



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
PO Box 29
Grafton WV 2354
November 29, 2006

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

Dear Mr. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held November 8, 2006. Your hearing request was based on the Department of Health and Human Resources' proposal to discontinue your medical coverage under the Medicaid for Recipients of SSI 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 Medicaid program is determined based on current regulations. One of these regulations specifies that SSI recipients receive Medicaid coverage under the West Virginia Medicaid Program on the basis of their eligibility for SSI. The state agency depends on information from the Social Security Administration in certifying Medicaid cases under this coverage group. (West Virginia Income Maintenance Manual ' 16.6).

The information which was submitted at the hearing revealed that you no longer receive SSI benefits. Your SSI case was closed by the Social Security Administration based on your spouse's earnings

It is the decision of the State Hearing Officer to **uphold** the proposal of the Agency to terminate your medical coverage under the Medicaid *for Recipients of SSI* Program as was set forth in the October 3, 2006 notification.

Sincerely,

Ron Anglin
State Hearing Examiner
Member, State Board of Review

cc: Chairman, Board of Review
[REDACTED] County DHHR, Michael Phillips

WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES

Claimant.

v.

Action Number 06-BOR-3141

**West Virginia Department of Health & Human Resources.
Respondent.**

SUMMARY AND DECISION OF THE STATE HEARING OFFICER

I. INTRODUCTION:

This is a report of the State Hearing Examiner resulting from a fair hearing concluded on November 29, 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 November 8, 2006 on a timely appeal filed October 5, 2006.

II. PROGRAM PURPOSE:

The program entitled Medicaid is set up cooperatively between the Federal and State Government and administered by the West Virginia Department of Health and 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

_____, daughter to claimant

Michael Phillips, ESS, Agency Representative.

Presiding at the hearing was Ron Anglin, State Hearing Examiner and a member of the State Board of Review.

IV. QUESTION TO BE DECIDED:

The question to be decided is whether the Agency was correct in proposing to terminate Medicaid benefits under the Medicaid for Recipients of SSI Program based on SSI benefit termination.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual § 2.11 & 16.6.

42 CFR § 435 Code of Federal Regulations:

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Agency's Exhibits:

A-1 Notification, 10/3/06

A-2 WVIMM 2.11

Claimant's Exhibits:

C-1 Listing of pharmacy expenses

C-2 Statement, USC, 10/10/06

VII. FINDINGS OF FACT:

1) The claimant was informed in a notification dated October 3, 2006 (A-1) that his Medicaid for Recipients of SSI case was being terminated based on him no longer receiving SSI benefits. The claimant requested a hearing October 10, 2006. Benefits have been continued pending a hearing decision. This hearing held November 8, 2006.

2) During the hearing Exhibits as noted in Section VI above were submitted.

3) Testimony was heard from the individuals listed in Section III above. All persons giving testimony were placed under oath.

4) There is no dispute as to the facts of this case. The agency was notified by SSA 9/28/06 that the claimant's SSI benefits had ended. The claimant was notified and a hearing requested. The claimant's SSI benefits were terminated based on his spouse's earnings. Claimant needs a medical card to cover his medication. He receives Medicare and part D.

5) West Virginia Income Maintenance Manual § 16.4 states in Part: All Medicaid coverage groups are assigned to one of two broad sections: Categorically Needy and Medically Needy. CATEGORICALLY NEEDY MEDICAID recipients are those who- Receive SSI payments.

6) West Virginia Income Maintenance Manual § 16.6, A, states in part: West Virginia elected to (medically) cover all SSI recipients and to accept Social Security's determination of eligibility for SSI as the sole eligibility determination for Medicaid.

7) West Virginia Income Maintenance Manual § 2.11C states in part:

The Worker closes the SSI Medicaid case when:

- The client appears on the "Need to Evaluate" printout and the Worker determines he is no longer eligible for SSI Medicaid.
- The Worker has information that the client has moved to another state.
- The Worker has information that the client died.

VIII. CONCLUSIONS OF LAW:

1) Medicaid coverage identified as Categorically Needy coverage is provided by the state agency to individuals receiving Supplemental Security Income (SSI) benefits. No financial test or spenddown provision is applied as eligibility is based solely on receipt of SSI. Evidence reveals the claimant's SSI benefits were terminated and the agency was so informed in September 2006.

2) The agency closes an SSI Medicaid case when the client appears on the "Need to Evaluate" printout and it is determined the client is no longer eligible for SSI Medicaid. The agency received notice of SSI termination and took appropriate action to discontinue Medicaid benefits. This proposal was set forth in the October 3, 2006 notification.

IX. DECISION:

Based on a thorough review of submitted evidence, policy and regulations, the agency's proposal to terminate the claimant's coverage under the Medicaid for SSI Recipients Program is upheld. The agency's determination was correct and in compliance with current regulations

X. RIGHT OF APPEAL:

See Attachment.

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision.

Form IG-BR-29

ENTERED this 29th Day of November, 2006

Ron Anglin
State Hearing Examiner

CLAIMANT'S RECOURSE TO ADMINISTRATIVE HEARING DECISION
For
Public Assistance Hearings,
Administrative Disqualification Hearings, and
Child Support Enforcement Hearings

A. CIRCUIT COURT

Upon a decision of a State Hearing Officer, the claimant will be advised he may bring a petition in the Circuit Court of Kanawha County within four months (4) from the date of the hearing decision.

The Court may grant an appeal and may determine anew all questions submitted to it on appeal from the decision or determination of the State Hearing Officer. In such appeals a certified copy of the hearing determination or decision is admissible or may constitute prima facie evidence of the hearing determination or decision. Furthermore, the decision of the circuit Court may be appealed by the client or petitioner to the Supreme Court of Appeals of the State of West Virginia.

B. THE UNITED STATE DEPARTMENT OF HEALTH AND HUMAN SERVICES

If you believe you have been discriminated against because of race, color, national origin, age, sex or handicap, write immediately to the Secretary of the United States Department of health and Human Services, Washington, D.C. 20201.

C. THE UNITED STATE DEPARTMENT OF AGRICULTURE

If you believe you have been discriminated against because of race, color, national origin, age, sex or handicap, write immediately to the Secretary of the Department of Agriculture, Washington, D.C. 20250.