

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 No # ██████████
Request # 779100

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2016 the Health Insurance Exchange Access Health CT- (“AHCT”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) denying the Appellant’s Medicaid Husky D healthcare coverage.

On ██████████ 2016, the Appellant requested an administrative hearing to contest the decision to deny Medicaid/ Husky D benefits.

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

On ██████████ 2016, the Appellant requested to re-schedule the administrative hearing and it was granted.

On ██████████ 2016, OLCRAH issued a notice scheduling the administrative hearing for ██████████ 2016.

On ██████████ 2016 in accordance with sections 17b-60, 17-61 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:

██████████ Appellant
Temiste King, Access Health CT Representative
Almelinda McLeod, Hearing Officer

A separate decision will be issued regarding the denial of Advanced Premium Tax Credit ("APTC").

STATEMENT OF THE ISSUE

The issue to be decided is whether ACHT correctly denied the Medicaid Husky D benefits.

FINDINGS OF FACT

1. On ██████████ 2016, the Appellant submitted a telephone application requesting medical insurance for her only as the Appellant's spouse has employer sponsored insurance. (Exhibit #1- Access Health application # ██████████)
2. The Appellant resides in ██████████ CT. which is in ██████████ County with her spouse. Her tax filing status is married filing together. The Appellant has no tax dependents. She is a household of two. (Exhibit #1, AHCT application # ██████████ and Appellant testimony)
3. At time of enrollment, the Appellant's date of birth is ██████/72, age 44. (Exhibit #1, AHCT application)
4. The Appellant reported a yearly modified adjusted gross income ("MAGI") totaled \$50,000. (Exhibit #1, AHCT application)
5. At this hearing, the Appellant reported a household monthly gross income of \$4166.67 per month. (Exhibit #1, AHCT application)
6. The Federal Poverty Limit for Medicaid Husky D for a household of two is \$1842.30. (2016 Husky Federal Poverty Level chart- effective ██████████ 2016)
7. The Federal Poverty Limit ("FPL") for a household of two at the time of enrollment is \$16,020.00 per year which converted equals \$1335.00 ($\$16,020 / 12 = \1335.00) per month. (Federal Register).

CONCLUSIONS OF LAW

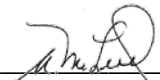
1. Section 17b-260 of the Connecticut General Statutes (“CGS”) provides for acceptance of federal grants for medical assistance. The Commissioner of Social Services is authorized to take advantage of the medical assistance programs provided in Title XIX, entitled “ Grants to states for Medical Assistance Programs, contained in the Social Security Amendments of 1965 and may administer the same in accordance with the requirements provided therein, including the waiving , with respect to the amount paid for medical care, of provisions concerning recovery from beneficiaries or their estates, charges and recoveries against legally liable relatives , and liens against property of beneficiaries.
2. Section § 17b-264 of the CGS provides for the extension of other public assistance provisions. All of the provisions of sections 17b-22, 17b-75 to 17b-77, inclusive, 17b-79 to 17b-83, inclusive, 17b-85 to 17b-103, inclusive, and 17b-600 to 17b-604, inclusive, are extended to the medical assistance program except such provisions as are inconsistent with federal law and regulations governing Title XIX of the Social Security Amendments of 1965 and sections 17b-260 to 17b-262, inclusive, 17b-264 to 17b-285, inclusive, and 17b-357 to 17b-361, inclusive
3. Title 45 Code of Federal Regulations (“CFR”) 155.110 (A) (2) provides the State may elect to authorize an Exchange established by the State to enter into an agreement with an eligible entity to carry out or more responsibilities of the Exchange. An eligible entity is: the State Medicaid agency, or any other State agency that meets the qualifications of paragraph (a) (1) of this section.
4. 45 CFR 155.505 (c) (1) provides Options for Exchange appeals. Exchange eligibility appeals may be conducted by a State Exchange appeals entity, or an eligible entity described in paragraph (d) of this section that is designated by the Exchange , if the Exchange establishes an appeals process in accordance with the requirements of this subpart; or
5. 45 CFR 155.505 (d) Eligible entities. An appeals process established under this subpart must comply with § 155.110 (a).
6. 42 CFR § 435.603 (d) (1) provides for the construction of the modified adjusted gross income (“MAGI”) household. Household income – (1) General Rule. Except as provided in paragraphs (d) (2) through (d) (4) of this section, household income is the sum of the MAGI-based income, as defined in paragraph (e) of this section, of every individual in the individual’s household.

7. 42 CFR § 435.603(4) provides for Married couples. In the case of a married couple living together, each spouse will be include in the household of the other spouse, regardless of whether they expect to file a joint tax return under section 6013 of the Code or whether one spouse expects to be claimed as a tax dependent by the other spouse.
8. The Appellant files married filing taxes together. Although, the Appellant's spouse did not apply for medical assistance for himself, the Appellant's spouses' income is counted in the calculation of Medicaid Husky D. Her MAGI household consists of herself and her spouse. She is a household of two.
9. 42 CFR §435.603(d) provides for the application of the household's modified adjusted gross income ("MAGI"). The household's income is the sum of the MAGI-based income, as defined in paragraph (e) of this section, of every individual included in the individual's household. Effective January 1, 2014, in determining the eligibility of an individual using MAGI-based income, a state must subtract an amount equivalent to 5 percentage points of the Federal Poverty Level for the applicable family size only to determine the eligibility of an individual for medical assistance under the eligibility group with the highest income standard using MAGI-based methodologies in the applicable Title of the Act, but not to determine eligibility for a particular eligibility group.
10. Five percent of the FPL for a family of two is \$801.00 ($\$16,020 \times .05$) per year which was converted to \$66.75 ($\$801.00 / 12$) per month.
11. The Appellant's household countable MAGI for a household of two based on the reported income at time of application was \$4099.92 ($\$4,166.67 - \66.75) per month.
12. 42 CFR § 435.119 (b) provides that Medicaid health coverage is available for the individuals age 19 or older and under age 65 at or below 133 percent of the Federal Poverty Limit ("FPL"). Eligibility. Effective January 1, 2014, the agency must provide Medicaid to individuals who:
 - 1) Are age 19 or older and under age 65;
 - 2) Are not pregnant;
 - 3) Are not entitled to or enrolled for Medicare benefits under part A or B of the title XVIII of the Act;
 - 4) Are not otherwise eligible for and enrolled for mandatory coverage under a State's Medicaid State plan in accordance with subpart B of this part; and
 - 5) Have household income that is at or below 133 percent FPL for the applicable family size.

13. One hundred thirty three percent of the FPL for a household of two is \$1775.55 ($\1335.00×1.33).
14. The Appellant's household countable MAGI household income of \$4099.92 per month exceeds the income threshold for one, \$1775.55.
15. The Appellant is over income for the Medicaid Husky D medical insurance.
16. AHCT was correct to deny the Appellant's application for Medicaid Husky D.

DECISION

The Appellant's appeal is DENIED.



Almelinda McLeod
Hearing Officer

CC: Judith Boucher, Health Insurance Exchange, Access Health CT
Temiste King, Health Insurance Exchange, Access Health CT

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 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.