

March 8, 2018

**Written testimony of Matthew V. Barrett, President and CEO of the Connecticut Association of Health Care Facilities (CAHCF) concerning S.B. No. 258 (RAISED) AN ACT CONCERNING THE EXEMPTION OF PROBATE-COURT APPROVED CONSERVATOR AND FIDUCIARY FEES FROM MEDICAID INCOME ELIGIBILITY AND ASSET TRANSFER DETERMINATIONS.**

Good morning Senator Flexer, Senator Kelly, Representative Serra and to the distinguished members of the Aging Committee. My name is Matthew V. Barrett. I am the President and CEO of the Connecticut Association of Health Care Facilities (CAHCF), our state's trade association and advocacy organization of one-hundred and fifty three skilled nursing facilities and rehabilitation centers. Thank you for this opportunity to offer testimony at today's public hearing.

**S.B. No. 258 (RAISED) AN ACT CONCERNING THE EXEMPTION OF PROBATE-COURT APPROVED CONSERVATOR AND FIDUCIARY FEES FROM MEDICAID INCOME ELIGIBILITY AND ASSET TRANSFER DETERMINATIONS.**

Section 3 of the bill would amend current law governing the amount of debt a nursing home may be owed, and by who, for the unpaid cost of care in situations where resources have been transferred or assignment of assets made resulting in the establishment or imposition of a Medicaid eligibility penalty period. Current law found in subsection (e) of 17b-261q exempts a conservator who transfers income or principal with the approval of a Probate Court from the reach of the law. This bill extends the exemption beyond the conservator to the actual conservator fee or fiduciary fee approved by the Probate Court related to the improper transfer resulting in a Medicaid penalty period. As written in SB 258, the fees paid to conservators and fiduciaries would no longer be included in the debt owed to the nursing home. As background the improper transfers for which a remedy is offered in this section, have resulted in a period of time where a penalty applies and no Medicaid payment is available to the nursing home for services that the nursing home provided at considerable cost. This regrettable outcome is through no fault of the nursing home. The purpose of this underlying statute was to hold harmless a conservator who acted with court approval. It would be wrong to adopt a policy, as this bill does, which confers a benefit in the form of a reduced debt owed to the nursing home when the consequences have been so harsh to the nursing home.

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