

Public Act 08-1 (August Special Session)
AN ACT CONCERNING ENERGY ASSISTANCE

**Plan for Allocating Funds Appropriated for Heating Assistance Grants
to Nonprofit Providers of Public Health and Human Services**

October 15, 2008

Introduction

On August 22, 2008, the Connecticut General Assembly convened in special session to consider legislation proposed by Governor M. Jodi Rell to address rising energy costs and anticipated demand for winter heating assistance given projected cost increases. Two pieces of legislation were passed and signed into law, with one of those bills providing for heating assistance grants to nonprofit providers of public health and human services. Section 10 of Public Act 08-1 of the August Special Session, *An Act Concerning Energy Assistance*, appropriates \$3,500,000 for this purpose and requires the Secretary of the Office of Policy and Management to develop and submit a plan to the legislature regarding the allocation of funds for such heating assistance grants. The purpose of this document is to transmit the plan required by this legislation.

Overview of Legislation

Section 10 of Public Act (PA) 08-1, August Special Session, *An Act Concerning Energy Assistance*, provides for heating assistance grants to nonprofit providers of public health and human services. An overview focusing on the essential elements of that legislation follows. The full text of Section 10, PA 08-1, Aug. Spec. Sess. is included at Appendix A.

<u>Element</u>	<u>Statutory provision</u>
What	Heating assistance grants.
For whom	Nonprofit organizations that are human service or public health providers, such as providers of adult day care, residential services to homeless persons and services to

	<p>victims of domestic violence, including organizations that provide such services to the state through purchase of service or fee for service contracts.</p>
Appropriation	<p>\$3.5 million is appropriated for payment of heating assistance grants to nonprofit organizations. The funds are appropriated to the Office of Policy and Management (OPM). OPM may transfer funds to the following agencies to accomplish the grant payments:</p> <ul style="list-style-type: none"> • Department of Social Services • Department of Developmental Services • Department of Mental Health and Addiction Services • Department of Public Health • Department of Correction • Department of Children and Families • Judicial Department • Children’s Trust Fund Council <p>Additionally, the legislation allows the agencies to allocate a portion of the funds for administrative expenses.</p>
Time period	<p>The appropriation is available for the fiscal year ending June 30, 2009.</p>
Grant payments	<p>The legislation prohibits grants awarded pursuant to this legislation from affecting any calculation of rates or fees</p>

	paid to the organization receiving the grant or otherwise affecting any contract with the state for provision of services.
Eligible providers	The legislation requires the Secretary of the Office of Policy and Management to determine eligibility requirements for heating assistance, develop criteria to determine the amount of the grant that an organization can receive, and establish an application procedure. The legislation allows the Secretary of the Office of Policy and Management to consult with the agencies listed above for purposes of coordinating payment of grants.
Plan	A plan recommending the allocation of funds for heating assistance grants to nonprofit public health and human services providers must be submitted by the Secretary of the Office of Policy and Management to the legislature on or after October 15, 2008, but not later than November 30, 2008.

Plan Proposal

In developing the plan required by legislation, the Office of Policy and Management consulted with the state public health and human services agencies as permitted under the legislation:

- Department of Social Services,

- Department of Developmental Services,
- Department of Mental Health and Addiction Services,
- Department of Public Health,
- Department of Correction,
- Department of Children and Families,
- Judicial Department, and
- Children's Trust Fund Council.

The consultation addressed the issues central to developing a plan to implement the legislation: Which public health and human services providers would be eligible for heating assistance, how much assistance each provider should receive, how to pay those providers, and when to make the payments. An equally important consideration was making the process as efficient and expeditious as possible for both providers and agencies, especially given that the plan would be considered by the legislature on or after October 15, 2008, as the winter heating season begins.

Eligibility. The legislation is clear that the heating assistance grants should be made available to nonprofit providers of public health and human services. Based on the plain meaning of this language and as discussed among the agencies, local and tribal governments and for-profit providers are ineligible for these heating assistance grants.

The agencies further discussed the intent of the legislation and determined that the pool of potentially eligible organizations should be defined as those organizations with which the state currently has a purchase of service or fee for service contract for the provision of public health or human services. While this definition would make nonprofit

organizations not under contract with the state ineligible for heating assistance grants, the agencies agreed that developing an application process and waiting until all applications were received would not only significantly delay the provision of heating assistance, but would also complicate the process of determining how much assistance each provider would receive.

The agencies agreed to consider only providers under contract for services effective July 1, 2008. This standard will ensure that current providers will be eligible, but will exclude providers who may have had contracts with the state for prior years but who no longer are doing business with the state.

The agencies further refined the list of eligible providers to include only those providers offering services in Connecticut, thus excluding providers of care rendered out of state.

Finally, the agencies generally defined “public health and human services” as direct care services to Connecticut’s residents. Each agency then reviewed the services rendered by its contracted providers and developed a list of those services it felt most closely complied with the intent of the legislation, as well as services that would be excluded from receipt of heating assistance grants (for example, training, consultation, curriculum development, evaluation and research). A list of the direct care service types identified by the agencies as eligible for heating assistance is included in Appendix B.

Grant amounts. The legislation provides an appropriation for heating assistance grants in the amount of \$3.5 million. While the legislation also permits a portion of these funds to be used for administrative purposes, the state agencies agreed that, in order to maximize

the amount of assistance for providers, no administrative cost would be deducted from the appropriation. These funds are proposed for allocation among the state agencies in proportion to the funds they received in state fiscal year 2009 for private provider cost of living adjustments (COLAs), as shown in the following table:

Proposed Nonprofit Heating Assistance Allocation

Agency	FY09 COLA Allocation	Proportion of Total COLA	Prorated Share of \$3.5M
Correction	\$923,658	2.6%	\$90,650
Judicial	2,230,223	6.2%	218,400
Children’s Trust Fund	371,829	1.0%	36,400
Children and Families	7,645,251	21.4%	749,000
Developmental Services	16,054,290	45.0%	1,573,250
Public Health	816,564	2.3%	80,150
Social Services	2,426,508	6.8%	237,650
Mental Health and Addiction Svcs	5,249,604	14.7%	514,500
Grand Total	\$35,717,927	100.0%	\$3,500,000

While several potential alternative distribution criteria and methodologies were discussed, the agencies agreed on a distribution in proportion to the private provider COLA allocation to each agency.

Within its allocation, each state agency will determine the proportion of funds that each of their nonprofit providers will receive in relation to the state agency’s total contract amount for those receiving heating assistance. Thus, for example, a nonprofit provider with a contract amounting to five percent of the total state contract amount for nonprofits identified by the state agency as eligible for heating assistance would receive five percent of the state agency’s allocated heating assistance funds. In discussions regarding potential alternative funding distribution methodologies, some consideration

was given to weighting certain services more highly than others in recognition of either extraordinary heating assistance needs or the needs and vulnerabilities of state clients served by the provider. For instance, the state agencies considered whether programs serving citizens in residential settings (e.g., group homes, residential treatment centers) should receive a higher proportion of available heating assistance funds than other types of providers (e.g., providers with small offices that send workers out to provide services in clients' homes). State agencies felt, however, that their larger contracts tended to be for the types of services that served either the most vulnerable populations or that could be expected to experience the most significant heating assistance needs. Thus, a sort of "natural weighting" is inherent in the allocation methodology described in this paragraph, and no further weighting was deemed necessary. The state agencies also considered establishing a flat amount of assistance each provider could receive, but it was felt that not only would the amount be somewhat arbitrary, it would mean that providers with greater heating needs (for example, those operating larger programs) would receive the same amount of relief as those with less significant heating needs. Such an approach could also lead to over- or under-expenditure of the \$3.5 million appropriation for heating assistance.

Application procedure. In order to simplify the process and minimize any burden on providers as well as on state agencies, applications for heating assistance grants will not be required. State agencies will identify eligible providers as defined above and will initiate a payment to those nonprofit providers in amounts determined by each state agency as described above. The Accounts Payable Division of the Office of the

Comptroller has approved a streamlined method for state agencies to accomplish these payments in a timely and efficient manner.¹ Using this method will also eliminate the need for contract amendments. By eliminating a potentially time- and labor-intensive application or contract amendment process for both applicants (nonprofit providers) and state agencies, heating assistance grants can be made more quickly to nonprofit providers.

Timing of payments. It is anticipated that all nonprofit heating assistance grants will be processed and paid within 30 to 60 days following approval of this plan by the legislature.

Conclusion

Section 10 of Public Act 08-1, August Special Session, appropriates \$3.5 million for heating assistance for nonprofit providers of public health and human services. The plan presented above is simple and straightforward, requiring no applications from providers, little processing time for state agencies, and no burden at all on the nonprofit providers who will receive this assistance. The Office of Policy and Management and the state's health and human services agencies are prepared to implement this plan following legislative approval in order to expedite heating assistance to providers who need relief as the winter heating season commences.

¹ Where appropriate, agencies will be able to make these payments through the CoreCT system using a "non-PO voucher."

Appendix A
Excerpt from authorizing legislation

Senate Bill No. 1101

August Special Session, Public Act No. 08-1

AN ACT CONCERNING ENERGY ASSISTANCE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Sec. 10. (*Effective from passage*) (a) The sum of \$ 3,500,000 is appropriated from the funds credited to the General Fund for the fiscal year ending June 30, 2009, pursuant to subsection (a) of section 1 of this act to the Office of Policy and Management, for the fiscal year ending June 30, 2009, for the purpose of providing heating assistance grants to nonprofit organizations that are human service or public health providers, such as providers of adult day care, residential services to homeless persons and services to victims of domestic violence, including organizations that provide such services to the state through purchase of service or fee for service contracts. The Secretary of the Office of Policy and Management shall determine eligibility requirements for such assistance, develop criteria to determine the amount of the grant that an organization may receive and establish an application procedure. Said secretary may consult with the Commissioners of Social Services, Developmental Services, Mental Health and Addiction Services, Public Health, Correction and Children and Families, the Chief Court Administrator and the executive director of the Children's Trust Fund for purposes of coordinating payment of such grants. Funds appropriated to the Office of Policy and Management pursuant to this section may be transferred by the secretary to the Departments of Social Services, Developmental Services, Mental Health and Addiction Services, Public Health, Correction and Children and Families, the Judicial Department and the Children's Trust Fund Council for payment of such grants. Notwithstanding any provision of the general statutes or the regulations of Connecticut state agencies, no grant awarded pursuant to this section shall affect any calculation of rates or fees paid to the organization receiving the grant or otherwise affect any contract with the state for provision of services.

(b) (1) On or after October 15, 2008, but not later than November 30, 2008, the Secretary of the Office of Policy and Management shall submit a plan to the speaker of the House of Representatives and the president pro tempore of the Senate recommending allocations of funds appropriated under subsection (a) of this section to provide the assistance permitted under said subsection. Such plan

may allocate a portion of the appropriated funds to be used for administrative expenses. Not later than five days after receipt of such plan, the speaker and the president pro tempore shall submit the plan to the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies and to the joint standing committee or committees of the General Assembly having cognizance of the subject matter relating to such recommended allocations, as determined by the speaker and the president pro tempore. Not later than thirty days after receipt of the plan, the committee having cognizance of matters relating to appropriations and the budgets of state agencies, in concurrence with the committee or committees of cognizance, shall advise the secretary and Governor of their approval or modifications, if any, of such plan. If the joint standing committees do not concur, the committee chairpersons shall appoint a committee on conference which shall be comprised of three members from each joint standing committee. At least one member appointed from each committee shall be a member of the minority party. The report of the committee on conference shall be made to each committee, which shall vote to accept or reject the report. The report of the committee on conference may not be amended. If a joint standing committee rejects the report of the committee on conference, the plan shall be deemed approved. If the joint standing committees accept the report, the committee having cognizance of matters relating to appropriations and the budgets of state agencies shall advise the secretary and Governor of their approval of the report. If the committees do not act during such thirty- day period, the plan shall be deemed approved.

(2) If the joint standing committees modify the plan, the Governor shall, not later than five days after receipt of notification of such modification, accept or reject such modification. If the Governor rejects such modification, the Governor shall notify the secretary of the rejection and the secretary shall, not later than five days after such notification, submit a revised plan to the speaker of the House of Representatives and the president pro tempore of the Senate. Not later than five days after receipt of the revised plan, the speaker and the president pro tempore shall submit the revised plan to the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies and to the joint standing committee or committees of the General Assembly having cognizance of the subject matter relating to such recommended allocations, as determined by the speaker and the president pro tempore. Not later than fifteen days after receipt of the revised plan, the committee having cognizance of matters relating to appropriations and the budgets of state agencies, in concurrence with the committee or committees of cognizance, shall advise the secretary and Governor of their approval or modifications, if any, of the revised plan. If the joint standing committees do not concur, the committee chairpersons shall appoint a committee on conference

which shall be comprised of three members from each joint standing committee. At least one member appointed from each committee shall be a member of the minority party. The report of the committee on conference shall be made to each committee, which shall vote to accept or reject the report. The report of the committee on conference may not be amended. If a joint standing committee rejects the report of the committee on conference, the revised plan shall be deemed approved. If the joint standing committees accept the report, the committee having cognizance of matters relating to appropriations and the budgets of state agencies shall advise the secretary and Governor of their approval of the report. If the committees do not act during such fifteen-day period, the revised plan shall be deemed approved.

(3) If the joint standing committees modify the revised plan, the Governor shall, not later than five days after receipt of notification of such modification, accept or reject such modified revised plan. If the Governor rejects such modified revised plan, the modified revised plan shall immediately be submitted to the clerks of the House of Representatives and the Senate. The General Assembly may, not later than thirty days after receipt of the modified revised plan, approve, reject or modify such plan. The General Assembly may approve or modify the modified revised plan by a majority vote of each house and may reject the modified revised plan by a majority vote of either house. If either house fails to act during such thirty-day period, the modified revised plan shall be deemed rejected. If the modified revised plan is rejected by the General Assembly, the revised plan shall be deemed approved. If the modified revised plan is approved, such approved plan, with modifications made by the General Assembly, if any, shall be transmitted to the Governor for approval or rejection. The Governor shall, not later than five days after receipt of such approved modified revised plan, accept or reject such plan. If the Governor rejects the modified revised plan as approved or modified by the General Assembly, the General Assembly may reconsider the modified revised plan in the same manner as a vetoed bill.

Approved August 26, 2008

Appendix B

List of service types anticipated to receive heating assistance grants

Agency	Services
Department of Developmental Services	<ul style="list-style-type: none"> • Community Living Arrangements (Group Homes) • Supported Living • Day programs • Birth to Three Service Providers • Respite • Intensive Staff support • Individual Home Supports • ICF Group Homes
Department of Mental Health and Addiction Services	<ul style="list-style-type: none"> • Emergency Crisis Services • Outpatient Services • Special Programs (Young Adult Services, ABI/TBI, Jail Diversion) • Residential Treatment • Case Management • Rehabilitation
Department of Public Health	<ul style="list-style-type: none"> • Primary Medical Care (community health centers) • Community Outreach • Mental health services • Oral health care • Case management • Medication adherence services • HIV testing services • HIV prevention services • Syringe exchange services • Support services for people living with HIV/AIDS • Immunization services • Rape crisis intervention services
Department of Children and Families	<ul style="list-style-type: none"> • Aftercare • Assessment and Treatment Intervention • Care Coordination • Case Management Services • Child and Adolescent Services System Program (CASSP) • Community Based Life Skills • Community Emergency Services • Community Target Re-Entry Pilot Program (CTRPP) • Coordination Services

	<ul style="list-style-type: none"> • Crisis Stabilization • Early Childhood Services • Emergency Mobile Services Care Coordination • Emergency Mobile Services Care Coordination and Enhanced Care Coordination • Extended Day Treatment • Family Support Center • Family Support Team • Foster and Adoptive Support Team (FAST) • Foster Care and Adoptive Family Support Groups • Foster Care Clinic (MDE) • Foster Parent Support • Foster Parent Support Medically Complex • Integrated Family Violence Services • Intensive Community Family Support Services (ICFSS) • Intensive Family Preservation • Intensive Home Based Services Family Based Recovery (FBR) • Intensive Home Based Services Functional Family Therapy (FFT) • Intensive Home Based Services: Intensive In-Home Child and Adolescent Psychiatric Services (IICAPS) • Intensive Home Based Services: Multidimensional Family Therapy (MDFT) • Intensive Home Based Services: Multidimensional Family Therapy (MDFT) for Status Offending Girls CARE • Intensive Home Based Services: Multisystemic Therapy (MST) • Intensive Safety Planning • Juvenile Case Management Collaborative: Outreach Tracking and Reunification • Juvenile Criminal Diversion • Juvenile Justice Intermediate Evaluation • Juvenile Review Board • Juvenile Services Educational Re-entry and Delinquency Prevention Program • Juvenile Sexual Treatment • Life Long Family Ties (LLFT) • Mentoring • Multidisciplinary Team • Mutidimensional Treatment Fostercare • Neighborhood Youth Center • One on One Mentoring • Outpatient Adolescent Substance Abuse Treatment
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	<ul style="list-style-type: none"> • Outpatient Adolescent Substance Abuse Treatment - Emily J • Outpatient Psychiatric Clinic for Children • Outpatient Treatment Services for Problem Sexual Behaviors • Parent Aide • Parent Assessment and Clinical Education Services • Parent Education Assessment Services • Permanency Diagnostic Center • Physical and Sexual Abuse Evaluation • Positive Youth Development • Preparing Adolescents for Self Sufficiency (PASS) Group Home • Prison Transportation • Queen Esther Ministry • Reconnecting Families • Residential Substance Abuse Treatment • Residential Treatment • Respite Care Services • Safe Home • Sexual Abuse Evaluation • Short Term Assessment and Respite • Sibling Connections Camp • Social Coach • Spanish Speaking Parenting Education • Specialized Community Living • Specialized Family Centered Service Plan • Substance Abusing Families at Risk • Suicide Prevention/ Multi Culturalism • Supportive Housing • Supportive Work Education Transition program • Temporary Respite for Children • Therapeutic Child Care • Therapeutic Foster Care • Therapeutic Foster Care Medically Complex • Therapeutic Group Home • Therapeutic Mentoring • Treatment Foster Care • Work Learn Youth Program • Y2K Yes to Kids Adoption • Youth Business Center • Youth Employment and Training
Department of	<ul style="list-style-type: none"> • Residential

Correction	<ul style="list-style-type: none"> • Re-entry services
Department of Social Services	<ul style="list-style-type: none"> • Emergency Shelters • Transitional Living Programs • Domestic Violence Shelters • AIDS Shelters • Child Day Care Centers • Food Banks/Food Pantries • Residential Care Homes • Adult Day Care Centers
Judicial Department (Court Support Services Division)	<ul style="list-style-type: none"> • Residential • Outpatient services • Home based services
Children's Trust Fund Council	<ul style="list-style-type: none"> • Nurturing Families Network • Family Empowerment Initiative • Help Me Grow • Family School Connection