



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

December 4, 2008

Dear _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held December 2, 2008. Your hearing request was based on the Department of Health and Human Resources' decision to terminate your coverage under the WV Children's Health Insurance Program (CHIP) due to eligibility for a state health insurance plan.

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 WV CHIP program is based on current policy and regulations. Some of these regulations state as follows: Children who are eligible for a state health insurance plan are not eligible for WV CHIP (WV Income Maintenance Manual § 7.14).

The information submitted at your hearing revealed that your children are eligible for a state health insurance plan based on your status as a state employee.

It is the decision of the State Hearing Officer to **uphold** the decision of the Department to terminate your WV CHIP coverage.

Sincerely,

Kristi Logan
State Hearing Officer
Member, State Board of Review

Cc: Erika Young, Chairman, Board of Review
Stefanie Cyrus, Economic Service Supervisor

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

_____,

Claimant,

v.

Action Number: 08-BOR-2372

**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 December 2, 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 December 2, 2008 on a timely appeal, filed October 8, 2008.

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

II. PROGRAM PURPOSE:

The Program entitled WV Children's Health Insurance Program (WV CHIP) is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

Medical coverage under the WV CHIP is health insurance administered through the Public Employees Insurance Agency (PEIA) with benefits provided by Acordia National for children from age 1 through age 18. WV CHIP is a means-tested insurance program for which the Department determines eligibility and provides information to PEIA for administration.

III. PARTICIPANTS:

_____, Claimant
Stefanie Cyrus, 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 or not the Department correctly terminated Claimant's WV CHIP coverage.

V. APPLICABLE POLICY:

WV Income Maintenance Manual § 7.14

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Notification Letter dated October 1, 2008
- D-2 WV Income Maintenance Manual § 7.14
- D-3 Department's Case Summary

Claimants' Exhibits:

- C-1 Paystubs dated October 16, 2008, October 31, 2008 and November 14, 2008 from _____
[REDACTED]

VII. FINDINGS OF FACT:

- 1) Claimant had been receiving WV Children's Health Insurance Program (CHIP) for her daughter [REDACTED]. A review form was processed in September 2008 and a closure notification letter dated October 1, 2008 was issued. It read in part (D-1):

Your WV Children's Health Insurance Program benefits will stop. You will not receive this benefit after October 2008.

You are eligible for a state health insurance plan.

- 2) Claimant testified that she is a state employee with _____ [REDACTED] and has worked there for four (4) years. She does not carry PEIA health insurance and would have to wait until open enrollment in July 2009 to enroll. She does not want her children to have to wait until July to have health insurance again.

Claimant receives a salary of \$2316 monthly from her employment and rarely receives any overtime. Claimant states there is no other income in the household. Claimant states she would not be able to afford the premium for PEIA health insurance.

- 3) WV Income Maintenance Manual § 7.14 states:

A child is eligible as a WV CHIP child, when all of the following conditions are met:

- The child is not yet age 19, regardless of school attendance or course completion date.
- Countable family income, determined according to Section 7.10, is equal to or less than 200% FPL.
- The child is not an inmate of a public institution.
- The child is not a patient in an institution for mental diseases.
- The child meets the Medicaid citizenship and alien age requirements found in Chapter 18.
- At the time of application or redetermination, the child is not financially eligible for any Medicaid coverage group.
- The child is not eligible for a state group health plan based on a family member's employment with a public agency. This includes, but is not limited to, county and municipal employees and school board employees. This requirement is based on eligibility for such coverage, not on the receipt of it. PEIA, including HMO coverage, is a state group health plan, so the children of WV State employees are not eligible for WV CHIP.

4) WV Income Maintenance Manual § 10 Appendix A states:

Income Limits for Qualified Child Medicaid for 3 in the Assistance Group:
\$1467

Income Limits for WV CHIP for 6 in the Assistance Group: \$2937

VIII. CONCLUSIONS OF LAW:

- 1) Claimant's income is excessive to qualify for Qualified Child Medicaid.
- 2) Claimant's household income is under the income limits for WV CHIP. However, as dictated in policy, a child is eligible for WV CHIP if that child is not eligible for a state health insurance plan. Claimant's children are eligible for a state health insurance plan based on her state employment.
- 3) Claimant's daughter is no longer eligible for WV CHIP.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the decision of the Department to terminate Claimant's coverage under the WV Children's Health Insurance Program.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 4th Day of December, 2008.

**Kristi Logan
State Hearing Officer**