



*Written Testimony before the Public Health Committee
Submitted by the Department of Social Services
March 21, 2022*

S.B. 453 AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING TRANSFERS AND DISCHARGES OF RESIDENTIAL CARE HOME RESIDENTS.

The Department of Social Services (DSS) supports this bill.

DSS recognizes that Residential Care Homes (RCHs) have been longstanding partners in the continuum of long-term services and supports in Connecticut, serving hundreds of people, especially those with behavioral health conditions, in stable, person-centered and home-like environments with meals, housekeeping and services such as medical administration.

Historically, RCHs have been reimbursed exclusively through state funding. However, DSS and RCHs share the goal of enhancing funding for this important level of care by taking action that is needed to qualify some of the services provided by RCHs for federal Medicaid reimbursement.

To this end, DSS and the Department of Public Health (DPH) have collaborated on the language in Senate Bill 453, which seeks to revise current Connecticut law to respond to changes in federal policy issued by the Centers for Medicare and Medicaid Services (CMS) around Medicaid reimbursement for home and community-based services. Specifically, a federal regulation requires that all settings in which people receive Medicaid-funded home and community-based services must meet a range of requirements that promote choice, privacy and community integration. One of these requirements obligates Medicaid programs to ensure that residents of various types of congregate housing have comparable protections to those provided to tenants under states' landlord-tenant laws.

As proposed in SB 453 amending Section 19a-535a of the General Statutes to recognize these protections will:

- allow RCHs to qualify as home and community-based settings under federal regulations;
- promote fairness and consistency in responding to emerging issues such as violation of RCH rules, threatening or disruptive behavior, and/or nonpayment of rent;
- reduce transfers and discharges, as well as the number of readmissions that result from appeals;
- support DSS' plan to claim for services that are currently being provided by RCHs (medication administration and personal care support, including laundry, housekeeping,

personal care assistance or cueing to complete activities of daily living) for federal Medicaid reimbursement;

- enable RCH residents to receive care management and services under Medicaid waivers (e.g., the Connecticut Home Care Program for Elders and the Department of Mental Health and Addiction Services' mental health waiver); and
- increase census at RCHs as a result of new capacity to wrap Medicaid-funded services around the current level of supports provided by RCHs.

Approximately 250 individuals in sixty-seven distinct settings currently reside in RCHs and receive Medicaid services under the Connecticut Home Care Program for Elders waiver.

DSS has engaged with the statewide organization of RCH owners and operators over the last several years to develop this proposal. This bill ensures that RCHs have additional supports available to them to better address residents' needs. The proposed legislation also brings Connecticut into compliance with federal regulations around Medicaid reimbursement of HCBS services.

For these reasons, DSS supports passage of this bill.