

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# █████  
Application ID# █████  
Hearing Request # 782622

NOTICE OF DECISION

PARTY

████████  
████████  
████████

PROCEDURAL BACKGROUND

On █████ 2016, the Health Insurance Exchange Access Health CT ("AHCT") issued █████ ("The Appellant") a Notice of Action ("NOA") denying her application for Medicaid/Husky A healthcare coverage.

On █████ 2016, The Appellant requested a hearing to contest the denial of Medicaid/Husky A benefits.

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:

████████, Appellant  
Judy Boucher, Health Insurance Exchange Access Health CT Representative  
Veronica King, Hearing Officer

The Hearing record was left open for submission of additional information. On █████ 2016, the record closed.

## **STATEMENT OF THE ISSUE**

The issue to be decided is whether AHCT correctly denied the Medicaid/Husky A healthcare insurance benefits.

## **FINDINGS OF FACT**

1. On [REDACTED] 2016, the Appellant applied for medical insurance for her minor child, [REDACTED], DOB [REDACTED]/2003. (Exhibit 1: Application ID [REDACTED])
2. The Appellant file taxes as head of household divorced claiming one dependent. This is a household of two. (Exhibit 1 and Hearing Record)
3. On [REDACTED] 2016, the Appellant self-declared a total household income of \$3,475.67 monthly and \$59,000.00 yearly. (Exhibit 1 and Hearing Record)
4. On [REDACTED] 2016, AHCT sent a letter to the Appellant, denying Medicaid Husky A over income and granting Medicaid Husky B-Band 2 for her child. (Exhibit 3: Notice of Action, [REDACTED]/16)
5. On [REDACTED] 2016, AHCT's appeals coordinator spoke with the Appellant and confirmed the Appellant's income and household information. (Hearing Record)
6. The Federal Poverty Limit ("FPL") for a family of two at the time of application was \$1,335.00 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 of the Code of Federal Regulations (“CFR”) § 155.505(c)(1) provides that 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.
4. 45 CFR § 155.505(d) provides that an appeals process established under this subpart must comply with § 155.110(a).
5. 45 CFR § 155.110(a)(2) provides that the State may elect to authorize an Exchange established by the State to enter into an agreement with an eligible entity to carry out one or more responsibilities of the Exchange. Eligible entities are: the State Medicaid agency, or any other State agency that meets the qualification of paragraph (a)(1) of this section.
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 included in the individual's household.
7. AHCT correctly determined that the Appellant's minor child's countable income of \$3,475.67 per month.
8. 42 CFR § 435.603 (f)(2)(iii)(3)(iii) provides in part that individuals under the age 19 who expect to be claimed as a tax depended by a non-custodial parent, the household consist of the individual and, the individual's natural, adopted, and step parents and natural, adoptive and step siblings under the age specified in paragraph (f)(3)(iv) of this section.
9. AHCT correctly determined that the Appellant's minor child has a household of two.
10. 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.

11. Five percent of the FPL for a family of two is \$66.75 per month ( $\$1,335 \times .05$ ).
12. The Appellant's minor child household's countable MAGI for a household of two based on the reported income at time of application was \$3,408.92 ( $\$3,475.67 - \$66.75$ ) per month.
13. Title 42 CFR § 435.118(b)(2)(ii) provides that the agency must provide Medicaid to children under age 19 whose income is at or below the income standard established by the agency in its State Plan.
14. Public Act 15-5 June Sp. Session, Section 370 (a) provides in part Except as provided in section 17b-277, as amended by this act, and section 17b-292, as amended by public act 15-69 and this act, the medical assistance program shall provide coverage to persons under the age of nineteen with household income up to one hundred ninety-six per cent of the federal poverty level without an asset limit and to persons under the age of nineteen, who qualify for coverage under Section 1931 of the Social Security Act, with household income not exceeding one hundred ninety-six per cent of the federal poverty level without an asset limit, and their parents and needy caretaker relatives, who qualify for coverage under Section 1931 of the Social Security Act, with household income not exceeding one hundred fifty per cent of the federal poverty level without an asset limit.
15. One hundred Ninety-six percent of the FPL for a household of two is \$2,616.60 per month ( $\$1,335.00 \times 1.96$ ).
16. The Appellant's minor child household's countable MAGI household income of \$3,408.92 per month exceeds the income threshold for Medicaid Husky A for Children under 19th birthday Parents for a household of two, \$2,616.60 per month.
17. The Appellant's minor child is over income for Medicaid/HUSKY A for Children under 19th birthday medical insurance.
18. The Department correctly denied Medicaid Husky A for Children under 19th birthday for the Appellant's minor child.

## **DISCUSSION**

The main issue of the hearing revolved around the Appellant's court order document. The Appellant argue that her child should be eligible for Husky A based on the court order stated "Plaintiff (the Appellant) is ordered to apply for the State Husky medical insurance program on behalf of the minor child". Although the court order mentioned "State Husky medical insurance" it does not mandated the State to provide medical insurance to the Appellant's minor child. Federal law provides that "single State agency is responsible for determining eligibility or all individuals applying for or receiving benefits in the Medicaid programs (title 42 o Code of Federal Regulations 431.10(b)(3)). Section 17b-260 of the Connecticut General Status provides that the Department of Social Services will administer Title XIX of the Social Security Act ("Medicaid") in the State of Connecticut.

HUSKY A Medicaid eligibility is based on Modified Adjusted Gross Income. Based on the income reported by the Appellant and calculated by Access Health her minor child is over income and therefore not eligible for the Husky A Program. The Appellant reported that he has multiple health issues and attends several medical appointments. Unfortunately there is no provision in regulation which would exempt him from the income guidelines due to medical need.

AHCT correctly determined the Appellant's child" MAGI household size and countable income and correctly denied the application for Husky A Medicaid.

## **DECISION**

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

*Veronica King*  
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Veronica King  
Fair Hearings Officer

**APTC/CSR**  
**Right to Appeal**

For APTC or CSR eligibility determinations, the Appellant has the right to appeal to the United States Department of Health and Human Services (HHS) within 30 days of the date of this decision. To obtain an Appeal Request Form, go to <https://www.healthcare.gov/can-i-appeal-a-marketplace-decision/> or call 1-800-318-2596 (TTY: 1-855-889-4325). HHS will let the Appellant know what it decides within 90 days of the appeal request. There is no right to judicial review of the decision by HHS.

There is no right to request reconsideration for denials or reductions of Advanced Premium Tax Credits (APTC) or Cost Sharing Reduction (CSR).

**MEDICAID AND CHIP**  
**Right to Request Reconsideration**

For denials or reductions of MAGI Medicaid and CHIP, 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 06105-3725.

There is no right to request reconsideration for denials or reductions of Advanced Premium Tax Credits (APTC) or Cost Sharing Reduction (CSR).

**Right to Appeal**

For denials, terminations or reductions of MAGI Medicaid and CHIP eligibility, 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.