

Regulations of Connecticut State Agencies
TITLE 17a. Social & Human Services & Resources

Agency
Department of Children and Families
Subject
Medical Expense Subsidy for Adoptive Parents
Inclusive Sections
§§ 17a-120-1—17a-120-9

CONTENTS

Sec. 17a-120-1—17a-120-2.	Repealed
Sec. 17a-120-3.	Scope of regulations
Sec. 17a-120-4.	Definitions
Sec. 17a-120-5.	Eligibility for medical expense subsidy
Sec. 17a-120-6.	Application and determination of eligibility
Sec. 17a-120-7.	Annual review of the subsidy
Sec. 17a-120-8.	Reapplication for subsidy
Sec. 17a-120-9.	Adoption subsidy review board

Medical Expense Subsidy for Adoptive Parents

Sec. 17a-120-1—17a-120-2. Repealed

Repealed May 10, 1999.

Sec. 17a-120-3. Scope of regulations

The following regulations are being adopted to encourage the adoption of handicapped children by providing a medical expense subsidy to the adoptive parents of such children.

(Effective March 22, 1994)

Sec. 17a-120-4. Definitions

(a) Department means Department of Children and Families.

(b) Commissioner means the Commissioner of the Department of Children and Families or designee.

(c) High risk of physical or mental disability refers to a child who does not have a currently diagnosed physical or mental disability, but a recognized authority (licensed physician, psychiatrist or psychologist) determines that the child's past experience and present condition or functioning indicate a probability for developing such disability in the future.

(d) Legal dependent means that the child qualifies as a dependent of the adoptive parent(s) under the Internal Revenue Code or as defined by future amendments to the Internal Revenue Code.

(Effective March 22, 1994)

Sec. 17a-120-5. Eligibility for medical expense subsidy

(a) Any child who is blind or physically disabled (as defined by Section 1-1f of the Connecticut General Statutes), mentally disabled, seriously emotionally maladjusted or has a recognized high risk of physical or mental disability who is to be given or has been given in adoption by a statutory parent (as defined in Section 45a-707 (a) of the Connecticut General Statutes) shall be eligible for a medical expense subsidy if such condition existed prior to adoption.

(b) In order to avoid duplication of medical coverage, the child determined to be eligible for medical subsidy under 17a-117 (a) shall not be eligible for such subsidy under 17a-120.

(Effective March 22, 1994)

Sec. 17a-120-6. Application and determination of eligibility

(a) The adoptive parent(s) of a handicapped child must apply in writing to the regional office serving their town of residence for a medical expense subsidy for the care and treatment of the handicapped child.

(b) The application shall include statements signed by a licensed physician, psychiatrist, psychologist or such others as may be appropriate, documenting:

Regulations of Connecticut State Agencies

TITLE 17a. Social & Human Services & Resources

§17a-120-7

Department of Children and Families

- (1) The nature of the condition, infirmity or impairment.
- (2) Evidence that the condition existed prior to the adoption.
- (3) The prescribed medical care and treatment such condition requires.
- (c) The application shall also include certification that the anticipated medical care and treatment are not covered by health insurance, federal or other state payments for health care.

(d) The Department shall notify the parent(s) in writing of its determination of eligibility and the acceptance or non-acceptance of the submitted documentation of the existence of such condition prior to adoption.

(1) In cases where the Department has reason to believe that the child is not eligible for medical subsidy, the Department may require a further medical opinion by a licensed physician or other appropriate professional person accredited and specializing in the area of the condition for verification of the existence of such condition.

(2) The effective date of subsidy for applications submitted prior to adoption shall be the date of adoption finalization by the Probate Court. The effective date of subsidy for applications submitted subsequent to adoption shall be the date of determination of eligibility by the Department, but no later than 30 days after the date of receipt of the application by the Department.

(3) Upon finding of eligibility, the parent(s) shall be issued for the child a medical identification card allowing medical expense subsidy for the care and treatment of the child in accordance with the fee schedule and payment procedure established under the Medicaid Program administered by the Department of Social Services.

(4) Within 30 days of the receipt of finding of non-eligibility, the parent(s) may submit a written request for a hearing before the Adoption Subsidy Review Board.

(Effective March 22, 1994)

Sec. 17a-120-7. Annual review of the subsidy

(a) The Department will conduct an annual review of the continued need for subsidy.

(1) The adoptive parent(s) shall submit a sworn statement indicating that the condition which caused the child to be certified as handicapped or a related condition continues to exist or has reoccurred since the time of the last review.

(2) The adoptive parent(s) shall submit a sworn statement indicating that the child continues to qualify as a legal dependent.

(3) If the Department determines that the subsidy should be reduced or terminated, the adoptive parents shall be notified in writing of their right to request a hearing before the Adoption Subsidy Review Board. The notification shall state that adoptive parents disagreeing with such planned action will be given a hearing provided a written request for a hearing is received by the Department (505 Hudson Street, Hartford, CT 06106) within 15 days from the date the Department mails the notification.

(4) If such a hearing is requested, the adopting parents shall be given a hearing at least 30 days prior to the anticipated effective date of such action.

Regulations of Connecticut State Agencies

TITLE 17a. Social & Human Services & Resources

Department of Children and Families

§17a-120-9

(5) The subsidy shall continue without modifications until the final decision of the Adoption Subsidy Review Board.

(Effective March 22, 1994)

Sec. 17a-120-8. Reapplication for subsidy

(a) If subsequent to the termination of the subsidy, the condition for which subsidy was granted or a related condition reoccurs, the adoptive parent(s) may reapply and shall be granted the medical expense subsidy for the child.

(b) The effective date of subsidy shall be the date of eligibility determination by the Department, but no later than 30 days after the date of receipt of the reapplication by the Department.

(c) In no case shall eligibility for the subsidy continue beyond the child's twenty-first birthday.

(Effective March 22, 1994)

Sec. 17a-120-9. Adoption subsidy review board

(a) Any subsidy decision by the Department may be appealed by the adoptive parent(s) or by a licensed child placing agency on behalf of the child or such parent(s) to the Adoption Subsidy Review Board.

(b) The Adoption Subsidy Review Board shall consist of the Commissioner or designee, a representative from a licensed child-placing agency and an adoptive parent appointed by the Governor.

(c) Adoption Subsidy Review Board procedures will be conducted in accordance with the provisions of Chapter 54 of the Connecticut General Statutes.

(d) All decisions of the Adoption Subsidy Review Board shall be based on the best interest of the child.

(Effective March 22, 1994)