



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
203 East Third Avenue
Williamson, WV 25661

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

September 11, 2015

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 15-BOR-2538

Dear Ms. [REDACTED]

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

In arriving at a decision, the State Hearing Officer is governed by the Public Welfare Laws of West Virginia and the rules and regulations established by the Department of Health and Human Resources. These same laws and regulations are used in all cases to assure that all persons are treated alike.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Stephen M. Baisden
State Hearing Officer
Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision
Form IG-BR-29

cc: Leane Soard, WV DHHR, [REDACTED] Office

**WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BOARD OF REVIEW**

██████████,

Appellant,

v.

ACTION NO.: 15-BOR-2538

**WEST VIRGINIA DEPARTMENT OF
HEALTH AND HUMAN RESOURCES,**

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Department of Health and Human Resources' (WV DHHR) Common Chapters Manual. This fair hearing was convened on September 10, 2015, on an appeal filed June 17, 2015.

The matter before the Hearing Officer arises from the June 9, 2015, decision by the Respondent to deny the Appellant's application for Long-Term Care (Nursing Home) Medicaid.

At the hearing, the Respondent appeared by Leane Soard, Economic Service Worker at the WV DHHR, ██████████ County Office. The Appellant appeared *pro se*, represented by her daughter ██████████. All participants were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 E-mail from ██████████ to Department, dated March 19, 2015
- D-2 Notice of Denial for Long-Term Care (Nursing Home), dated June 9, 2015
- D-3 West Virginia Income Maintenance Manual (WV IMM) Chapter 11, §11.3
- D-4 Letter from ██████████ Life Insurance Company, dated March 27, 2015
- D-5 Checking account balance verification letter from ██████████ dated March 3, 2015
- D-6 Assignment of Life Insurance Policy for Pre-Need Funeral, dated April 2, 2015
- D-7 Letter from ██████████ Life Insurance Company, dated May 10, 2015

Appellant's Exhibits:

None

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

FINDINGS OF FACT

- 1) The Appellant submitted an application for Long-Term Care (Nursing Home) Medicaid (LTC-MA) on March 4, 2015.
- 2) As part of her application, she submitted verification of her liquid assets, three life insurance policies with cash values of \$1,439.96, \$101.01 and \$809.87 (Exhibit D-4) and a checking account with a balance of \$675.12 as of March 27, 2015 (Exhibit D-5). The total amount of the cash values of her life insurance policies was \$2,350.84, and the total amount of her liquid assets was \$3,025.96.
- 3) The Appellant assigned her life insurance policies to a funeral home in the [REDACTED] WV, area, as part of a pre-need funeral arrangement. According to the assignment form (Exhibit D-6), the assignment is irrevocable. The assignment form was notarized on April 2, 2015.
- 4) The Department issued to the Appellant a letter of denial on June 9, 2015 (Exhibit D-2).

APPLICABLE POLICY

The West Virginia Income Maintenance Manual (WV IMM) Chapter 17, §17.10, states “The asset level for those eligible [for LTC-MA] by having income equal to or less than 300% of the monthly SSI payment for an individual is the same as for SSI-Related Medicaid.”

WV IMM Chapter 11, §11.3, states that the asset level for SSI-Related Medicaid is \$2,000 for a single-person assistance group.

DISCUSSION

The Appellant was a resident of [REDACTED] from March 4 through March 27, 2015. She applied for Long Term Care (Nursing Home) Medicaid on March 4, 2015.

She provided verification of the cash surrender values of her life insurance policies, and she provided verification that on April 2, 2015, she assigned these policies toward pre-need funeral costs. However, she still had access to these assets in March 2015.

The combined amount of liquid assets from the cash value of her life insurance policies and her checking account were \$3025.96 in March 2015, above the \$2,000 asset limit for LTC-MA.

CONCLUSION OF LAW

At the time of her application for LTC-MA, the Appellant had \$3025.96 in liquid assets. The asset level for LTC-MA is \$2,000. Pursuant to WV IMM Chapter 11, §11.3, the Department acted correctly to deny the Appellant's application.

DECISION

It is the decision of the State Hearing Officer to UPHOLD the Department's denial of the Appellant's application for LTC-MA.

ENTERED this 11th Day of September 2015.

**Stephen M. Baisden
State Hearing Officer**