



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
4190 Washington Street, West
Charleston, WV 25313

Earl Ray Tomblin
Governor

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

June 21, 2012

Dear -----:

Attached is a copy of the Findings of Fact and Conclusions of Law on your hearing held June 21, 2012. Your hearing request was based on the Department of Health and Human Resources' decision during a review of eligibility to terminate eligibility for MQCA (Qualified Child) Medicaid and deny your eligibility for WV CHIP (Children's Health Insurance Program) for your two (2) children.

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 and benefit levels for MQCA Medicaid and WV CHIP are based on current policy and regulations. Some of these regulations state that for MQCA Medicaid, countable income is determined by subtracting allowable deductions and disregards from the total gross non-excluded income. The net monthly countable income must be less than the AFDC Medicaid Limit for the appropriate Needs Group size. (West Virginia Income Maintenance Manual §10.10, B) For WV CHIP, a group health plan affects eligibility. A child is eligible as a WV CHIP child, when certain criteria are met. One of those criteria is when the child does not have individual or group health insurance coverage. (West Virginia Income Maintenance Manual §7.14, A)

The information submitted at your hearing supports that your income is excessive for the MQCA Medicaid program, and you do not meet the eligibility criteria for WV CHIP because your children have group health insurance coverage.

It is the decision of the State Hearing Officer to **uphold** the action of the Department in terminating, at review, your eligibility for MQCA Medicaid and denying your eligibility for WV CHIP for your two (2) children.

Sincerely,

Cheryl Henson
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review /Tera Pendleton, [REDACTED] DHHR

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

IN RE: -----,

Claimant,

v.

ACTION NO.: 12-BOR-1242

**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 Chapter 700 of the West Virginia Department of Health and Human Resources' Common Chapters Manual. This fair hearing was convened on June 21, 2012.

II. PROGRAM PURPOSE:

“Qualified Child” Medicaid provides coverage to children under the age of 19 whose family income is at or below 100% of the Federal Poverty Level and who are not eligible for SSI Related Medicaid.

The WV Children’s Health Insurance Program (WV CHIP), is administered through the Children’s Health Insurance Agency within the Department of Administration. WV CHIP is a means-tested health insurance program for children from birth to age 19 for which the Department determines eligibility and provides information to WV CHIP for management.

III. PARTICIPANTS:

-----, Claimant
Tera Pendleton, Department representative

Presiding at the Hearing was Cheryl Henson, State Hearing Officer and a member of the State Board of Review.

IV. QUESTIONS TO BE DECIDED:

The questions to be decided are whether the Department was correct in its decision to terminate the Claimant's eligibility for MQCA (Qualified Child) Medicaid and deny her eligibility for WV CHIP for her two (2) children.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual § 7.14, A, and 10.10, B

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Case comments from Department's computer system
- D-2 Individual Demographics and Income screens from the Department's computer system
- D-3 WV CHIP Application dated April 24, 2012
- D-4 Notice of Decision dated May 2, 2012
- D-5 West Virginia Income Maintenance Manual, Chapter 10, Appendix A

VII. FINDINGS OF FACT:

- 1) The Claimant was receiving MQCA Medicaid for her two (2) children during May 2012 when the Department completed a mandatory review of her eligibility and determined that the household's countable income was excessive for continued MQCA Medicaid. The Department also determined that because her children are covered under a group health insurance plan through their father's employment, they do not qualify for WV CHIP. The Department sent her a Notice of Decision dated May 2, 2012, which informed her of this decision and that she would not receive MQCA Medicaid or WV CHIP for the children after May 2012.
- 2) The Claimant lives with her two (2) children, ----- . She does not dispute the Department's listed income amounts for her and the children. She receives \$14.35 monthly for a child support arrearage, and \$1410.00 from the Social Security Administration. Her children each receive child support of \$48.49 and \$352.00 monthly from the Social Security Administration.
- 3) The Claimant contends that her income should fall within the guidelines for receipt of MQCA Medicaid for her children. She does not dispute that her children receive insurance from their father under a group insurance plan.
- 4) The Department contends that the Claimant's income is excessive for MQCA, and that when the Department considered her eligibility under WV CHIP guidelines, she did not qualify because the children are covered under their father's group medical insurance plan.

- 5) The West Virginia Department of Health and Human Resources Income Maintenance Manual §10.10, A, and B, specifies that the income of all members of the Qualified Child's Income Group, except that of siblings, is used to determine eligibility for MQCA Medicaid. Under §10.10, B, it specifies that countable income is determined by subtracting allowable deductions and disregards from the total gross non-excluded income. The net monthly countable income must be less than the AFDC (Aid to Families with Dependent Children) Medicaid Limit for the appropriate Needs Group size.

The only deduction allowable for this Claimant is the \$50.00 disregard for receipt of child support. Because she has two children who receive child support income, the deduction is divided by two (2) and \$25.00 is deducted from each child's child support amount of \$48.49 – leaving \$23.49 countable child support income for each child.

The Claimant's total countable income of \$1424.35 is added to one child's total countable income, which is \$375.49, for a total of \$1799.84. Policy specifies that the maximum AFDC Medicaid Limit (253) for the appropriate Needs Group size (3) is to be subtracted from 100% of the Federal Poverty Level (FPL) amount – which is \$1591.00. This leaves \$1338.00. Policy specifies to add \$1.00 to this amount (\$1338.00) + \$1.00 = \$1339.00. This amount (\$1339.00) is to be subtracted from the Claimant's total countable income of \$1799.84 – which leaves a balance of \$460.84. This remainder (\$460.84), which is the final countable income, is compared to the AFDC Medicaid Limit of \$253.00. Because the countable income (\$460.84) exceeds the AFDC Medicaid Limit of \$253.00, the child is not income eligible.

- 6) The West Virginia Department of Health and Human Resources Income Maintenance Manual §7.14, A, specifies that for WV CHIP, when a child has individual or group health insurance coverage, he does not meet the eligibility criteria for WV CHIP.

VIII. CONCLUSIONS OF LAW:

- 1) Policy specifies that for MQCA Medicaid, the income of all members of the QC Income Group – except that of siblings, is used to determine financial eligibility for the program. The only deduction allowable from the group's income is a child support deduction of \$50.00 that is divided by two (2) and deducted from each child's child support income. Once this deduction is applied, the Claimant and one of her children have countable income of \$1799.84.

Policy specifies that the maximum AFDC Medicaid Limit amount (\$253) is subtracted from 100% of the FPL (\$1591.00). This leaves a remainder of \$1338.00. Policy specifies to add \$1.00 to the remainder (\$1338.00) which provides a total of \$1339.00. Policy specifies that this amount (\$1339.00) is subtracted from the Claimant's total countable income of \$1799.84 – which leaves a balance of \$460.84. This remainder is compared to the AFDC Medicaid Limit (\$253.00). Because the \$460.84 exceeds the AFDC Medicaid Limit of \$253.00, the Claimant is not income eligible for MQCA.

- 2) Policy specifies that for WV CHIP, when individuals have other group medical coverage they do not meet the eligibility criteria for the program. The evidence shows the Claimant's

children are covered on their father's group medical insurance; therefore, they do not meet the eligibility criteria for WV CHIP.

- 4) Based on the information provided during this hearing, the Department was correct in its decision to terminate the Claimant's children's eligibility for MQCA Medicaid, and to deny their eligibility for WV CHIP.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the action of the Department in terminating the Claimant's children's eligibility for MQCA Medicaid and denying their eligibility for WV CHIP.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 21st Day of June 2012

**Cheryl Henson
State Hearing Officer**