



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
4190 Washington Street West  
Charleston, WV 25313

Joe Manchin III  
Governor

Martha Yeager Walker  
Secretary

September 20, 2006

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

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

Attached is a copy of the findings of fact and conclusions of law on your hearing held September 8, 2006. Your hearing request was based on the Department of Health and Human Resources' proposal to close your Medicaid 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 SSI Related Medicaid Program is based on current policy and regulations. Some of these regulations state as follows:

Spenddown AG's (Assistance Groups) are not redetermined and are closed at the end of the 6th month of the POC (Period of Consideration). The client must reapply for a new POC. The last month of the 6-month POC is coded in the data system. (West Virginia Income Maintenance Manual Section 1.22 N (2) Spenddown).

The information submitted at your hearing revealed: (1) Your period of consideration ended on June 30, 2006 and (2) You did not have enough medical expenses to meet another spenddown.

It is the decision of the State Hearings Officer to UPHOLD the PROPOSAL of the Department to close your Medicaid case.

Sincerely,

Ray B. Woods, Jr., M.L.S.  
State Hearing Officer  
Member, State Board of Review

cc: State Board of Review  
Patrick McKinney, Supervisor – [REDACTED] DHHR Office

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

\_\_\_\_\_,

**Claimant,**

v.

**Action Number: 06-BOR-2385**

**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 September 20, 2006 for Mr. \_\_\_\_\_. 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 September 8, 2006 on a timely appeal filed July 14, 2006.

It should be noted here that the Claimant's benefits have been continued pending a hearing decision. A pre-hearing conference was held between the parties, and the Claimant did not have legal representation.

**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.

The SSI Related Medicaid Program 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

\_\_\_\_\_, Wife

Patrick McKinney, Supervisor – [REDACTED] DHHR Office

Presiding at the Hearing was, Ray B. Woods, Jr., M.L.S., State Hearing Officer and a member of the State Board of Review.

**IV. QUESTIONS TO BE DECIDED:**

The question(s) to be decided is: Did the Claimant's period of consideration end, and did he have enough medical expenses to meet another spenddown?

**V. APPLICABLE POLICY:**

West Virginia Income Maintenance Manual Section 1.22 N (2) Spenddown; and West Virginia Income Maintenance Manual Section 1.22 R (2) Spenddown.

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

**Department's Exhibits:**

- D-1 Copy of letter dated 06/16/06
- D-2 WVIMM Sections 1.22 N (2) and 1.22 R (2)

**Claimants' Exhibits:**

None

**VII. FINDINGS OF FACT:**

- 1) The Claimant and his Wife met a SSI Related Medicaid spenddown for the period covering January 2006 through June 2006.
- 2) On June 15, 2006 the Claimant and his Wife received a letter stating their period of consideration was ending effective June 30, 2006 (Exhibit D-1).
- 3) The Claimant requested a hearing with benefits reinstated during the hearing process.
- 4) The Claimant requested a hearing because they did not have enough medical expenses to meet another spenddown.
- 5) West Virginia Income Maintenance Manual Section 1.22 N (2) Spenddown (Exhibit D-2) states:  
  
Spenddown AG's are not redetermined and are closed at the end of the 6th month of the POC. The client must reapply for a new POC. The last month of the 6-month POC is coded in the data system.
- 6) West Virginia Income Maintenance Manual Section 1.22 R (2) Spenddown (Exhibit D-2) states in part:

The redetermination process is the same as the application process with the following exceptions: There is no redetermination list, and Applicants may come into the office at any time to reapply for a new POC.

**VIII. CONCLUSIONS OF LAW:**

- 1) West Virginia Income Maintenance Manual Section 1.22 N (2) Spenddown states:

Spenddown AG's are not redetermined and are closed at the end of the 6th month of the POC. The client must reapply for a new POC. The last month of the 6-month POC is coded in the data system.

- 2) West Virginia Income Maintenance Manual Section 1.22 R (2) Spenddown states in part:

The redetermination process is the same as the application process with the following exceptions: There is no redetermination list, and Applicants may come into the office at any time to reapply for a new POC.

- 3) The Claimant did not have enough medical expenses to meet another spenddown.

**IX. DECISION:**

It is the decision of this State Hearing Officer to UPHOLD the PROPOSAL of the Department to close the Medicaid case.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 20th Day of September, 2006**

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**Ray B. Woods, Jr., M.L.S.**  
**State Hearing Officer**