



Connecticut Disability Advocacy Collaborative

“Enhancing the effectiveness of disability activism by organizing and empowering individuals, families, groups, and organizations!”

Empowerment! Opportunity! Justice!

Legislative Alert #3 – April 8, 2009

Website: <http://www.ct-dac.org/contactus.htm>

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Advocates’ Meeting Follow Up

The Disability Advocacy Collaborative has arranged a follow-up meeting of disability advocates, set for Tuesday, April 14 from 9:30 am – 12 noon in the Hartford Room at the New Park Office and Conference Center, 151 New Park Avenue in Hartford. This is the complex in which Independence Unlimited, the State Independent Living Council, and the offices of CACIL (CT Association of Centers for Independent Living) are located. If you plan to attend, please e-mail Stan Kosloski at stankosloski@att.net. The primary purpose of the meeting is to assess the status of state budget proposals (the Governor’s and the Democrats’) and other pieces of legislation that affect people with disabilities and elders, and determine what collective action can be taken to impact the legislative decision making process between now and the last day of the legislative session on June 3.

State Budget News

Last week (April 2) the Democrats released their budget proposal, which now must be reconciled with the Governor’s proposal which was presented the first week of February. The Democrats’ proposal restores a number of cuts that were included in the Governor’s plan. The Democrats have majority votes in both the Senate and the House, and the Governor has the power of the veto. It should be an interesting two months.

The following is derived from an extremely comprehensive review of the Democrats’ budget assembled by **Kate McEvoy** of the South Central Area Agency on Aging, who does an amazing job keeping track of legislative activity and to whom we are indebted. The Democrats’ budget:

- *rejects the Governor’s proposal to eliminate funding for legislative commissions, including the Commission on Aging*
- *rejects the Governor’s proposal to revert to the historical practice of reducing State Supplement benefits by any cost-of-living increase in an individual’s SSI benefit*

- *rejects the Governor's proposal to restrict participation in the state-funded levels of the Connecticut Home Care Program for Elders (CHCPE) (Levels 1 & 2) to the caseload in place as of June, 2009*
- *accepts the Governor's proposal to develop an on-line screening system to assess whether individuals with psychiatric or developmental disabilities require nursing home care, with the goal of diverting up to 300 individuals who could otherwise be served in the community – an enhancement of the current screening process*
- *rejects the Governor's proposal to limit Medicaid/SAGA coverage for dental care to emergency procedures (dentures, x-rays, limited oral evaluation, emergency treatment of pain, extractions) – **please note:** the Governor's proposal would not affect those receiving HCBS under a DDS waiver*
- *accepts the Governor's proposal to permit DSS to use a more restrictive definition of the term "medical necessity"*
- *rejects the Governor's proposal to eliminate limited vision and non-emergency transportation benefits under SAGA*
- *seeks to reduce state funding of the nursing home ombudsman program by 20% (proffered argument is that these costs can instead be borne by current federal Older Americans Act funds)*
- *seeks to provide partial state funding to the Centers for Independent Living*
- *seeks to make a number of changes to the Governor's proposal re: drug coverage:*
 - *rejects the Governor's proposal to discontinue state coverage for dually-eligible individuals of non-formulary drugs, but limits the appropriation for such coverage and requires DSS to pursue two levels of appeal, and the Center for Medicare Advocacy to pursue a third level of appeal, of the denial of coverage*
 - *partially accepts the Governor's proposal to cap state coverage of Part D co-payments (in 2009, these range from \$1.10 to \$6.00 per prescription), with the result that dually-eligible individuals will be expected to pay up to \$15 per month in co-payments*
 - *accepts the Governor's proposal to require dually-eligible individuals and other ConnPACE participants to enroll in a "benchmark" Medicare D plan (eliminating DSS subsidy of higher cost Part D plans)*
 - *rejects the Governor's proposal to adopt an asset test for participation in the ConnPACE program that will use the same criteria as are used for eligibility for the federal Medicare D Low-Income Subsidy benefit (for reference, in 2009, an individual may have assets of no more than \$12,510 and a couple may have assets of no more than \$25,010)*
 - *accepts the Governor's proposal to increase the annual enrollment fee for participation in ConnPACE from \$30 to \$45*
 - *rejects the Governor's proposal to provide that individuals may enroll in ConnPACE 1) within 31 days of turning age 65 or becoming eligible for SSDI or SSI benefits on the basis of disability; or 2) during an open enrollment period that will coincide with the annual Part D open enrollment period (November 15 – December 31)*

A Controversial Proposal

HB 6668, being promoted by the Service Employees International Union, has raised the ire of individuals who use personal care assistants and assistants who provide them the support they need to live independently. The bill, entitled AN ACT PROVIDING QUALITY CARE, FINANCIAL OVERSIGHT AND NURSING HOME FUNDING REFORM, includes a section that would create a Personal Care Attendant Quality Home Care Workforce Council. Among the duties of the council would be the recruitment of personal assistants, the education, training, and certification of personal assistants, and the referrals of personal assistants to individuals who need them. The unionization of PCAs - often referred to as personal assistants – is the ultimate goal of SEIU.

There are a number of reasons that this bill has roused concerns among the population of those who use personal assistants. Training and certification requirements, outlined in the bill, are a problem for individuals who want to train their own PCAs; consumer control may be diluted, which runs contrary to the independent living principal of consumer direction.

Another concern: with disability services being cut back left and right, where will the funding come from to cover the expense of running the council? A fiscal note from the legislature's Office of Fiscal Analysis is attached to the bill, which reveals the expense that would be incurred to implement the council:

“The agencies involved with this Council will incur administrative costs related to their participation. Given the scope of duties of this Council, it is likely that these administrative costs will be significant. The bill allows the Council to enter into contracts, establish offices, hire employees and perform other administrative functions, within available appropriations..... The bill requires, only for the purposes of collective bargaining, that a PCA be considered a state employee and subject to state employee collective bargaining laws, and that the Council be considered the PCA's employer. The fiscal impact would depend on the outcome of collective bargaining negotiations. However, to the extent that collective bargaining increases the cost of PCA services, the Department of Social Services (DSS) may incur additional costs under the PCA waiver and pilot programs under the Medicaid and Connecticut Home Care programs.”

In addition to the cost, another layer of state level bureaucracy will be created; the legislation authorizes the establishment of offices, the hiring of employees, and the training and certification of PCAs. And perhaps the biggest concern: employers of PCAs are typically on a state Title XIX waiver service, and the waivers all have caps; if the result of unionizing PCAs includes higher wages and benefits for personal assistants, the number of hours of support a person receives may need to be reduced; many folks are living on the edge now and fewer hours of support may mean that they end up in a nursing facility.

The Process from Here on In

With the public hearing phase of 2009 General Assembly over, now comes the nitty-gritty of the legislative process. Bills that have acted on favorably by legislative committees (typically referred to as being “JF’d”) are sent to either the House or Senate. They may be acted on in that chamber, or may be sent to another committee for review and possible action, which often happens. Public hearings are not required for bills so referred. **Beth Leslie**, Legislative Liaison at the Office of Protection and Advocacy, provides some insight into what can happen to bills once they are JF’d out of a committee:

"Floor referrals" are what happens when a bill that is before the House or Senate gets referred to a legislative committee. Bills are "referred from the floor" of the House or Senate because the leadership of the chamber has determined that a bill should not be voted on by the full chamber until it has been approved by each and every legislative committee that has jurisdiction over any topic addressed in a bill.

There is another reason bills are "referred from the floor" and that is to quietly kill a bill in committee. Instead of having the full House and Senate vote on a bill, one of the chambers can send the bill to a committee and the legislative leaders can advise their committee chairs to "kill the bill" in committee. All a committee has to do to kill a floor referral is to "do nothing".

So if you have a particular bill that matters to you, check the legislative website www.cga.ct.gov at least every few days and be sure to contact the chairs and ranking members of any committee the bill is referred to.

If the bill is sent to a committee that has not reached its JF Deadline, the bill can be acted on any time up to and including that date. For example, a bill referred from the House to the Appropriations Committee can be acted on any time until April 16--that is the JF Deadline for the Appropriations Committee.

However, if a bill is referred to a committee that already passed its JF Deadline, the committee has seven calendar days or until before the start of the third session of the chamber that referred the bill. For example, the House of Representatives was in session on March 25 and referred a bill to the Human Services Committee. The Human Services Committee JF Deadline has passed. The Human Services Committee must act on the bill within 7 calendar days OR before the House begins its third session after the referral. So if the House of Representatives does not meet in the near future the committee has seven days to act.

As we get closer to the end of the legislative session (first week of June) the House of Representatives and State Senate will be holding sessions three or more times per week - it is when things get this busy that the "before the chamber begins its third session after making the referral to the committee" deadline really matters. For now, seven calendar days is the rule of thumb.

Thank you Beth for your weekly updates!

Beth updates her "Bill Tracking Report" every week and it can be found on the P&A website www.ct.gov/opapd. Beth is eager to add anybody with an interest in state legislation to her distribution list. Feel free to contact her at beth.leslie@po.state.ct.us.

Statement of Principles and Action Steps

As a follow up to the Advocates' Meeting arranged by the Disability Advocacy Collaborative on February 19, a Statement of Principles and accompanying Action Steps has been drawn up, reviewed, and approved. The Action Steps offer guidance that legislators can take to make state government work better – more efficiently – and in almost all cases make it more cost-effective. In short, the state can get more “bang for the buck” by taking the steps suggested. The final version of the statement is attached with this Alert.

If your organization would like to sign onto the Statement please e-mail Stan Kosloski at stankosloski@att.net.

Legislative Q and A

How can I search for a particular bill to find its status?

At the top of the General Assembly's home page (www.cga.ct.gov) is a Quick Search by bill number. Enter a bill number and click the Go button. In addition, many options for searching bill information are provided from the Search link (located on the left side of the home page or at the top of a secondary page).

Who are my Representative and Senator and how do I contact them?

Click the House or Senate links (located on the left side of the home page or at the top of a secondary page), and click Find Your Legislator. Click the district number for your town and you will get to their individual web page, which contains contact information. If your town has more than one legislative district (more than one representative or senator) you will be directed to a map of your area to determine in which district you live.

How can I determine which Legislators are on a particular committee?

From the top of the page click Committees A-H & I-Z. From the list, click the appropriate committee, and then click Committee Membership.

Where can I get a list of all Legislators?

Click the House or Senate links (located on the left side of the home page or at the top of a secondary page). From the options, click Members. The alphabetical list includes district number, a link to email and website, political party, and a link to bills introduced.