

Testimony Opposing

S.B. 1161: An Act Concerning the Department of Social Services' Implementation of Policies and Procedures Relating to the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act

Sharon D. Langer
Human Services Committee
March 17, 2011

Senator Musto, Representative Tercyak and members of the Human Services Committee:

I am testifying today on behalf of Connecticut Voices for Children, a research-based public education and advocacy organization that works statewide to promote the well-being of Connecticut's children, youth, and families. I am a Senior Policy Fellow, concentrating in policy analysis and advocacy related to Medicaid and HUSKY health insurance programs for low-income families and children.

Connecticut Voices **opposes S.B. 1161** because it gives the Department of Social Services (the Department) *carte blanche* in implementing provisions of the national health reform legislation without approval from the General Assembly. The bill requires only that the Department notify this Committee and the Appropriations Committee 10 days prior to its implementation of "mandatory or optional provisions" of the federal legislation.

The Department would be able to implement any and all provisions of the federal law without regard to vetting by the legislature of their fiscal and policy implications. In addition, such policies and procedures would be carried out as proposed regulations which will be "valid until the time final regulations are effective". Given that it can take many *years* for regulations to become final, the Department's authority under the proposed bill goes too far. (For example, in the case of HUSKY B regulations, for the first 10 years of the program, there were *no* proposed regulations – they remained in draft form; the program is now operating under proposed regulations - promulgated in 2007).

Under this proposed bill, the Department could implement a Basic Health Program pursuant to Section 1331 of the Affordable Care Act, or for that matter, a Health Insurance Exchange without authorization from the General Assembly. We are concerned about provisions that may be implemented without legislative authority that have the potential to negatively impact low-income families. Ironically, this body passed statutes years ago that authorize the Department to implement policies and procedures related to, for example, smoking cessation¹ and medical interpretation² in Medicaid that have not been implemented. (We acknowledge and applaud the new Governor for putting money in his proposed budget to finally fund smoking cessation for adults)³.

We, of course, would support the Department's efforts to implement policies and procedures under national health care reform that improve coverage, affordability, access and quality of care for low-

income families and children; and enable the state to draw down much needed federal funding. Unfortunately, this bill is too broad and too opaque for us to support.

We suggest the following substitute language that permits the Department to implement provisions of the federal health care reform legislation that have already been authorized by the General Assembly.

(NEW) The Commissioner of Social Services may implement policies and procedures necessary to carry out mandatory or optional provisions of Public Law 111-148, The Patient Protection and Affordable Care Act, and the Health Care and Education Reconciliation Act of 2010, P.L. 111-148, provided such optional provisions have been authorized by Connecticut statute. The Commissioner shall provide notice of implementation of such policies and procedures and intention to adopt regulations in the Connecticut Law Journal within twenty days of implementation. Such policies and procedures shall be valid until the time final regulations are effective.

Thank you for this opportunity to testify in **opposition to S.B. 1161**. If you have questions or need further information, please feel free to contact me.

¹ Conn.Gen.Stat., Sec. 17b-278a (P.A. 02-4, as amended)

² Conn.Gen.Stat., Sec. 17b-28e (P.A. 07-185, as amended)

³ Governor's proposed budget, Human Services, at 362, available at www.ct.gov/op/lib/opm/budget/2012_2013_biennial_budget/human_services.pdf