



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
150 Maplewood Avenue  
Lewisburg, WV 24901

Joe Manchin III  
Governor

Martha Yeager Walker  
Secretary

June 13, 2006

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear Mr. \_\_\_\_\_:

Attached is a copy of the findings of fact and conclusions of law on your hearing held February 28, 2006. Your hearing request was based on the Department of Health and Human Resources' proposal to terminate your benefits under the SSI-Related Medicaid Program.

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.

Eligibility for the SSI-Related Medicaid Program is based on current policy and regulations. Some of these regulations state as follows: An individual must not be a resident of a public or private institution, defined as follows: Public Institution: Institution which provides shelter, custody and care, and for which a governmental unit has responsibility or exercises administrative control. **Note:** Individuals who are incarcerated or on home confinement are considered to be a resident of an institution and, therefore, not eligible for Medicaid (Section 8.2B #2 of the West Virginia Income Maintenance Manual)

The information which was submitted at your hearing revealed that you are on home confinement.

It is the decision of the State Hearing Officer to uphold the proposal of the Department to terminate your benefits under the SSI-Related Medicaid Program.

Sincerely,

Margaret M. Mann  
State Hearing Officer  
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review  
Susan Godby, DHHR

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

\_\_\_\_,

**Claimant,**

v.

**Action Number: 06-BOR-973**

**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 February 28, 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 February 28, 2006 on a timely appeal, filed, January 26, 2006.

It should be noted here that the claimant's benefits have been continued pending the hearing decision.

**II. PROGRAM PURPOSE:**

The Program entitled SSI-Related Medicaid is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

SSI Related Medicaid is a segment of the Medicaid Program available to individuals who meet the requirement of categorical relatedness by qualifying as either aged, disabled, or blind as those terms are defined by the Social Security Administration for purposes of eligibility for SSI.

**III. PARTICIPANTS:**

\_\_\_\_, Claimant

\_\_\_\_, Claimant's Mother

\_\_\_\_\_, Claimant's Friend  
Susan Godby, Department Hearing Representative

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

**IV. QUESTIONS TO BE DECIDED:**

The question(s) to be decided is whether or not the claimant is eligible for the SSI-Related Medicaid Program as he is on home confinement.

**V. APPLICABLE POLICY:**

Section 8.2B #2 of the West Virginia Income Maintenance Manual

**VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:**

**Department's Exhibits:**

- D-1 Form IG-BR-29 Hearing/Grievance Record Information
- D-2 Termination Notice dated 12/12/05
- D-3 Sections 8.2 and 9.19 of the West Virginia Income Maintenance Manual
- D-4 Department's Summary

**VII. FINDINGS OF FACT:**

- 1) The claimant is a recipient of SSI-Related Medicaid based on disability.
- 2) A letter was sent to the claimant dated 12/12/05 informing him of the following: Your SSI Related Medicaid for the Aged, Blind and Disabled will stop. Reason: The household's current living situation prevents them from being eligible for this assistance. (D-2) Testimony from Ms. Godby revealed that \_\_\_\_ is on home confinement. Policy states that a client must not be in an institution in order to receive a medical card. Home confinement falls under this category.
- 3) A hearing was requested 01/26/06. When the Ms. Godby was preparing for the hearing, she noted that the incorrect manual citation had been entered on the notification letter. She reopened the case and backdated coverage to the date of closure.
- 4) Testimony from Mr. \_\_\_\_ revealed that he is on home confinement for a small misdemeanor/unpaid citation. The period of the home confinement is from 12/02/05 through 06/02/06. After three months, he gets on unsupervised home confinement. He reports in every Monday. He can leave the home for doctor appointments, church, etc.

5) Section 11.2B #2 of the West Virginia Income Maintenance Manual reads in part:

Medicaid - Institutional Status.

An individual must not be a resident of a public or private institution, defined as follows:

Public Institution: Institution which provides shelter, custody and care, and for which a governmental unit has responsibility or exercises administrative control.

**Note:** Individuals who are incarcerated or on home confinement are considered to be a resident of an institution and, therefore, not eligible for Medicaid.

#### **VIII. CONCLUSIONS OF LAW:**

- 1) Policy is clear in that individuals who are on home confinement are considered to be a resident of an institution and, therefore, not eligible for Medicaid.
- 2) The claimant is on home confinement.
- 3) The claimant is ineligible for Medicaid because he is on home confinement.

#### **IX. DECISION:**

It is the finding of the State Hearing Officer that the Department is upheld in the decision to terminate the claimant's benefits under the SSI-Related Medicaid Program because he is on home confinement. The action described in the notification letter dated December 12, 2005 will be taken.

#### **X. RIGHT OF APPEAL:**

See Attachment

#### **XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 13th Day of June, 2006.**

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**Margaret M. Mann  
State Hearing Officer**