

DEPARTMENT OF SOCIAL SERVICES  
NOTICE OF INTENT TO ADOPT REGULATIONS

In accordance with the provisions of subsection (a) of section 4-168 of the Connecticut General Statutes, notice is hereby given that the Commissioner of Social Services, pursuant to sections 17b-3, 17b-112a, 17b-228, 17b-262, and 17b-600 of the Connecticut General Statutes, intends to amend the Department of Social Services' Uniform Policy Manual ("UPM") to remove the word "inaccessible" as it applies to assets and income in Medicaid and certain other programs.

**Statement of Purpose:**

**(A) The purpose of the regulation:** To remove the term "inaccessible" from the UPM as applied to the treatment of assets and income in the Medicaid program, the Aid to Families with Dependent Children ("AFDC") program, the Aid to the Aged, Blind or Disabled ("AABD") program, Medical Aid to the Aged, Blind or Disabled ("MAABD"), Connecticut Assistance for Organ Transplant Recipients ("ConnTRANS"), and the Temporary Family Assistance ("TFA") program.

**(B) The problems, issues or circumstances that the regulation proposes to address:** Federal law pertaining to the treatment of assets and income in the Medicaid program requires that states assess whether an asset or income is available or unavailable to an individual. See 42 U.S.C. 1396a(a)(17)(B). Availability in the Medicaid program is gauged by a particular definition of that term that is provided by federal and state law. See Program Operations Manual System (POMS) § 01110.115; Conn. Gen. Stat § 17b-261. The UPM also occasionally refers to whether an asset or income is accessible or inaccessible. These terms are also defined by the UPM, but in a manner that is slightly different than the definitions pertaining to availability. Furthermore, inaccessibility is most commonly a term used in the context of the Supplemental Nutrition Assistance Program. See, e.g., 7 C.F.R. 273.8.

Although the descriptors "available," "unavailable," "accessible" and "inaccessible" are terms of art with precise definitions that are intended for use in specific programs, the UPM often uses the terms interchangeably. The inclusion of "inaccessible" as applied to the treatment of assets and income in the Medicaid program has resulted in individuals being found eligible for Medicaid when, although assets or income were "inaccessible," as that term is defined in the UPM, the assets or income were "available" to the individual as that term is defined by federal and state law and the UPM. The terms "inaccessible" and "unavailable" are also used interchangeably in the AFDC, AABD, MAABD, ConnTrans and TFA programs, which has created added confusion.

**(C) The legal effects of the regulation, including all of the ways that the regulation would change existing regulations or other laws:** The proposed regulation resolves this confusion by eliminating the term "inaccessible" from the UPM as applied to the treatment of assets and income in the Medicaid, AFDC, AABD, MAABD, ConnTRANS, and TFA programs. Also, the proposed regulation repeals sections 8045 through

8045.70, inclusive, concerning the AFDC Work Supplementation Program (“AFDC-WSP”) because the program is no longer operational. The term "inaccessible" will continue to apply in the UPM to the SNAP program in accordance with the federal rules governing SNAP.

A copy of the complete text of this regulation is available on the Connecticut eRegulations System website at <https://eregulations.ct.gov/eRegsPortal/>, and on the Department of Social Services’ website at <http://www.ct.gov/dss> by selecting “Publications,” then “Policies and Regulations,” then “Notices of Intent, Operational Policies, and Proposed Regulations.” In addition, copies of the proposed regulation, as well as the small business impact and regulatory flexibility analysis, may be obtained at no cost by request to the Office of Legal Counsel, Regulations and Administrative Hearings, Department of Social Services, 55 Farmington Avenue, Hartford, Connecticut 06105; email: Daniel.Butler@ct.gov.

All written comments, questions, and concerns regarding this regulation may be submitted within thirty days of the publication of this notice to the Department of Social Services, Office of Legal Counsel, Regulations & Administrative Hearings, 55 Farmington Avenue, Hartford, Connecticut, 06105. Attention: Brenda Parrella, Director. Comments may also be submitted electronically on the eRegulations System website referenced above. A hearing will be scheduled on the proposed regulation if requested by fifteen persons, by a governmental subdivision of an agency or by an association having not less than fifteen members, if notice of the request is received by DSS within fourteen days after the date of publication of this notice.

When submitting comments, please refer to eRegs #PR2016-027.