



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1400 Virginia Street
Oak Hill, WV 25901

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

June 2, 2008

Dear Mr. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held May 29, 2008. Your hearing request was based on the Department of Health and Human Resources' decision to deny your Non-Emergency Medical Transportation (NEMT) application.

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 NEMT is based on current policy and regulations. Some of these regulations state as follows: Qualified Medicare Beneficiary (QMB) recipients who are not dually eligible for another full coverage Medicaid program are not eligible for NEMT (West Virginia Income Maintenance Manual § 19.3 M).

The information which was submitted at your hearing revealed that you only receive QMB are not otherwise enrolled in a full coverage Medicaid program.

It is the decision of the State Hearings Officer to **uphold** the decision of the Department to deny your NEMT application.

Sincerely,

Kristi Logan
State Hearings Officer
Member, State Board of Review

Cc: Erika Young, Chairman, Board of Review
Murriel Hylton, Economic Service Supervisor

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

_____,

Claimant,

v.

Action Number: 08-BOR-1307

**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 May 29, 2008 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 May 29, 2008 on a timely appeal, filed April 21, 2008.

II. PROGRAM PURPOSE:

The Program entitled Non-Emergency Medical Transportation is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

The Non-Emergency Medical Transportation program provides payment to or on behalf of eligible persons for transportation and other related expenses necessary to secure medical and other services covered by the Medicaid Program.

III. PARTICIPANTS:

_____, Claimant
Murriel Hylton, Economic Service Supervisor

Presiding at the Hearing was Kristi Logan, 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 the Department's decision to deny Claimant's Non-Emergency Medical Transportation application was correct.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual § 19.3

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Form IG-BR-29
- D-2 Hearing Request received April 21, 2008
- D-3 Notification Letter dated April 17, 2008
- D-4 West Virginia Income Maintenance Manual § 19.3
- D-5 Department's Case Summary

Claimants' Exhibits:

None

VII. FINDINGS OF FACT:

- 1) Claimant's application for Non-Emergency Medical Transportation (NEMT) was processed on April 16, 2008. Claimant applied for reimbursement for travel to doctors' appointments on April 7, 2008 and on April 8, 2008. A denial notification letter was issued April 17, 2008 and read in part (D-2):

_____ 's application for NEMT for April 7, 2008 and April 8, 2008 was been denied. The individual is not receiving Medicaid and has no pending Medicaid application.

- 2) Claimant receives Qualified Medicare Beneficiary (QMB) coverage only. He does not have enough medical bills to qualify for a spenddown. Claimant testified he sees a psychiatrist in [REDACTED] and cannot afford to continue driving there to see him. He states he does not like any other psychiatrists in the area. He is a single parent who receives no child support.
- 3) West Virginia Income Maintenance Manual § 19.3 A states:

NEMT is a reimbursement program for recipients of Medicaid and Children with Special Health Care Needs for the cost of transportation and other expenses associated with receiving medical services.

- 4) West Virginia Income Maintenance Manual § 19.3 M(1) states:
Exceptions to Eligibility:

The following individuals are not eligible for NEMT: Individuals designated only as Qualified Medicare Beneficiaries (QMB), Specified Low-Income Medicare Beneficiaries (SLIMB), or Qualified Working Individuals (QWDI) and who are not dually eligible for any full-coverage Medicaid group.

VIII. CONCLUSIONS OF LAW:

- 1) Claimant is a QMB recipient and is not receiving any other full coverage Medicaid. Per policy, QMB recipients are not eligible for NEMT reimbursements. Claimant is not eligible for NEMT.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the decision of the Department to deny Claimant's Non-Emergency Medical Transportation application.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 2nd day of June, 2008.

**Kristi Logan
State Hearing Officer**