



**State of West Virginia**  
**DEPARTMENT OF HEALTH AND HUMAN RESOURCES**  
**Office of Inspector General**  
**State Board of Review**  
**2699 Park Avenue, Suite 100**  
**Huntington, West Virginia 25704**  
**March 14, 2004**

**Joe Manchin III**  
**Governor**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear Mr. \_\_\_\_\_,

Attached is a copy of the findings of fact and conclusions of law on your hearing held March 8, 2005. Your hearing request was based on the Department of Health and Human Resources' proposal to close your SSI Medicaid Program case effective January 31, 2005.

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 the SSI Medicaid Program are determined based on current regulations. One of these regulations is that an individual must receive SSI benefits in order to be eligible for the SSI Medicaid Program (WV Income Maintenance Manual Section 16.6 A).

The information which was submitted at the hearing revealed that your SSI was closed and you received your last SSI payment in January, 2005.

It is the decision of the State Hearing Officer to uphold the proposal of the Department to close your SSI Medicaid Program case effective January 31, 2005.

Sincerely,

Thomas M. Smith  
State Hearing Officer  
Member, State Board of Review

cc: Board of Review  
Nancy Browning, Dept. Hearing Rep.

# **WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES**

**NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_  
\_\_\_\_\_

## **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 8, 2005 for Mr. \_\_\_\_\_.

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 originally convened on March 8, 2005 on a timely appeal filed January 14, 2005.

It should be noted here that any benefits under the SSI Medicaid Program have been continued pending the results of this hearing.

All persons giving testimony were placed under oath.

### **II. PROGRAM PURPOSE**

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

The 1965 Amendments to the Social Security Act established, under Title XIX, a Federal-State medical assistance program commonly known as Medicaid. The Dept. of Health & Human Resources administers the Medicaid Program in WV in accordance with Federal Regulations. The office of Medical Care is responsible for development of regulations to implement Federal and State requirements for the program. The Dept. of Health & Human Resources processes claims for reimbursement to providers participating in the program.

### **III. PARTICIPANTS**

1. \_\_\_\_\_, Claimant.
2. Nancy Browning, Dept. Hearing Rep.

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

### **IV. QUESTION TO BE DECIDED**

The question to be decided is whether the Department has proposed the correct action to close the SSI Medicaid Program case effective January 31, 2005.

## **V. APPLICABLE POLICY**

WV Income Maintenance Manual Sections 16.6, 9.10, 2.4, 2.11.

## **VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED**

Exhibit #DHHR-1 Copy of case comments (7 pages).

- " #DHHR-2 Copy of Social Security Retirement award letter (3 pages).
- " #DHHR-3 Copy of SSI closure notification (2 pages).
- " #DHHR-4 Copy of SSI Medicaid closure notification 1-12-05 (2 pages).
- " #DHHR-5 Copy of hearing request received 1-14-05.
- " #DHHR-6 Copy of manual section 9.10.
- " #DHHR-7 Copy of manual section 16.6.
- " #DHHR-8 Copy of form IG-BR-29.
- " #DHHR-9 Copy of hearing appointment notice.

Exhibit #CI-1 Copy of letter from Dr. [REDACTED]

- " #CI-2 Copy of notification letter dated 1-18-05 (2 pages).

## **VII. FINDINGS OF FACT**

1. Claimant was a recipient of SSI Medicaid benefits when he reported to the local office caseworker, Nancy Browning, on 1-11-05 that he would be receiving Social Security Retirement benefits (RSDI) on 2-3-05 in the amount of \$656 per month and that he would no longer be receiving SSI (Exhibit #DHHR-1).
2. A letter from Social Security Administration dated 1-2-05 verified the claimant would receive \$656 RSDI beginning 2-3-05 (Exhibit #DHHR-2) and a letter from Social Security Administration dated 1-5-05 verified that SSI payments would stop effective 2-1-05 due to receipt of RSDI (Exhibit #DHHR-3).
3. The caseworker discussed coverage under the Medicaid spenddown program but the claimant did not have medical bills and a notification letter was issued 1-12-05 to close the SSI Medicaid Program case effective January 31, 2005 (Exhibit #DHHR-4).
4. The claimant requested a hearing on 1-14-05 and benefits were continued pending the hearing decision.
5. The claimant testified that he received a letter telling him that his SSI Medicaid case would be open until December, 2006 (Exhibit #CL-2) but Ms. Browning explained that the letter was a computer-generated letter which resulted from the hearing request and benefits being continued pending the hearing process.
6. The claimant presented a letter from his doctor (Exhibit #CI-1) and stated that he has had two (2) heart attacks and is battling cancer and he needs to keep the medical card.

## **CONCLUSIONS OF LAW**

1. WV Income Maintenance Manual Section 2.11 D states, in part:

## "D. CLOSURE OF THE SSI MEDICAID CASE

The Worker closes the SSI Medicaid case when:

- The client appears on the Need to Evaluate printout and the worker determines he is no longer eligible for SSI Medicaid.
- The Worker has information that the client has moved to another state.
- The Worker has information that the client has died.

When an individual no longer receives SSI because SSA determines he is no longer disabled, SSI Medicaid must be continued for 60 days from the date of the SSA notification that SSI will be stopped. It is continued after the 60-day period when:

- The individual is not eligible under any other Medicaid coverage group; and

NOTE: Medicaid for this purpose must be under a full-coverage group with no spenddown requirement for the individual.

- The individual has requested an appeal of the decision in a timely manner as determined by SSA.

The SSI Medicaid continues until a decision is made after the SSA hearing regardless of whether or not the individual continues to receive an SSI payment. A decision after the hearing occurs when the SSI Medicaid recipient has no right to further administrative appeal."

2. WV Income Maintenance Manual Section 2.4, D, 5 states, in part:

### "Case Closures

When the recipient's circumstances change to the point that he becomes ineligible, the case is closed.....

In no instance is Medicaid Coverage under one coverage group stopped without consideration of Medicaid eligibility under other coverage groups. This is done before the client is notified that his Medicaid eligibility will end. Eligibility is determined based on case record information. The client may be required to visit the office only for completion of a Social Summary for a MRT referral."

## **VIII. DECISION**

Based on the evidence and testimony presented, I must uphold the Department's proposal to close the SSI Medicaid Program case effective January 31, 2005. The Department issued notification of closure of the SSI Medicaid Program case on 1-12-05 effective January 31, 2005 when the claimant reported and verified that he would no longer be receiving SSI payments due to the receipt of RSDI.

WV Income Maintenance Manual Section 2.4 D, 5 clearly states that "when the recipient's circumstances change to the point that he becomes ineligible, the case is closed". The claimant received his last SSI payment in January, 2005 and is no longer eligible for the SSI Medicaid Program. Ms. Browning testified that she explained the Medicaid spenddown Program to the claimant but that he did not have any medical bills to meet a spenddown. While the State Hearing

Officer understands the claimant's situation, the Department has proposed the correct action to close the SSI Medicaid Program case. Therefore, the State Hearing Officer must uphold the proposal of the Department to close the SSI Medicaid Program case.

#### **IX. RIGHT OF APPEAL**

See Attachment.

#### **X. ATTACHMENTS**

The Claimant's Recourse to Hearing Decision.

Form IG-BR-29.