

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 # ██████████
Request # 825474

NOTICE OF DECISION
PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2017, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") advising her that her Medical Assistance under the Qualified Medicare Beneficiaries ("QMB") program would be discontinued effective ██████████ 2017 because she did not complete the review process.

On ██████████ 2017, the Appellant requested an administrative hearing to contest the Department's action.

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

On ██████████ 2017, OLCRAH issued a Notice of Reschedule Administrative Hearing by Telephone for ██████████ 2017.

On ██████████ 2017, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, OLCRAH held a telephone administrative hearing. The following individuals were present at the hearing:

██████████ Appellant
Joseph Alexander, Department's Representative
Jessica Gulianello, Department's Representative
Veronica King, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department was correct when it discontinued the Appellant's Medical Savings Program ("MSP") assistance under the QMB Coverage Group effective [REDACTED] 2017 for failure to complete the review process.

FINDINGS OF FACT

1. The Appellant was previously approved by the Department to receive MSP benefits under the QMB coverage group. (Hearing Record)
2. On [REDACTED] 2017, the Department sent a NOA to the Appellant at her address of record, [REDACTED] advising her that she must complete and return a redetermination form by [REDACTED] 2017 in order for the Department to conduct a review of her eligibility for the MSP. (Exhibit 1: Mail-In Redetermination Notice, [REDACTED]/17)
3. On [REDACTED] 2017, the Department sent a NOA to the Appellant at her address of record advising her that the Department has not received the redetermination form that was due to be returned by [REDACTED] 2017, and that unless the Appellant returns the completed form by [REDACTED] 2017, the Appellant's benefits will be discontinued effective [REDACTED] 2017. (Exhibit 2: Warning Notice, [REDACTED]/17)
4. On [REDACTED] 2017, the Department sent a NOA to the Appellant advising her that her Medical Assistance would be discontinued effective [REDACTED] 2017 because she did not complete the review process. (Exhibit 3: Notice of Discontinuance, [REDACTED]/17)
5. On [REDACTED] [REDACTED] 2017, the Appellant contacted the Department regarding the discontinuance of the MSP. The Department mailed a W-1QMB application form to her address. (Hearing Record)
6. On [REDACTED] 2017, the Department received a completed W-1QMB application form. The Department granted the MSP (Q01) effective [REDACTED] 2017. (Exhibit 5: Narrative screen prints and Hearing Record)
7. The Department did not receive a completed redetermination document for the Appellant in the mail before [REDACTED] 2017. (Exhibit 6: Document search screens prints and hearing Record)
8. On [REDACTED] 2017, The Appellant testified that she received the Notices of Actions. (Hearing Record)

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes (“C.G.S.”) authorizes the Commissioner to administer the Medicaid program pursuant to Title XIX of the Social Security Act.
2. UPM § 2540.94 provides for the eligibility requirements for Medical Assistance under the Qualified Medicare Beneficiaries Medicaid Coverage Group.
3. UPM § 1555.15(A) provides for what must be reported In general, assistance units are required to report timely all changes which may affect eligibility or benefit level.

UPM § 1555.15(B)(6) provides in part for changes affecting eligibility or benefit level include, but are not limited to the following: changes in address and resulting shelter cost changes.

4. UPM § 1545.05(A)(1) provides that eligibility for Medical Assistance is redetermined regularly on a scheduled basis.

UPM § 1545.05(B)(1) provides that the purpose of the redetermination is to review all circumstances relating to need, eligibility, and benefit level.

UPM § 1545.05(B)(4) provides that assistance is discontinued if eligibility is not reestablished.

5. UPM § 1545.05(D) provides that assistance units are timely notified of all actions taken by the Department, including notification that a redetermination is to be conducted, and notification of adverse action where appropriate.
6. UPM § 1545.10(A)(1)(c) provides that the assistance unit becomes due for redetermination in the final month of the redetermination period.

7. UPM § 1545.25 provides that:
 - A. Assistance units are required to complete a redetermination form at each redetermination
 - B. The redetermination form may be:
 1. The same form used at the time of application; or
 2. A form designed specifically for the redetermination process.
 - C. The Department provides each assistance unit with a redetermination form at the same time unit is issued its notice of redetermination
 - D. Assistance units that do not complete the redetermination form within the time limits specified in this chapter may be subject to discontinuance or an interruption in benefits.
 - E. The redetermination form must be signed by someone qualified to complete the redetermination on behalf of the assistance unit.

8. The Department correctly provided the Appellant with a redetermination form.
9. UPM § 1545.40(A)(2) provides that unless otherwise stated, assistance is discontinued on the last day of the redetermination month if eligibility is not reestablished through the redetermination process.
10. The Department was correctly discontinued the Appellant's MSP benefits effective [REDACTED] 2017, because it never received the redetermination form necessary to redetermine the Appellant's eligibility for the program.

DISCUSSION

The Appellant argued that although she received all notices, she had not received the redetermination form. The Department correctly provided the Appellant with the redetermination notice and form in addition, the Department sent a warning notice on [REDACTED] 2017, advising the Appellant that the Department has not received the redetermination form that was due to be returned by [REDACTED] 2017, and that unless the Appellant returns the completed form by [REDACTED] 2017, the Appellant's benefits will be discontinued effective [REDACTED] 2017. The Department correctly discontinued the Appellant's MSP effective [REDACTED] 2017 due to failure to complete the review process.

DECISION

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

Veronica King

Veronica King
Hearing Officer

cc: Fred Presnick, Operation Manager, DSS R.O.#30 Bridgeport
Yecenia Acosta, Program Manager, DSS R.O.#30 Bridgeport
Joseph Alexander, Hearing Liaison, DSS R.O.#30 Bridgeport

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 06105-3725.

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. 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.