

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

██████████ 2018
Signature Confirmation

██████████
Request # 128479

NOTICE OF DECISION
PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

██████████, 2018, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") approving Medicaid benefits under the Medically Needy for Aged, Blind, and Disabled Program ("MAABD") under a spenddown effective ██████████, 2018.

██████████, 2018, the Appellant requested an administrative hearing to contest the Department's action.

██████████, 2018, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for ██████████, 2018.

██████████, 2018, 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
Pamela Walsh, Program Manager, Center for Human Development ("CHD")
Jennifer Jones, Assistant Program Manager, CHD
Al Grande, Department's Representative
Veronica King, Hearing Officer

The hearing record was held open for the submission of additional evidence. The additional evidence was received. On ██████████, 2018, the hearing record closed.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly calculated the amount of the Appellant's Medicaid spenddown program to become eligible for MAABD coverage

FINDINGS OF FACT

1. The Appellant is thirty-one years old. (Hearing Record)
2. The Appellant's assistance unit consists of one member. (Hearing Record and Appellant's Testimony)
3. The Appellant receives Social Security Disability ("SSDI") benefits under two claim numbers; [REDACTED] \$843.00 per month and # [REDACTED] \$139.00 per month for a total of \$982.00 per month. (Hearing Record, Exhibit 1: Notice of Action, [REDACTED]/18 and Appellant's Testimony)
4. The Appellant is enrolled in Medicare Part A and B and is active on the Medicare Savings Plan Qualified Medicare Beneficiaries program which pays the Appellant's Medicare Part B monthly premiums. (Appellant's Testimony and Hearing Record)
5. The Appellant has been a recipient of the Medicaid for the Employed Individuals working with Disabilities (MED) since [REDACTED] 2012. (Exhibit 5: Medicaid for the Employed Disable, Exhibit 6: Assistance Status screen prints, Exhibit 7: Narratives screen print and Hearing Record)
6. [REDACTED] 2017, the Appellant reported that she was laid off on [REDACTED] 17. The Department removed her employment information and she was given one year extension to stay under the MED Medicaid coverage group. (Exhibit 5, Exhibit 7, Exhibit 8: Work registration screen print and Hearing Record)
7. The Appellant's MED year extension eligibility started on [REDACTED] 17 and ended on [REDACTED] 18. (Exhibit 5, Exhibit 9: Eligibility Determination Results and Hearing Record)
8. [REDACTED], 2018, the Department sent the Appellant a NOA advising her that her Medicaid Husky C- Working Disabled will be ending on [REDACTED] 18 because her 12-month extension has ended. The NOA also stated that she was approved for the Medicaid Husky C- MAABD spend-down program effective on [REDACTED] 2018 to [REDACTED] 2018. (Exhibit 1)
9. The Appellant did not request a hearing before [REDACTED], 2018. (Hearing Record)

10. The Appellant has been a recipient of the MAABD spenddown program and was in a spend-down period effective [REDACTED] 2018 through [REDACTED] 2018. Her spend-down amount is \$717.72. She had not submitted any unpaid medical bills to the Department. (Exhibit, Exhibit 2: MA-EDG Summary and Hearing Record)
11. The Medically Needy Income Limit ("MNIL") under the MAABD program is \$523.38. (Hearing Record)
12. The Appellant is a full time student at [REDACTED] College and currently not working. (Appellant's Exhibit A: Letter, [REDACTED]/18 and Hearing Record)
13. The Appellant is aggrieved because she has been approved to have extensive dental treatment during the time that she was active under the MED program. She did not have the opportunity to start the treatment because her MED closed and she is now under the MAABD spend-down program. (UCONN health letter, [REDACTED] 18, Appellant's Testimony and Hearing Record)
14. The issuance of this decision is timely under Connecticut General Statutes 17b-61(a), which requires that a decision be issued within 90 days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED], 2018. This decision, therefore, was due no later than [REDACTED] 2018. However, with the agreement of both parties, the hearing record remained open until [REDACTED] 2018. Because this 7-day delays, this decision is not due until [REDACTED] 2018. (Hearing Record)

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes provides that the Department of Social Services is designated as the state agency for the administration of the Medicaid program pursuant to Title XIX of the Social Security Act.
2. Uniform Policy Manual ("UPM") § 2540.85 provides that there are two distinct groups of employed individual between the ages of 18 and 64 inclusive who have a medically certified disability or blindness and who qualify for Medicaid as working individual with disabilities. These groups are Basic Insurance Group and the Medically Improved Group. There is a third group of employed individual consisting of persons at least 18 years of age who have medically certified disability or blindness who also qualify

for Medicaid as working individual with disabilities. This is the Balanced Budget Act Group. Persons in this third group may be age 65 or older.

UPM § 2540.85 (A)(1)(c) states in part that an individual who meets the employment criterion but then loses employment through no fault of his or her own, for reasons such as a temporary health problem or involuntary termination, continues to meet the employment criterion for up to one year from the date of the loss of employment. The individual must maintain a connection to the labor market by either intending to return to work as soon as the health problem is resolved, or by making a bona fide effort to seek employment upon an involuntary termination.

The Department correctly placed the Appellant under the Medicaid as working individual with disabilities when she was working.

The Department correctly granted the Appellant one year extension of the MED program when she lost employment on [REDACTED] 17.

The Department correctly determined that the Appellant's one year MED extension was from [REDACTED] 17 to [REDACTED] 18.

3. Uniform Policy Manual ("UPM") § 2540.01 (A) provides that in order to qualify for medical assistance, an individual must meet the conditions of at least one coverage group.

UPM 2540.01(C) provides that individuals qualify for medical assistance ("MA") as medically needy if:

1. their income or assets exceed the limits of the Aid to Families with Dependent Children ("AFDC") or Aid to the Aged, Blind and Disabled ("AABD") programs; and
2. their assets are within the medically needy asset limit; and
3. their income either:
 - (a) is within the Medically Needy Income Limit ("MNIL"); or
 - (b) can be reduced to the MNIL by a spend-down of medical expenses.

UPM § 5515.05 (C)(2) provides in part that the needs group for an MAABD unit includes the following: the applicant or recipient. (Cross reference: 2540.85)

4. UPM § 4530.15 (A) provides that a uniform set of income standards is established for all assistance units who do not qualify as categorically needy. It further states that the Medically Needy Income Limit ("MNIL") of an assistance unit varies according to the size of the assistance unit and the region of the state in which the assistance unit resides.

UPM § 4530.15(B) provides that the medically needy income limit is the amount equivalent to 143 percent of the benefit amount that ordinarily would be paid under the AFDC program to an assistance unit of the same size with no income for the appropriate region of residence.

UPM § 4510.10(A)(1) provides that the State of Connecticut is divided into three geographic regions on the basis of a similarity in the cost of housing. Separate standards of need are established for each state region. The standard of need which is applicable to a particular assistance unit is based on:

- (a) The current region of residence; and
- (b) The appropriate needs group size.

The Appellant is a needs group of one. The MNIL for the Appellant's assistance unit is \$523.38.

5. UPM § 5050.13(A)(1) provides that income from Social Security is treated as unearned income in all programs.

The Department correctly determined the Appellant's total monthly unearned income from Social Security Disability as \$982.00.

6. UPM § 5050.13(A)(2) provides that Social Security income is subject to an unearned income disregard in the AABD and MAABD programs.

UPM § 5030.15(A) provides that except as provided in section 5030.15(D), unearned income disregards are subtracted from the unit member's total gross monthly unearned income.

UPM § 5030.15(C)(2)(a) provides that all of the disregards used in the AABD programs are used to determine eligibility for MAABD.

UPM § 5030.15(B)(1)(a) provides for the standard disregard as \$339.00 [effective 1/1/18] for those individuals who reside in their own homes in the community or who live as roomers in the homes of others and those who reside in long term care facilities, shelters for the homeless or battered women shelters. Effective January 1, 2008 and each January 1st thereafter, this disregard shall be increased to reflect the annual cost of living adjustment used by the Social Security Administration. The current unearned income disregard is \$339.00.

The standard unearned income disregard is \$339.00 per month.

7. UPM § 5045.10(C)(1) provides that except for determining AABD eligibility and benefit amounts for individuals residing in long term care facilities, applied unearned income is calculated by reducing the gross unearned

income amount by the appropriate disregard based upon living arrangements.

UPM § 5045.10(E) provides that the assistance unit's total applied income is the sum of the unit's applied earnings, applied unearned income, and the amount deemed.

The Appellant's total applied income is \$643.00 (\$982.00 - \$339.00).

8. UPM § 5520.20 (B)(1) provides that a six-month period for which eligibility will be determined is established to include the month of application and the five consecutive calendar months which follow.

UPM § 5520.20(B)(5)(a) provides that the total of the assistance unit's applied income for the six-month period is compared to the total of the MNIL's for the same six-months.

UPM § 5520.20(B)(5)(b) provides that when the unit's total applied income is greater than the total MNIL, the assistance unit is ineligible until the excess income is offset through the spend-down process.

UPM § 5520.25 (B) provides that when the amount of the assistance unit's monthly income exceeds the MNIL, income eligibility for a medically needy assistance unit does not occur until the amount of excess income is offset by medical expenses. This process of offsetting is referred to as a spend-down.

The Appellant's applied income will exceed the MNIL by \$119.62 per month (\$643.00 - \$523.38 = \$207.62).

The Appellant's prospective six-month spend-down is \$717.72 (\$119.62 x 6)

9. UPM § 5520.25 (B)(1) provides that medical expenses are used for a spend-down if they meet the following conditions:
- a. the expenses must be incurred by person whose income is used to determine eligibility;
 - b. any portion of an expense used for a spend-down must not be payable through third party coverage unless the third party is a public assistance program totally financed by the State of Connecticut or by a political subdivision of the State;

- c. there must be current liability for the incurred expenses, either directly to the provider(s) or to a lender for a loan used to pay the provider(s), on the part of the needs group members;
- d. the expenses may not have been used for a previous spend-down in which their use resulted in eligibility for the assistance unit.

UPM § 5520.25 (B)(7) provides that income eligibility for the assistance unit exists as of the day when excess income is totally offset by medical expenses.

The Department correctly determined that the Appellant's monthly income exceeds the MNIL and correctly placed the Appellant under the Medicaid spend-down program.

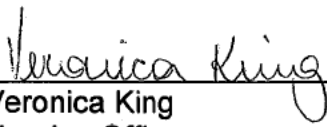
The Department correctly determined the Appellant needs to meet a spend-down in order to become eligible for medical benefits under the MAABD program because her income exceeds the Medically Needy Income Limit.

The Department correctly calculated the Appellant's spend-down amount of \$717.72 for the period from [REDACTED] 18 to [REDACTED] /18.

The Appellant is encouraged to submit her medical expenses to the Department to determine if her expenses can be applied to the anticipated spend-down amount.

DECISION

The Appellant's appeal is DENIED.



Veronica King
Hearing Officer

cc: Peter Bucknall, DSS Operations Manager, DO#60 Waterbury
Karen Main, DSS Operations Manager, DO#60 Waterbury
Al Grande, DSS Hearings Liaison, DO#60 Waterbury

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.

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.