

**WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES
SUMMARY AND DECISION OF THE STATE HEARING OFFICER**

I. INTRODUCTION:

This is a report of the State Hearing Officer resulting from a fair hearing concluded on March 24, 2005 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 March 24, 2005 on a timely appeal, filed January 7, 2005.

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 Mother

Gayla Adkins, Department Hearing Representative

IV. QUESTIONS TO BE DECIDED:

The question to be decided is whether the Department is correct in the decision to discontinue the claimant's medical card under SSI-Related Medicaid as the claimant no longer meets the financial requirements.

V. APPLICABLE POLICY:

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

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

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

For SSI-Related Medicaid, countable income is determined as follows:

Step 1: Determine the total non-excluded gross unearned income and subtract the \$20 Disregard.

Step 2: Determine the total non-excluded earned income. Subtract the following in order:

Remainder of SSI \$20 Disregard

SSI \$65 + 2 Earned Income Disregard

SSI Impairment-Related Expenses

One-half of Remaining Earned Income

SSI Work-Related Expense Deductions (Blind persons only)

Earnings Diverted to PASS

Step 3: Add unearned income from Step 1 above.

Step 4: Subtract unearned income diverted to a PASS account, the Death Benefits deduction and, for children, the child support disregard.

The result is the total monthly countable income.

Step 5: Compare the amount in Step 4 to the MNIL for the appropriate number of persons.

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

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department' Exhibits:

Exhibit D-1) Copy of notification letter dated 01/06/05

Exhibit D-2) Copy of hearing request dated 01/07/05

Exhibit D-3) Copy of letter from Ms. _____ dated 01/07/05

Exhibit D-4) Copy of West Virginia Income maintenance Manual Section 10.4

Exhibit D-5) Copy of West Virginia Income maintenance Manual Section 10.22

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Exhibit D-6) Copy of IG-BR-29 Hearing/Grievance Record Information

Exhibit D-7) Copy of hearing appointment notice

Exhibit D-8) Copy of Department's Summary

Claimants' Exhibits:

Exhibit C-1) Copy of letter from Social Security Administration dated 03/13/05

Exhibit C-2) Patient Prescription Record CVS Pharmacy

VII. FINDINGS OF FACT:

- 1) The claimant was notified in a letter dated 01/06/05 that her SSI-Related Medicaid would stop and the benefit would end in January, 2005. Reason: The income we count is too much for you to receive benefits. Your income has increased. (Exhibit D-1)
- 2) Ms. Gayla Adkins testified that the claimant was receiving SSI-Related Medicaid based on MRT disability. The claimant was approved for SSI for 01/05 only and then started receiving Social Security in 02/05 in the amount of \$726.00. The worker sent a notice and also called and explained spenddown to the claimant. The claimant responded that she did not have any bills.
- 3) The claimant requested a hearing on 01/07/05 and benefits have continued.
- 4) The claimant had also requested a hearing regarding the decrease in food stamps which occurred when her income increased. This request was withdrawn.
- 5) Ms. _____ testified that when the worker (Connie Jones) called her about the Social Security she did not know what she would be receiving. She received the SSI for December and the Social Security started in January. Ms. _____ later testified that Ms. Jones was just doing her job by contacting Social Security.
- 6) The claimant had a letter from the Social Security Administration dated 03/14/05 which reads in part: The next check you will receive will be \$412.40 which is what you are due through March 2005. After that, you will receive \$647.00 on or about the third of each month. It goes on to read your state public assistance agency stopped paying the premiums for your insurance under Medicare. You must start to pay the premiums after January 2005. (Exhibit C-1) The gross Social Security is \$726.00. After the Medicare premium is deducted, the check is \$647.00.
- 7) The claimant testified that without the medical card, her medicine costs \$966.73 per month. (Exhibit C-2)

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VIII. CONCLUSIONS OF LAW:

- 1) Policy dictates that 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. The MNIL for this case is \$200.
- 2) The claimant would only receive the \$20.00 Disregard from her gross income of \$726.00. $\$706 - \$200 \text{ (MNIL)} = \$506$. The claimant would have a spenddown as her countable monthly income is in excess of the MNIL. ..

IX. DECISION:

It is the finding of the State Hearing Officer that the claimant would be required to meet a spenddown in order to qualify for a medical card. The Agency is upheld in the decision to terminate the claimant's medical card under the SSI-Related Medicaid Program. The action described in the notification letter of January 6, 2005 will be taken.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29