



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

April 15, 2008

Dear Ms. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held April 11, 2008. Your hearing request was based on the Department of Health and Human Resources' decision to deny _____ coverage through the West Virginia Children's Health Insurance Program (WV CHIP) due his eligibility for a state health insurance plan.

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 WV CHIP program is based on current policy and regulations. Some of these regulations state as follows: A child is not eligible for WV CHIP if eligible for a state group health plan based on a family member's employment with a public agency. This requirement is based on eligibility for such coverage, not on the receipt of it (West Virginia Income Maintenance Manual § 7.14).

The information which was submitted at your hearing revealed that _____ is eligible for a state health insurance plan based on your employment with the state of Virginia.

It is the decision of the State Hearings Officer to **uphold** the decision of the Department to WV CHIP coverage for _____.

Sincerely,

Kristi Logan
State Hearings Officer
Member, State Board of Review

Cc: Erika H. Young, Chairman, Board of Review
Barry Jenkins, Economic Service Supervisor

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

_____,

Claimant,

v.

Action Number: 07-BOR-2726

**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 April 11, 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 April 11, 2008 on a timely appeal, filed December 21, 2007.

II. PROGRAM PURPOSE:

The Program entitled West Virginia Children's Health Insurance Program (WV CHIIP) 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 Accordia 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
Barry Jenkins, 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 action to deny _____ coverage under WV CHIP is correct.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual § 7.14

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Hearing Appointment Letter
- D-2 Hearing Request received December 3, 2007
- D-3 Pre-Hearing Conference Appointment Letter for December 18, 2007
- D-4 Form IG-BR-29
- D-5 Notification Letter dated November 26, 2007
- D-6 West Virginia Income Maintenance Manual § 7.9, 7.14, 9.7, 16.5, 10.10
- D-7 Health Insurance Premium Rates for State of ██████████ Employees for July 2007-June 2008
- D-8 Departments Hearing Summary

Claimants' Exhibits:

- C-1 None

VII. FINDINGS OF FACT:

- 1) Claimant's son, _____, had his Qualified Child Medicaid review in November 2007. Claimant's new income from ██████████ in ██████████ exceeded the allowable limits to continue Medicaid benefits. _____ was screened for the West Virginia Children's Health Insurance Program (WV CHIP) but was denied due to his eligibility of state health insurance.
- 2) A notification letter dated November 26, 2007 was issued which read in part (D-5):

Your application for WV CHIP has been denied.
Reason: You are eligible for a State Insurance Plan.
- 3) Claimant testified that she is a state employee of ██████████. Claimant stated she could not afford health insurance through her employer. Claimant did not contest the closure of _____'s Medicaid due to excessive income but did not feel it was not fair to deny him WV CHIP coverage because she was a state employee.
- 4) Claimant's cost for health insurance through her employer to cover herself only would be \$64 a month with the employer contributing \$395 a month. The cost of health insurance to include _____ would be \$145 a month with the employer contributing \$706 a month (D-7).
- 4) West Virginia Income Maintenance Manual § 7.14 A states:

A child is not eligible for WV CHIP if eligible for a state group health plan based on a family member's employment with a public agency. This requirement is based on eligibility for such coverage, not on the receipt of it.

This requirement does not apply if the public agency contributes less than \$10 more per family, per month toward the cost of dependent coverage, than their contribution toward the cost of covering the employee only.

VIII. CONCLUSIONS OF LAW:

- 1) Claimant's son, _____, is eligible for a state health insurance plan based on his mother's employment with the state of _____
- 2) Claimant's employer contributes more than \$10 a month toward the cost of dependant coverage than their contribution toward employee only coverage:

Employer contribution for employee and one family member:	\$706
Employer contribution for employee only:	- <u>\$395</u>
Difference to add a family member	\$311

- 3) Claimant does not meet the criteria to exclude the availability of state health insurance. Claimant does not meet the eligibility requirements for WV CHIP.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the Department's decision to deny WV CHIP coverage for _____.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 15th Day of April, 2008.

**Kristi Logan
State Hearing Officer**