



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1027 N. Randolph Ave.
Elkins, WV 26241

Earl Ray Tomblin
Governor

Michael J. Lewis, M.D., Ph.D.
Cabinet Secretary

April 21, 2011

-----for -----

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held April 14, 2011. Your hearing request was based on the Department of Health and Human Resources' action to deny -----'s SSI-Related Medicaid application based on failure to provide necessary documentation.

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. These regulations specify that Medicaid can be backdated up to three months from the date of application provided that all eligibility requirements are met. Additional information requested by the Department is due 30 days from the date of the Medicaid application. [West Virginia Income Maintenance Manual Sections 1.22, M and H]

Information submitted at your hearing reveals that you did not provide the documentation required to establish backdated Medicaid eligibility for -----.

It is the decision of the State Hearing Officer to **uphold** the action of the Department in denying -----'s application for SSI-Related Medicaid.

Sincerely,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
James Cox ESS, DHHR

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

-----,

Claimant,

v. **Action Number: 11-BOR-697**

**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 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 telephonically on April 14, 2011 on a timely appeal filed October 7, 2010 and received by the Hearing Officer on March 10, 2011.

II. PROGRAM PURPOSE:

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:

-----, Patient Advocate Liaison Representative, [REDACTED]
-----, Supervisor, [REDACTED]
James Cox, Economic Service Supervisor, WVDHHR

Presiding at the hearing was Pamela L. Hinzman, State Hearing Officer 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 its action to deny the Claimant's application for SSI-Related Medicaid based on failure to provide requested documentation.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Sections 1.22 and 4.2

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Verification checklist dated August 4, 2010
- D-2 West Virginia Income Maintenance Manual Sections 4.2, 4.3 and 12.6
- D-3 Notices of Decision sent to [REDACTED] and Claimant dated September 20, 2010
- D-4 West Virginia Income Maintenance Manual Sections 16.1, 16.4 and 16.9
- D-5 Copy of case comments from August 4, 2010 through October 7, 2010
- D-6 Hearing request dated October 7, 2010

VII. FINDINGS OF FACT:

- 1) [REDACTED] completed an SSI-Related Medicaid application for the Claimant – a patient at the [REDACTED] Medical Center [REDACTED] – on August 4, 2010. James Cox, Economic Service Supervisor for the Department, testified that a representative from [REDACTED] was in the [REDACTED] DHHR Office on July 30, 2010 to obtain an application appointment date and ensure that July 30, 2010 would be considered the date of application for purposes of three-month backdated Medicaid coverage.
- 2) On August 4, 2010, the Claimant's representative completed the application and the Department worker issued a verification checklist (D-1) to the representative, requesting the following:

Please provide written verification from Social Security that shows you have an active application for Social Security benefits. Provide an official copy of your official birth certificate with raised seal.
Provide a bank statement for checking account showing balance on 05/01/10.

The checklist states that if the information was not provided by September 3, 2010, the Medicaid application would be denied. The checklist goes on to state:

If you need help obtaining any of the items listed above or have any questions, please contact your Worker. Your Worker will

help you as long as you are helping us to complete your application.

- 3) The Economic Service Supervisor testified that all requested verification was not provided and Notices of Decision denying the Medicaid application were sent to the Claimant and [REDACTED] on September 10, 2010 (D-3). Case comments (D-5) dated September 7, 2010 indicate that the Department received a copy of the Claimant's birth certificate only.
- 4) The Economic Service Supervisor stated that the additional requested information was received more than 60 days past the date of application, therefore, a new application was required and the Medicaid coverage could not be backdated to April 2010 as requested. The Claimant has since begun receiving Social Security Disability income and is now receiving Medicaid benefits.
- 5) -----, Patient Advocate Liaison Representative with [REDACTED] testified that the Claimant has been in a psychiatric facility for more than a year and Eligibility Pals has had significant problems accessing the Claimant's personal information. Therefore, the bank statement could not be attained without the time frame stipulated by the Department. -----indicated that she filed the hearing request in October 2010, but was not contacted by a Department representative for several weeks. She testified that the bank statement and proof of Social Security application was provided in January 2011 after -----was able to speak to the Economic Service Supervisor.
- 6) West Virginia Income Maintenance Manual Section 4.2 states that bank account verification can be requested for all programs and coverage groups subject to an asset test. Bank statements are listed as possible sources of verification.
- 7) West Virginia Income Maintenance Manual Section 1.22, H states that additional information is due 30 days from the date of the Medicaid application.
- 8) West Virginia Income Maintenance Manual Section 1.22, M states that the beginning date of eligibility for Medicaid may be backdated up to three months prior to the month of application, when all eligibility requirements were met, and the client has medical expenses for which he seeks payment.

VIII. CONCLUSIONS OF LAW

- 1) Policy states that the beginning date of eligibility for Medicaid may be backdated up to three months prior to the month of application provided all eligibility requirements are met. Documentation requested during the application is due 30 days from the date of application.
- 2) The Department requested verification of the Claimant's checking account balance and Social Security application, and the information was not provided within the specified time frame.

- 3) As the requested documentation was not provided within 30 days of the application date, eligibility could not be determined and the Department properly denied the Medicaid application.

IX. DECISION:

It is the ruling of the State Hearing Officer to **uphold** the action of the Department in denying the Claimant's application for SSI-Related Medicaid.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 21st Day of April, 2011.

**Pamela L. Hinzman
State Hearing Officer**