



General Assembly

February Session, 2020

Raised Bill No. 5403

LCO No. 2173



Referred to Committee on VETERANS' AFFAIRS

Introduced by:
(VA)

***AN ACT EXCLUDING CERTAIN VETERANS' BENEFITS WHEN
DETERMINING ELIGIBILITY FOR PUBLIC ASSISTANCE PROGRAMS.***

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

1 Section 1. Subsection (a) of section 17b-28i of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*
3 *2020*):

4 (a) To the extent permissible by federal law, the Commissioner of
5 Social Services shall disregard federal (1) Aid and Attendance pension
6 benefits granted to a veteran or the surviving spouse of such veteran,
7 and (2) disability benefits granted to a veteran when determining
8 income eligibility for the state's Medicare savings, medical assistance
9 and energy assistance programs administered under section 17b-2. As
10 used in this subsection, "veteran" means any person [(1)] (A) honorably
11 discharged from, or released under honorable conditions from active
12 service in, the armed forces, as defined in section 27-103, or [(2)] (B) with
13 a qualifying condition, as defined in said section, who has received a
14 discharge other than bad conduct or dishonorable from active service in
15 the armed forces.

16 Sec. 2. Subsection (a) of section 17b-104 of the 2020 supplement to the
17 general statutes is repealed and the following is substituted in lieu
18 thereof (*Effective July 1, 2020*):

19 (a) The Commissioner of Social Services shall administer the program
20 of state supplementation to the Supplemental Security Income Program
21 provided for by the Social Security Act and state law. The commissioner
22 may delegate any powers and authority to any deputy, assistant,
23 investigator or supervisor, who shall have, within the scope of the
24 power and authority so delegated, all of the power and authority of the
25 Commissioner of Social Services. The commissioner shall establish a
26 standard of need based on the cost of living in this state for the
27 temporary family assistance program and the state-administered
28 general assistance program. The commissioner shall make a
29 reinvestigation, at least every twelve months, of all cases receiving aid
30 from the state, except that such reinvestigation may be conducted every
31 twenty-four months for recipients of assistance to the elderly or disabled
32 with stable circumstances, and shall maintain all case records of the
33 several programs administered by the Department of Social Services so
34 that such records show, at all times, full information with respect to
35 eligibility of the applicant or recipient. In the determination of need
36 under any public assistance program, such income or earnings shall be
37 disregarded as federal law requires, and such income or earnings may
38 be disregarded as federal law permits. In determining eligibility, the
39 commissioner shall disregard from income federal (1) Aid and
40 Attendance pension benefits granted to a veteran, as defined [under] in
41 section 27-103, or the surviving spouse of such veteran, and (2) disability
42 benefits granted to a veteran. The commissioner shall encourage and
43 promulgate such incentive earning programs as are permitted by
44 federal law and regulations.

45 Sec. 3. Section 17b-191 of the general statutes is repealed and the
46 following is substituted in lieu thereof (*Effective July 1, 2020*):

47 (a) Notwithstanding the provisions of sections 17b-190, 17b-195 and
48 17b-196, as amended by this act, the Commissioner of Social Services

49 shall operate a state-administered general assistance program in
50 accordance with this section and sections 17b-131, 17b-193, 17b-194, 17b-
51 197 and 17b-198. Notwithstanding any provision of the general statutes,
52 on and after October 1, 2003, no town shall be reimbursed by the state
53 for any general assistance medical benefits incurred after September 30,
54 2003, and on and after March 1, 2004, no town shall be reimbursed by
55 the state for any general assistance cash benefits or general assistance
56 program administrative costs incurred after February 29, 2004.

57 (b) The state-administered general assistance program shall provide
58 cash assistance of (1) two hundred dollars per month for an
59 unemployable person upon determination of such person's
60 unemployability; (2) two hundred dollars per month for a transitional
61 person who is required to pay for shelter; and (3) fifty dollars per month
62 for a transitional person who is not required to pay for shelter. The
63 standard of assistance paid for individuals residing in rated boarding
64 facilities shall remain at the level in effect on August 31, 2003. No person
65 shall be eligible for cash assistance under the program if eligible for cash
66 assistance under any other state or federal cash assistance program. The
67 standards of assistance set forth in this subsection shall be subject to
68 annual increases, as described in subsection (b) of section 17b-104.

69 (c) To be eligible for cash assistance under the program, a person shall
70 (1) be (A) eighteen years of age or older; (B) a minor found by a court to
71 be emancipated pursuant to section 46b-150; or (C) under eighteen years
72 of age and the commissioner determines good cause for such person's
73 eligibility, and (2) not have assets exceeding two hundred fifty dollars
74 or, if such person is married, such person and his or her spouse shall not
75 have assets exceeding five hundred dollars.

76 (d) In determining eligibility, the commissioner shall not consider as
77 income federal (1) Aid and Attendance pension benefits granted to a
78 veteran, as defined in section 27-103, or the surviving spouse of such
79 veteran, or (2) disability benefits granted to a veteran.

80 (e) No person who is a substance abuser and refuses or fails to enter

81 available, appropriate treatment shall be eligible for cash assistance
82 under the program until such person enters treatment. No person whose
83 benefits from the temporary family assistance program have terminated
84 as a result of time-limited benefits or for failure to comply with a
85 program requirement shall be eligible for cash assistance under the
86 program.

87 [(d)] (f) Prior to or upon discontinuance of assistance, a person
88 previously determined to be a transitional person may petition the
89 commissioner to review the determination of his or her status. In such
90 review, the commissioner shall consider factors, including, but not
91 limited to: (1) Age; (2) education; (3) vocational training; (4) mental and
92 physical health; and (5) employment history and shall make a
93 determination of such person's ability to obtain gainful employment.

94 Sec. 4. Section 17b-256f of the general statutes is repealed and the
95 following is substituted in lieu thereof (*Effective July 1, 2020*):

96 The Commissioner of Social Services shall increase income disregards
97 used to determine eligibility by the Department of Social Services for the
98 federal Qualified Medicare Beneficiary, the Specified Low-Income
99 Medicare Beneficiary and the Qualifying Individual programs,
100 administered in accordance with the provisions of 42 USC 1396d(p), by
101 such amounts that shall result in persons with income that is (1) less
102 than two hundred eleven per cent of the federal poverty level qualifying
103 for the Qualified Medicare Beneficiary program, (2) at or above two
104 hundred eleven per cent of the federal poverty level but less than two
105 hundred thirty-one per cent of the federal poverty level qualifying for
106 the Specified Low-Income Medicare Beneficiary program, and (3) at or
107 above two hundred thirty-one per cent of the federal poverty level but
108 less than two hundred forty-six per cent of the federal poverty level
109 qualifying for the Qualifying Individual program. The commissioner
110 shall not apply an asset test for eligibility under the Medicare Savings
111 Program. The commissioner shall not consider as income federal (A)
112 Aid and Attendance pension benefits granted to a veteran, as defined in
113 section 27-103 or the surviving spouse of such veteran, or (B) disability

114 benefits granted to a veteran. The Commissioner of Social Services,
115 pursuant to section 17b-10, may implement policies and procedures to
116 administer the provisions of this section while in the process of adopting
117 such policies and procedures in regulation form, provided the
118 commissioner prints notice of the intent to adopt the regulations on the
119 department's Internet web site and the eRegulations System not later
120 than twenty days after the date of implementation. Such policies and
121 procedures shall be valid until the time final regulations are adopted.

122 Sec. 5. Subsection (a) of section 17b-261 of the 2020 supplement to the
123 general statutes is repealed and the following is substituted in lieu
124 thereof (*Effective July 1, 2020*):

125 (a) (1) Medical assistance shall be provided for any otherwise eligible
126 person whose income, including any available support from legally
127 liable relatives and the income of the person's spouse or dependent
128 child, is not more than one hundred forty-three per cent, pending
129 approval of a federal waiver applied for pursuant to subsection (e) of
130 this section, of the benefit amount paid to a person with no income
131 under the temporary family assistance program in the appropriate
132 region of residence and if such person is an institutionalized individual
133 as defined in Section 1917 of the Social Security Act, 42 USC 1396p(h)(3),
134 and has not made an assignment or transfer or other disposition of
135 property for less than fair market value for the purpose of establishing
136 eligibility for benefits or assistance under this section. Any such
137 disposition shall be treated in accordance with Section 1917(c) of the
138 Social Security Act, 42 USC 1396p(c). Any disposition of property made
139 on behalf of an applicant or recipient or the spouse of an applicant or
140 recipient by a guardian, conservator, person authorized to make such
141 disposition pursuant to a power of attorney or other person so
142 authorized by law shall be attributed to such applicant, recipient or
143 spouse. A disposition of property ordered by a court shall be evaluated
144 in accordance with the standards applied to any other such disposition
145 for the purpose of determining eligibility. The commissioner shall
146 establish the standards for eligibility for medical assistance at one
147 hundred forty-three per cent of the benefit amount paid to a household

148 of equal size with no income under the temporary family assistance
149 program in the appropriate region of residence. In determining
150 eligibility, the commissioner shall not consider as income federal (A)
151 Aid and Attendance pension benefits granted to a veteran, as defined in
152 section 27-103 or the surviving spouse of such veteran, or (B) disability
153 benefits granted to a veteran. Except as provided in section 17b-277 and
154 section 17b-292, the medical assistance program shall provide coverage
155 to persons under the age of nineteen with household income up to one
156 hundred ninety-six per cent of the federal poverty level without an asset
157 limit and to persons under the age of nineteen, who qualify for coverage
158 under Section 1931 of the Social Security Act, with household income
159 not exceeding one hundred ninety-six per cent of the federal poverty
160 level without an asset limit, and their parents and needy caretaker
161 relatives, who qualify for coverage under Section 1931 of the Social
162 Security Act, with household income not exceeding one hundred fifty-
163 five per cent of the federal poverty level without an asset limit. Such
164 levels shall be based on the regional differences in such benefit amount,
165 if applicable, unless such levels based on regional differences are not in
166 conformance with federal law. Any income in excess of the applicable
167 amounts shall be applied as may be required by said federal law, and
168 assistance shall be granted for the balance of the cost of authorized
169 medical assistance.

170 (2) The Commissioner of Social Services shall provide applicants for
171 assistance under this section, at the time of application, with a written
172 statement advising them of [(1)] (A) the effect of an assignment or
173 transfer or other disposition of property on eligibility for benefits or
174 assistance, [(2)] (B) the effect that having income that exceeds the limits
175 prescribed in this subsection will have with respect to program
176 eligibility, and [(3)] (C) the availability of, and eligibility for, services
177 provided by the Nurturing Families Network established pursuant to
178 section 17b-751b. For coverage dates on or after January 1, 2014, the
179 department shall use the modified adjusted gross income financial
180 eligibility rules set forth in Section 1902(e)(14) of the Social Security Act
181 and the implementing regulations to determine eligibility for HUSKY

182 A, HUSKY B and HUSKY D applicants, as defined in section 17b-290.
183 Persons who are determined ineligible for assistance pursuant to this
184 section shall be provided a written statement notifying such persons of
185 their ineligibility and advising such persons of their potential eligibility
186 for one of the other insurance affordability programs as defined in 42
187 CFR 435.4.

188 Sec. 6. Subsection (l) of section 17b-342 of the general statutes is
189 repealed and the following is substituted in lieu thereof (*Effective July 1,*
190 *2020*):

191 (l) In determining eligibility for the program described in this section,
192 the commissioner shall not consider as income federal (1) Aid and
193 Attendance pension benefits granted to a veteran, as defined in section
194 27-103 or the surviving spouse of such veteran, or (2) disability benefits
195 granted to a veteran.

196 Sec. 7. Subsection (a) of section 17b-801 of the general statutes is
197 repealed and the following is substituted in lieu thereof (*Effective July 1,*
198 *2020*):

199 (a) The Commissioner of Social Services shall administer a state-
200 appropriated fuel assistance program to provide, within available
201 appropriations, fuel assistance to elderly and disabled persons whose
202 household gross income is above the income eligibility guidelines for
203 the Connecticut energy assistance program but does not exceed two
204 hundred per cent of federal poverty guidelines. The income eligibility
205 guidelines for the state-appropriated fuel assistance program shall be
206 determined, annually, by the Commissioner of Social Services, in
207 conjunction with the Secretary of the Office of Policy and Management.
208 In determining eligibility, the commissioner shall not consider as
209 income federal (1) Aid and Attendance pension benefits granted to a
210 veteran, as defined [under] in section 27-103 or the surviving spouse of
211 such veteran, or (2) disability benefits granted to a veteran. The
212 commissioner may adopt regulations, in accordance with the provisions
213 of chapter 54, to implement the provisions of this subsection.

214 Sec. 8. Section 17b-196 of the general statutes is repealed and the
 215 following is substituted in lieu thereof (*Effective July 1, 2020*):

216 Notwithstanding the provisions of [subsection (c)] subsections (c) to
 217 (f), inclusive, of section 17b-191, as amended by this act, a person (1) at
 218 least eighteen years of age and under twenty-one years of age, (2) living
 219 with his or her family that is receiving benefits under the temporary
 220 family assistance program, and (3) who would be an eligible dependent
 221 in such program if under the age of eighteen shall be eligible for state-
 222 administered general assistance in the amount of assistance such person
 223 would be eligible for as a dependent in such family under the temporary
 224 family assistance program.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2020</i>	17b-28i(a)
Sec. 2	<i>July 1, 2020</i>	17b-104(a)
Sec. 3	<i>July 1, 2020</i>	17b-191
Sec. 4	<i>July 1, 2020</i>	17b-256f
Sec. 5	<i>July 1, 2020</i>	17b-261(a)
Sec. 6	<i>July 1, 2020</i>	17b-342(l)
Sec. 7	<i>July 1, 2020</i>	17b-801(a)
Sec. 8	<i>July 1, 2020</i>	17b-196

Statement of Purpose:

To exclude certain veterans' benefits from income when determining eligibility for public assistance programs.

[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.]