



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
2699 Park Avenue, Suite 100
Huntington, WV 25704

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

March 24, 2006

Dear Ms. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held March 23, 2006. Your hearing request was based on the Department of Health and Human Resources' proposal to close your Qualified Child Medicaid Program case.

In arriving at a decision, the State Hearings 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.

Eligibility for the Qualified Child Medicaid Program is based on current policy and regulations. Some of these regulations state as follows: the child is eligible for Qualified Child Medicaid provided the child is under age 19 (WV Income Maintenance Manual Section 16.5 D).

The information which was submitted at your hearing revealed that you will attain age 19 in March, 2006 and the Qualified Child Medicaid Program is for individuals under age 19.

It is the decision of the State Hearings Officer to uphold the proposal of the Department to close your Qualified Child Medicaid Program case.

Sincerely,

Thomas M. Smith
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Brenda Bailey, Department Hearing Rep.

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

_____,

Claimant,

v.

Action Number: 06-BOR-1286

**West Virginia Department of
Health and Human Resources,**

Respondent.

DECISION OF STATE HEARING OFFICER

I. INTRODUCTION:

This is a report of the State Hearing Officer resulting from a fair hearing concluded on March 23, 2006 for _____. This hearing was held in accordance with the provisions found in the Common Chapters Manual, Chapter 700 of the West Virginia Department of Health and Human Resources. This fair hearing was convened on March 23, 2006 on a timely appeal filed February 28, 2006.

It should be noted here that any benefits under the Qualified Child Medicaid Program have been continued pending a hearing decision.

II. PROGRAM PURPOSE:

The Qualified Child Medicaid Program provides Medicaid to Qualified Children born prior to the federal eligibility date of 10/01/83. This was mandated by the State Legislature and required a waiver from the federal regulations to implement. These children are Qualified Children in every way except their age. They are referred to as Medicaid Expansion cases because the approved waiver allowed the Department to expand Qualified Child Medicaid coverage to more children.

III. PARTICIPANTS:

1. _____, Claimant.
2. Brenda Bailey, Dept. Hearing Rep.

Presiding at the Hearing was Thomas M. Smith, State Hearing Officer and a member of the State Board of Review.

IV. QUESTIONS TO BE DECIDED:

The question to be decided is whether the Department proposed the correct action to close the Qualified Child Medicaid Program case effective March 31, 2006.

V. APPLICABLE POLICY:

WV Income Maintenance Manual Section 16.5.

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- A Copy of hearing summary.
- B Copy of birth certificate.
- C Copy of notification letter dated 2-23-06 (3 pages).
- D Copy of WV Income Maintenance Manual Section 16.5 D (2 pages).
- E Copy of pre-hearing conference appointment.

VII. FINDINGS OF FACT:

- 1) The claimant was approved for Medicaid under the Qualified Child (QC) Medicaid Program in January, 2005.
- 2) The claimant's birth date is 3-26-87 and she would be 19 years old on 3-26-06 (Exhibit #B).
- 3) A notification letter was sent on 2-23-06 to inform the claimant that the QC Medicaid case would be closed effective 3-31-06 due to her becoming 19 years old in March, 2006 (Exhibit #C).
- 4) The claimant was not eligible for any other Medicaid Program.
- 5) The claimant's hearing request was received on 2-28-06 in the local office and on 3-2-06 by the State Hearing Officer.
- 6) Testimony from the claimant indicated that she has no disabilities and will be going to college and has no other medical insurance.
- 7) WV Income Maintenance Manual Section 16.5 D states, in part:

D. QUALIFIED CHILDREN (QC) BORN ON OR AFTER 10-1-83 (MQCA)

NOTE: For Qualified Children born before 10-1-83, see Section 16.7, E.....

A child is eligible for Medicaid coverage as a Qualified Child (QC) when all of the following conditions are met:

- The child is not eligible for SSI Medicaid
- The child was born on or after 10-1-83.
- The child is under age 19, regardless of school attendance or course completion date.....

VIII. CONCLUSIONS OF LAW:

Regulations in WV Income Maintenance Manual Section 16.5 D clearly state that the recipient must be under age 19 in order to receive QC Medicaid benefits, regardless of school attendance or course completion. The claimant will reach age 19 on 3-26-06 and thus will become ineligible for QC Medicaid benefits effective 3-31-06. The Department has proposed the correct action to close the QC Medicaid case effective 3-31-06

IX. DECISION:

It is the decision of the State Hearing Officer that the Department proposed the correct action to close the QC Medicaid Program case effective 3-31-06.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision
Form IG-BR-29

ENTERED this 24th Day of March, 2006.

**Thomas M. Smith
State Hearing Officer**