



General Assembly

January Session, 2023

Committee Bill No. 58

LCO No. 3466



Referred to Committee on HUMAN SERVICES

Introduced by:
(HS)

***AN ACT CONCERNING CONSERVATOR COMPENSATION BY
MEDICAID APPLICANTS AND RECIPIENTS.***

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

1 Section 1. (NEW) (*Effective October 1, 2023*) (a) On or before December
2 31, 2023, the Commissioner of Social Services shall amend the Medicaid
3 state plan provisions governing the calculation of applied income, as
4 defined in section 17b-261r of the general statutes, to permit a qualified
5 deduction pursuant to 42 USC 1396a(r)(1)(A)(ii), as amended from time
6 to time, for the following expenses related to representation of a
7 Medicaid applicant or recipient: (1) Compensation of a conservator in
8 the amount approved by the Probate Court or a minimum of one
9 hundred twenty-five dollars per month for any accounting period
10 continuing for at least a year, whichever amount is higher; (2) Probate
11 Court filing fees and expenses under subdivision (7) of subsection (b) of
12 section 45a-106a and sections 45a-108a and 45a-109 of the general
13 statutes; (3) premiums for any probate bond required by the Probate
14 Court; and (4) any other fiduciary expenses approved by the Probate
15 Court, provided such deductions are permissible under federal law.

16 (b) The provisions of this section shall be applied to conservator
17 expenses incurred on or after October 1, 2023, or the approval date of

18 the Medicaid state plan amendment, whichever is later.

19 (c) Not later than December 31, 2024, and annually thereafter, the
20 Commissioner of Social Services shall calculate the total amount
21 deducted from the applied income of Medicaid applicants and
22 recipients under subsection (a) of this section during the preceding fiscal
23 year and inform the Probate Court Administrator, in writing, of the
24 amount deducted. Not later than thirty days after receipt of the
25 commissioner's calculation, the Probate Court Administrator shall
26 transfer funds from the Probate Court Administration Fund to the
27 Department of Social Services in an amount equal to one-half of the total
28 amount deducted during the preceding fiscal year.

29 Sec. 2. Subsection (d) of section 17b-261 of the general statutes is
30 repealed and the following is substituted in lieu thereof (*Effective July 1,*
31 *2023*):

32 (d) The transfer of an asset in exchange for other valuable
33 consideration shall be allowable to the extent the value of the other
34 valuable consideration is equal to or greater than the value of the asset
35 transferred. The Commissioner of Social Services shall not treat any
36 conservator compensation, fiduciary fee and expense approved by the
37 Probate Court that is paid by a Medicaid applicant or recipient for
38 services rendered by a conservator as an improper transfer of assets for
39 the purpose of obtaining Medicaid eligibility, provided the applicant or
40 recipient submits documentation to the commissioner demonstrating
41 the services rendered were in accordance with Probate Court
42 regulations and the compensation, fee and expense were for the fair
43 market value of the services rendered.

44 Sec. 3. Subsection (a) of section 45a-594 of the general statutes is
45 repealed and the following is substituted in lieu thereof (*Effective October*
46 *1, 2023*):

47 (a) Compensation payable to the conservator or guardian of any
48 person who is supported wholly or in part by the state in any humane

49 institution, or who is receiving benefits under any of the state's
50 programs of public assistance, shall be based upon services rendered
51 and shall not exceed five per cent of the gross income to the estate
52 during the period covered by any account. The conservator or guardian
53 shall be entitled to compensation of not less than [fifty] one hundred
54 twenty-five dollars for any accounting period continuing for at least a
55 year. If extraordinary services are rendered by any conservator or
56 guardian, the court of probate, upon petition and hearing, may
57 authorize reasonable additional compensation. A copy of the petition
58 and notice of hearing shall be lodged in the office of the Commissioner
59 of Administrative Services in Hartford at least ten days before the
60 hearing. No commission or compensation shall be allowed on any
61 moneys or other assets received from a prior guardian or conservator
62 nor upon any amount received from liquidation of loans or other
63 investments.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	New section
Sec. 2	<i>July 1, 2023</i>	17b-261(d)
Sec. 3	<i>October 1, 2023</i>	45a-594(a)

Statement of Purpose:

To authorize a qualified deduction for conservator compensation from the income a Medicaid applicant or recipient must apply to the cost of care and not treat Probate Court-approved payments made by a Medicaid applicant or recipient to a conservator as an improper transfer of assets.

[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.]

Co-Sponsors: SEN. KELLY, 21st Dist.

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