



**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 3, 2007

Dear _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held July 2, 2007. Your hearing request was based on the Department of Health and Human Resources' action to deny benefits under the Children with Special Health Care Needs (CSHCN) 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 Children with Special Health Care Needs Program is based on current policy and regulations. Some of these regulations state as follows: The CSHCN income limits are based on allowable percentage (200%) of the current federal poverty guidelines, updated annually. The current year's Allowable Family Income Scale is shown in Appendix A. (Children with Special Health Care Needs Program Policy Manual, Chapter 2A #1c (1)) Appendix A reads in part that the Allowable Family Income level for participation in the Children with Special Health Care Needs Program is 200% of the Federal Poverty Level. The income level for a family of three (3) is \$2,862.

The information which was submitted at your hearing revealed that the household income exceeds the allowable limits for the CSHCN Program.

It is the decision of the State Hearing Officer to uphold the action of the Department to deny benefits under the Children with Special Health Care Needs (CSHCN) Program.

Sincerely,

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

cc: Erika H. Young, Chairman, Board of Review
Debbie Lindell, LSW, CSHCN/OMCFH

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

_____,
Claimant,

v.

Action Number: 07-BOR-1448

**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 2, 2007 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 2, 2007 on a timely appeal, filed May 9, 2007.

It should be noted here that the Claimant's benefits have been denied.

II. PROGRAM PURPOSE:

The Program entitled Children with Special Health Care Needs is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

The Children with Special Health Care needs (CSHCN) Program, in the Office of Maternal, Child and Family Health (OMCFH) advances the health and well-being of children and youth with certain chronic, debilitating conditions by providing specialized medical care and care coordination services to children under 21 years of age who meet financial and medical eligibility criteria.

III. PARTICIPANTS:

_____ Mother and Representative, Claimant
Debbie Lindell, LSW, Policy Coordinator, Children with Special Health Care Needs

Donnie W. Haynes, Director of Social Services, Children with Special Health Care Needs

Presiding at the hearing was Margaret M. Mann, State Hearing Officer and a member of the State Board of Review.

It should be noted that this hearing was held telephonically.

IV. QUESTIONS TO BE DECIDED:

The question(s) to be decided is whether the Claimant meets the financial requirements in order to qualify for services under the Children with Special Health Care Needs Program.

V. APPLICABLE POLICY:

Chapter 2, A #1c (1) of the Children with Special Health Care Needs Policy Manual
Appendix A, Allowable Family Income Scale Effective 02/02/2007, of the Children with Special Health Care Needs Policy Manual
CSHCN Program, Financial Eligibility Determination Guidelines/Procedures Effective 01/27/2006

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Notification Letter dated 04/24/2007
- D-2 Eligibility Review Form dated 04/24/2007
- D-3 CSHCN Specialty Care Intake Form dated 03/21/2007
- D-4 The Children with Special Health Care Needs Program Policy – Financial Eligibility Guidelines and Appendix A – Allowable Family Income Scale

VII. FINDINGS OF FACT:

- 1) The Claimant completed an application for the CSHCN Program on 03/21/2007. (Exhibit D-3) The application was reviewed and the gross income listed in RAPIDS was \$3,421.85. The number in the household was three (3). (Exhibit D-2)
- 2) The allowable income for a three person household for the CSHCN Program is \$2,862.00. (Exhibit D-4)
- 3) A letter was sent to the Claimant dated 04/24/2007. It reads in part: "Children with Special Health Care Needs (CSHCN) has reviewed the application you submitted for our services. The application is being denied as your household's gross income is above the allowable percentage of the Federal Poverty Level." (Exhibit D-1) The Claimant requested a hearing on this matter.

- 4) The Claimant agrees with the income being considered. She disagrees with the fact no deductions from the income are allowed.
- 5) Children with Special Health Care Needs Program Policy Manual, Chapter 2A #1c (1) reads that the CSHCN income limits are based on allowable percentage (200%) of the current federal poverty guidelines, updated annually. The current year's *Allowable Family Income Scale* is shown in Appendix A.
- 6) CSHCN Program, Financial Eligibility Determination Guidelines/Procedures Effective 01/27/2006 reads in part that all families with income of 200% of the Federal Poverty Level or below are financially eligible for services through the CSHCN Program. In order to establish financial eligibility for the CSCHN Program, the RAPIDS system will be used to determine the family's income. If not in RAPIDS, the CSHCN Care Coordinator will determine the family's income by obtaining copies of last month's, most recent pay stubs, federal tax returns, etc.
- 7) Appendix A, Children with Special Health Care Needs Policy Manual, reads in part that the Allowable Family Income level for participation in the Children with Special Health Care Needs Program is 200% of the Federal Poverty Level. The income level for a family of three (3) is \$2,862.

VIII. CONCLUSIONS OF LAW:

- 1) Policy dictates that the allowable income level for participation in the Children with Special Health Care Needs Program is 200% of the Federal Poverty Level.
- 2) The income level for a family of three (3) is \$2,862.
- 3) The Claimant's household gross monthly income is \$3,421.85. This exceeds \$2,862.
- 4) The denial of the application is valid.

IX. DECISION:

It is the finding of the State Hearing Officer that the Claimant's household income is excessive for the CSHCN Program. The Department is upheld in the decision to deny the Claimant's application for the Children with Special Health Care Needs Program.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 3rd Day of July, 2007.

**Margaret M. Mann
State Hearing Officer**