

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

██████████ 2017  
Signature Confirmation

Client ID # ██████████  
Hearing Request # 820980

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

On ██████████ 2017, the Health Insurance Exchange Access Health CT (“AHCT”) as an agent of the Department of Social Services (the “Department”) sent a notice discontinuing ██████████ (the “Appellant”) Medicaid/HUSKY A Transitional Medical Assistance (“TMA”) healthcare coverage effective ██████████ 2017.

On ██████████ 2017, the Appellant requested a hearing to contest the Department’s discontinuance of the TMA.

On ██████████ 2017, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████ 2017.

On ██████████ 2017, in accordance with sections 17b-60, 17b-264 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, Title 45 of the Code of Federal Regulations (“CFR”) §§ 155.505(b) and 155.510 and/or 42 CFR § 457.1130, OLCRAH held an administrative hearing. The following individuals participated in the hearing:

██████████ Appellant  
Rita Baboolal, AHCT Representative  
Thomas Monahan, Hearing Officer

## **STATEMENT OF THE ISSUE**

The issue to be decided is whether AHCT correctly discontinued the Medicaid/HUSKY A Transitional Medical Assistance (“TMA”) healthcare coverage effective [REDACTED] 2017.

## **FINDINGS OF FACT**

1. The Appellant’s household consists of three members that include herself, her 18 year old daughter and 23 year old son. (Exhibit 1: Application form).
2. The Appellant is married; she does not live with her spouse and she files taxes separately. (Appellant’s testimony)
3. The Appellant files taxes for herself and her daughter. (Hearing record)
4. The Appellant’s son receives Husky D Medicaid assistance. (Ex. 4: Health Care Renewal results)
5. On [REDACTED] 2016, AHCT granted HUSKY A TMA healthcare coverage effective [REDACTED] 2016 for the Appellant. (Ex. 5 Renewal Eligibility Decision, [REDACTED]/16).
6. On [REDACTED] 2017 the Department discontinued the TMA healthcare coverage effective [REDACTED] 2017. (Ex. 2: Health Care Renewal results).
7. The Appellant received TMA from [REDACTED] 2016 through [REDACTED] 2017 (Facts 4 and 5).
8. The Appellant declared income of \$2,580.00 per month and \$25,000.00 per year (Ex. 1: Application form).
9. The Appellant needs medical assistance because of high medical costs due to diabetes and other medical conditions. (Appellant’s testimony).
10. The Appellant’s daughter remains active on Husky A. The Appellant was approved for a Qualified Health Plan (Hearing Record).
11. The Federal Poverty Limit (“FPL”) for a two person household is \$1,353.00 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. 45 CFR § 155.110(a) 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: (1) An entity: (i) Incorporated under, and subject to the laws of, one or more States; (ii) That has demonstrated experience on a State or regional basis in the individual and small group health insurance markets and in benefits coverage; and (iii) Is not a health insurance issuer or treated as a health insurance issuer under subsection (a) or (b) of section 52 of the Code of 1986 as a member of the same controlled group of corporations (or under common control with) as a health insurance issuer; or (2) 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 that exchange eligibility appeals may be conducted by a State Exchange appeals entity or an eligible entity described in paragraph (d) or this section that is designated by the Exchange, if the Exchange establishes an appeals process in accordance with the requirements of this subpart.
5. 45 CFR § 155.505(d) provides that an appeals process established under this subpart must comply with § 155.110(a).
6. 26 CFR § 1.36B-1(e)(1) provides in general, household income means the sum of-
  - (i) A taxpayer's modified adjusted gross income (including the modified adjusted gross income of a child for whom an election under section 1(g)(7) is made for the taxable year);
  - (ii) The aggregate modified adjusted gross income of all other individuals who-
    - (A) Are included in the taxpayer's family under paragraph (d) of this section; and
    - (B) Are required to file a return of tax imposed by section 1 for the taxable year.

7. 42 CFR § 435.603(e) provides that MAGI-based income means income calculated using the same financial methodologies used to determine modified adjusted gross income as defined in section 36B(d)(2)(B) of the Code, with the following exceptions-

- (1) An amount received as a lump sum is counted as income only in the month received.
- (2) Scholarships, awards, or fellowship grants used for education purposes and not for living expenses are excluded from income.
- (3) American Indian/Alaska Native exceptions. The following are excluded from income:
  - (i) Distributions from Alaska Native Corporations and Settlement Trusts;
  - (ii) Distributions from any property held in trust, subject to Federal restrictions, located within the most recent boundaries of a prior Federal reservation, or otherwise under the supervision of the Secretary of the Interior;
  - (iii) Distributions and payments from rents, leases, rights of way, royalties, usage rights, or natural resource extraction and harvest from –
    - (A) Rights of ownership or possession in any lands described in paragraph (e)(3)(ii) of this section; or
    - (B) Federally protected rights regarding off-reservation hunting, fishing, gathering, or usage of natural resources;
  - (iv) Distributions resulting from real property ownership interests related to natural resources and improvements –
    - (A) Located on or near a reservation or within the most recent boundaries of a prior Federal reservation; or
    - (B) Resulting from the exercise of federally-protected rights relating to such real property ownership interests;
  - (v) Payments resulting from ownership interests in or usage rights to items that have unique religious, spiritual, traditional, or cultural significance or rights that support subsistence or a traditional lifestyle according to applicable Tribal Law or custom;
  - (vi) Student financial assistance provided under the Bureau of Indian Affairs education programs.

8. Section 36B(d)(2)(B) of the Internal Revenue Code (the “Code”) provides that the term “modified adjusted gross income” means adjusted gross income increased by-

- (i) Any amount excluded from gross income under section 911,

- (ii) Any amount of interest received or accrued by the taxpayer during the taxable year which is exempt from tax, and
  - (iii) An amount equal to the portion of the taxpayer's social security benefits (as defined in section 86(d)) which is not included in gross income under section 86 for the taxable year.
9. AHCT correctly determined the Appellant's MAGI equaled \$2,580.00 per month based on her attestation.
  10. Title 42 CFR § 435.110(b)(c)(2)(i) provides that the agency must provide Medicaid to parents and caretaker relatives whose income is at or below the income standard established by the agency in the State Plan.
  11. 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.
  12. 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.
  13. One hundred fifty percent of the FPL for a household of two for a parent or caretaker relative totaled \$2,029.50 ( $\$1,353.00 \times 1.50$ ) per month in May 2017.
  14. 42 CFR §435.603(d) provides for the application of the household's modified adjusted gross income ("MAGI"). A state must subtract an amount equivalent to 5 percentage points of the Federal poverty level for the applicable family size.
  15. Five percent of the FPL for a three person household equals \$67.65 ( $\$1,353.00 \times .05$ ).
  16. The Appellant's countable MAGI equals \$2,512.35 ( $\$2,580.00 - \$67.65$ ).
  17. AHCT correctly determined the Appellant's self-declared countable MAGI (\$2,512.35) exceeded the Medicaid/HUSKY A income limit (\$2,029.50) for parents and caretaker relatives in [REDACTED] 2017.
  18. AHCT correctly determined the Appellant is over income for Medicaid/HUSKY A.

19. Conn. Gen. Statutes 17b-261(f) provide (f) To the extent permitted by federal law, Medicaid eligibility shall be extended for one year to a family that becomes ineligible for medical assistance under Section 1931 of the Social Security Act due to income from employment by one of its members who is a caretaker relative or due to receipt of child support income. A family receiving extended benefits on July 1, 2005, shall receive the balance of such extended benefits, provided no such family shall receive more than twelve additional months of such benefits.
20. AHCT correctly determined the Appellant and her child received TMA for twelve months.
21. AHCT correctly discontinued the TMA effective [REDACTED] 2017, after the Appellant and her child received eligibility under that coverage plan for the duration of twelve months.

### **DISCUSSION**

The Transitional Medical Assistance also known as the Extended Medical Assistance program has a twelve month durational period. The Appellant and her child received eligibility under this program from [REDACTED] 2017 through [REDACTED] 2017. They received the TMA for the twelve months that they were eligible for. After the twelve month period ended, the Appellant and her child were reviewed for alternate coverage.

AHCT correctly determined the Appellant's child remained eligible for Husk A and the Appellant no longer qualified for Husky A because her MAGI exceeded the income limit for parent or caretaker relatives.

### **DECISION**

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

*Thomas Monahan*

Thomas Monahan  
Hearing Officer

C: Rita Baboolal, Health Insurance Exchange Access Health CT  
Judy Boucher, Health Insurance Exchange Access Health CT

**Modified Adjusted Gross Income (MAGI) Medicaid and  
Children's Health Insurance Program (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.

**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 extensions 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.





