

DEPARTMENT OF SOCIAL SERVICES
NOTICE OF INTENT TO ADOPT, AMEND & REPEAL REGULATIONS

In accordance with the provisions of subsection (a) of section 4-168 of the Connecticut General Statutes, notice is hereby given that the Commissioner of Social Services, pursuant to sections 17b-3 and 17b-198 of the Connecticut General Statutes, intends to add sections 17b-198-1 to 17b-198-19, inclusive, to the Regulations of Connecticut State Agencies, amend sections 8080 and 8080.10 of the Department of Social Services' (DSS') Uniform Policy Manual (UPM), and repeal sections 8080.01 and 8080.15 to 8080.96, inclusive, of the UPM.

Statement of Purpose:

(A) The purpose of the regulation: To reorganize, restructure and restyle provisions of DSS' UPM that pertain to the State-Administered General Assistance program (SAGA) in order to create a comprehensive regulation that conforms to the Legislative Commissioners' Office's (LCO's) *Manual for Drafting Regulations*; to remove outdated regulatory provisions concerning SAGA that have been superseded by statute; to align SAGA regulations with those pertaining to other cash-assistance programs administered by DSS; to ensure DSS regulations concerning SAGA do not conflict with provisions of the Connecticut General Statutes that govern such program or with controlling judicial precedent; to provide for application-processing standards in SAGA that conform to standards prescribed by Connecticut General Statutes § 17b-80; to subject married and unmarried applicants and recipients to the same rules concerning (1) income limits used to determine eligibility, and (2) the amount of benefits available pursuant to SAGA; and to otherwise update DSS regulations concerning SAGA to reflect current agency practices and procedures.

(B) The problems, issues or circumstances that the regulation proposes to address: The UPM provisions governing SAGA are poorly organized and confusing because they have not been written to conform to the style recommended by LCO's *Manual for Drafting Regulations*. Also, many of the SAGA eligibility rules continue to draw upon rules that applied to the Aid to Families with Dependent Children program (AFDC), which was replaced by the Temporary Family Assistance program (TFA) in 1996. Other rules are out of date due to changes in state and federal law that were not incorporated into UPM provisions concerning SAGA. For example, the medical component of SAGA was repealed by section 178 of Public Act 11-44, but the UPM continues to include provisions concerning SAGA medical assistance. Similarly, although statutory provisions governing the treatment of families in SAGA were repealed by Public Act 14-161, the UPM continues to include outdated provisions concerning families with dependent children. In fact, these families are now exclusively eligible for benefits from TFA due to various changes in and clarifications of federal law over the past several years. Still other SAGA UPM provisions are inconsistent with governing provisions of the Connecticut General Statutes, or fail to reflect current agency practices. For example, current UPM provisions concerning the appointment and authority of authorized representatives are more limiting than current practice and procedure.

(C) The legal effects of the regulation, including all of the ways that the regulation would change existing regulations or other laws:

The proposed regulation:

(1) Repeals most existing UPM provisions concerning SAGA and restructures, restyles and reorganizes those provisions in a manner that conforms to LCO's *Manual for Drafting Regulations* so that they may be published in the Regulations of Connecticut State Agencies;

(2) Conforms to changes reflected in Public Acts 15-5 from the June 2015 special session of the General Assembly, 14-161, 12-208, 11-44, and 10-3 by: (i) reducing the amount DSS will pay for the cost of funeral and burial services from one thousand eight hundred dollars to one thousand four hundred dollars and increasing the amount of allowable contributions for the funeral and burial from sources other than a funeral fund, prepaid funeral contract or life insurance from two thousand eight hundred dollars to three thousand two hundred dollars; (ii) removing antiquated regulatory provisions concerning families who request or receive SAGA benefits and provisions that apply exclusively to the SAGA medical program, (iii) expressly providing for a \$500 asset limit for SAGA applicants and recipients who are married, (iv) excluding aid and attendance pension benefits paid to a veteran or veteran's surviving spouse when determining whether a SAGA applicant is financially eligible for assistance; and (v) removing provisions that provide for the payment of attorney's fees in connection with a successful Supplemental Security Income appeal;

(3) Ensures consistency with governing provisions of the General Statutes. This includes: (i) clarifying that certain aliens, other than "qualified aliens," as defined by 8 USC § 1641, are eligible for SAGA, as provided for in General Statutes § 17b-112c; (ii) expressly providing that any person who fails to comply with TFA program requirements is ineligible for benefits pursuant to SAGA, as provided by General Statutes § 17b-191(c); (iii) clarifying that DSS will reduce its payment for the cost of a proper funeral and burial for an eligible decedent by only those amounts enumerated in General Statutes § 17b-131; (iv) requiring DSS to process SAGA applications within 60 days when DSS must obtain a medical determination of unemployability, and within 45 days in all other cases, as provided for by General Statutes 17b-80; and (v) clarifying that only a SAGA recipient previously found to be a transitional person may file a petition for reconsideration, as described by General Statutes § 17b-191(d);

(4) Establishes a method for calculating benefits and determining income eligibility limits for married SAGA applicants and recipients that closely resembles the method used for unmarried applicants and recipients;

(5) Provides greater uniformity between SAGA and TFA with respect to how DSS determines eligibility—particularly with respect to the treatment of income and assets—in order to improve operational efficiency;

(6) Authorizes DSS, with a SAGA beneficiary's consent, to recoup an overpayment of benefits by expunging previously paid SAGA benefits that remain in the beneficiary's electronic benefits transfer account;

(7) Simplifies the method by which DSS determines how much it will pay a SAGA recipient for the replacement of clothing destroyed in a catastrophic event;

(8) Removes provisions found to be unconstitutional by the Connecticut Supreme Court that require DSS to deem available to a non-citizen income and assets belonging to such non-citizen's sponsor when determining the non-citizen's financial eligibility for assistance;

(9) Imposes a penalty, using the same rules that apply in the State Supplement program, on any SAGA recipient or applicant who (i) resides in or has been admitted to a rated housing facility or a licensed residential care home, and (ii) transfers an asset for the purpose of establishing or maintaining eligibility for assistance;

(10) Updates provisions regarding expedited processing of SAGA applications; and

(11) Updates provisions concerning the appointment and authority of authorized representatives.

A copy of the complete text of this regulation is available on the Department of Social Services' website at <http://www.ct.gov/dss> by selecting "Publications," then "Policies and Regulations," then "Notices of Intent, Operational Policies, and Proposed Regulations." Copies of the proposed regulation, as well as the small business impact and regulatory flexibility analysis, may also be obtained at no cost by request to the Office of Legal Counsel, Regulations and Administrative Hearings, Department of Social Services, 55 Farmington Avenue, Hartford, Connecticut 06105; email: Graham.Shaffer@ct.gov.

All written comments, questions, and concerns regarding this regulation may be submitted within thirty days of the publication of this notice to the Department of Social Services, Office of Legal Counsel, Regulations & Administrative Hearings, 55 Farmington Avenue, Hartford, Connecticut, 06105. Attention: Brenda Parrella, Director. A hearing will be scheduled on the proposed regulation if requested by fifteen persons, by a governmental subdivision of an agency or by an association having not less than fifteen members, if notice of the request is received by DSS within fourteen days after the date of publication of this notice.

When submitting comments, please refer to DSS Regulation # 14-06.