



General Assembly

Substitute Bill No. 264

February Session, 2022



AN ACT CONCERNING A QUALIFIED DEDUCTION FROM MEDICAID APPLIED INCOME FOR CONSERVATOR COSTS.

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

1 Section 1. (NEW) (*Effective from passage*) (a) On or before December
2 31, 2022, 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 ninety
9 dollars a month, whichever amount is higher; (2) Probate Court filing
10 fees and expenses under subdivision (7) of subsection (b) of section 45a-
11 106a and sections 45a-108a and 45a-109 of the general statutes; (3)
12 premiums for any probate bond required by the Probate Court; and (4)
13 any other fiduciary expenses approved by the Probate Court, provided
14 such deductions are permissible under federal law.

15 (b) The provisions of this section shall be applied to conservator
16 expenses incurred on or after October 1, 2022, or the approval date of
17 the Medicaid state plan amendment, whichever is later.

18 (c) On or before December 31, 2023, and annually thereafter, the
19 Commissioner of Social Services shall calculate the total amount
20 deducted from the applied income of Medicaid applicants and
21 recipients under subsection (a) of this section during the preceding fiscal
22 year and inform the Probate Court Administrator, in writing, of the
23 amount. Not later than thirty days after receipt of the commissioner's
24 calculation, the Probate Court Administrator shall transfer funds from
25 the Probate Court Administration Fund to the Department of Social
26 Services equal to one-half of such amount for that year.

27 Sec. 2. Subsection (d) of section 17b-261 of the 2022 supplement to the
28 general statutes is repealed and the following is substituted in lieu
29 thereof (*Effective from passage*):

30 (d) The transfer of an asset in exchange for other valuable
31 consideration shall be allowable to the extent the value of the other
32 valuable consideration is equal to or greater than the value of the asset
33 transferred. The Commissioner of Social Services shall not treat any
34 conservator compensation, fiduciary fee or expense approved by the
35 Probate Court that is paid by a Medicaid applicant or recipient for
36 services rendered by a conservator as an improper transfer of assets for
37 the purpose of obtaining Medicaid eligibility, provided such applicant
38 or recipient provides documentation of (1) fiduciary fee or expense
39 payment, and (2) services rendered by such conservator in accordance
40 with Probate Court regulations.

41 Sec. 3. Subsection (a) of section 45a-594 of the general statutes is
42 repealed and the following is substituted in lieu thereof (*Effective from*
43 *passage*):

44 (a) Compensation payable to the conservator or guardian of any
45 person who is supported wholly or in part by the state in any humane
46 institution, or who is receiving benefits under any of the state's
47 programs of public assistance, shall be based upon services rendered
48 and shall not exceed five per cent of the gross income to the estate
49 during the period covered by any account. The conservator or guardian

50 shall be entitled to compensation of not less than [fifty] ninety dollars
51 for any accounting period continuing for at least a year. If extraordinary
52 services are rendered by any conservator or guardian, the court of
53 probate, upon petition and hearing, may authorize reasonable
54 additional compensation. A copy of the petition and notice of hearing
55 shall be lodged in the office of the Commissioner of Administrative
56 Services in Hartford at least ten days before the hearing. No commission
57 or compensation shall be allowed on any moneys or other assets
58 received from a prior guardian or conservator nor upon any amount
59 received from liquidation of loans or other investments.

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

Statement of Legislative Commissioners:

In Section 2(d), "Probate Court-approved conservator or fiduciary fee" was changed to "conservator compensation, fiduciary fee or expense approved by the Probate Court that is", "services rendered" was changed to "services rendered by a conservator" and "fiduciary fee payment" was changed to "fiduciary fee or expense payment" for consistency.

AGE *Joint Favorable Subst.*