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

2018
Signature confirmation

Case:
Client:
Request:

NOTICE OF DECISION

PARTY



PROCEDURAL BACKGROUND

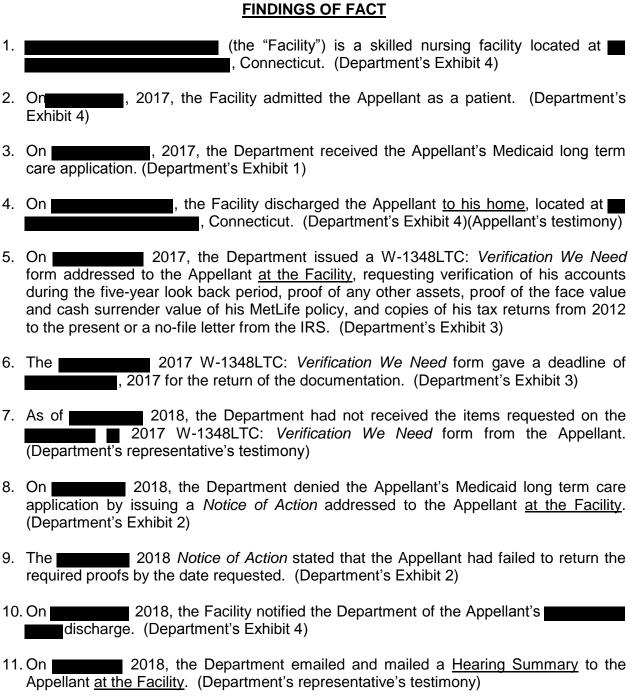
2018, the Department of Social Services (the "Department") issued a <i>Notice</i> of <i>Action</i> to (the "Appellant") denying his Medicaid long term care application.
On, 2018, the Appellant filed a request for an administrative hearing with the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH").
On, 2018, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") scheduled the Appellant's administrative hearing for 2018.
On, 2018, in accordance with sections 17b-60, 17b-61, and 4-176e to 4-189, nclusive, of the Connecticut General Statutes, the OLCRAH held an administrative hearing. The following individuals attended the administrative hearing by telephone and video conferencing:

Angella Querette, Department's representative Noel Lorde, Department's representative Eva Tar, Hearing Officer

On 2018, the administrative hearing record closed.

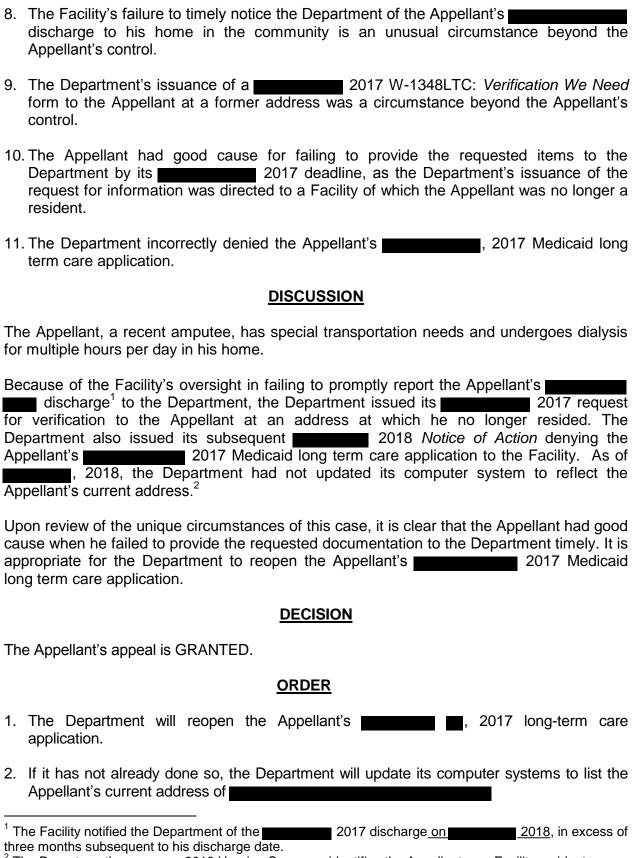
STATEMENT OF ISSUE

The issue to be decided is whether the Department correctly denied the Appellant's 2017 Medicaid long term care application.



CONCLUSIONS OF LAW

- Section 17b-2 of the Connecticut General Statutes in part designates the Department of Social Services as the state agency for the administration of the Medicaid program pursuant to Title XIX of the Social Security Act.
- 2. 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. Uniform Policy Manual ("UPM") § 1015.10 (A).
- 3. Prior to making an eligibility determination the Department conducts a thorough investigation of all circumstances relating to eligibility and the amount of benefits. UPM § 1505.40 (A)(1).
- 4. The Department may complete the eligibility determination at any time during the application process when: a. the applicant withdraws the application; or b. all requirements for determining eligibility on a FS expedited service application are met; or c. the application process is complete and all required verification has been obtained; or d. adequate information exists to determine ineligibility because one or more eligibility requirements are not satisfied; or e. the applicant refuses to cooperate in completing an eligibility requirement rendering the entire assistance unit ineligible. UPM § 1505.40 (A)(4).
- 5. Delays Due to Insufficient Verification (AFDC, AABD, MA Only).
 - a. 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.
 - b. 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).
- 6. The Department correctly determined that the Appellant had failed to provide requested verification to the Department by the Department's 2017 deadline.
- 7. Delays Due to Good Cause (AFDC, AABD, MA Only)
 - a. The eligibility determination is delayed beyond the AFDC, AABD or MA processing standard if because of unusual circumstances beyond the applicant's control, the application process is incomplete and one of the following conditions exists:
 - (1) eligibility cannot be determined; or
 - (2) determining eligibility without the necessary information would cause the application to be denied.
 - b. If the eligibility determination is delayed, the Department continues to process the application until:
 - (1) the application is complete; or
 - (2) good cause no longer exists. UPM § 1505.40 (B)(4).



² The Department's 2018 <u>Hearing Summary</u> identifies the Appellant as a Facility resident.

3. The Department will issue an updated W-1348LTC: *Verification We Need* form to the Appellant at his current address. The Department will give the Appellant a deadline that is in accordance with its policy for the submission of the requested documents.

Should the Appellant request help from the Department in obtaining the documents or additional time to submit the documents, the Department will take reasonable action to accommodate the Appellant.

4. Within <u>21</u> calendar days of the date of this decision, or <u>2018</u>, documentation of compliance with this order is due to the undersigned.

<u>Eva Tar-electronic</u> signature Eva Tar

Hearing Officer

Cc: Angella Querette, DSS-Bridgeport Noel Lorde, DSS-Stamford Yecenia Acosta, DSS-Stamford

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.

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 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.