

OFFICE OF FISCAL ANALYSIS

Legislative Office Building, Room 5200
Hartford, CT 06106 ◊ (860) 240-0200
<http://www.cga.ct.gov/ofa>

sSB-498

AN ACT CONCERNING PENALTIES FOR TARDY PAYCHECKS
FOR PERSONAL CARE ATTENDANTS AND EXPANDING PUBLIC
ACCESS TO STATE PROGRAMS.

AMENDMENT

LCO No.: 4904

File Copy No.: 487

Senate Calendar No.: 299

OFA Fiscal Note

See Fiscal Note Details

The amendment strikes the language of the underlying bill and the associated fiscal impact.

The amendment establishes penalties related to late or inaccurate payments to self-directed PCAs. The amendment requires penalties to be paid by the fiscal intermediary (FI) contractor or by DSS if no contractor is in place. DSS currently contracts with a fiscal intermediary for a variety of services including managing individual client budgets, processing of Medicaid claims, and processing of payroll for PCAs. To the extent penalties are imposed, DSS may incur related costs.

Specifically, penalties include financial penalties for failing to timely process PCA payroll (\$25 to \$60 per check), 12% interest for certain paychecks behind by two or more pay periods, payment for damages of \$25 or more due to late payment, and potential additional penalties DSS may assess on the fiscal intermediary for failing to make timely payments according to contractual requirements. The amendment also specifies penalties apply when the Electronic Visit Verification System (EVVS) includes hours that exceed those allotted to the consumer or incorrectly shows hours that are available and reimbursable. These penalties are valued at the rates payable to a PCA for such hours.

Primary Analyst: LD
Contributing Analyst(s): ES
Reviewer: ES

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(FN)

The amendment also requires all state agencies and contracted communications (including electronic systems used to log employee hours) to comply with federal Americans with Disabilities Act (ADA) communication standards and municipal language communication requirements. This results in a cost to various state agencies to the extent they are required to update systems, adjust various processes, and hire additional staff to ensure compliance with the requirements of the amendment.

The preceding Fiscal Impact statement is prepared for the benefit of the members of the General Assembly, solely for the purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.