

DEPARTMENT OF SOCIAL SERVICES

Notice of Intent to Adopt Regulations

In accordance with the provisions of subsection (a) of section 4-168 of the Connecticut General Statutes, as amended, notice is hereby given that the Commissioner of the Department of Social Services under the authority of section 17b-259b (d) of the Connecticut General Statutes, intends to amend or repeal the definition of “medical necessity” in sections 17-134d-43; 17-134d-63(a); 17-134d-63(e); 17-134d-80(a) to 17-134d-80(b)(2)(E), inclusive; 17-134d-86(a); 17b-262-214; 17b-262-218(c); 17b-262-300; 17b-262-453; 17b-262-456; 17b-262-457; 17b-262-458(a); 17b-262-462; 17b-262-468; 17b-262-471(a); 17b-262-473(a) to 17b-262-473(b)(1)(B)(iii), inclusive; 17b-262-478; 17b-262-500; 17b-262-503; 17b-262-504(a); 17b-262-508(a) to 17b-262-508(b)(2), inclusive; 17b-262-513; 17b-262-516; 17b-262-517; 17b-262-523; 17b-262-527; 17b-262-528(a); 17b-262-531(a) to 17b-262-531(g), inclusive; 17b-262-536; 17b-262-539; 17b-262-541; 17b-262-542(a); 17b-262-548; 17b-262-551; 17b-262-553; 17b-262-554(a); 17b-262-560; 17b-262-563; 17b-262-565; 17b-262-574; 17b-262-577; 17b-262-579; 17b-262-580(a); 17b-262-598; 17b-262-601(a); 17b-262-604(d); 17b-262-608; 17b-262-611(a) to 17b-262-611(b)(4)(B), inclusive; 17b-262-612; 17b-262-613; 17b-262-614(a); 17b-262-620; 17b-262-623; 17b-262-624; 17b-262-625; 17b-262-628(1); 17b-262-642; 17b-262-645; 17b-262-646; 17b-262-647; 17b-262-652; 17b-262-655; 17b-262-656(a) to 17b-262-656(b), inclusive; 17b-262-673; 17b-262-685; 17b-262-688; 17b-262-689; 17b-262-694; 17b-262-697(a); 17b-262-698; 17b-262-702; 17b-262-707(a); 17b-262-713; 17b-262-716; 17b-262-725; 17b-262-728(a) to 17b-262-728(b)(1), inclusive; 17b-262-729; 17b-262-731(a); 17b-262-737; 17b-262-740(a)(1); 17b-262-748; 17b-262-751(1); 17b-262-759; 17b-262-780; 17b-262-783; 17b-262-805; 17b-262-809(a); 17b-262-812; 17b-262-830; and 17b-262-842 of the Regulations of Connecticut State Agencies. The current definition that appears in these regulations is inconsistent with the definition of “medical necessity” provided in section 17b-259b (a) of the Connecticut General Statutes. The Department will implement this amended policy on October 1, 2013, pursuant to section 17b-259b (d) of the Connecticut General Statutes.

Statement of Purpose: The purpose of the proposed regulation is to amend or repeal the definition of “medical necessity” where it appears in the Department of Social Services’ regulations to be consistent with the definition of “medical necessity” provided in section 17b-259b of the Connecticut General Statutes. The problems, issues or circumstances that the regulation proposed to address: the current language of the Department’s regulations is inconsistent with the definition provided in section 17b-259b of the Connecticut General Statutes.

The main provisions of the regulation propose to (1) Amend or repeal definitions of “medical necessity” as necessary; (2) remove references to “medical appropriateness” or “medically appropriate”; (3) change references to “mental retardation” or “mentally retarded” to “intellectual disability” or “intellectually disabled” and change references to “intermediate care facility for mentally retarded” or “ICF/MR” to “intermediate care

facility for individuals with intellectual disabilities” or “ICF/IID” in the affected sections pursuant to Public Act 13-139; and (4) to make other technical changes.

The legal effect of the regulation is to amend the Department’s regulations to be consistent with the statutory definition of “medical necessity” that was adopted April 14, 2010.

A copy of the complete text of the regulations is available at no cost upon request from the Department of Social Services, Office of Legal Counsel, Regulations and Administrative Hearings, 25 Sigourney Street, 12th floor, Hartford, CT 06106. E-mail: lara.stauning@ct.gov.

All written comments, questions, and concerns regarding this regulation may be submitted within 30 days of the publication of this notice to the Department of Social Services, Office of Legal Counsel, Regulations & Administrative Hearings, 25 Sigourney Street, Hartford, CT, 06106. Attention: Brenda Parrella, Director. A hearing will be scheduled on the proposed regulation if requested by fifteen persons, by a governmental subdivision or an agency or by an association having not less than fifteen members, if notice of the request is received by the Department within fourteen days after the date of publication of this notice.

When submitting comments please refer to regulation control # 08-06/LS.