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Testimony of Shirley Bergert Before the Appropriations Committee March 4, 2011

Connecticut Legal Services serves low income households in Connecticut, providing legal advice and assistance in civil matters. These are our vulnerable neighbors at greatest risk in meeting subsistence needs. This testimony will address two proposals in the Governor's budget affecting low income persons, reduced benefits in the medical access program for very low income adults (LIA) and improvements to the Department of Social Services computer system.

Medicaid for Low Income Adults (LIA) – REJECT cuts to this program

Last spring Connecticut did a wonderful thing: we were the first state to expand Medicaid coverage to those who had been on the inadequate state-funded SAGA medical program. This new category of Medicaid is available to low income adults (LIA), some of whom have short-term disabling conditions.¹ Currently LIA recipients are provided the same coverage available to other adult Medicaid recipients, with the federal government covering 50% of the cost. Those of us concerned about access to medical care among the poor were pleased with the medical coverage shift and the enrollment of approximately 60,000 needy individuals in LIA.

You are tasked with considering a proposal to reduce benefits in LIA. We don't know the specific cuts being considered, only that LIA recipients will be provided with less coverage than other adult categories of Medicaid. This is a dangerous step backwards – LIA recipients are a very low income group of individuals who lack the means to pay for medical care and may well do without care if there are costs they cannot cover.

Even beyond concerns about receipt of adequate medical care, the medical services under LIA are critical to arranging for the diagnosis and treatment to allow persons with disabilities to document eligibility for disability benefits from the Social Security Administration. These federal benefits allow persons with disabilities, who might otherwise be dependent on the state for subsistence, to meet subsistence needs.

We recommend that you reject the proposal to cut benefits or services in LIA.

¹ Low income pregnant women, children and their caretakers, elderly persons and persons with long-term disabilities were eligible for Medicaid under other categories when LIA was adopted.



Replacement of the Department of Social Services (DSS) Computer – SUPPORT this proposal

DSS has an outdated eligibility computer system (EMS), document handling system and phone system. With the revelation that the US Department of Agriculture is considering sanctioning the state for exceedingly poor operation of the food stamp program, DSS has finally admitted Connecticut has failed to make needed infrastructure investments over the years to allow the agency to effectively operate its subsistence benefit programs. EMS cannot support DSS worker efforts to process cases, requiring many so-called work-arounds to “trick” it into processing correct benefits. EMS is not integrated with case documents or its phone system. The phone system cannot handle the volume of calls and periodically collapses. The voicemail system often will not take messages. Workers do not provide email addresses for clients to contact workers. The effect is a agency nearly impenetrable by those it is supposed to serve, some of whom may be disabled, mentally ill or have cognitive impairments which make it difficult to navigate under current circumstances. Many of these individuals are in desperate need of subsistence benefits which are often not timely processed.

DSS began massive staff reductions in January 2003 and has engaged in steps that further substantially reduced staff since that time. OPM delayed approvals for only partial staff replacements. This might have worked if the computer and related systems at DSS supported the work of a reduced staff, but it doesn't. Now we have a seriously dysfunctional situation that may result in a loss of federal funding.

DSS has special dispensation to codify its regulations at the agency. These regulations are not reported in the official state reporter, Regulations of Connecticut State Agencies (RCSA). They are not available on DSS's difficult to navigate website (with the exception of those covering child care assistance which are available in RCSA). It can be difficult to get a copy of the regulation DSS indicates it is relying on for a decision. Even identifying the correct regulation can be difficult because EMS lists regulations it has relied on in individual notices via a word search – the relevant regulation is listed among others with no relevance, and the recipient has to sort out which applies.

DSS notices provided to applicants and beneficiaries to advise them of benefits they will receive or lose, are generated by EMS. They are long, cumbersome and difficult to read or understand, and are sometimes internally inconsistent. We have to train lawyers to read and understand the notices; our clients rarely understand the action taken or their right to challenge the action in case of error.

Applications for assistance cannot be filed online with the current DSS computer system. DSS works with some social service agencies to facilitate filing of applications, but those who work with such an agency may well receive benefits beginning at a later date than individuals who file directly with DSS -- DSS will not honor the date a “partner” agency receives the application, only the date DSS receives it. A functioning computer system which can receive applications and documents from a “partner” agency would alleviate much of this problem.

Federal funding is available for computer systems necessitated by health care reform and development of the insurance exchanges which will include Medicaid. Connecticut should take full advantage of this funding, which can help support the cost of developing a new computer eligibility system for Medicaid and DSS' other benefit programs.

The above litany is to make clear why an upgraded computer system at DSS is immediately critical and can be partially supported by federal dollars. We recommend that you support this improvement.