



# TCORS

Tobin, Carberry, O'Malley, Riley & Selinger, P.C.

Quarterly Newsletter

February 2011

## TCORS WINS AN IMPORTANT CASE INVOLVING ALIEN RESIDENCY REQUIREMENTS FOR MEDICAID

TCORS is pleased to announce an important favorable decision regarding the eligibility of a non-citizen student for Medicaid benefits. The decision provides important guidance concerning the criteria for establishing when a non-citizen has established residency in the state of Connecticut for purposes of Medicaid eligibility.

The applicant, from India, was here on a student visa at the University of Bridgeport. He rented an apartment, opened a bank account, and took a part-time job. A month after starting school, however, he was shot in a mugging and hospitalized for months. While in the hospital, he signed a statement indicating that he intended to remain indefinitely in Connecticut. After his discharge, however, he returned to India. Without Title XIX benefits or private insurance, there was no way for him to secure the care he required in the States.

DSS denied his application for Title XIX benefits in March 2008, concluding that he was not an eligible non-citizen, because he was not a resident of Connecticut and had no intent to remain. The caseworker based this conclusion on nothing more than his decision to return to India to seek convalescent care.

We stayed in touch with his family and physicians in India to monitor his recovery. Eventually, he recovered and returned to this country. We convinced the Office of Hearings and Appeals to continue the hearing until he was available to testify at the hearing.

After the case was remanded to the District Office following the hearing decision, we established that the applicant had an emergency medical condition. We were also able to answer the repeated questions raised about the source of some funds he used to pay for school and his living expenses. DSS eventually granted him eligibility for Medicaid benefits related to his hospital stay, three years after his application was first filed.

The decision illustrates again the benefit of perseverance in the face of an adverse decision by DSS, thorough knowledge of the standards governing eligibility for assistance, and our unique investigatory resources.

By Tom Riley

- TCORS, wins important non citizen student residency eligibility decision.
- TCORS honors Gerry Badaluca for 30 years of hard work and dedication to our Hospital clients.
- TCORS now offering Medicaid Audit Assistance and Social Security Disability Appeals

TCORS

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## **TCORS honors Gerry Badaluca on her 30th Anniversary!**

Gerry Badaluca and I continued the work of Antoinette Dupont representing Windham Hospital, Day Kimball, Lawrence and Memorial, Middlesex and Park City Hospital over 30 years ago, helping our clients secure reimbursement from municipalities for care they provided to their indigent population. In those days, decisions to grant medical assistance were made by the “Welfare

Director” of each individual town. You can imagine how difficult it was to get each municipality to interpret the regulations the same way as each Welfare Director had their own set of requirements to establish a patient’s eligibility. The only method of appealing a town denial was to file a complaint against the municipality in the Superior Court. There were countless negotiations, pretrial hearings and court appeals. In 1996, the State took over the administration of medical reimbursements with the SAGA program. Gerry’s steady guidance and dedication to each of our clients attracted even more clients. We began representing Stamford, Norwalk, Yale-New Haven, Bridgeport, St. Francis, Greenwich, and many others. Thirty years later, our Hospital Department consists of 11 experienced paralegals and support staff, a private investigator and as many as 13 hospitals scattered across Connecticut and Rhode Island. Through all of this, Gerry has worked tirelessly fielding questions from our clients, running status reports for our clients, developing policies and procedures to reflect the changes in programs and regulations, and training and supervising our staff. From the beginning, Gerry recognized that hospitals cannot continue to provide care for all patients without some remuneration. TCORS is very fortunate to have employees like Gerry. ~ Robert Tobin

## **TCORS Medicaid Audit Services**

Jim Wietrak, Cathie Lowney and Krista Strazza have been working diligently with our Medicaid Audit clients. To date, they have successfully negotiated a number of final audit results, completed 6 Medicaid Audit Seminars and completed a mock audit for one of our Behavioral Health clients. TCORS will be an exhibitor at the Connecticut Community Providers Association Conference at the Hartford Marriott in Farmington, Connecticut on March 25th. Let TCORS assist your organization with understanding the Medicaid audit process and how proper billing, coding and documentation procedures and practices can help you reduce audit exposure within your specific provider area. If you would like more information about how TCORS can help you with your Medicaid audits, please contact [jwietrak@tcors.com](mailto:jwietrak@tcors.com) or call us at (860) 447-0335.

## **TCORS offers assistance with Social Security Disability appeals.**

TCORS’ attorneys and staff are experienced in the difficult process of applying for Social Security Disability. TCORS can assist in the tedious task of securing and submission of ongoing documentation required to qualify for Social Security Disability benefits. Our many years of experience helping patients qualify for Federal and State Assistance gives us the in-depth knowledge to assist people in need of Social Security benefits. For more information please contact Kristen Cramer at (860) 447-0335.

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