



General Assembly

Amendment

January Session, 2025

LCO No. 7796



Offered by:
SEN. LESSER, 9th Dist.

To: Senate Bill No. **1481**

File No. 444

Cal. No. 267

"AN ACT PROHIBITING DISCRIMINATION IN SERVICES FUNDED UNDER MEDICAID."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 46a-86 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2025*):

5 (a) If, upon all the evidence presented at the hearing conducted
6 pursuant to section 46a-84, the presiding officer finds that a respondent
7 has engaged in any discriminatory practice, the presiding officer shall
8 make written findings of fact and file with the commission and serve on
9 the complainant and respondent an order requiring the respondent to
10 cease and desist from the discriminatory practice and to take such
11 affirmative action as is necessary to achieve the purpose of this chapter.

12 (b) In addition to any other action taken under this section, upon a
13 finding of a discriminatory employment practice, the presiding officer
14 shall (1) issue an order to eliminate the discriminatory employment

15 practice complained of and to make the complainant whole, including
16 restoration to membership in any respondent labor organization, and
17 (2) may (A) determine the amount of damages suffered by the
18 complainant, including the actual costs incurred by the complainant as
19 a result of the discriminatory employment practice, and (B) allow
20 reasonable attorney's fees and costs. The amount of attorney's fees
21 allowed shall not be contingent upon the amount of damages requested
22 by or awarded to the complainant. Liability for back pay shall not accrue
23 from a date more than two years prior to the filing or issuance of the
24 complaint. Interim earnings, including unemployment compensation
25 and welfare assistance or amounts which could have been earned with
26 reasonable diligence on the part of the person to whom back pay is
27 awarded shall be deducted from the amount of back pay to which such
28 person is otherwise entitled. The amount of any deduction for interim
29 unemployment compensation or welfare assistance shall be paid by the
30 respondent to the commission which shall transfer such amount to the
31 appropriate state or local agency. Not later than October 1, 2020, and
32 annually thereafter, the executive director of the commission shall
33 report, in accordance with the provisions of section 11-4a, to the joint
34 standing committee of the General Assembly having cognizance of
35 matters relating to the judiciary on the commission's award of
36 reasonable attorney's fees and costs under this section. Such report shall
37 include, but not be limited to: (i) The awards of reasonable attorney's
38 fees and a comparison of such awards to awards of damages; (ii) the
39 category of complaint for which damages and attorney's fees are
40 awarded; (iii) the commission's methodology for calculating awards of
41 reasonable attorney's fees and costs, if such methodology may be
42 ascertained; (iv) data on the number of employees employed by
43 respondents who were subject to awards of reasonable attorney's fees
44 and costs; and (v) the percentage of complainants and respondents
45 represented by counsel in matters in which awards of reasonable
46 attorney's fees and costs are made.

47 (c) In addition to any other action taken under this section, upon a
48 finding of a discriminatory practice prohibited by section 46a-58, 46a-

49 59, 46a-64, 46a-64c, 46a-81b, 46a-81d or 46a-81e, the presiding officer
50 shall determine the damage suffered by the complainant, which damage
51 shall include, but not be limited to, the expense incurred by the
52 complainant for obtaining alternate housing or space, storage of goods
53 and effects, moving costs and other costs actually incurred by the
54 complainant as a result of such discriminatory practice and shall allow
55 reasonable attorney's fees and costs. The amount of attorney's fees
56 allowed shall not be contingent upon the amount of damages requested
57 by or awarded to the complainant.

58 (d) In addition to any other action taken under this section, upon a
59 finding of a discriminatory practice prohibited by section 46a-66 or 46a-
60 81f, the presiding officer shall file with the commission and serve on the
61 respondent an order requiring the respondent to pay the complainant
62 the damages resulting from the discriminatory practice.

63 (e) In addition to any other action taken under this section, upon a
64 finding of noncompliance with antidiscrimination statutes or contract
65 provisions required under section 4a-60 or 4a-60a or the provisions of
66 sections 46a-68c to 46a-68f, inclusive, the presiding officer shall file with
67 the commission and serve on the respondent an order with respect to
68 any remedial action imposed pursuant to subsection (c) or (d) of section
69 46a-56.

70 (f) If, upon all the evidence and after a complete hearing, the
71 presiding officer finds that the respondent has engaged in a
72 discriminatory practice in violation of section 46a-64 in the provision of
73 health care to a person whose rights are protected under this chapter
74 and who is enrolled in Medicaid, the presiding officer shall promptly
75 provide notice of such finding in writing to the Commissioner of Social
76 Services.

77 ~~[(f)]~~ (g) If, upon all the evidence and after a complete hearing, the
78 presiding officer finds that the respondent has not engaged in any
79 alleged discriminatory practice, the presiding officer shall make written
80 findings of fact and shall file with the commission and serve on the

81 complainant and respondent an order dismissing the complaint.

82 [(g)] (h) Any payment received by a complainant under this chapter
83 or under any equivalent federal antidiscrimination law, either as a
84 settlement of a claim or as an award made in a judicial or administrative
85 proceeding, shall not be considered as income, resources or assets for
86 the purpose of determining the eligibility of or amount of assistance to
87 be received by such person in the month of receipt or the three months
88 following receipt under the state supplement program, Medicaid or any
89 other medical assistance program, temporary family assistance
90 program, state-administered general assistance program, or the
91 temporary assistance for needy families program. After such time
92 period, any remaining funds shall be subject to state and federal laws
93 governing such programs.

94 Sec. 2. (NEW) (*Effective July 1, 2026*) The Commissioner of Social
95 Services, upon receipt of notice pursuant to section 46a-86 of the general
96 statutes, as amended by this act, may withhold or recoup Medicaid
97 payments from any health care provider found to have engaged in
98 discrimination in the provision of health care to any person enrolled in
99 Medicaid whose rights are protected pursuant to chapter 814c of the
100 general statutes. In determining the amount to be withheld or recouped,
101 the commissioner shall consider whether the provider continued to
102 discriminate in the provision of health care after any complaint filed
103 pursuant to chapter 814c of the general statutes, the number of such
104 complaints filed against such provider and any damages paid by such
105 provider pursuant to section 46a-86 of the general statutes, as amended
106 by this act."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2025</i>	46a-86
Sec. 2	<i>July 1, 2026</i>	New section