

# The Connecticut General Assembly

## Legislative Commissioners' Office

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## Memorandum

**To:** Legislative Regulation Review Committee  
**From:** Legislative Commissioners' Office  
**Committee Meeting Date:** April 25, 2023

<b>Regulation No:</b>	2023-5
<b>Agency:</b>	Department of Aging and Disability Services
<b>Subject Matter:</b>	National Family Caregiver Support Program
<b>Statutory Authority:</b> (copy attached)	17a-854

	Yes or No
<b>Mandatory</b>	Y
<b>Federal Requirement</b>	N
<b>Permissive</b>	N

### For the Committee's Information:

### Substantive Concerns:

### Technical Corrections:

1. Throughout the proposed regulation, page numbers should be inserted and catchlines should be in bold and followed by periods, for proper form and consistency.

2. Throughout the proposed regulation, "Title III. E." should be "Title III-E", for proper form. For example, on page 1, in the introductory language to section 17a-854-8, "Title III. E." should be "Title III-E".
3. Throughout the proposed regulation, the word "section" should be removed from citations to the United States Code, for proper form. For example, on page 1, in section 17a-854-8(c)(1), "42 USC section 3002" should be "42 USC 3002".
4. On pages 1 and 2, in sections 17a-854-8(a) to 8(c), inclusive, subsection (c) should be redesignated as subsection (a) and former subsections (a) and (b) should be redesignated as subsections (b) and (c), for proper form.
5. On page 1, in section 17a-854-8(c), in the first sentence, "by this section" should be "in this subsection", "sections 42 USC 3002, 3022 and 3030s" should be "42 USC 3002, 42 USC 3022 and 42 USC 3030s", "sections 17a-854-8 of the Regulations of Connecticut State Agencies" should be "this section", for proper form; and in the second sentence, "section 17a-854-8 of the Regulations of Connecticut State Agencies" should be "this section", for proper form.
6. On page 1, in section 17a-854-8(c)(2), "a" should be inserted before "related disorder", for clarity.
7. On page 2, in section 17a-854-8(c)(3), "family caregiver" should be " "family caregiver," as defined in 42 USC 3022(3)," for accuracy.
8. On page 2, in section 17a-854-8(c), the following definition should be inserted as subdivision (5) and the remaining definitions should be renumbered accordingly, for clarity: "(5) "National Family Caregiver Support Program" means the support services program for family caregivers and older relative caregivers authorized pursuant to 42 USC 3030s."
9. On page 2, in section 17a-854-8(c)(5), "respite service" should be "respite care services" for consistency, and "Activities of Daily Living and Instrumental Activities of Daily Living" should be "activities of daily living and instrumental activities of daily living", for proper form.
10. On page 2, in section 17a-854-8(c)(7), "respite services," should be "respite care services", for consistency and proper form, the comma after "PCA" should be deleted, for proper form, and "care recipient's representative" should be "representative of the care recipient", for clarity.
11. On page 2, in section 17a-854-8(c)(8), "pursuant to section 17a-780 of the Connecticut

- General Statutes" should be added after "designated by the state", for accuracy.
12. On page 2, in section 17a-854-8(c)(9), "defined" should be "provided", for proper form.
  13. On page 2, in section 17a-854-8(d)(1), "of the designated" should be deleted, for clarity, "a" should be inserted before "related disorder", for clarity, and "55 years or older" should be "fifty-five (55) years of age or older", for consistency.
  14. On page 2, in section 17a-854-8(d)(2), "To be eligible" should be "To be eligible for the program,", for clarity.
  15. On pages 2 and 3, in section 17a-854-8(d)(3), subparagraph designators "a.", "b." and "c." should be "(A)", "(B)" and "(C)", for proper form, "related disorders" should be "a related disorder", for clarity, and "of a child with severe disabilities, or an individual with severe disabilities" should be "of a child or adult with severe disabilities", for clarity.
  16. On page 3, in section 17a-854-8(f)(1), in the first sentence, "meets the criteria set forth in the definition of "frail" under subsection (c)" should be "is frail", for consistency; in the second sentence, "does not meet the definition of "frail" should be "is not frail", for consistency, "remain eligible" should be "be eligible", for clarity.
  17. On pages 3 and 4, in section 17a-854-8(f)(2), subparagraph designators "a." to "d.", inclusive, should be "(A)" to "(D)", inclusive, and the clause designators "i." to "v.", inclusive, should be "(i)" to "(v)", inclusive, for proper form; in newly designated subparagraph (B), "\$4000" should be "\$4,000" and "\$7500" should be "\$7,500)", for consistency; and in newly designated subparagraph (D), "one thousand five hundred (\$1500)" should be "one thousand five hundred dollars (\$1,500)", for clarity.
  18. On page 4, in section 17a-854-8(f)(7), "the program to carry out the purpose of the National Family Caregiver Support Program" should be "the National Family Caregiver Support Program to carry out the purposes of the program", for clarity.
  19. On page 4, in section 17a-854-8(g)(3), "total federal received" should be "total of federal funds received", for clarity.
  20. On page 4, in section 17a-854-8(g)(4), "public health and civil preparedness emergency is declared" should be "public health or civil preparedness emergency is declared or proclaimed", for clarity, "Commissioner of the Department of Aging and Disability Services" should be "Commissioner of Aging and Disability Services", for proper form, and "such public health emergency" should be "such public health or civil preparedness

emergency", for consistency.

21. On page 5, in section 17a-854-8(h), subdivision designator "(1)" should be inserted after "(h)", for clarity; in the fourth line, "subsection (b)" should be "subsection (c)", for accuracy; in the eighth line, subdivision designator "(2)" should be inserted before "Process", for clarity; former subdivision designators "1." and "2." should be redesignated as subparagraph designators "(A)" and "(B)", for proper form; in newly redesignated subparagraph (B), "subsection (c)" should be "subsection (a)", for accuracy; and the clause designators "i." to "iv.", inclusive, should be subparagraph designators "(A)" to "(D)", inclusive, for proper form.
22. On pages 5 and 6, in section 17a-854-8(h), in five instances, "care recipient's representative" should be "representative of the care recipient", for clarity.
23. On page 6, in section 17a-854-8(i), subsection designators "a." and "b." should be subdivision designators "(1)" and "(2)" and clause designators "i." to "iv.", inclusive, should be subparagraph designators "(A)" to "(D)", inclusive, for proper form.
24. On page 6, section 17a-854-8(j) should be rewritten as follows for clarity:

**"(j) Reporting Requirements.** Each AAA shall collect data and maintain records relating to the program in a format and manner specified by the SUA and submit such data and records to the SUA as requested by the SUA."
25. On page 6, in section 17a-854-8(k), in two instances, "(or their representative)" should be "or the representative of the care recipient", and "make a cost sharing payment, however, cannot" should be "pay such amount shall not", for clarity.
26. On page 6, in section 17a-854-8(l), in two instances, "(or their representative)" should be "or the representative of the care recipient", and "may not be denied" should be "shall not be denied", for clarity.
27. On pages 6 and 7, in section 2, the sentences after "Section 17b-423-8 of the Regulations of Connecticut State Agencies is repealed." should be deleted as unnecessary.

**Recommendation:**

<input checked="" type="checkbox"/>	<b>Approval in whole</b>
<input checked="" type="checkbox"/>	<b>with technical corrections</b>
	<b>with deletions</b>
	<b>with substitute pages</b>
	<b>Disapproval in whole or in part</b>
	<b>Rejection without prejudice</b>

**Reviewed by:** Nicholas Panzarella / Marie P. Grady

**Date:** April 13, 2023

**Sec. 17a-854. (Formerly Sec. 17a-306). Regulations re Older Americans Act of 1965. Policies. Posting on eRegulations System.** The Department of Aging and Disability Services shall adopt regulations, in accordance with the provisions of chapter 54, to carry out the purposes, programs and services authorized pursuant to the Older Americans Act of 1965, as amended from time to time. The department may operate under any new policy necessary to conform to a requirement of a federal or joint state and federal program while it is in the process of adopting the policy in regulation form, provided the department posts such policy on the eRegulations System not later than twenty days after adopting the policy. Such policy shall be valid until the time final regulations are effective.