

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

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

Client# ██████████
██████████

NOTICE OF DECISION

PARTY

██████████
██████████ CT ██████████

PROCEDURAL BACKGROUND

On ██████████, 2018, the Health Insurance Exchange, Access Health CT (“AHCT”) sent ██████████, (the “Appellant”) a notice denying HUSKY A Parent/Caretaker Medicaid healthcare coverage.

On ██████████, 2018, the Appellant requested a hearing to contest the denial of Medicaid.

On ██████████, 2018, the Office of legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████, 2018.

On ██████████, 2018, the Appellant requested a continuance which OLCRAH granted.

On ██████████, 2018, the Office of legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████, 2018.

On ██████████, 2018, in accordance with sections 17b-60, 17b-264 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, Title 45 Code of Federal Regulations (“CFR”) §§ 155.505(b) and 155.510 and/or 42 CFR § 457.1130, OLCRAH held an administrative hearing by telephone.

The following individuals were present at the hearing:

██████████, Appellant, via telephone
 Krystal Sherman-Davis, AHCT Representative, via telephone
 Thomas Monahan, Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether AHCT correctly denied the Appellant's HUSKY A Medicaid.

FINDINGS OF FACT

1. On ██████████ 2018, the Appellant submitted a change reporting application for health care assistance. (Exhibit 2: Change Reporting Application, # ██████████)
2. The Appellant's household includes himself, his spouse and one child (D.O.B. ██████████) (Ex. 2: Change Reporting Application, # ██████████)
3. The Appellant works seasonally as a landscaper and his income fluctuates. (Appellant's Testimony)
4. The Appellant's spouse receives social security benefits. (Appellant's testimony)
5. On the Appellant's application he self-attested income of \$2,849.00 per month [\$1,164.00 for him and \$1,185.00 for his spouse]. (Ex. 2: Change Reporting Application, ██████████)
6. The Federal Poverty Level ("FPL") for a household of three for 2018 is \$1,732.00 monthly. (Federal Register / Vol. 83, FR 2642)
7. 138% of FPL for 2018 is \$2,390.00. (1,732.00 FPL + 658 [138% of FPL])
8. On ██████████ 2018, AHCT determined the Appellant did not qualify for Husky A/Medicaid because the household monthly income exceeded the income limit of \$2,390 for a household of three. (Ex. 3: Application results, 1/10/18)

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. State statute provides that 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. [Conn. Gen. Stats. § 17b-264]
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. 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.
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. Title 26 of the United States Code section 36B(d)(2)(B) 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. 26 CFR § 1.36B-1(e)(1) provides in general, household income is 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.

10. 42 CFR §435.603(d)(1)(4) 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, 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.
11. The Appellant's monthly MAGI totaled \$2,849.00 in [REDACTED] 2018.
12. Five percent of the FPL for a family of three equaled \$85.10 ($\$1,702.00 \times .05$) per month in [REDACTED] 2018.
13. The Appellant's applied MAGI totaled \$2,764.00. ($\$2,849.00 - \85.10) rounded for [REDACTED] 2018.
14. Public Act 17-2, Section 138, June 2017 Special Session provides in part that except as provided in section 17b-277 and section 17b-292, the medical assistance program shall provide coverage to persons under the age of nineteen with household income up to one hundred ninety-six per cent of the federal poverty level without an asset limit and to persons under the age of nineteen, who qualify for coverage under Section 1931 of the Social Security Act, with household income not exceeding one hundred ninety-six per cent of the federal poverty level without an asset limit, and their parents and needy caretaker relatives, who qualify for coverage under Section 1931 of the Social Security Act, with household income not exceeding one hundred thirty-three per cent of the federal poverty level without an asset limit.
15. One hundred thirty-three percent of the FPL for a household of three for a parent or caretaker relative totaled \$2,303.56 ($\$1,732.00 \times 1.33$) rounded to \$2,304.00 per month in [REDACTED] 2018.
16. AHCT correctly determined the Appellant's applicable MAGI of \$2,764.00 exceeded the Medicaid Husky A limit for parents and caretaker relatives of \$2,304.00.
17. AHCT correctly denied the Appellant's Medicaid / Husky A healthcare coverage.

DISCUSSION

AHCT correctly denied the Appellant's Medicaid Husky A health Parent / Caretaker healthcare coverage. The Appellant's self-declared income exceeded the income limits

for the Husky A Parent/Caretaker healthcare program. Since the application in January the Appellant's situation has changed. At the time of the hearing the Appellant received unemployment benefits and expected to return to work in about a week. His son also turned [REDACTED] in [REDACTED]. If the Appellant chooses to reapply AHCT will determine the Appellant's eligibility for the Husky D low income adult program.

DECISION

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

Thomas Monahan

Thomas Monahan
Hearing Officer

C: Amanda Maloney, Health Insurance Exchange, Access Health CT
Krystal Sherman-Davis, 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.