

# **2023 Acts Affecting Seniors**

**from the Office of  
Legislative Research**

CONNECTICUT GENERAL ASSEMBLY • OFFICE OF LEGISLATIVE RESEARCH

*Courtesy of*



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## 2023 Acts Affecting Seniors

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## Notice to Readers

This report provides summaries of new laws (public acts and special acts) significantly affecting seniors enacted during the 2023 legislative session. OLR's other Acts Affecting reports are, or will soon be, available on OLR's website: <https://www.cga.ct.gov/olr/actsaffecting.asp>.

Each summary indicates the public act (PA) or special act (SA) number. Not all provisions of the acts are included. The report does not include vetoed acts unless the veto was overridden.

Complete summaries of public acts are, or will soon be, available on OLR's website: <https://www.cga.ct.gov/olr/olrpasums.asp>.

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, House Clerk's Office, or General Assembly's website: <http://www.cga.ct.gov>.

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## **Accessible Parking**

### ***Accessible Parking Advisory Council***

This session, the legislature established a nine-member Accessible Parking Advisory Council within the Department of Motor Vehicles (DMV) and tasked the council with, among other things, (1) developing a strategy to deter, detect, and prevent fraud and misuse related to accessible parking placard issuance and (2) making educational materials available to medical professionals, the police, and the public on placards' proper issuance and use. The council must report to the Transportation Committee annually by January 1, starting in 2025 ([PA 23-40](#), § 36, effective upon passage).

### ***Accessible Parking Placard Changes***

A new law requires the DMV to check the Department of Public Health's (DPH) state death registry at least monthly (rather than periodically as under prior law) and cancel placards issued to deceased people identified in the registry, codifying current DMV practice. It also requires that windshield parking placards bear the words "Accessibility Parking Permit" instead of "parking permit for persons with disabilities," but specifies that any otherwise valid placards remain so until they expire ([PA 23-40](#), §§ 33-35, effective October 1, 2023).

## **Elder Abuse and Exploitation**

### ***Antidiscrimination Law***

This session, the General Assembly passed a law adding "age" to the list of protected classes in the state's general antidiscrimination law. (Several other laws already prohibit age discrimination in various contexts.) This general law prohibits depriving someone of rights, privileges, or immunities protected under the state or federal constitution or laws due to a protected class ([PA 23-145](#), § 1, effective July 1, 2023).

### ***Financial Exploitation of Seniors***

This session, the legislature enacted a law that addresses the financial exploitation of state residents ages 60 or older by authorizing related disclosures and other processes, including temporary account holds by broker-dealers, investment advisors, and financial institutions (e.g., banks and credit unions). The act shields entities that make authorized disclosures from liability in certain cases. It also creates specific procedures and limits on account holds, including on extensions, and a way to petition the probate courts to remove them ([PA 23-161](#), §§ 1-4, effective July 1, 2024).

## ***Mandated Elder Abuse Reporters***

By law, mandated reporters must report to the Department of Social Services (DSS) within 24 hours when they have reasonable cause to suspect that an elderly person needs protective services or has been abused, neglected, exploited, or abandoned. A new law adds several professions and titles to the mandated reporter list, including, among others, (1) licensed professional counselors, physician assistants, and dental hygienists and (2) resident service coordinators, clinical care coordinators, and managers employed by housing authorities or municipal developers operating elderly housing projects ([PA 23-168](#), effective July 1, 2023).

## **Funeral Assistance**

### ***Funeral Assistance for People With Limited Income***

This session, new legislation increased, from \$1,350 to \$1,800, the maximum amount that DSS must pay towards funeral and burial or cremation costs for people with limited income. DSS must make this payment when an individual dies in Connecticut and does not leave a sufficient estate or have a legally liable relative able to cover the associated costs ([PA 23-204](#), §§ 286 & 287, effective July 1, 2024).

## **Home- and Community-Based Care**

### ***Adult Day Services Under CHCPE***

A new law requires DSS to create a plan to increase eligibility for adult day services under the Connecticut Home Care Program for Elders (CHCPE). The plan must include, among other things, recommendations to (1) lower age eligibility requirements so that those with early onset dementia can qualify for program services and (2) increase Medicaid reimbursement rates to adult day centers to cover the costs of transporting people to and from their facilities ([PA 23-30](#), § 1, effective upon passage).

### ***Assisted Living Services Agencies***

A new law allows assisted living services agencies (ALSAs) to provide nursing services and assistance with activities of daily living to people who are not chronic and stable, which prior law prohibited. Under the act, ALSAs may do this only if (1) the person is under the care a licensed home health care agency or hospice agency or (2) the ALSA is arranging, in conjunction with a managed residential community, the delivery of ancillary medical services on the person's behalf (e.g., physician, hospice, dental, or pharmacy services) ([PA 23-31](#), §§ 1 & 2, effective upon passage, except a conforming change is effective October 1, 2023).

## ***Home Hospice Care Agencies and IV Medications***

A new law allows an advanced practice registered nurse (APRN) who provides hospice care through a DPH-licensed hospice home care agency to administer fluids or medications intravenously (IV), including by infusion or IV push. It also allows a registered nurse (RN) to do so under physician supervision ([PA 23-174](#), § 2, effective October 1, 2023).

## ***Hospice Hospital at Home Pilot Program***

A new law requires DPH, by January 1, 2024, to establish a Hospice Hospital at Home pilot program to provide in-home hospice care to patients through a combination of in-person visits and telehealth. The program must provide patients (1) a daily telehealth visit by a physician or APRN; (2) in-person visits by an RN at least twice daily; (3) remote patient monitoring by the program's physicians, APRNs, and RNs, if the patient consents to it; and (4) telephone access to an on-call physician or APRN.

The act also allows the social services commissioner to apply for a Medicaid Section 1115 waiver to provide Medicaid reimbursement for hospice services delivered under the pilot program, to the same extent DSS reimburses for Medicaid hospital-based hospice services ([PA 23-174](#), §§ 1 & 5, effective July 1, 2023, except the Medicaid waiver provision takes effect upon passage).

## ***Hospital and Nursing Home Discharge Standards***

Under a new law, DPH regulations setting minimum standards for hospital and nursing home discharge planning services must require written discharge plans to include (1) the date and location of each follow-up medical appointment scheduled before the patient's discharge and (2) to the extent known to the facility, a list of all medications the patient is currently taking and will take after discharge.

The act also requires a hospital or nursing home, when discharging a patient to his or her home, to require the facility to electronically send the patient's pharmacy each prescription it ordered for the patient before discharge that he or she will need after discharge ([PA 23-39](#), effective October 1, 2023).

## ***PACE Program***

This session, the legislature enacted two new laws that allow the DSS commissioner to submit a Medicaid state plan amendment to the federal government to cover Program of All-Inclusive Care for the Elderly (PACE) services under Medicaid, within available appropriations. Generally, PACE programs provide medical and social services through providers, primarily in adult day centers, to



people who (1) are ages 55 or older, (2) require a nursing home level of care, (3) live in a PACE program's service area, and (4) meet any other eligibility requirements the program prescribes ([PA 23-30](#), § 2, and [PA 23-204](#), § 165, effective July 1, 2023).

## **Homemaker-Companion Agencies**

### ***Advertising and Scope of Services***

New legislation requires every homemaker-companion agency, starting in 2024, to create a brochure to be given to consumers upon request and maintain a website detailing the services it provides. Additionally, the new law allows a homemaker-companion agency to (1) use the word "care" in its business name and advertising and (2) advertise having employees trained to provide services to people with memory difficulties, if certain requirements are met. It also requires a homemaker-companion agency to give consumers written notice that the agency provides nonmedical care and obtain the consumer's signature on this notice before providing services ([PA 23-48](#), §§ 15-17, effective upon passage).

### ***Consumer Complaints***

A new law requires the Department of Consumer Protection (DCP) to post on its website a guide detailing the process for consumers to file complaints against a homemaker-companion agency. The agency must also give consumers a printed copy of the guide with their contract or service plan ([PA 23-48](#), §§ 13 & 14, various effective dates).

### ***Contracts and Service Plans***

A new law requires homemaker-companion agencies to develop a service plan or contract in consultation with the consumer or consumer's authorized representative. Service plans must include (1) a person-centered plan of care, (2) the agency's anticipated oversight of the employee assigned to the consumer, and (3) how often the person who oversees the agency's employee and the consumer or representative will meet ([PA 23-48](#), § 13, effective October 1, 2023).

### ***Oversight Transition Plan***

New legislation requires the Office of Policy and Management (OPM) to develop a plan and proposed timeline to transfer homemaker-companion agency oversight from DCP to DPH. The plan must also include recommendations on training standards, including specialized benchmarks for the care of clients with dementia ([PA 23-48](#), § 11, effective upon passage).

## ***Rate Change Notice***

A new law generally requires homemaker-companion agencies to give at least 60 days' written notice to a client or their representative before changing a service rate. It also generally requires an agency, at least 10 days before unilaterally stopping services, to notify the client how he or she (1) may transition to alternative care and (2) will be reimbursed for any prepaid services. The new law also increases DCP's oversight of agencies when they change ownership or cease operations ([PA 23-99](#), §§ 18 & 19, effective October 1, 2023).

## ***Registration Violations***

A new law adds failure to give a consumer written notice that the homemaker-companion agency provides nonmedical care to a list of violations for which DCP may revoke, suspend, or refuse to issue or renew an agency's registration. Further, the law requires DCP to revoke a homemaker-companion agency's registration if the agency is found to have violated any revokable provisions three times in a calendar year ([PA 23-48](#), § 12, effective upon passage).

## **Housing**

### ***Required Notice of Protected Tenant Status***

State law provides more protections against evictions and rent increases to certain "protected tenants" (i.e., generally those at least age 62 or with a disability) residing in a (1) building or complex consisting of five or more separate dwelling units, (2) mobile manufactured home park (including certain conversion tenants), or (3) dwelling unit in a common interest community where the landlord owns five or more units.

A new law requires landlords, beginning January 1, 2024, to give a written notice summarizing these protections to any tenant that rents, or enters or renews an agreement to rent, one of the units described above. The housing commissioner must create this one-page, plain-language notice summarizing protected tenants' rights and post it on the department's website by December 1, 2023. The notice must be available in both English and Spanish ([PA 23-207](#), § 10, effective October 1, 2023).

## **Insurance**

### ***Coverage for In-Home Hospice Services***

A new law requires certain individual and group health insurance policies to cover in-home hospice services provided by a DPH-licensed hospice home care agency to the same extent they cover hospital in-patient hospice services. This coverage is subject to the same terms and conditions that

apply to all other benefits under the policy. It also prohibits policies from excluding coverage for a hospice service solely because it is provided in the home and not at a hospital, as long as the home service is appropriate for the insured.

Under the act, health insurers, HMOs, or other entities may still conduct utilization review for in-home hospice services, as long as it is done in the same manner, and uses the same clinical criteria, as for the same hospice services provided in a hospital ([PA 23-174](#), §§ 3 & 4, effective January 1, 2024).

### ***HUSKY C Eligibility***

Starting October 1, 2024, a new law expands eligibility for HUSKY C, which provides Medicaid coverage to people who are age 65 or older, blind, or living with a disability. The act sets eligibility at 105% of the federal poverty level (\$1,276 per month for an individual in 2023) instead of 143% of the Temporary Family Assistance cash benefit amount (currently, \$700 per month for an individual) ([PA 23-204](#), § 302, effective October 1, 2024).

### ***Medicaid Rate Setting Guidebook***

A new law requires the DSS commissioner to develop and post online, by July 1, 2024, a guidebook that explains in plain language the Medicaid nursing home rate setting process ([PA 23-48](#), § 10, effective upon passage).

### ***Medicare Advantage Plans Report***

Medicare Advantage Plans are managed care plans administered by federally approved private insurers that cover all services covered by traditional Medicare; some offer additional benefits. A new law requires the Insurance Department, by January 1, 2025, and in consultation with the Office of Health Strategy (OHS), to report to the Insurance and Real Estate Committee on (1) an analysis of these plans' utilization management and provider payment practices and (2) related recommendations ([PA 23-171](#), § 18, effective upon passage).

## **Long-Term Care**

### ***Facility Ownership Changes***

A new law generally expands the circumstances under which DPH-licensed health care institutions, including nursing homes, need prior approval from the department before changing their ownership. It does so by eliminating exemptions in prior law for (1) changes in ownership or beneficial ownership of under 10% of the stock of a corporation that owns or operates the facility or

(2) certain transfers to relatives. Among various related changes, the act establishes the criteria that the commissioner must consider when evaluating an application.

Relatedly, the act requires applicants for a nursing home license to give DPH the names of anyone with a 5% or greater ownership interest in the owner, rather than 10% or greater as under prior law ([PA 23-122](#), effective October 1, 2023).

### ***Managed Residential Communities Family Councils***

A new law requires managed residential communities that offer assisted living services to encourage and help establish family councils by January 1, 2024. Family councils are independent groups of residents' family members and friends who (1) advocate for residents' needs and (2) facilitate communication between residents, facility administration, and residents' family and friends. Unless a resident lives on a dementia special care unit, the resident must consent to their family member's or friend's participation in the council ([PA 23-48](#), §§ 4 & 5, effective October 1, 2023).

### ***Nursing Home Involuntary Transfer or Discharge Notification***

A new law requires nursing homes to notify the Long-Term Care Ombudsman about a resident's involuntary transfer or discharge on the same day the nursing home notifies the resident. By law, nursing homes must give residents written notification about a discharge or transfer at least 30 days in advance. Under the act, if the nursing home fails to notify the ombudsman on the same day, the involuntary transfer or discharge cannot go forward ([PA 23-48](#), §§ 1-3, effective upon passage).

### ***State Supplement Program Benefit Start Date***

By law, the State Supplement Program (SSP) gives cash assistance to people who are age 65 and older, living with a permanent disability, or blind and (1) receive federal Supplemental Security Income (SSI) benefits or (2) would be eligible for SSI, but for excess income. For people living in residential care homes or rated housing facilities, DSS must pay to SSP benefits to the home or facility. The budget and implementer act aligns the start date for State Supplement Program benefits with the date an applicant became a resident in a residential care home or rated housing, but no earlier than 90 days before DSS received the SSP application ([PA 23-204](#), § 272, effective October 1, 2023).

## ***Transportation for Nursing Home Residents***

A new law authorizes nursing homes to transport nonambulatory residents to their family members' homes under certain conditions if the nursing home has available vehicles. The transportation must be approved by a physician, physician assistant, or APRN and the family member must live within 15 miles of the nursing home. The act also requires DSS to report to the Council on Medical Assistance Program Oversight (MAPOC) by October 1, 2023, on whether this transportation need is a health-related social need and any potential federal funding ([PA 23-186](#), § 5, effective July 1, 2023).

## **Lung Cancer**

### ***Lung Cancer Early Detection and Treatment Referral Program***

A new law establishes, within available appropriations, a DPH Lung Cancer Early Detection and Treatment Referral Program to (1) promote lung cancer screening, detection, and treatment to people ages 50 to 80, prioritizing high-risk populations and (2) provide public education, counseling, and treatment referrals.

It also requires DPH, within existing appropriations and through contracts with health care providers, to provide lung cancer screening and referral services to people ages 50 to 80, giving priority to populations who exhibit higher lung cancer rates than the general population ([PA 23-204](#), § 164, effective October 1, 2023).

## **Studies, Task Forces, and Working Groups**

### ***Dementia and IDD Study***

A new law requires the Department of Aging and Disability Services (ADS) commissioner to study the higher prevalence of Alzheimer's disease, dementia, and other related disorders in people with intellectual and developmental disabilities (IDD) and determine whether public or private programs adequately address this higher prevalence. ADS must report its findings to the Aging, Appropriations, and Human Services committees by June 1, 2024 ([PA 23-137](#), § 19, effective upon passage).

### ***Elderly Nutrition Program Task Force***

New legislation establishes a 14-member task force to study ADS's elderly nutrition program. Among other things, the study must examine the program's eligibility requirements, number of participants and estimated number of people in need of nutritional services, and cost and funding levels for the program ([SA 23-17](#), effective upon passage).

## ***Health Care Provider Communication Access Study***

A new law requires the ADS commissioner, in consultation with the Advisory Board for Persons Who are Deaf, Hard of Hearing or Deafblind, to (1) conduct a study evaluating gaps in these individuals' access to communication with medical providers and (2) develop recommendations to improve this access, including interpreting through American Sign Language or Spanish Sign Language as applicable. The commissioner must report on the study to the Aging, Human Services, and Public Health committees by October 1, 2023 ([PA 23-97](#), § 39, effective upon passage).

## ***Nursing Home Waiting List Working Group***

A new law requires the state Long-Term Care Ombudsman and the DPH and DSS commissioners to convene a working group and report to the Human Services and Public Health committees by January 1, 2024, on any needed revisions to nursing home waitlist requirements in existing law. The working group includes these three officials or their designees and nursing home industry representatives ([PA 23-186](#), § 6, effective upon passage).

## **Taxes**

### ***Retirement Income Tax Exemption “Cliff”***

The FY 24-25 budget implementer act adds a phase-out to the pension and annuity income exemption to eliminate a cliff that abruptly ended the exemption for taxpayers with incomes above certain thresholds (\$100,000 for joint filers and \$75,000 for other filing statuses). Specifically, starting in 2024, the act gradually reduces the amount of pension, annuity, and IRA income a taxpayer may deduct until the exemption fully phases out at \$100,000 or \$150,000 in federal AGI, as applicable. In the case of the IRA exemption (which does not fully phase-in until the 2026 tax year), the gradual reduction applies to the portion of IRA income the law allows as a deduction, not to all IRA income ([PA 23-204](#), § 377, effective upon passage).

## **Workforce Development**

### ***Dementia Services Coordinator***

New legislation establishes a dementia services coordinator in ADS. Among other things, the coordinator will coordinate dementia services across state agencies, evaluate state-funded dementia services, identify and support dementia-specific training programs, and analyze dementia-related data collected by the state ([PA 23-48](#), § 6, effective October 1, 2023).

## ***Human Services Career Pipeline Program***

New legislation requires the Office of Workforce Strategy (OWS), in consultation with various officials and entities, to establish a Human Services Career Pipeline Program to ensure there is a sufficient human services workforce to serve the needs of residents who are elderly or have intellectual or developmental disabilities, physical disabilities, cognitive impairment, or mental illness. The program must include (1) training and certification for CPR, first aid, and medication administration and (2) job placement and retention incentives in the human services job sector after completing the program.

Additionally, the law requires OWS to consult with the labor commissioner and develop a plan for the program that includes (1) a strategy to increase the number of people pursuing human services careers, (2) recommended salary and working conditions needed to retain enough human services providers to serve state residents, and (3) the program's estimated funding needs ([PA 23-137](#), § 11, effective July 1, 2023).

## ***Personal Care Attendant Career Pathways Program***

A new law requires DSS, by January 1, 2024, to establish a personal care attendant (PCA) career pathways program, including both basic skills and specialized skills pathways, to improve PCAs' quality of care and incentivize their recruitment and retention in the state. The commissioner must (1) develop or identify the training curriculum for each pathway, in consultation with a hospital's or health care organization's labor management committee and (2) report on the program by January 1, 2025, to the Human Services and Public Health Committees ([PA 23-97](#), § 11, effective July 1, 2023).

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