

General Assembly

January Session, 2025

Amendment

LCO No. 7244



Offered by: SEN. SAMPSON, 16<sup>th</sup> Dist.

To: Subst. Senate Bill No. 985

File No. 165

Cal. No. 129

(As Amended)

## "AN ACT CONCERNING LEGISLATIVE APPROVAL FOR CHANGES TO THE HUSKY HEALTH PROGRAM REIMBURSEMENT AND CARE DELIVERY MODEL."

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

3 "Section 1. (NEW) (Effective July 1, 2025) (a) The Commissioner of Social Services shall submit any proposal to change the fee-for-service 4 5 Medicaid payment model to a managed care payment model to the joint 6 standing committees of the General Assembly having cognizance of 7 matters relating to human services and appropriations and the budgets 8 of state agencies for approval, denial or modifications of such proposal 9 and the committees shall submit their recommendations for the 10 approval, denial or modifications of such proposal for the advice and 11 consent of the General Assembly. Not later than thirty days after the 12 date of receipt of such proposal, such joint standing committees shall 13 hold a public hearing on the proposal. At the conclusion of such hearing,

14 such joint standing committees shall advise the commissioner of their 15 approval, denial or modifications, if any, of the commissioner's proposal 16 and transmit such recommendations for the approval, denial or 17 modifications of such proposal for the advice and consent of the General 18 Assembly. Unless the General Assembly approves such proposal, the 19 commissioner shall not implement the proposal or seek any necessary 20 federal approval to implement the proposal. If the General Assembly 21 approves such proposal with modifications, the commissioner shall 22 only submit such proposal as modified by the General Assembly.

23 (b) If such joint standing committees do not concur, the committee 24 chairpersons shall appoint a committee of conference, which shall be 25 composed of three members from each joint standing committee. At 26 least one member appointed from each joint standing committee shall 27 be a member of the minority party. The report of the committee of 28 conference shall be made to each joint standing committee, which shall 29 vote to accept or reject the report. The report of the committee of 30 conference may not be amended. If one joint standing committee rejects 31 the report of the committee of conference, the proposal shall be deemed 32 denied and transmitted for the advice and consent of the General 33 Assembly of such denial. If such joint standing committees accept the 34 report, the committee having cognizance of matters relating to 35 appropriations and the budgets of state agencies shall advise the 36 commissioner of their approval, with any modifications, of the 37 commissioner's proposal and transmit such recommendation for the 38 advice and consent of the General Assembly. If such joint standing 39 committees do not so advise the commissioner during the thirty-day 40 period, the proposal shall be transmitted for the advice and consent of 41 the General Assembly at the conclusion of the thirty-day period.

(c) Any application for a federal waiver, waiver renewal or proposed
Medicaid state plan amendment submitted to the federal government
by the commissioner to implement a proposal under subsection (a) of
this section shall be in accordance with the approval or modifications, if
any, of the General Assembly in accordance with subsections (a) and (b)

47 of this section.

48 (d) Thirty days prior to submission of such proposal to such joint 49 standing committees pursuant to subsection (a) of this section, the 50 Commissioner of Social Services shall post a notice that the 51 commissioner intends to seek approval for such proposal on the 52 Department of Social Services' Internet web site, along with a summary 53 of the provisions of such proposal and the manner in which individuals 54 may submit comments. The commissioner shall allow thirty days for 55 written comments on such proposal and shall include all written 56 comments with the submission of such proposal to such joint standing 57 committees.

(e) The commissioner shall include with any application for federal
approval of such proposal: (1) Any written comments received pursuant
to subsection (d) of this section; (2) any additional written comments
submitted to such joint standing committees at the hearing held in
accordance with subsection (a) of this section; and (3) any testimony
from any proceedings of the General Assembly on such proposal.

64 Sec. 2. (NEW) (*Effective July 1, 2025*) Not later than December 1, 2025, 65 and annually thereafter, the Commissioner of Social Services shall file 66 reports with the Council on Medical Assistance Program Oversight, 67 established pursuant to section 17b-28 of the general statutes, as 68 amended by this act, concerning (1) the financial performance of the 69 Medicaid program, and (2) access to and quality of care for Medicaid 70 members. The financial performance report shall minimally include 71 updated data similar to the data in the report on financial trends in the 72 HUSKY Health program filed with the council by the commissioner in 73 February 2023, and the report concerning access to and quality of care 74 shall minimally include updated data similar to the data included in the 75 reports filed with the council by the commissioner on physical health 76 measures in January 2023 and behavioral health quality indicators in 77 April 2023 in the HUSKY Health program.

<sup>78</sup> Sec. 3. Subsection (a) of section 17a-460c of the general statutes is

repealed and the following is substituted in lieu thereof (*Effective July 1*, 2025):

81 (a) The center, when authorized by the commissioner, may enter into 82 provider agreements and other contractual arrangements with the 83 Medicaid <u>fee-for-service program</u> and Medicare managed care plans, 84 governmental health plans, health maintenance organizations, health 85 insurance plans, employer and union health plans, preferred provider 86 organizations, physician-hospital organizations, managed care plans, 87 networks and other similar arrangements or plans offered by insurers, 88 third-party payers or other entities offering health care plans to their 89 members or employees and their dependents.

90 Sec. 4. Section 17b-28 of the general statutes is repealed and the 91 following is substituted in lieu thereof (*Effective July 1, 2025*):

92 (a) There is established a Council on Medical Assistance Program 93 Oversight which shall advise the Commissioner of Social Services on the 94 planning and implementation of the health care delivery system for the 95 HUSKY Health program. The council shall monitor planning and 96 implementation of matters related to Medicaid care management 97 initiatives including, but not limited to, (1) eligibility standards, (2) 98 benefits, (3) access, (4) quality assurance, (5) outcome measures, and (6) 99 the issuance of any request for proposal by the Department of Social 100 Services for utilization of an administrative services organization in 101 connection with such initiatives.

102 [(b) On or before June 30, 2011, the council shall be composed of the 103 chairpersons and ranking members of the joint standing committees of 104 the General Assembly having cognizance of matters relating to human 105 services, public health and appropriations and the budgets of state 106 agencies, or their designees; two members of the General Assembly, one 107 to be appointed by the president pro tempore of the Senate and one to 108 be appointed by the speaker of the House of Representatives; the 109 director of the Commission on Aging, or a designee; the director of the 110 Commission on Children, or a designee; a representative of each

111 organization that has been selected by the state to provide managed care 112 and a representative of a primary care case management provider, to be 113 appointed by the president pro tempore of the Senate; two 114 representatives of the insurance industry, to be appointed by the 115 speaker of the House of Representatives; two advocates for persons 116 receiving Medicaid, one to be appointed by the majority leader of the 117 Senate and one to be appointed by the minority leader of the Senate; one 118 advocate for persons with substance use disorders, to be appointed by 119 the majority leader of the House of Representatives; one advocate for 120 persons with psychiatric disabilities, to be appointed by the minority 121 leader of the House of Representatives; two advocates for the 122 Department of Children and Families foster families, one to be 123 appointed by the president pro tempore of the Senate and one to be 124 appointed by the speaker of the House of Representatives; two members 125 of the public who are currently recipients of Medicaid, one to be 126 appointed by the majority leader of the House of Representatives and 127 one to be appointed by the minority leader of the House of 128 Representatives; two representatives of the Department of Social 129 Services, to be appointed by the Commissioner of Social Services; two 130 representatives of the Department of Public Health, to be appointed by 131 the Commissioner of Public Health; two representatives of the 132 Department of Mental Health and Addiction Services, to be appointed 133 by the Commissioner of Mental Health and Addiction Services; two 134 representatives of the Department of Children and Families, to be 135 appointed by the Commissioner of Children and Families; two 136 representatives of the Office of Policy and Management, to be appointed 137 by the Secretary of the Office of Policy and Management; and one 138 representative of the office of the State Comptroller, to be appointed by 139 the State Comptroller.]

140 [(c) On and after October 31, 2017, the] (b) The council shall be 141 composed of the following members:

(1) The chairpersons and ranking members of the joint standingcommittees of the General Assembly having cognizance of matters

relating to aging, human services, public health and appropriations andthe budgets of state agencies, or their designees;

(2) Five appointed by the speaker of the House of Representatives,
one of whom shall be a member of the General Assembly, one of whom
shall be a community provider of adult Medicaid health services, one of
whom shall be a recipient of Medicaid benefits for the aged, blind and
disabled or an advocate for such a recipient, one of whom shall be a
representative of the state's federally qualified health clinics and one of
whom shall be a member of the Connecticut Hospital Association;

(3) Five appointed by the president pro tempore of the Senate, one of
whom shall be a member of the General Assembly, one of whom shall
be a representative of the home health care industry, one of whom shall
be a primary care medical home provider, one of whom shall be an
advocate for Department of Children and Families foster families and
one of whom shall be a representative of the business community with
experience in cost efficiency management;

160 (4) Three appointed by the majority leader of the House of 161 Representatives, one of whom shall be an advocate for persons with 162 substance abuse disabilities, one of whom shall be a Medicaid dental 163 provider and one of whom shall be a representative of the for-profit 164 nursing home industry;

(5) Three appointed by the majority leader of the Senate, one of whom
shall be a representative of school-based health centers, one of whom
shall be a recipient of benefits under the HUSKY Health program and
one of whom shall be a physician who serves Medicaid clients;

(6) Three appointed by the minority leader of the House of
Representatives, one of whom shall be an advocate for persons with
disabilities, one of whom shall be a dually eligible Medicaid-Medicare
beneficiary or an advocate for such a beneficiary and one of whom shall
be a representative of the not-for-profit nursing home industry;

174 (7) Three appointed by the minority leader of the Senate, one of

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175	whom shall be a low-income adult recipient of Medicaid benefits or an		
176	advocate for such a recipient, one of whom shall be a representative of		
177	hospitals and one of whom shall be a representative of the business		
178	community with experience in cost efficiency management;		
179	(8) The executive director of the Commission on Women, Children,		
180	Seniors, Equity and Opportunity, or the executive director's designee;		
181	(9) A member of the Commission on Women, Children, Seniors,		
182	Equity and Opportunity, designated by the executive director of said		
183	commission;		
184	(10) A representative of the Long-Term Care Advisory Council;		
185	(11) The Commissioners of Social Services, Children and Families,		
186	Public Health, Developmental Services, Aging and Disability Services		
187	and Mental Health and Addiction Services, or their designees, who shall		
188	be ex-officio nonvoting members;		
189	(12) The Comptroller, or the Comptroller's designee, who shall be an		
190	ex-officio nonvoting member;		
191	(13) The Secretary of the Office of Policy and Management, or the		
192	secretary's designee, who shall be an ex-officio nonvoting member; and		
193	(14) One representative of an administrative services organization		
194	which contracts with the Department of Social Services in the		
195	administration of the Medicaid program, who shall be a nonvoting		
196	member.		
197	[(d)] (c) The council shall choose a chairperson from among its		
198	members. The Joint Committee on Legislative Management shall		
199	provide administrative support to such chairperson.		
200	[(e)] (d) The council shall monitor and make recommendations		
201	concerning: (1) An enrollment process that ensures access for the		
202	HUSKY Health program and effective outreach and client education for		
203	said program; (2) available services comparable to those already in the		

204 Medicaid state plan, including those guaranteed under the federal Early 205 and Periodic Screening, Diagnostic and Treatment Services Program 206 under 42 USC 1396d; (3) the sufficiency of accessible adult and child 207 primary care providers, specialty providers and hospitals in Medicaid 208 provider networks; (4) the sufficiency of provider rates to maintain the 209 Medicaid network of providers and service access; (5) funding and 210 agency personnel resources to guarantee timely access to services and 211 effective management of the Medicaid program; (6) participation in care 212 management programs including, but not limited to, medical home and 213 health home models by existing community Medicaid providers; (7) the 214 linguistic and cultural competency of providers and other program 215 facilitators and data on the provision of Medicaid linguistic translation 216 services; (8) program quality, including outcome measures and 217 continuous quality improvement initiatives that may include provider 218 quality performance incentives and performance targets for 219 administrative services organizations; (9) timely, accessible and 220 effective client grievance procedures; (10) coordination of the Medicaid 221 care management programs with state and federal health care reforms; 222 (11) eligibility levels for inclusion in the programs; (12) enrollee cost-223 sharing provisions; (13) a benefit package for the HUSKY Health 224 program; (14) coordination of coverage continuity among Medicaid 225 programs and integration of care, including, but not limited to, 226 behavioral health, dental and pharmacy care provided through 227 programs administered by the Department of Social Services; and (15) 228 the need for program quality studies within the areas identified in this 229 section and the department's application for available grant funds for 230 such studies. The chairperson of the council shall ensure that sufficient 231 members of the council participate in the review of any contract entered 232 into by the Department of Social Services and an administrative services 233 organization.

[(f)] (e) The Commissioner of Social Services may, in consultation with an educational institution, apply for any available funding, including federal funding, to support Medicaid care management programs. [(g)] (f) The Commissioner of Social Services shall provide monthly reports to the council on the matters described in subsection [(e)] (d) of this section, including, but not limited to, policy changes and proposed regulations that affect Medicaid health services. The commissioner shall also provide the council with quarterly financial reports for each covered Medicaid population which reports shall include a breakdown of sums expended for each covered population.

[(h)] (g) The council shall biannually report on its activities and progress to the General Assembly.

[(i)] (h) There is established, within the Council on Medical 247 248 Assistance Program Oversight, a standing subcommittee to study and 249 make recommendations to the council on children and adults who have 250 complex health care needs. The subcommittee shall consist of council 251 members appointed by the chairpersons of the council and other 252 individuals who shall serve for terms prescribed by the cochairpersons 253 to advise the council on specific needs of children and adults with 254 complex health care needs. For the purposes of completing the reports 255 required pursuant to subparagraphs (A) and (B) of this subsection, such 256 individuals shall include, but need not be limited to: (1) The Child 257 Advocate, or the Child Advocate's designee; (2) a family or child 258 advocate; (3) the executive director of the Council on Developmental 259 Disabilities, or the executive director's designee; (4) the executive 260 of Association of Public director the Connecticut School 261 Superintendents, or the executive director's designee; (5) an expert in 262 the diagnosis, evaluation, education and treatment of children and 263 young adults with developmental disabilities; and (6) the Healthcare 264 Advocate, or the Healthcare Advocate's designee. The subcommittee 265 shall submit the following reports, in accordance with section 11-4a to 266 the council, the Governor and the joint standing committees of the 267 General Assembly having cognizance of matters relating to children, 268 human services and public health regarding the efficacy of support 269 systems for children and young adults, not older than twenty-one years 270 of age, with developmental disabilities and with or without co-

## 271 occurring mental health conditions:

272 (A) Not later than July 1, 2017, recommendations including, but not 273 limited to: (i) Metrics for evaluating the quality of state-funded services 274 to such children and young adults that can be utilized by state agencies 275 that fund such services; (ii) statutory changes needed to promote 276 effective service delivery for such children and young adults and their 277 families; and (iii) any other changes needed to address gaps in services 278 identified by the subcommittee or council with respect to such children, 279 young adults and their families; and

280 (B) Not later than January 1, 2018, an assessment of: (i) Early 281 intervention services available to such children and young adults in this 282 state; (ii) the system of community-based services for such children and 283 young adults; (iii) the treatment provided by congregate care settings 284 that are operated privately or by the state and provide residential 285 supports and services to such children and young adults and how the 286 quality of care is measured; and (iv) how the state Department of 287 Education, local boards of education, the Department of Children and 288 Families, the Department of Developmental Services and other 289 appropriate agencies can work collaboratively to improve educational, 290 developmental, medical and behavioral health outcomes for such 291 children and young adults and reduce the number at risk of entering 292 institutional care. As used in this subsection, "developmental disability" 293 means a severe, chronic disability of an individual, as defined in 42 USC 294 15002, as amended from time to time.

Sec. 5. Section 17b-28h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2025*):

The Commissioner of Social Services may, to the extent permitted by federal law, amend the Medicaid state plan to establish a pilot program that serves not more than five hundred persons served by Oak Hill - The Connecticut Institute for the Blind, Inc. who are eligible for Medicare and who voluntarily agree to participate in the program. Such program shall be designed to demonstrate the feasibility and cost effectiveness of delivering comprehensive health insurance coverage [in a managed care
setting] to such persons. The commissioner may include medical
assistance services in the program not covered on October 5, 2009, in the
state medical assistance program or other modifications to the state
medical assistance program to encourage voluntary participation in the
pilot program.

Sec. 6. Subsection (b) of section 17b-90 of the general statutes is
repealed and the following is substituted in lieu thereof (*Effective July 1*,
2025):

312 (b) No person shall, except for purposes directly connected with the 313 administration of programs of the Department of Social Services and in 314 accordance with the regulations of the commissioner, solicit, disclose, 315 receive or make use of, or authorize, knowingly permit, participate in or 316 acquiesce in the use of, any list of the names of, or any information 317 concerning, persons applying for or receiving assistance from the 318 Department of Social Services or persons participating in a program 319 administered by said department, directly or indirectly derived from 320 the records, papers, files or communications of the state or its 321 subdivisions or agencies, or acquired in the course of the performance 322 of official duties. The Commissioner of Social Services shall disclose (1) 323 to any authorized representative of the Labor Commissioner such 324 information directly related to unemployment compensation, 325 administered pursuant to chapter 567 or information necessary for 326 implementation of sections 17b-112l, 17b-688b, 17b-688c and 17b-688h 327 and section 122 of public act 97-2 of the June 18 special session, (2) to 328 any authorized representative of the Commissioner of Mental Health 329 and Addiction Services any information necessary for the 330 implementation and operation of the basic needs supplement program, 331 (3) to any authorized representative of the Commissioner of 332 Administrative Services or the Commissioner of Emergency Services 333 and Public Protection such information as the Commissioner of Social 334 Services determines is directly related to and necessary for the 335 Department of Administrative Services or the Department of

336 Emergency Services and Public Protection for purposes of performing 337 their functions of collecting social services recoveries and overpayments 338 or amounts due as support in social services cases, investigating social 339 services fraud or locating absent parents of public assistance recipients, 340 (4) to any authorized representative of the Commissioner of Children 341 and Families necessary information concerning a child or the immediate 342 family of a child receiving services from the Department of Social 343 Services, including safety net services, if (A) the Commissioner of 344 Children and Families or the Commissioner of Social Services has 345 determined that imminent danger to such child's health, safety or 346 welfare exists to target the services of the family services programs 347 administered by the Department of Children and Families, or (B) the 348 Commissioner of Children and Families requires access to the federal 349 Parent Locator Service established pursuant to 42 USC 653 in order to 350 identify a parent or putative parent of a child, (5) to a town official or 351 other contractor or authorized representative of the Labor 352 Commissioner such information concerning an applicant for or a 353 recipient of assistance under state-administered general assistance 354 deemed necessary by the Commissioner of Social Services and the Labor 355 Commissioner to carry out their respective responsibilities to serve such 356 persons under the programs administered by the Labor Department 357 that are designed to serve applicants for or recipients of state-358 administered general assistance, (6) to any authorized representative of 359 the Commissioner of Mental Health and Addiction Services for the 360 purposes of the behavioral health [managed care] program established 361 by section 17a-453, (7) to any authorized representative of the 362 Commissioner of Early Childhood to carry out his or her respective 363 responsibilities under the two-generational academic achievement and 364 workforce readiness initiative established pursuant to section 17b-112l 365 and programs that regulate child care services or youth camps, (8) to a 366 health insurance provider, in IV-D support cases, as defined in 367 subdivision (13) of subsection (b) of section 46b-231, information 368 concerning a child and the custodial parent of such child that is 369 necessary to enroll such child in a health insurance plan available 370 through such provider when the noncustodial parent of such child is

371 under court order to provide health insurance coverage but is unable to 372 provide such information, provided the Commissioner of Social 373 Services determines, after providing prior notice of the disclosure to 374 such custodial parent and an opportunity for such parent to object, that 375 such disclosure is in the best interests of the child, (9) to any authorized 376 representative of the Department of Correction, in IV-D support cases, 377 as defined in subdivision (13) of subsection (b) of section 46b-231, 378 information concerning noncustodial parents that is necessary to 379 identify inmates or parolees with IV-D support cases who may benefit 380 from Department of Correction educational, training, skill building, 381 work or rehabilitation programming that will significantly increase an 382 inmate's or parolee's ability to fulfill such inmate's support obligation, 383 (10) to any authorized representative of the Judicial Branch, in IV-D 384 support cases, as defined in subdivision (13) of subsection (b) of section 385 46b-231, information concerning noncustodial parents that is necessary 386 to: (A) Identify noncustodial parents with IV-D support cases who may 387 benefit from educational, training, skill building, work or rehabilitation 388 programming that will significantly increase such parent's ability to 389 fulfill such parent's support obligation, (B) assist in the administration 390 of the Title IV-D child support program, or (C) assist in the identification 391 of cases involving family violence, (11) to any authorized representative of the State Treasurer, in IV-D support cases, as defined in subdivision 392 393 (13) of subsection (b) of section 46b-231, information that is necessary to 394 identify child support obligors who owe overdue child support prior to 395 the Treasurer's payment of such obligors' claim for any property 396 unclaimed or presumed abandoned under part III of chapter 32, (12) to 397 any authorized representative of the Secretary of the Office of Policy and 398 Management any information necessary for the implementation and 399 operation of the renters rebate program established by section 12-170d, 400 or (13) to any authorized representative of the Department of Aging and 401 Disability Services, or to an area agency on aging contracting with said 402 department to provide services under the elderly nutrition program, 403 information on persons enrolled in the supplemental nutrition 404 assistance program who have requested or been recommended to 405 receive elderly nutrition program services. No such representative shall

disclose any information obtained pursuant to this section, except as
specified in this section. Any applicant for assistance provided through
the Department of Social Services shall be notified that, if and when such
applicant receives benefits, the department will be providing law
enforcement officials with the address of such applicant upon the
request of any such official pursuant to section 17b-16a.

412 Sec. 7. Section 17b-265c of the general statutes is repealed and the 413 following is substituted in lieu thereof (*Effective July 1, 2025*):

414 The Commissioner of Social Services, to the extent permitted by 415 federal law, shall amend the Medicaid state plan to establish a pilot 416 program serving not more than five hundred elderly or disabled state 417 medical assistance recipients who are also eligible for Medicare and who 418 voluntarily opt to participate in the program. Such program shall 419 demonstrate the feasibility and cost effectiveness of delivering 420 comprehensive health insurance coverage [in a managed care setting] to 421 such recipients. The commissioner may include medical assistance 422 services in the pilot program not presently covered in the state medical 423 assistance program or other modifications to the state medical assistance 424 program to encourage voluntary participation in the pilot program.

425 Sec. 8. Section 17b-10a of the general statutes is repealed and the 426 following is substituted in lieu thereof (*Effective July 1, 2025*):

427 The Commissioner of Social Services, pursuant to section 17b-10, may 428 implement policies and procedures necessary to administer [section 429 17b-197, subsection (d) of section 17b-266, section] sections 17b-197, 17b-430 280a and subsection (a) of section 17b-295, while in the process of 431 adopting such policies and procedures as regulation, provided the 432 commissioner prints notice of intent to adopt regulations on the 433 department's Internet web site and the eRegulations System not later 434 than twenty days after the date of implementation. Policies and 435 procedures implemented pursuant to this section shall be valid until the 436 time final regulations are adopted.

437 Sec. 9. (NEW) (Effective July 1, 2025) Not later than January 15, 2026, and annually thereafter, the Commissioner of Social Services shall 438 439 submit a report, in accordance with the provisions of section 11-4a of the 440 general statutes, to the speaker of the House of Representatives and the 441 president of the Senate on all cases of fraud concerning the state 442 Medicaid program for the previous calendar year. The report shall 443 include (1) the number of such cases, (2) a description of such cases, (3) 444 the disposition of such cases, and (4) the amount of Medicaid funds 445 alleged to have been fraudulently received and recovered per case and 446 in the aggregate.

447 Sec. 10. Sections 17b-28b and 17b-266 of the general statutes are 448 repealed. (Effective July 1, 2025)"

sections:			
Section 1	July 1, 2025	New section	
Sec. 2	July 1, 2025	New section	
Sec. 3	July 1, 2025	17a-460c(a)	
Sec. 4	July 1, 2025	17b-28	
Sec. 5	July 1, 2025	17b-28h	
Sec. 6	July 1, 2025	17b-90(b)	
Sec. 7	July 1, 2025	17b-265c	
Sec. 8	July 1, 2025	17b-10a	
Sec. 9	July 1, 2025	New section	
Sec. 10	July 1, 2025	Repealer section	

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