



General Assembly

January Session, 2023

Substitute Bill No. 6630



AN ACT INCREASING HUSKY C ASSET AND INCOME LIMITS.

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

1 Section 1. (NEW) (*Effective July 1, 2023*) (a) The Commissioner of
2 Social Services shall increase the asset limits used to determine
3 eligibility for HUSKY C, as defined in section 17b-290 of the general
4 statutes, from (1) one thousand six hundred dollars to ten thousand
5 dollars for an unmarried person, and (2) two thousand four hundred
6 dollars to fifteen thousand dollars for married persons.

7 (b) The Commissioner of Social Services shall allow any person,
8 whose income exceeds the income limits for HUSKY C but who
9 otherwise qualifies, to qualify for the program by spending down such
10 person's excess income over the HUSKY C income limits on incurred
11 medical bills in accordance with 42 CFR 435.831.

12 Sec. 2. Section 17b-261 of the general statutes is repealed and the
13 following is substituted in lieu thereof (*Effective July 1, 2023*):

14 (a) Medical assistance shall be provided for any otherwise eligible
15 person (1) whose income, including any available support from legally
16 liable relatives and the income of the person's spouse or dependent
17 child, is not more than [one hundred forty-three per cent, pending
18 approval of a federal waiver applied for pursuant to subsection (e) of
19 this section, of the benefit amount paid to a person with no income
20 under the temporary family assistance program] one hundred thirty-

21 eight per cent of the federal poverty level, and (2) if such person is an
22 institutionalized individual as defined in Section 1917 of the Social
23 Security Act, 42 USC 1396p(h)(3), and such person has not made an
24 assignment or transfer or other disposition of property for less than fair
25 market value for the purpose of establishing eligibility for benefits or
26 assistance under this section. Any such disposition shall be treated in
27 accordance with Section 1917(c) of the Social Security Act, 42 USC
28 1396p(c). Any disposition of property made on behalf of an applicant or
29 recipient or the spouse of an applicant or recipient by a guardian,
30 conservator, person authorized to make such disposition pursuant to a
31 power of attorney or other person so authorized by law shall be
32 attributed to such applicant, recipient or spouse. A disposition of
33 property ordered by a court shall be evaluated in accordance with the
34 standards applied to any other such disposition for the purpose of
35 determining eligibility. [The commissioner shall establish the standards
36 for eligibility for medical assistance at one hundred forty-three per cent
37 of the benefit amount paid to a household of equal size with no income
38 under the temporary family assistance program.] In determining
39 eligibility, the commissioner shall not consider as income Aid and
40 Attendance pension benefits granted to a veteran, as defined in section
41 27-103, or the surviving spouse of such veteran. Except as provided in
42 section 17b-277 and section 17b-292, the medical assistance program
43 shall provide coverage to persons under the age of nineteen with
44 household income up to one hundred ninety-six per cent of the federal
45 poverty level without an asset limit and to persons under the age of
46 nineteen, who qualify for coverage under Section 1931 of the Social
47 Security Act, with household income not exceeding one hundred
48 ninety-six per cent of the federal poverty level without an asset limit,
49 and their parents and needy caretaker relatives, who qualify for
50 coverage under Section 1931 of the Social Security Act, with household
51 income not exceeding one hundred fifty-five per cent of the federal
52 poverty level without an asset limit. Such levels shall be based on the
53 regional differences in such benefit amount, if applicable, unless such
54 levels based on regional differences are not in conformance with federal
55 law. Any income in excess of the applicable amounts shall be applied as

56 may be required by said federal law, and assistance shall be granted for
57 the balance of the cost of authorized medical assistance. The
58 Commissioner of Social Services shall provide applicants for assistance
59 under this section, at the time of application, with a written statement
60 advising them of (A) the effect of an assignment or transfer or other
61 disposition of property on eligibility for benefits or assistance, (B) the
62 effect that having income that exceeds the limits prescribed in this
63 subsection will have with respect to program eligibility, and (C) the
64 availability of, and eligibility for, services provided by the Connecticut
65 Home Visiting System, established pursuant to section 17b-751b. For
66 coverage dates on or after January 1, 2014, the department shall use the
67 modified adjusted gross income financial eligibility rules set forth in
68 Section 1902(e)(14) of the Social Security Act and the implementing
69 regulations to determine eligibility for HUSKY A, HUSKY B and
70 HUSKY D applicants, as defined in section 17b-290. Persons who are
71 determined ineligible for assistance pursuant to this section shall be
72 provided a written statement notifying such persons of their ineligibility
73 and advising such persons of their potential eligibility for one of the
74 other insurance affordability programs as defined in 42 CFR 435.4.

75 (b) For the purposes of the Medicaid program, the Commissioner of
76 Social Services shall consider parental income and resources as available
77 to a child under eighteen years of age who is living with his or her
78 parents and is blind or disabled for purposes of the Medicaid program,
79 or to any other child under twenty-one years of age who is living with
80 his or her parents.

81 (c) For the purposes of determining eligibility for the Medicaid
82 program, an available asset is one that is actually available to the
83 applicant or one that the applicant has the legal right, authority or
84 power to obtain or to have applied for the applicant's general or medical
85 support. If the terms of a trust provide for the support of an applicant,
86 the refusal of a trustee to make a distribution from the trust does not
87 render the trust an unavailable asset. Notwithstanding the provisions of
88 this subsection, the availability of funds in a trust or similar instrument
89 funded in whole or in part by the applicant or the applicant's spouse

90 shall be determined pursuant to the Omnibus Budget Reconciliation Act
91 of 1993, 42 USC 1396p. The provisions of this subsection shall not apply
92 to a special needs trust, as defined in 42 USC 1396p(d)(4)(A), as
93 amended from time to time. For purposes of determining whether a
94 beneficiary under a special needs trust, who has not received a disability
95 determination from the Social Security Administration, is disabled, as
96 defined in 42 USC 1382c(a)(3), the Commissioner of Social Services, or
97 the commissioner's designee, shall independently make such
98 determination. The commissioner shall not require such beneficiary to
99 apply for Social Security disability benefits or obtain a disability
100 determination from the Social Security Administration for purposes of
101 determining whether the beneficiary is disabled.

102 (d) The transfer of an asset in exchange for other valuable
103 consideration shall be allowable to the extent the value of the other
104 valuable consideration is equal to or greater than the value of the asset
105 transferred.

106 (e) The Commissioner of Social Services [shall seek a waiver from
107 federal law to permit federal financial participation for Medicaid
108 expenditures for families with incomes of one hundred forty-three per
109 cent of the temporary family assistance program payment standard]
110 may seek federal approval for a Medicaid waiver or a Medicaid state
111 plan amendment to implement the provisions of this section.

112 (f) To the extent [permitted by] permissible under federal law,
113 Medicaid eligibility shall be extended for one year to a family that
114 becomes ineligible for medical assistance under Section 1931 of the
115 Social Security Act due to income from employment by one of its
116 members who is a caretaker relative or due to receipt of child support
117 income. A family receiving extended benefits on July 1, 2005, shall
118 receive the balance of such extended benefits, provided no such family
119 shall receive more than twelve additional months of such benefits.

120 (g) An institutionalized spouse applying for Medicaid and having a
121 spouse living in the community shall be required, to the maximum

122 extent permitted by law, to divert income to such community spouse in
123 order to raise the community spouse's income to the level of the
124 minimum monthly needs allowance, as described in Section 1924 of the
125 Social Security Act. Such diversion of income shall occur before the
126 community spouse is allowed to retain assets in excess of the
127 community spouse protected amount described in Section 1924 of the
128 Social Security Act. The Commissioner of Social Services, pursuant to
129 section 17b-10, may implement the provisions of this subsection while
130 in the process of adopting regulations, provided the commissioner
131 prints notice of intent to adopt the regulations in the Connecticut Law
132 Journal within twenty days of adopting such policy. Such policy shall
133 be valid until the time final regulations are effective.

134 (h) To the extent permissible under federal law, an institutionalized
135 individual, as defined in Section 1917 of the Social Security Act, 42 USC
136 1396p(h)(3), shall not be determined ineligible for Medicaid solely on
137 the basis of the cash value of a life insurance policy worth less than ten
138 thousand dollars provided the individual is pursuing the surrender of
139 the policy.

140 (i) Medical assistance shall be provided, in accordance with the
141 provisions of subsection (e) of section 17a-6, to any child under the
142 supervision of the Commissioner of Children and Families who is not
143 receiving Medicaid benefits, has not yet qualified for Medicaid benefits
144 or is otherwise ineligible for such benefits. Medical assistance shall also
145 be provided to any child in the behavioral services program operated
146 by the Department of Developmental Services who is not receiving
147 Medicaid benefits, has not yet qualified for Medicaid benefits or is
148 otherwise ineligible for benefits. To the extent practicable, the
149 Commissioner of Children and Families and the Commissioner of
150 Developmental Services shall apply for, or assist such child in qualifying
151 for, the Medicaid program.

152 (j) The Commissioner of Social Services shall provide Early and
153 Periodic Screening, Diagnostic and Treatment program services, as
154 required and defined as of December 31, 2005, by 42 USC 1396a(a)(43),

155 42 USC 1396d(r) and 42 USC 1396d(a)(4)(B) and applicable federal
156 regulations, to all persons who are under the age of twenty-one and
157 otherwise eligible for medical assistance under this section.

158 (k) A veteran, as defined in section 27-103, and any member of his or
159 her family, who applies for or receives assistance under the Medicaid
160 program, shall apply for all benefits for which he or she may be eligible
161 through the United States Department of Veterans Affairs or the United
162 States Department of Defense.

163 (l) On and after January 1, 2023, the Commissioner of Social Services
164 shall, within available appropriations, provide state-funded medical
165 assistance to any child twelve years of age and younger, regardless of
166 immigration status, (1) whose household income does not exceed two
167 hundred one per cent of the federal poverty level without an asset limit,
168 and (2) who does not otherwise qualify for (A) Medicaid, (B) the
169 Children's Health Insurance Program, or (C) an offer of affordable,
170 employer-sponsored insurance, as defined in the Affordable Care Act,
171 as an employee or a dependent of an employee. A child eligible for such
172 assistance under this subsection shall continue to receive such assistance
173 until such child is nineteen years of age, provided the child continues to
174 meet the eligibility requirements prescribed in subdivisions (1) and (2)
175 of this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2023	New section
Sec. 2	July 1, 2023	17b-261

Statement of Legislative Commissioners:
In Section 2(a)(2), "[and] such person" was changed to "and such person" for clarity.

HS *Joint Favorable Subst.-LCO C/R* APP