

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

██████████ 2020
Signature confirmation

Case: ██████████
Client: ██████████
Request: 150848

NOTICE OF DECISION

PARTY

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PROCEDURAL BACKGROUND

On ██████████ 2019, the State of Connecticut's Department of Administrative Services (the "DAS") issued ██████████ (the "Appellant") a notice that the State of Connecticut had a claim against her inheritance for the amount of public assistance which she was liable for or fifty percent of the distribution she received from the Estate of ██████████ whichever was the lesser amount.

On ██████████ 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings (the "OLCRAH") received the Appellant's ██████████ 2020 postmarked hearing request.

On ██████████ 2020, the OLCRAH issued a notice scheduling the administrative hearing for ██████████ 2020. The OLCRAH granted the Appellant's requests for postponements.

On ██████████ 2020, in accordance with sections 17b-60, 17b-61, and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, the OLCRAH held an administrative hearing by telephone conferencing. The following individuals were identified and sworn in for the administrative hearing:

██████████, Appellant
William Hickey, DAS's representative
Shannon Beadle, Department of Social Services' representative

Eva Tar, Hearing Officer

On [REDACTED], 2020, the hearing record closed.

STATEMENT OF ISSUE

The issue is whether the State of Connecticut may pursue a lien or claim upon the Appellant's inheritance from the Estate of [REDACTED] to recover past aid issued for her behalf by the Department of Social Services.

FINDINGS OF FACT

1. The Appellant's client identification number was [REDACTED]. (Hearing request)
2. The Appellant did not pay her medical providers privately; she relied on the medical coverage she received from the State of Connecticut. (Appellant testimony)
3. From [REDACTED] 2002 through [REDACTED] 2008, the Appellant received medical coverage in the State of Connecticut through the Department of Social Services' State Administered General Assistance ("SAGA") program. (Exhibits 3 and 4)
4. In the relevant period, the SAGA program was fully funded by the State of Connecticut; the State of Connecticut received no federal reimbursements for payments made for medical services provided to recipients of that program. (DAS representative testimony)
5. The Department of Social Services paid \$17,467.91 (total) through the SAGA program to medical providers that identified the Appellant as the recipient of their medical services, using the Appellant's name and client identification number. (Exhibits 3 and 4)
6. The Appellant does not dispute the \$5,000.00 or more charge by [REDACTED] for a several week stay at that facility. (Appellant testimony)
7. [REDACTED] is the Appellant's brother. (Appellant testimony)
8. In [REDACTED] 2019, the Appellant received \$10,000.00 from her brother; she has also received other monies from him since that time. (Appellant testimony)
9. The Appellant is one of the beneficiaries of the Estate of [REDACTED]. (Exhibit 5)
10. On [REDACTED] 2019, the DAS issued a *Proof of Claim* to [REDACTED], in his capacity as fiduciary of the Estate of [REDACTED] [REDACTED], preserving the State of Connecticut's claim against the Appellant's distributive share for the sum of \$17,467.92 or fifty percent of the Appellant's distributive share, whichever was the lesser amount. (Exhibit 6)

11. On [REDACTED] 2019, the DAS notified the Appellant in writing that under the authority of Connecticut General Statutes §§ 17b-93 and 17b-94 (b), the State of Connecticut had a claim against her inheritance for the amount of assistance she was liable for (\$17,467.92) or fifty percent of the distribution she received from the deceased's estate, whichever was the lesser amount. (Exhibit 2)
12. Connecticut General Statutes § 17b-61 (a) as amended by the 2020 Supplement to the General Statutes of Connecticut, *revised to January 1, 2020*, allows in part that a final decision be issued within 90 days of a request for an administrative hearing "provided the time for rendering a final decision shall be extended whenever the aggrieved person requests or agrees to an extension, or when the commissioner documents an administrative or other extenuating circumstance beyond the commissioner's control...."

On [REDACTED] 2020, the OLCRAH received the Appellant's hearing request; this final decision initially would have become due by [REDACTED] 2020. However, the OLCRAH granted the Appellant postponements from the originally scheduled hearing date of [REDACTED] 2020 that in the aggregate equaled 70 days. Therefore, the time for rendering this decision was extended by 70 days and would have become due on [REDACTED] 2020. This final decision is timely.

CONCLUSIONS OF LAW

1. From April 1, 1997 through June 30, 2011, the State of Connecticut's Department of Social Services administered a state-funded state administered general assistance program that provided cash assistance and/or medical coverage to eligible recipients. Conn. Gen. Stat. § 17b-190. Conn. Gen. Stat. § 17b-192, repealed effective July 1, 2011.
2. Section 17b-93 (a) of the Connecticut General Statutes provides:
If a beneficiary of aid under the ..., medical assistance program, ..., and state-administered general assistance program has or acquires property of any kind or interest in any property, estate or claim of any kind, except moneys received for the replacement of real or personal property, the state of Connecticut shall have a claim subject to subsections (b) and (c) of this section, which shall have priority over all other unsecured claims and unrecorded encumbrances, against such beneficiary for the full amount paid, subject to the provisions of section 17b-94, to the beneficiary or on the beneficiary's behalf under said programs....
Conn. Gen. Stat. § 17b-93 (a).

The Appellant was a beneficiary of aid under the SAGA program.

As a past beneficiary of aid under the SAGA program, the Appellant is liable to reimburse the State of Connecticut for the full amount of medical payments the Department of Social Services paid on her behalf.

The State of Connecticut has a claim on the Appellant's interest in the Estate of [REDACTED], pursuant to Section 17b-93 of the Connecticut General Statutes.

3. Section 17b-94 (b) of the Connecticut General Statutes provides:

In the case of an inheritance of an estate by a beneficiary of aid under the ..., medical assistance program, ... or state-administered general assistance program, subject to subsections (b) and (c) of section 17b-93, ..., fifty per cent of the assets of the estate payable to the beneficiary or such parent or the amount of such assets equal to the amount of assistance paid, whichever is less, shall be assignable to the state for payment of the amount due under section 17b-93. The state shall have a lien against such assets in the applicable amount specified in this subsection. The Court of Probate shall accept any such assignment executed by the beneficiary or parent or any such lien notice if such assignment or lien notice is filed by the Commissioner of Administrative Services with the court prior to the distribution of such inheritance, and to the extent of such inheritance not already distributed, the court shall order distribution in accordance with such assignment or lien notice. If the Commissioner of Administrative Services receives any assets of an estate pursuant to any such assignment, the commissioner shall be subject to the same duties and liabilities concerning such assigned assets as the beneficiary or parent.

Conn. Gen. Stat. § 17b-94 (b).

The Appellant's inheritance is subject to recovery or reimbursement of public assistance paid by the State of Connecticut under her name and client identification number, in accordance with section 17b-94 (b) of the Connecticut General Statutes.

The State of Connecticut may pursue a lien or claim upon the Appellant's inheritance from the Estate of [REDACTED] to recover past aid issued for her behalf by the Department of Social Services, equal to \$17,467.91 or up to 50 percent of the assets of the estate payable to the Appellant, whichever is less.

DISCUSSION

The Appellant asks that the State of Connecticut waive recovery of the public assistance issued on her behalf. The Appellant testified she has a disabled child and that she is living in a hotel in another state. The hearing officer was unable to locate a Connecticut statute or regulation that requires the State of Connecticut to waive recovery of a public assistance debt.

The State of Connecticut paid \$17,467.91 to medical providers for services provided to the Appellant over a period of six years, as documented by its business records. The State of Connecticut is entitled to reimbursement from the Appellant of the monies it had paid to the medical providers.

The Appellant believes that at least one medical provider incorrectly billed the Department of Social Services for medical services; she testified that did not recognize a treating physician's name and did not recognize him after viewing his photo on the internet. The Appellant may submit the provider's name, the dates of service, and the medical services she believes were incorrectly billed to the Department of Social Services' Office of Quality Assurance so that it may pursue action, potentially leading to an audit of the provider's records and billing practices.

DECISION

The Appellant's appeal is DENIED.

The Appellant does not have the right to request reconsideration of this decision by the Department. Similarly, the Appellant does not have the right to appeal this decision to Superior Court. *Peters v. Department of Social Services*, 273 Conn. 434 (2005).

Eva Tar
Hearing Officer

Pc: William Hickey, DAS
Mike Barile, DAS
Chris Fons, DAS
Francisco Rivera, DAS