

NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION CONCERNING THE TIMELY PROCESSING OF MEDICAID APPLICATIONS

Have you applied for, or tried to apply for, or anticipate applying for Medicaid (also known as HUSKY A, HUSKY C, or HUSKY D)? Have you tried, or do you anticipate trying, to get on Medicaid (HUSKY C) through “spending down”? If so, you should read this notice because it gives you information about the settlement of a lawsuit regarding the processing of Medicaid applications and spend-downs.

Background

In 2012, a lawsuit was brought alleging that the Connecticut Department of Social Services (“DSS”) failed to timely process applications for Medicaid (also known as HUSKY A, HUSKY C, or HUSKY D). The plaintiffs asked the Court to certify the case as a “class action” on behalf of two (2) groups, meaning that the plaintiffs would represent individuals who are similarly-situated to them in these two groups:

All Connecticut residents who have applied, or who in the future will apply, for Medicaid benefits administered by the Connecticut Department of Social Services and who have not been provided such benefits (the “Applicant” class)

All Connecticut residents who have been or will be found eligible for Medicaid subject to a “spend-down” requirement (the “Spend-down” class).

The plaintiffs and DSS have reached agreement on how to settle the case for both the Applicant class and the Spend-Down class.

Proposed Settlement

You can see the entire proposed settlement at the office of New Haven Legal Assistance, 426 State Street, New Haven, as well as at the office of Greater Hartford Legal Aid and at local Connecticut Legal Services’ offices. It will also be posted on the websites for New Haven Legal Assistance Association (www.nhlegal.org and www.ctlawhelp.org); the Department of Social Services (www.ct.gov/dss); and Access Health CT (www.ct.gov/hix). The basic terms of the settlement are:

1. **Timely Processing.** Between now and July 2015, DSS will steadily improve its efforts to process applications for Medicaid. The settlement requires DSS to process 92% of all applications within the required timelines (45 days for most applications; 90 days for HUSKY C applications based on disability) by July 2015. However, it will be able to exclude certain overdue Long Term Care applications from the 92% requirement as long as the applicants or third parties are timely notified of the documents or information they need to provide to establish eligibility, and DSS timely reviews and acts on any information that it then receives.

2. **Spend Down Applications.** DSS will continue to contract for outside services to process medical bills properly submitted by members of the Spend Down Class within 5 business days (3 days if there is an emergency).
3. **Reporting.** DSS will provide monthly reports to the plaintiffs' attorneys that show how long it is taking to process the applications. DSS will also review sample long term care applications every three months to see if DSS properly excused delays based on "unusual circumstances."
4. **Enforcement.** If the plaintiffs' attorneys do not believe DSS has complied with the Settlement, they may ask the Court to take further action.
5. **Duration of Agreement.** The settlement agreement will remain in effect until July 1, 2017, but DSS may in certain circumstances request permission from the Court to end it earlier if it is in compliance with all of the agreement's terms for a period of time. The agreement may also be extended beyond July 1, 2017, if the plaintiffs request this because there has not been substantial compliance with its terms.

Right to Object

Any class member has the right to let the Court, the attorneys, and DSS know if he or she objects to the proposed settlement. The Court has set a hearing on **September 22, 2014, at 2:00 p.m.** at the following address:

U.S. District Court for the District of Connecticut
Abraham Ribicoff Federal Building
South Courtroom
450 Main Street, Hartford, CT 06103

You may also object to the settlement by writing a letter, post-marked by **September 8, 2014**, to the Court at the address below, with a copy to the plaintiffs' counsel (address below).

The Clerk's Office
U.S. District Court for the District of Connecticut
Abraham Ribicoff Federal Building
450 Main Street
Hartford, CT 06103
Attn: 3:12-cv-00039 (AWT)

You may also call or email the following attorneys, who have represented the plaintiffs in this lawsuit, if you have any questions:

Sheldon Toubman (stoubman@nhlegal.org)
Shelley A. White (swhite@nhlegal.org)
New Haven Legal Assistance Association
426 State Street, New Haven, CT 06510
203-946-4811