# 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#: 730089

# **NOTICE OF DECISION**

# **PARTY**



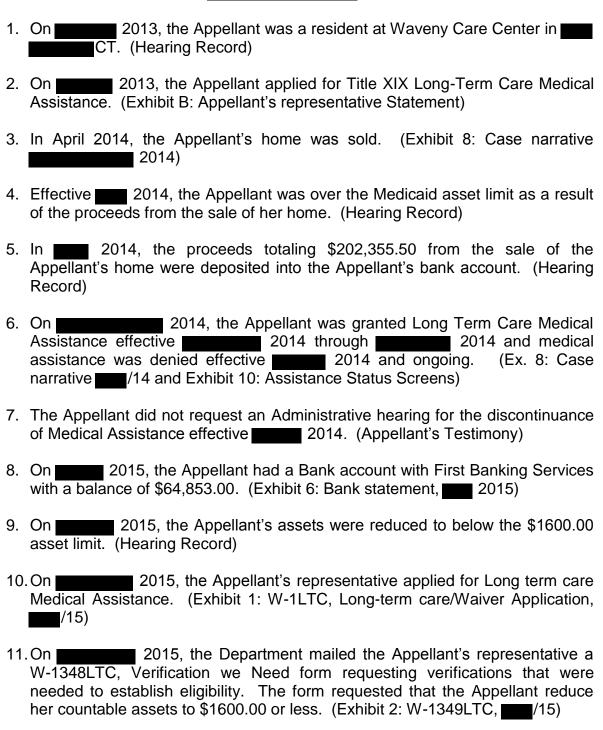
# PROCEDURAL BACKGROUND

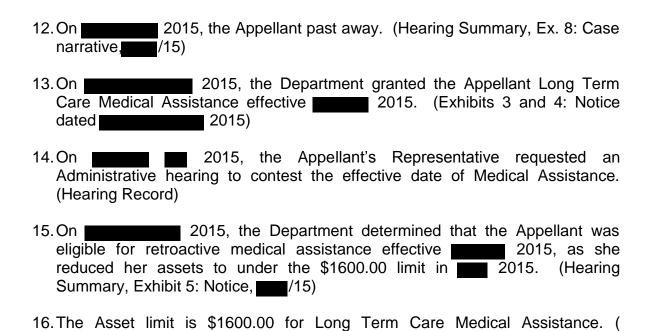
On 2015, the Department of Social Services (the "Department") granted 2015, application for Medicaid Long Term Care benefits effective 2015.
On 2015, , the Appellant's Representative requested an administrative hearing to contest the Department's decision to deny certain months of benefits and requested that the Department grant benefits back to 2015.
On 2015, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for 2015.
On 2015, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-184 of the Connecticut General Statutes, inclusive, OLCRAH held an administrative hearing. The following individuals were present at the hearing:
, Appellant's Representative Shaun Powell, Waveny Care Center Michelle Massicotte, Department's Representative Scott Zuckerman, Hearing Officer

# STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly granted the Appellant's Long Term Care Medicaid benefits effective 2015.

### **FINDINGS OF FACT**





# **CONCLUSIONS OF LAW**

Department Testimony)

- Connecticut General Statutes §17b-2 provides in part that the Commissioner is authorized to administer the Medicaid program pursuant to Title XIX of the Social Security Act.
- 2. Uniform Policy Manual § 4005.05 (B)(1) provides that the Department counts the assistance unit's equity in an asset toward the asset limit if the asset is not excluded by state or federal law and is either: available to the unit; or deemed available to the unit.
- 3. UPM § 4005.05 (B)(2) provides that under all programs except Food Stamps, the Department considers an asset available when actually available to the individual or when the individual has the legal right, authority or power to obtain the asset, or to have it applied for, his or her general or medical support.
- 4. UPM Section 4005.10 (A) provides that in the Medicaid program, the asset limit for one person is \$1,600.00.
- 5. The Department correctly determined the Appellant reduced her assets to below the limit in 2015.
- 6. UPM § 1560.10 discusses Medicaid beginning dates of assistance and provides 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 particular 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 to be the month that the Department receives all information and verification necessary to reach a decision regarding eligibility.

The Department correctly determined the effective date of assistance as 2015, three months immediately preceding the 2015, the monapplication.	th of
On 2015, the Department correctly granted the Appellant's 2015 application for Long Term Care Medicaid effective 2015, granted retroactively to 2015.	and

# **DISCUSSION**

I find that the Department acted correctly when determining the effective date of Long Term Care Medicaid assistance effective 2015. The Appellant's representative applied for assistance in 2015. Regulations allow that the Department may grant retroactive Medicaid benefits up to the three months immediately preceding the application month (UPM § 1560.10). The Department initially granted medical assistance effective 2015. After receiving the hearing request, the Department discovered the Appellant's assets were reduced under the \$1600.00 limit effective 2015. The Department was able to grant benefits for all three months preceding the application month as policy allows.

The Appellant's representative was requesting the Department grant assistance effective 2015. There is no provision in Departmental policy which allows for retroactive Medicaid coverage beyond the three months preceding the application month.

# **DECISION**

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

Scott Zuckerman Hearing Officer

Cc: Rachel Anderson, Operations Manager, DSS, Stamford Regional Office Michelle Massicotte, Fair Hearing Liaison, DSS, Stamford Regional Office.

### 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 Administrative Hearings and Appeals, 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. 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 the Commissioner's 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.