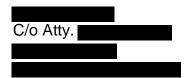
STATE OF CONNECTICUT DEPARTMENT OF SOCIAL SERVICES OFFICE OF LEGAL COUNSEL REGULATIONS AND ADMINISTRATIVE HEARINGS 55 FARMINGTON AVENUE HARTFORD, CT 06105-3725

, 2015 Signature Confirmation

Client ID #: Hearing ID #: 672039

NOTICE OF DECISION

PARTY



PROCEDURAL BACKGROUND

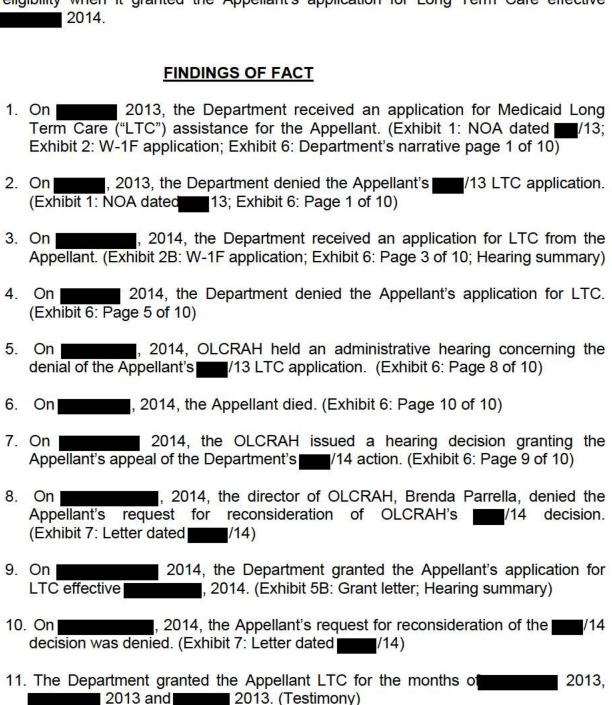
The following individuals were present at the hearing:

Appellant's Daughter and Authorized Representative Attorney, Appellant's Attorney
Barbara Connelly, Fairview of Fairfield Business Manager
Evan Ballas, Fairview of Fairfield Social Worker
Marilyn Phillips, Department's Representative
Christopher Turner, Hearing Officer

The hearing record was left open for the submission of additional information. On 2015, the record closed.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department determined the correct effective date of eligibility when it granted the Appellant's application for Long Term Care effective 2014.



12. The Appellant's attorney is requesting a processing, 2013 effective date of LTC. (Testimony)

CONCLUSIONS OF LAW

- Section 17b-260 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the Medicaid program.
- 2. Uniform Policy Manual ("UPM") § 1570.05 (H) (1) provides the request for a Fair Hearing must be made within a specified period of time from the date that the Department mails a notice of action. (a) For all programs except Food Stamps, this period is 60 days. (b) For the Food Stamp program, this period is 90 days.
- 3. UPM § 1570.05 (I) (1) provides the request for a Fair Hearing must be in writing for all programs except the Food Stamp program. In the Food Stamp program, the request for a Fair Hearing may be written or oral.
- 4. The Department correctly determined the Appellant requested a Fair Hearing on 2015 based on the denial of her 2014 application for LTC.
- 5. UPM § 1570.05 (C) (1) provides in part the Department denies or dismisses a request for a Fair Hearing, if: 1. The request for the Fair Hearing is not made within the time limits described in this section.
- 6. The consideration of the denial of the Appellant's ______, 2013 LTC application is not within the 60-day time limit.
- 7. UPM § 1570.25 (J) (6) provides in part that the Fair Hearing decision serves as a final resolution of the issue being contested unless the requester appeals to the court of jurisdiction.
- 8. UPM § 1570.25 (K) (4) provides in part that if reconsideration of a Fair Hearing decision is not warranted, no further action is required.

- 9. UPM § 1560.10 provides for Medicaid beginning dates of assistance and that the beginning date of assistance for Medicaid may be one of the following: A. The first day of the first, second or third month immediately preceding the month in which the Department receives a signed application when all non-procedural eligibility requirements are met and covered medical services are received at any time during that month; or B. The first day of the month of application when all non-procedural eligibility requirements are met during that month; or C. The actual date in a spenddown period when all non-procedural eligibility requirements are met. For the determination of income eligibility in spenddown, refer to Income Eligibility Section 5520; or D. The first of the calendar month following the month in which an individual is determined eligible when granted assistance as a Qualified Medicare Beneficiary (Cross Reference: 2540.94). The month of eligibility determination is considered the month that the Department receives all information and verification necessary to reach a decision regarding eligibility.
- The Department correctly determined the Appellant is not eligible for LTC coverage from 2013 through 2013.
- 11. The Department correctly determined 2013 as the effective date for LTC coverage for the Appellant.

DISCUSSION

DECISION

The Appellant's appeal is **Denied**.

Christopher Turner
Hearing Officer

Cc: Poonam Sharma, Operations Manager Bridgeport Marilyn Phillips, DSS

RIGHT TO REQUEST RECONSIDERATION

The appellant has the right to file a written reconsideration request within **15** days of the mailing date of the decision on the grounds there was an error of fact or law, new evidence has been discovered or other good cause exists. If the request for reconsideration is granted, the appellant will be notified within 25 days of the request date. No response within **25** days means that the request for reconsideration has been denied. The right to request a reconsideration is based on §4-181a(a) of the Connecticut General Statutes.

Reconsideration requests should include <u>specific</u> grounds for the request: for example, indicate <u>what</u> error of fact or law, <u>what</u> new evidence, or <u>what</u> other good cause exists.

Reconsideration requests should be sent to: Department of Social Services, Director, Office of Legal Counsel, Regulations, and Administrative Hearings, 55 Farmington Avenue, Hartford, CT 06105-3725.

RIGHT TO APPEAL

The appellant has the right to appeal this decision to Superior Court within 45 days of the mailing of this decision, or 45 days after the agency denies a petition for reconsideration of this decision, provided that the petition for reconsideration was filed timely with the Department. The right to appeal is based on §4-183 of the Connecticut General Statutes. To appeal, a petition must be filed at Superior Court. A copy of the petition must be served upon the Office of the Attorney General, 55 Elm Street, Hartford, CT 06106, or the Commissioner of the Department of Social Services, 55 Farmington Avenue, Hartford, CT 06105-3725. A copy of the petition must also be served on all parties to the hearing.

The **45** day appeal period may be extended in certain instances if there is good cause. The extension request must be filed with the Commissioner of the Department of Social Services in writing no later than **90** days from the mailing of the decision. Good cause circumstances are evaluated by the Commissioner or his designee in accordance with §17b-61 of the Connecticut General Statutes. The Agency's decision to grant an extension is final and is not subject to review or appeal.

The appeal should be filed with the clerk of the Superior Court in the Judicial District of New Britain or the Judicial District in which the appellant resides.