rate status or agreement with
386 the Commissioner of Social Services shall be issued such lower rate; and
387 (B) the commissioner may increase a facility's rate for reasonable costs
388 associated with such facility's compliance with the provisions of section
389 19a-495a concerning the administration of medication by unlicensed
390 personnel. For the fiscal year ending June 30, 2012, rates in effect for the
391 period ending June 30, 2011, shall remain in effect until June 30, 2012,
392 except that (i) any facility that would have been issued a lower rate for
393 the fiscal year ending June 30, 2012, due to interim rate status or
394 agreement with the Commissioner of Social Services shall be issued
395 such lower rate; and (ii) the commissioner may increase a facility's rate

396 for reasonable costs associated with such facility's compliance with the
397 provisions of section 19a-495a concerning the administration of
398 medication by unlicensed personnel. For the fiscal year ending June 30,
399 2013, the Commissioner of Social Services may, within available
400 appropriations, provide a rate increase to a residential care home. Any
401 facility that would have been issued a lower rate for the fiscal year
402 ending June 30, 2013, due to interim rate status or agreement with the
403 Commissioner of Social Services shall be issued such lower rate. For the
404 fiscal years ending June 30, 2012, and June 30, 2013, the Commissioner
405 of Social Services may provide fair rent increases to any facility that has
406 undergone a material change in circumstances related to fair rent and
407 has an approved certificate of need pursuant to section 17b-352, 17b-353,
408 17b-354 or 17b-355. For the fiscal years ending June 30, 2014, and June
409 30, 2015, for those facilities that have a calculated rate greater than the
410 rate in effect for the fiscal year ending June 30, 2013, the commissioner
411 may increase facility rates based upon available appropriations up to a
412 stop gain as determined by the commissioner. No facility shall be issued
413 a rate that is lower than the rate in effect on June 30, 2013, except that
414 any facility that would have been issued a lower rate for the fiscal year
415 ending June 30, 2014, or the fiscal year ending June 30, 2015, due to
416 interim rate status or agreement with the commissioner, shall be issued
417 such lower rate. For the fiscal year ending June 30, 2014, and each fiscal
418 year thereafter, a residential care home shall receive a rate increase for
419 any capital improvement made during the fiscal year for the health and
420 safety of residents and approved by the Department of Social Services,
421 provided such rate increase is within available appropriations. For the
422 fiscal year ending June 30, 2015, and each succeeding fiscal year
423 thereafter, costs of less than ten thousand dollars that are incurred by a
424 facility and are associated with any land, building or nonmovable
425 equipment repair or improvement that are reported in the cost year used
426 to establish the facility's rate shall not be capitalized for a period of more
427 than five years for rate-setting purposes. For the fiscal year ending June
428 30, 2015, subject to available appropriations, the commissioner may, at
429 the commissioner's discretion: Increase the inflation cost limitation
430 under subsection (c) of section 17-311-52 of the regulations of

431 Connecticut state agencies, provided such inflation allowance factor
432 does not exceed a maximum of five per cent; establish a minimum rate
433 of return applied to real property of five per cent inclusive of assets
434 placed in service during cost year 2013; waive the standard rate of return
435 under subsection (f) of section 17-311-52 of the regulations of
436 Connecticut state agencies for ownership changes or health and safety
437 improvements that exceed one hundred thousand dollars and that are
438 required under a consent order from the Department of Public Health;
439 and waive the rate of return adjustment under subsection (f) of section
440 17-311-52 of the regulations of Connecticut state agencies to avoid
441 financial hardship. For the fiscal years ending June 30, 2016, and June
442 30, 2017, rates shall not exceed those in effect for the period ending June
443 30, 2015, except the commissioner may, in the commissioner's discretion
444 and within available appropriations, provide pro rata fair rent increases
445 to facilities which have documented fair rent additions placed in service
446 in cost report years ending September 30, 2014, and September 30, 2015,
447 that are not otherwise included in rates issued. For the fiscal years
448 ending June 30, 2016, and June 30, 2017, and each succeeding fiscal year,
449 any facility that would have been issued a lower rate, due to interim rate
450 status, a change in allowable fair rent or agreement with the department,
451 shall be issued such lower rate. For the fiscal year ending June 30, 2018,
452 rates shall not exceed those in effect for the period ending June 30, 2017,
453 except the commissioner may, in the commissioner's discretion and
454 within available appropriations, provide pro rata fair rent increases to
455 facilities which have documented fair rent additions placed in service in
456 the cost report year ending September 30, 2016, that are not otherwise
457 included in rates issued. For the fiscal year ending June 30, 2019, rates
458 shall not exceed those in effect for the period ending June 30, 2018,
459 except the commissioner may, in the commissioner's discretion and
460 within available appropriations, provide pro rata fair rent increases to
461 facilities which have documented fair rent additions placed in service in
462 the cost report year ending September 30, 2017, that are not otherwise
463 included in rates issued. For the fiscal year ending June 30, 2020, rates
464 shall not exceed those in effect for the fiscal year ending June 30, 2019,
465 except the commissioner may, in the commissioner's discretion and

466 within available appropriations, provide pro rata fair rent increases to
467 facilities which have documented fair rent additions placed in service in
468 the cost report year ending September 30, 2018, that are not otherwise
469 included in rates issued. For the fiscal year ending June 30, 2021, rates
470 shall not exceed those in effect for the fiscal year ending June 30, 2020,
471 except the commissioner may, in the commissioner's discretion and
472 within available appropriations, provide pro rata fair rent increases to
473 facilities which have documented fair rent additions placed in service in
474 the cost report year ending September 30, 2019, that are not otherwise
475 included in rates issued. For the fiscal year ending June 30, 2022, the
476 commissioner may, in the commissioner's discretion and within
477 available appropriations, provide pro rata fair rent increases to facilities
478 that have documented fair rent additions placed in service in the cost
479 report year ending September 30, 2020, that are not otherwise included
480 in rates issued. For the fiscal year ending June 30, 2023, the
481 commissioner may, in the commissioner's discretion and within
482 available appropriations, provide pro rata fair rent increases to facilities
483 which have documented fair rent additions placed in service in the cost
484 report year ending September 30, 2021, that are not otherwise included
485 in rates issued. For the fiscal years ending June 30, 2022, and June 30,
486 2023, a facility may receive a rate increase for a capital improvement
487 approved by the Department of Social Services, for the health or safety
488 of the residents during the fiscal year ending June 30, 2022, or June 30,
489 2023, only to the extent such rate increases are within available
490 appropriations. For the fiscal year ending June 30, 2022, and June 30,
491 2023, rates shall be based upon rates in effect for the fiscal year ending
492 June 30, 2021, inflated by the gross domestic product deflator applicable
493 to each rate year, except the commissioner may, in the commissioner's
494 discretion and within available appropriations, provide pro rata fair
495 rent increases to facilities which have documented fair rent additions
496 placed in service in the cost report years ending September 30, 2020, and
497 September 30, 2021, that are not otherwise included in rates issued. For
498 the fiscal years ending June 30, 2024, and June 30, 2025, a facility may
499 receive a rate increase for a capital improvement approved by the
500 Department of Social Services, for the health or safety of the residents

501 during the fiscal year ending June 30, 2024, or June 30, 2025, only to the
502 extent such rate increases are within available appropriations. For the
503 fiscal year ending June 30, 2024, the department shall determine facility
504 rates based upon 2022 cost report filings subject to the provisions of this
505 section, adjusted to reflect any rate increases provided after the cost
506 report year ending September 30, 2022. There shall be no increase to
507 rates based on any inflationary factor for the fiscal year ending June 30,
508 2024. Notwithstanding any other provisions of this chapter, any
509 subsequent increase to allowable operating costs, excluding fair rent,
510 shall be inflated by the gross domestic product deflator when funding
511 is specifically appropriated for such purposes in the enacted budget.
512 The rate of inflation shall be computed by comparing the most recent
513 rate year to the average of the gross domestic product deflator for the
514 previous four fiscal quarters ending [April thirtieth] March thirty-first.
515 Any increase to rates based on inflation shall be applied prior to the
516 application of any other budget adjustment factors that may impact
517 such rates. The commissioner shall determine whether and to what
518 extent a change in ownership of a facility shall occasion the rebasing of
519 the facility's costs. There shall be no inflation adjustment during a year
520 in which a facility's rates are rebased. For the fiscal year ending June 30,
521 2024, the commissioner may, in the commissioner's discretion and
522 within available appropriations, provide pro rata fair rent increases to
523 facilities that have documented fair rent additions placed in service in
524 the cost report year ending September 30, 2022, that are not otherwise
525 included in rates issued. For the fiscal year ending June 30, 2025, the
526 commissioner may, in the commissioner's discretion and within
527 available appropriations, provide pro rata fair rent increases to facilities
528 that have documented fair rent additions placed in service in the cost
529 report year ending September 30, 2023, that are not otherwise included
530 in rates issued.

531 Sec. 4. Subdivision (11) of subsection (a) of section 17b-340d of the
532 2024 supplement to the general statutes is repealed and the following is
533 substituted in lieu thereof (*Effective from passage*):

534 (11) There shall be no increase to rates based on inflation or any

535 inflationary factor for the fiscal years ending June 30, 2022, and June 30,
536 2023, unless otherwise authorized under subdivision (1) of this
537 subsection. Notwithstanding section 17-311-52 of the regulations of
538 Connecticut state agencies, for the fiscal years ending June 30, 2024, and
539 June 30, 2025, there shall be no inflationary increases to rates beyond
540 those already factored into the model for the transition to an acuity-
541 based reimbursement system. Notwithstanding any other provisions of
542 this chapter, any subsequent increase to allowable operating costs,
543 excluding fair rent, shall be inflated by the gross domestic product
544 deflator when funding is specifically appropriated for such purposes in
545 the enacted budget. The rate of inflation shall be computed by
546 comparing the most recent rate year to the average of the gross domestic
547 product deflator for the previous four fiscal quarters ending [April
548 thirtieth] March thirty-first. Any increase to rates based on inflation
549 shall be applied prior to the application of any other budget adjustment
550 factors that may impact such rates.

551 Sec. 5. Subsection (c) of section 17a-784 of the general statutes is
552 repealed and the following is substituted in lieu thereof (*Effective from*
553 *passage*):

554 (c) The Commissioner of Aging and Disability Services shall develop
555 and maintain a program of public education and information. The
556 program shall include, but need not be limited to, education of the
557 public concerning services available from the Department of Aging and
558 Disability Services, its policies and goals, an outreach effort to discover
559 persons with disabilities, including such persons who are minorities as
560 defined in subsection (a) of section 32-9n, who may benefit from the
561 services it offers and the dissemination of printed materials to persons
562 at their initial meeting with staff of the department, including a
563 statement of such person's rights. [Each state agency providing services
564 to persons with disabilities shall furnish to each person applying for
565 such services, at the time of initial application, a written summary of all
566 state programs for persons with disabilities. Such summary shall be
567 developed by the Department of Social Services as the lead agency for
568 services to persons with disabilities pursuant to section 17b-606. The

569 Department of Social Services shall distribute sufficient copies of the
570 summary to all state agencies providing services to persons with
571 disabilities in order that such copies may be furnished in accordance
572 with this subsection.]

573 Sec. 6. Sections 17b-608 and 17b-609 of the general statutes are
574 repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	17b-606
Sec. 2	<i>from passage</i>	17b-340(h)(1)
Sec. 3	<i>from passage</i>	17b-340(i)
Sec. 4	<i>from passage</i>	17b-340d(a)(11)
Sec. 5	<i>from passage</i>	17a-784(c)
Sec. 6	<i>from passage</i>	Repealer section

HS 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: None

Municipal Impact: None

Explanation

The bill, which makes various technical and conforming changes, has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sHB 5373

AN ACT CONCERNING VARIOUS REVISIONS TO HUMAN SERVICES STATUTES.

SUMMARY

This bill eliminates obsolete statutory provisions generally designating the Department of Social Services (DSS) as the lead agency for services to people with disabilities (“lead agency”) and requiring it to (1) coordinate the delivery of these services by all state agencies and (2) appoint a council, which is currently inactive, to advise it in doing so. It similarly eliminates certain requirements related to DSS’s status as lead agency, including:

1. repealing statutes requiring the department to carry out an obsolete planning requirement and
2. removing a provision of current law requiring the department to develop a written summary of all state programs for people with disabilities and distribute copies to all state agencies providing services to people with disabilities.

In doing so, the bill also eliminates current law’s requirement that each state agency providing these services give each person that applies a copy of this summary.

Lastly, the bill makes minor changes in several statutes to correct the calendar date on which the fiscal quarter ends.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute
 Yea 22 Nay 0 (03/19/2024)