

Office of Legislative Research  
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**SENIORS**



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## **TO THE READER**

This report provides highlights of new laws (Public Acts and Special Acts) affecting seniors enacted during the 2012 regular legislative session. At the end of each summary we indicate the Public Act (PA) or Special Act (SA) number and the date the legislation takes effect.

Not all provisions of the acts are included here. Complete summaries of all 2012 Public Acts will be available on OLR's webpage: [www.cga.ct.gov/olr/OLRPASums.asp](http://www.cga.ct.gov/olr/OLRPASums.asp).

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, the House Clerk's Office, or the General Assembly's website ([www.cga.ct.gov/](http://www.cga.ct.gov/)).

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## **ADULT CONSERVATORSHIPS**

### ***Interaction With Other States***

A new law creates rules and procedures for Connecticut probate courts to interact with courts in other states about adult conservatorships, including interstate transfers, registering out-of-state appointments, and communicating with out-of-state courts. ([PA 12-22](#), effective October 1, 2012)

### ***Appointment Of A Guardian Ad Litem***

A new law limits the circumstances under which judges or family support magistrates can appoint a guardian ad litem (GAL). Previously, court GAL appointments and functions were discretionary and varied widely from court to court.

The law applies when:

1. the court is being asked to order that an individual be given psychiatric medication or hospital treatment against his or her will;
2. a litigant, by request, has a court-approved conservator to handle his or her daily or financial affairs, or both; or
3. a mentally ill person has filed a habeas corpus writ, claiming that he or she is being held or medicated unlawfully. (In this case, the law prohibits GAL appointments.)

([PA 12-25](#), effective October 1, 2012)

## **GRANDPARENTS' VISITATION RIGHTS**

Prior law allowed grandparents and other third parties to petition the Superior Court to grant them visitation with their grandchildren in limited circumstances. A new law instead requires a petitioner to include in the request specific and good-faith allegations that (1) a parent-like relationship with the minor exists and (2) the minor will suffer real and substantial harm if the visitation is denied. (This means a degree of harm analogous to a claim that the minor is neglected or uncared-for, as defined under state child abuse statutes.) The court must hold a hearing and grant the request if it finds, by clear and convincing evidence, that these conditions have been met. The "clear and convincing evidence" standard complies with the standard stated in a recent Connecticut Supreme Court decision (*Roth v. Weston*, 259 Conn. 202 (2002)). ([HB 5440](#), effective October 1, 2012)

## **HOUSING**

### ***Elderly Rental Rebate Program***

A new law extends, from four to six months, the period for submitting applications under the rental rebate program for elderly and totally disabled people. Prior law required renters to apply from May 15<sup>th</sup> through

September 15<sup>th</sup> each year for a rebate for the previous year. The law extends the application period to April 1<sup>st</sup> through October 1<sup>st</sup>. ([PA 12-69](#), effective October 1, 2012)

### ***Security Deposits Of Seniors In Public Housing***

A new law lowers the annual interest rate that housing authorities, community housing authorities, and other corporations must pay on security deposits made by seniors and individuals with disabilities living in public housing.

Prior law required them to pay an annual rate of 5.25%. The new law instead requires them to pay at least the average savings deposit interest rate paid by insured commercial banks as published in the Federal Reserve Board Bulletin in November of the prior year (i.e., deposit index). (The deposit index for calendar year 2012 is 0.16%.) ([PA 12-24](#), effective October 1, 2012)

## **INSURANCE**

### ***Colorectal Cancer Screening***

A new law requires specified health insurance policies to cover colorectal cancer screening in accordance with the American Cancer Society's recommendations. Under prior law, they had to do so following the American College of Gastroenterology's recommendations, made in consultation with the American

Cancer Society and the American College of Radiology. ([PA 12-61](#), effective January 1, 2013)

### ***Deductibles For Colonoscopies***

A new law bars insurers from charging a deductible for procedures a physician initially undertakes as a colorectal cancer screening colonoscopy or sigmoidoscopy. Some insurers currently charge a deductible when these screening procedures discover a polyp, which is removed at the same time. ([SB 98](#), as amended by Senate Amendment "A," effective January 1, 2013)

## **LONG-TERM CARE**

### ***Aging In Place Task Force***

The legislature created a 16-member task force to study how Connecticut can encourage "aging in place." The task force must examine:

1. infrastructure and transportation improvements,
2. zoning changes to facilitate home care,
3. enhanced nutrition programs and delivery options,
4. improved fraud and abuse protections,
5. expansion of home medical care options, and
6. tax and private insurance incentives.

The task force must submit its findings to the Aging Committee by January 1, 2013. ([SB 138](#), as amended by Senate

Amendment “A,” effective upon passage)

***Bond Authorization For Nursing Home “Right-Sizing”***

The legislature made a new \$10 million state general obligation bond authorization to the Department of Economic and Community Development. The bond funds must be used for grants to nursing homes for alterations, renovations, and improvements to convert the homes to other uses. ([SB 25](#), as amended by Senate Amendment “A,” effective July 1, 2012)

***Collective Bargaining For Personal Care Attendants (PCA)***

A new law allows certain PCAs who receive payments from the state to collectively bargain with the state over reimbursement rates, benefits, payment procedures, contract grievance arbitration, training, professional development, and other requirements and opportunities. It explicitly states that the PCAs are not state employees. The legislation establishes a collective bargaining and arbitration process for the PCAs and grants them many of the same collective bargaining rights and obligations given to state employees. It also specifically prohibits certain subjects from being collectively bargained and sets conditions under which the General Assembly must affirmatively approve any contract or arbitration award. ([PA 12-33](#), effective July 1, 2012)

***Extended Moratorium On Certain Long-Term Care Beds***

The legislature extended, from June 30, 2012 until June 30, 2016, the Department of Social Services’ (DSS) moratorium on certificates of need (CON) for new nursing home beds. It also imposed a moratorium on CONs for new long-term care acute hospital beds in certain chronic disease hospitals. This moratorium took effect when the act passed and expires on June 30, 2017. ([sSB 232](#), as amended by Senate Amendment “A,” effective upon passage)

***Financial Stability Of Long-Term Care Facilities***

A new law requires a nursing home and residential care home to notify prospective and current residents if it is placed in receivership or files for bankruptcy. It also requires an assisted living facility to provide such notice if it files for bankruptcy. ([PA 12-6](#), effective October 1, 2012)

***Prescription Drug Administration In Nursing Homes***

A new law allows a nursing home’s medical director to establish a prescription drug formulary system. This system will allow the director to substitute a drug prescribed to a nursing home patient if the prescribing practitioner (1) is notified and (2) does not object or otherwise unauthorize it. For

patients receiving state medical assistance, prescription drugs must be administered in accordance with (1) DSS' preferred drug lists, (2) Medicare Part D prescription drug formularies, or (3) the patient's health insurance policy, as appropriate. ([PA 12-30](#), effective October 1, 2012)

### ***Statewide Community Choices Program***

A new law requires DSS to administer a statewide Community Choices program to help the elderly, people with disabilities, and their caregivers. It will provide a single, coordinated information, referral, and access program for people seeking long-term care support such as in-home, community-based, and institutional services. The act designates the state's Aging and Disability Resource Center as the Community Choices program. Three regions of the state (Western, South Central, and North Central) currently operate such programs. ([sSB 234](#), as amended by Senate Amendment "A," effective upon passage)

## **MEDICAID**

### ***Advanced Medicaid Payments To Nursing Homes***

By law, DSS can make Medicaid payments to nursing homes in advance of normal payment processing. A new law allows DSS to advance nursing homes that are in receivership

more than the amount the nursing homes estimate they are owed for the most recent two months of care they provided to their Medicaid-eligible residents. It also allows DSS to waive the requirement that it recover these payments within 90 days of issuing them by reducing any future amounts it reimburses the home. By law, the homes must request these payments. ([sHB 5283](#), effective upon passage)

### ***Pilot Program For Life Support Home Care***

A new law requires DSS, within available appropriations, to operate a two-year, state-funded pilot program for up to 10 ventilator-dependent Medicaid recipients who (1) live in Fairfield County and (2) receive medical care at home. Pilot participants can hire their own licensed registered nurses and respiratory therapists directly rather than going through a home health care agency as Medicaid rules generally require.

Participating providers must (1) submit to criminal history background checks and (2) certify in writing that they will not terminate a patient's care unless they provide at least two weeks notice, except in an emergency. ([sHB 5476](#), effective October 1, 2012)

## **MISCELLANEOUS**

### ***Municipal Agents For The Elderly***

By law, municipalities must appoint a municipal agent for the elderly if a local ordinance requires it. Agents assist seniors in learning about community resources and filing for benefits; they are also required to submit annual reports to state and local government officials.

A new law removes an elected state official from the list of those who can be appointed town agents, leaving as eligible a (1) member of a municipal agency for the elderly or (2) municipal resident with a demonstrated interest in the elderly or elderly programs. It makes the agents' functions discretionary and replaces their annual written reports with a requirement that they report to the town's chief elected official or executive officer and DSS on consumers' needs and problems along with recommendations for improving elderly services. ([sSB 234](#), as amended by Senate Amendment "A," effective upon passage)

### ***Silver Alert System***

By law, the Department of Emergency Services and Public Protection's Missing Child Information Clearinghouse operates a Silver Alert system to help locate missing people who are (1) seniors age 65 or older or (2) mentally impaired adults at least 18 years old. A new law allows Department of Mental

Health and Addiction Services employees certified as police officers to file missing person reports to trigger an alert. ([PA 12-48](#), effective October 1, 2012)

### ***Veterans' Access To Public Assistance Programs***

A new law directs DSS, to the extent allowed by federal law, to disregard a veteran's or surviving spouse's federal Aid and Attendance Pension (AAP) benefits when calculating income for certain means-tested assistance programs. The AAP program assists single and married veterans and surviving spouses who need regular assistance with such things as dressing, bathing, cooking, taking off prosthetics, and leaving home. The program provides monthly cash benefits of up to \$1,704 for single veterans, \$2,020 for couples, and \$1,094 for surviving spouses. ([sSB 391](#), effective July 1, 2012)

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