



**State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
150 Maplewood Avenue
Lewisburg, WV 24901**

**Joe Manchin III
Governor**

**Martha Yeager Walker
Secretary**

July 13, 2006

Dear Mr. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held July 12, 2006. Your hearing request was based on the Department of Health and Human Resources' proposal to terminate benefits under the SSI-Related Medicaid Program.

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. Some of these regulations state as follows: Spenddown cases are not redetermined and are closed at the end of the 6th month of the POC. The client must reapply for a new POC. (Section 1.22 N #2 of the West Virginia Income Maintenance Manual)

The information which was submitted at your hearing revealed that you met a spenddown and was approved for a medical card. The POC ended 02/28/06. You will need to reapply for a new period of consideration.

It is the decision of the State Hearing Officer to uphold the proposal of the Department to terminate benefits under the SSI-Related Medicaid Program.

Sincerely,

Margaret M. Mann
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Beverly McKinney, DHHR

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

_____,
Claimant,

v.

Action Number: 06-BOR-1628

**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 July 12, 2006 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 July 12, 2006 on a timely appeal, filed February 21, 2006. It should be noted that this hearing was originally scheduled for June 6, 2006. The claimant did not appear for the hearing and an abandonment letter was sent June 8, 2006. The claimant responded to the letter and the hearing was rescheduled for July 12, 2006.

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

II. PROGRAM PURPOSE:

The Program entitled SSI-Related Medicaid is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

SSI Related Medicaid 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:

_____, Claimant
_____, Claimant's Father
Beverly McKinney, Department Hearing Representative

Presiding at the Hearing was Margaret M. Mann, 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 is correct in the decision to discontinue the claimant's medical card because the period of consideration ended.

V. APPLICABLE POLICY:

Sections 1.22N #2, 1.22R #2d, 10.22C and Appendix A. Chapter 10 of the West Virginia Income Maintenance Manual

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Form IG-BR-40 Appointment Letter
- D-2 Form IG-BR-29 Hearing/Grievance Record Information
- D-3 Hearing Request
- D-4 Medicaid Closure Notice
- D-5 Sections 1.22N and 1.22R of the West Virginia Income Maintenance Manual
- D-6 Department's Summary

VII. FINDINGS OF FACT:

- 1) The claimant is a recipient of Medicaid. He is eligible based on the fact a spenddown was met. The Period of Consideration (POC) ended 02/28/06.
- 2) A closure notice was mailed 02/16/06 which reads in part: Your Medicaid will end on 02/28/06. Reason: The time limit for this coverage has expired. If you wish to re-evaluated for Medicaid, you must reapply for coverage. (D-4) A hearing was requested on this matter. (D-3)
- 3) Testimony revealed that the claimant does not currently have enough bills to meet another spenddown. He has income from Social Security in the approximate amount of \$997 per month after the premium for Medicare is deducted. He recently became eligible for Medicare Part D.

4) **Section 1.22 N #2 of the West Virginia Income Maintenance Manual reads in part:**

Spenddown cases are not redetermined and are closed at the end of the 6th month of the POC. The client must reapply for a new POC.

5) **Section 1.22 R #2d of the West Virginia Income Maintenance Manual reads:**

Spenddown AG=s are mailed a computer-generated letter at adverse action notice deadline of the 6th month to the POC. This letter informs the client that his eligibility will end on the last day of the month and that he must reapply for Medicaid coverage.

6) **Appendix A, Chapter 10 of the West Virginia Income Maintenance Manual reads:**

The MNIL for a one person assistance group is \$200.00.

7) **Section 10.22C of the West Virginia Income Maintenance Manual reads in part:**

If the net countable monthly income is equal to or less than the appropriate MNIL, the AG is eligible without a spenddown. If it is excess of the appropriate MNIL, the AG must meet a spenddown.

VIII. CONCLUSIONS OF LAW:

- 1) Policy dictates that spenddown cases are not redetermined and are closed at the end of the 6th month of the POC. Also, the computer generated letter mailed to the client notifies him of case closure and his right to reapply for Medicaid.
- 2) The claimant met a spenddown and had a POC through 02/28/06.
- 3) The claimant must reapply for a new POC.

IX. DECISION:

It is the finding of the State Hearing Officer that the claimant=s case should have been closed at the end of the Period of Consideration (POC) which was 02/28/06. The Department is upheld in the proposal to discontinue the claimant=s medical card under the SSI-Related Medicaid Program. Action will be taken as described in the notification letter dated February 16, 2006.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 13th Day of July, 2006.

**Margaret M. Mann
State Hearing Officer**