

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

██████████ 2016  
SIGNATURE CONFIRMATION

Client ID # ██████████  
Request # 765027

**NOTICE OF DECISION**

**PARTY**

██████████  
C/o Attorney ██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

On ██████████ 2016 the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") denying the Appellant's application for Long Term Care ("LTC") Medicaid benefits.

On ██████████ 2016, the Appellant's conservator, Attorney ██████████, requested an administrative hearing to contest the Department's decision to deny the Appellant's application for LTC Medicaid.

On ██████████ 2016, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for ██████████ 2016.

On ██████████ 2016, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing. The following individuals were present at the hearing:

Attorney ██████████ for the Appellant  
Adessa Williams, Department's Representative  
Trish Gethers, Department's Representative  
Thomas Monahan, Hearing Officer

**STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department's decision to deny the Appellant's application for LTC Medicaid due to failure to submit information needed to establish eligibility was correct.

### **FINDINGS OF FACT**

1. On [REDACTED] 2016, the Department received an application for Medicaid Long Term Care Assistance for the Appellant. (Exhibit 2: LTC Application)
2. The Appellant entered [REDACTED] Health Care Center (the "facility") on [REDACTED] 2015. (Ex. 2: LTC application)
3. On [REDACTED] 2016, the Department sent to the Appellant's conservator a Verification We Need form listing the verifications required to process the application. The due date for the information was [REDACTED] 2016. The Department requested the following verifications: A copy of the Appellant's husband's death certificate, proof of private insurance premium, proof of gross pension, bank accounts from 2011 to the present, the property deed for her home, and tax returns from 2011 to 2014. (Ex 6: Verification We Need list request # 1)
4. On [REDACTED] 2016, the Department received the death certificate for the Appellant's spouse. (Ex. 11: Case Narrative)
5. On [REDACTED] 2016, the Department sent to the Appellant's conservator a Verification We Need form listing the verifications required to process the application. The due date for the information was [REDACTED] 2016. The Department requested the following verifications: proof of private insurance premium, proof of gross pension, bank accounts from 2011 to the present, the property deed for her home and the property listed at fair market value, and tax returns from 2011 to 2014. (Ex 7: Verification We Need list request # 2)
6. On [REDACTED] 2016, the Department received a copy of the property deed. (Ex. 11: Case Narrative)
7. On [REDACTED] 2016, the Department sent to the Appellant's conservator a Verification We Need form listing the verifications required to process the application. The due date for the information was [REDACTED] 2016. The Department requested the following verifications: proof of private insurance premium, proof of gross pension, bank accounts from 2011 to the present, the property deed and appraisal for the Appellant's home and tax returns from 2011 to 2014.

8. On [REDACTED] 2016, the Department sent to the Appellant's conservator a Verification We Need form listing the verifications required to process the application. The due date for the information was [REDACTED] 2016. The Department requested the following verifications: proof of gross pension, bank accounts from 2011 to the present, a property listing of the Appellant's home at fair market value, and tax returns from 2011 to 2014. (Ex 9: Verification We Need list request # 4)
9. On [REDACTED] 2016, the Department granted the Appellant's conservator a ten day extension via a telephone conversation. At that time the conservator stated that she had no knowledge of bank accounts or a pension for the Appellant. The Department explained to the conservator that although the Appellant's home was in foreclosure a listing agreement was required. (Ex. 11: Case Narrative)
10. On [REDACTED] 2016, the conservator verified that the Appellant's property was foreclosed on [REDACTED] 2016. (Ex. 11: Case Narrative)
11. On [REDACTED] 2016, the Department spoke to a facility representative to verify the Appellant's patient trust account balance. At that time the facility representative notified the Department that the Appellant received a pension from [REDACTED]. (Ex. 11: Case Narrative)
12. On [REDACTED] 2016 the Department sent the Appellant's conservator a Verification We Need form listing the verifications required to process the application. The due date for the information was [REDACTED] 2016. The Department requested verification of the Appellant's [REDACTED] pension and where the funds are deposited. The Department also requested tax returns from 2011 to 2014. (Ex. 10: Verification We Need list # 5)
13. The Department did not receive any documentation by [REDACTED] 2016, from the Appellant's conservator in response to the verifications requested regarding the Appellant's pension. (Hearing Record)
14. The Appellant's conservator did not contact the Department by [REDACTED] 2016, regarding Verification request dated [REDACTED] 2016. (Hearing record)
15. On [REDACTED] 2016, the Department denied the Appellant's application for failure to provide documentation to determine eligibility. (Ex. 12: Notice of Denial, [REDACTED]/16)
16. On [REDACTED] 2016, the Department received a fax from the Appellant's conservator indicating she discovered that the Appellant's pension was

direct deposited into a bank account at GE Credit Union. The account is a joint account with her daughter. (Ex. 14: Conservator's fax, [REDACTED]/16)

### **CONCLUSIONS OF LAW**

1. Section 17b-2 and § 17b-260 of the Connecticut General Statutes, authorizes the Department of Social Services to administer the Medicaid program pursuant to Title XIX of the Social Security Act.
2. Regulation provides that the assistance unit must supply the Department in an accurate and timely manner as defined by the Department, all pertinent information and verification which the Department requires to determine eligibility and calculate the amount of benefits. Uniform Policy Manual ("UPM") § 1010.05(A)(1)
3. Regulation provides that the Department must inform the assistance unit regarding the eligibility requirements of the programs administered by the Department, and regarding the unit's rights and responsibilities. UPM § 1015.10(A)
4. The Department correctly sent the Appellant's conservator multiple Verification We Need lists requesting information needed to establish eligibility.
5. Regulation provides that the Department determines eligibility within the standard of promptness for the AFDC, AABD, and MA programs except when verification needed to establish eligibility is delayed and one of the following is true: the client has good cause for not submitting verification by the deadline, or the client has been granted a 10 day extension to submit verification which has not elapsed. UPM § 1505.35(D)(2)
6. Regulation provides that for delays due to insufficient verification, regardless of the standard of promptness, no eligibility determination is made when there is insufficient verification to determine eligibility when the following has occurred: 1. the Department has requested verification; and 2. at least one item of verification has been submitted by the assistance unit within a time period designated by the Department but more is needed. UPM § 1505.40(B)(5)(a)
7. The Department correctly sent to the Appellant's conservator requests for additional documentation when she sent in some, but not all of the requested verifications for the Appellant's application.
8. The Department correctly granted the Appellant's conservator a 10 day extension on [REDACTED] 2016 as she requested.

9. Regulation provides that additional 10 day extensions for submitting verification shall be granted as long as after each subsequent request for verification at least one item of verification is submitted by the assistance unit within each extension period. UPM § 1505.40(B)(5)(b)
10. The Appellant's conservator did not respond to the last request for verifications with some information or contact the Department before the [REDACTED] 2016 deadline.
11. The Department correctly denied the Appellant's application for failure to submit information needed to establish eligibility.

### **DISCUSSION**

After reviewing the evidence and testimony presented, the Department's action to deny the Appellant's request for Medicaid is upheld.

Regulations provide that an application must remain pending as long as the Department receives one of the requested verifications before the deadline. In this case, the Applicant's conservator did not provide any documentation to the Department's last request for verification nor did they request additional time to provide the requested verifications. Therefore, the Department was correct to deny the Applicant's request for Medicaid for failure to provide the necessary verifications.

### **DECISION**

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

*Thomas Monahan*  
Thomas Monahan  
Hearing Officer

C: Poonam Sharma, Operations Manager, Bridgeport Regional Office  
Fred Presnick, Operations Manager, Bridgeport Regional Office  
Yecenia Acosta, Program Manager, Bridgeport Regional Office  
Cheryl Stuart, Program Manager, Bridgeport Regional Office  
Adessa Williams, Hearing liaison

### **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 specific grounds for the request: for example, indicate what error of fact or law, what new evidence, or what 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 060105-3725.

### **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 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.