



General Assembly

February Session, 2024

***Raised Bill No. 5373***

LCO No. 2221



Referred to Committee on HUMAN SERVICES

Introduced by:  
(HS)

***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 Section 17b-606 of the general statutes is repealed and the  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31 supplement to the general statutes is repealed and the following is  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 (b) of section 17b-238 of the general statutes is  
552 repealed and the following is substituted in lieu thereof (*Effective from*  
553 *passage*):

554 (b) Any institution or agency to which payments are to be made  
555 under sections 17b-239 to 17b-246, inclusive, and sections 17b-340, as  
556 amended by this act, and 17b-343 which is aggrieved by any decision of  
557 said commissioner may, within ten days after written notice thereof  
558 from the commissioner, obtain, by written request to the commissioner,  
559 a rehearing on all items of aggrievement. On and after July 1, 1996, a  
560 rehearing shall be held by the commissioner or his designee, provided a  
561 detailed written description of all such items is filed within ninety days  
562 of written notice of the commissioner's decision. The rehearing shall be  
563 held within thirty days of the filing of the detailed written description  
564 of each specific item of aggrievement. The commissioner shall issue a  
565 final decision within sixty days of the close of evidence or the date on  
566 which final briefs are filed, whichever occurs later. Any designee of the  
567 commissioner who presides over such rehearing shall be impartial and  
568 shall not be employed within the Department of Social Services office of  
569 certificate of need and rate setting. Any such items not resolved at such

570 rehearing to the satisfaction of either such institution or agency or said  
571 commissioner [shall be submitted to binding arbitration to an  
572 arbitration board consisting of one member appointed by the institution  
573 or agency, one member appointed by the commissioner and one  
574 member appointed by the Chief Court Administrator from among the  
575 retired judges of the Superior Court, which retired judge shall be  
576 compensated for his services on such board in the same manner as a  
577 state referee is compensated for his services under section 52-434. The  
578 proceedings of the arbitration board and any decisions rendered by such  
579 board shall be conducted in accordance with the provisions of the Social  
580 Security Act, 49 Stat. 620 (1935), 42 USC 1396, as amended from time to  
581 time, and chapter 54] may be appealed in accordance with section 4-183.  
582 Such appeals shall be privileged cases to be heard by the court as soon  
583 after the return day as shall be practicable.

584       Sec. 6. Subsection (i) of section 17b-99a of the general statutes is  
585 repealed and the following is substituted in lieu thereof (*Effective from*  
586 *passage*):

587       (i) Any facility aggrieved by a final report issued pursuant to  
588 subsection (h) of this section may request a rehearing. A rehearing shall  
589 be held by the commissioner or the commissioner's designee, provided  
590 a detailed written description of all items of aggrievement in the final  
591 report is filed by the facility not later than ninety days following the date  
592 of written notice of the commissioner's decision. The rehearing shall be  
593 held not later than thirty days following the date of filing of the detailed  
594 written description of each specific item of aggrievement. The  
595 commissioner shall issue a final decision not later than sixty days  
596 following the close of evidence or the date on which final briefs are filed,  
597 whichever occurs later. Any items not resolved at such rehearing to the  
598 satisfaction of the facility or the commissioner [shall be submitted to  
599 binding arbitration by an arbitration board consisting of one member  
600 appointed by the facility, one member appointed by the commissioner  
601 and one member appointed by the Chief Court Administrator from  
602 among the retired judges of the Superior Court, which retired judge  
603 shall be compensated for his services on such board in the same manner

604 as a state referee is compensated for his services under section 52-434.  
605 The proceedings of the arbitration board and any decisions rendered by  
606 such board shall be conducted in accordance with the provisions of the  
607 Social Security Act, 42 USC 1396, as amended from time to time, and  
608 chapter 54] may be appealed in accordance with section 4-183. Such  
609 appeals shall be privileged cases to be heard by the court as soon after  
610 the return day as shall be practicable.

611 Sec. 7. Subsection (c) of section 17a-784 of the general statutes is  
612 repealed and the following is substituted in lieu thereof (*Effective from*  
613 *passage*):

614 (c) The Commissioner of Aging and Disability Services shall develop  
615 and maintain a program of public education and information. The  
616 program shall include, but need not be limited to, education of the  
617 public concerning services available from the Department of Aging and  
618 Disability Services, its policies and goals, an outreach effort to discover  
619 persons with disabilities, including such persons who are minorities as  
620 defined in subsection (a) of section 32-9n, who may benefit from the  
621 services it offers and the dissemination of printed materials to persons  
622 at their initial meeting with staff of the department, including a  
623 statement of such person's rights. [Each state agency providing services  
624 to persons with disabilities shall furnish to each person applying for  
625 such services, at the time of initial application, a written summary of all  
626 state programs for persons with disabilities. Such summary shall be  
627 developed by the Department of Social Services as the lead agency for  
628 services to persons with disabilities pursuant to section 17b-606. The  
629 Department of Social Services shall distribute sufficient copies of the  
630 summary to all state agencies providing services to persons with  
631 disabilities in order that such copies may be furnished in accordance  
632 with this subsection.]

633 Sec. 8. Sections 17b-608 and 17b-609 of the general statutes are  
634 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>	17b-238(b)
Sec. 6	<i>from passage</i>	17b-99a(i)
Sec. 7	<i>from passage</i>	17a-784(c)
Sec. 8	<i>from passage</i>	Repealer section

**Statement of Purpose:**

To repeal obsolete statutory provisions, make technical statutory changes and replace an arbitration process with the right to appeal to a Superior Court.

*[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.]*