

TABLE OF CONTENTS

Personal Care Assistance Program

Reserved 17b-605-1a—17b-605- 9a

Definitions 17b-605-10a

Eligibility for personal care assistance 17b-605-11a

Elements of the application filing. 17b-605-12a

Application review and determination of eligibility 17b-605-13a

Waiting list and payments. 17b-605-14a

Recordkeeping and verification of service 17b-605-15a

Overpayment recovery procedure. 17b-605-16a

Repealed 17b-605-17a

Fair hearings. 17b-605-18a

Personal Care Assistance Program

Secs. 17b-605-1a—17b-605-9a. Reserved

Sec. 17b-605-10a. Definitions

As used in Sections 17b-605-10a through 17b-605-18a:

(a) “Applicant” means a person who completes, signs, and submits an application.

(b) “Commissioner” means the Commissioner of Social Services.

(c) “Department” means the Department of Social Services.

(d) “Disability-related expenses” means the cost of services directly associated with a recipient’s disability and may include the following expenses if not reimbursable by a third party: disability-related medical supplies, equipment, personal care assistant, prescriptions, medical and dental appointments and other disability-related expenses as determined by the Commissioner. All such claimed expenses, including proof of requests for and denial of third party reimbursable claims, are subject to review and approval by the Commissioner.

(e) “Recipient” means a person who has been determined eligible and is receiving a subsidy for personal care assistance.

(f) “Employable” means unemployed and able to provide proof of actively seeking employment in the competitive labor market and evidence of a marketable job skill.

(g) “Employed” means:

(1) Working seventeen and one-half (17 1/2) hours or more per week in the competitive labor market, and compensated at least at the state minimum wage pursuant to Title 31, Section 31-58 (j) of the General Statutes of Connecticut.

(2) Being self-employed with gross annual income equal to or exceeding the income level of a person working seventeen and one-half (17 1/2) hours or more per week in the competitive labor market and compensated at least at the minimum wage pursuant to Title 31, Section 31-58 (j) of the General Statutes of Connecticut.

(h) “Family income” means the gross income of the applicant, adjusted by allowable deductions for disability-related expenses. For the first level of assistance, family income shall not exceed \$30,000 per year, or, if he or she is married, the combined gross income of the applicant and his or her spouse, shall not exceed \$51,000 per year. For a family with children an additional \$2,000 in family income is allowed for each dependent child. For the second level of assistance, family income shall not exceed \$20,000 per year for a single individual or, if he or she is married, the combined gross income of the applicant and his or her spouse, shall not exceed \$41,000 per year. For a family with children an additional \$2,000 in family income is allowed for each dependent child.

(i) “Gross income” means all income, from whatever source derived, including, but not limited to:

(1) Earned income such as compensation paid by an employer to an employee for personal services and includes wages, salaries, tips, commissions, bonuses, and earnings from self-employment or contractual agreements;

(2) Unearned income such as pensions, annuities, dividends, interest, rental income, estate or trust income, royalties, social security or supplemental security income, unemployment compensation, workers’ compensation, alimony, child support, and cash assistance from federal, state, or municipal assistance programs.

(j) “Personal care assistance” means assistance with activities of self-care which a person is unable to perform for himself or herself including, but not limited to,

assistance with bathing, bowel or bladder care, dressing, personal grooming, moving in and out of bed, preparation and consumption of food, assistance with mobility, application or use of prostheses, other assistive devices, or technological equipment.

(k) "Personal care assistant" means a person who is paid to provide personal care assistance on a regular basis. Such person shall not be the spouse of the recipient.

(l) "Severe physical disability" means an impairment, either congenital or acquired, which is expected to continue indefinitely and which limits one or more major life activities, including self-care.

(m) "Subsidy" means a grant made by the Department to a recipient which may be paid in installments. The subsidy for those eligible for the first level of assistance is up to \$7,300 per year. The subsidy for those eligible for the second level of assistance is up to \$15,000 per year.

(n) "Supervise" means the ability to hire, train, direct, schedule, pay, and terminate the employment of a personal care assistant.

(Effective July 3, 1996)

Sec. 17b-605-11a. Eligibility for personal care assistance

(a) In order to be eligible for Personal Care Assistance benefits at the first level of assistance the applicant shall meet the following criteria:

- (1) Have a severe physical disability,
- (2) Have a family income as defined in Section 17b-605-10a,
- (3) Be employed or employable,
- (4) Have attained the age of eighteen (18) years and be a resident of Connecticut,
- (5) Have the ability to supervise a personal care assistant, and
- (6) Have a need for personal care assistance of under 75 hours per month.

(b) In order to be eligible for personal care assistance benefits at the second level of assistance the applicant shall meet all of the criteria in subsection (a) and have a need for personal care assistance of 75 hours or more per month.

(Effective July 3, 1996)

Sec. 17b-605-12a. Elements of the application filing

(a) Any person may obtain an application by contacting the nearest district office of the Department. Application forms shall be mailed to anyone upon request.

(b) The applicant shall be responsible for submitting a completed application which shall include but not be limited to the following:

- (1) A record of severe physical disability, including documentation such as statements from nurses(s), doctor(s), and/or other health professionals,
- (2) Wage stubs for the last six (6) weeks,
- (3) A copy of the federal income tax return filed for the previous year,
- (4) Copies of Social Security or other benefit checks, and other sources of documentation which clearly establish gross family income,
- (5) Evidence of being employable,
- (6) A personal care assistance plan including hours, costs, scope of care needed in order for applicant to become or to remain employed, and the extent to which the applicant currently uses personal care assistance, and
- (7) Any additional reports or information that he or she feels will assist in the determination of eligibility.

(Effective January 31, 1996)

Sec. 17b-605-13a. Application review and determination of eligibility

(a) Upon receipt of a completed application and after determination of income eligibility, the district office shall arrange for a home visit or, if appropriate, a work-

site visit, for the purpose of determining eligibility for the program which shall include an assessment of the applicant's capabilities for self-care.

(b) Within forty-five (45) days after the receipt of a completed application, the Department shall determine the eligibility of an applicant.

(c) The amount of the subsidy for those eligible for the first level of assistance shall be determined by the cost of providing necessary PCA services in accordance with the individual's care plan. The amount of the subsidy for those eligible for the second level of assistance shall be determined by multiplying the number of hours of PCA needed by the actual rate charged by the provider or a standard hourly rate set by the department, whichever is less.

(d) Priority shall be given to employed persons who live in the community and have no family support systems.

(e) Eligibility shall be reviewed every six (6) months and such redetermination shall include verification of expenditure of the previous subsidy for personal care assistance. Failure to provide such verification may be cause for discontinuance from the program.

(f) It shall be the responsibility of the recipient to notify the district office within fifteen (15) days of any change in circumstances affecting his or her eligibility. Failure to do so may be cause for discontinuance from the program.

(Effective July 3, 1996)

Sec. 17b-605-14a. Waiting list and payments

(a) Applicants who would otherwise be eligible, but who cannot be granted subsidies because of a lack of available funds, shall be placed on a waiting list which shall give priority to employed persons over employable persons.

(b) Subsidies shall be granted subject to availability of funds.

(c) An individual who is employable may not receive a subsidy for more than six (6) months in a consecutive three-year period. If such person becomes employed during the benefit period, continuing eligibility shall be determined by the Department.

(Effective January 31, 1996)

Sec. 17b-605-15a. Recordkeeping and verification of service

(a) The recipient shall maintain records verifying that the subsidy payments from the Department have been expended for personal care assistance.

(b) FICA, FUTA UC payments - payments for personal care assistance services shall be for the gross amount of the service payment as authorized by the commissioner with no deductions for social security (FICA), federal unemployment tax (FUTA), or state unemployment compensation (UC) payments. The recipient of services shall be responsible for payment of the appropriate amount of FICA, FUTA, and UC.

(Effective July 3, 1996)

Sec. 17b-605-16a. Overpayment recovery procedure

When an overpayment has been made through error by the recipient or the Department, a modification in subsequent payments shall be made.

(Effective January 31, 1996)

Sec. 17b-605-17a.

Repealed, July 3, 1996.

Sec. 17b-605-18a. Fair hearings

An aggrieved person shall be given an opportunity for a fair hearing in accordance with C.G.S. Sections 17-603 and 17-604, as same may be amended. The Department

of Human Resources fair hearing procedures are governed by applicable provisions of the Uniform Administrative Procedures Act and the agency's separate fair hearing regulations.

(Effective January 31, 1996)