



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

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

September 26, 2005

Dear Mrs. ____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held September 23, 2005. Your hearing request was based on the Department of Health and Human Resources' proposal to close your SSI-Related Medicaid case.

In arriving at a decision, the State Hearings 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 AG's (Assistance Groups) are not redetermined and are closed at the end of the 6th month of the POC (Period of Consideration). The client must reapply for a new POC. The last month of the 6-month POC is coded in the data system. (West Virginia Income Maintenance Manual Chapter 1.22 N (2) REDETERMINATION SCHEDULE – Spenddown).

The information submitted at your hearing revealed: (1) Your Period of Consideration ended in March 2005 and; (2) You must reapply for the SSI-Related Medicaid Program to determine your eligibility.

It is the decision of the State Hearings Officer to UPHOLD the proposal of the Department to close your Medicaid Benefits.

Sincerely,

Ray B. Woods, Jr., M.L.S.
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Sheila Napier, ESW – [REDACTED] District DHHR Office

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

____,

Claimant,

v.

Action Number: ____

**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 September 26, 2005 for Mrs. _____. 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 scheduled on April 8, 2005 on a timely appeal filed March 29, 2005. The hearing was rescheduled for various reasons for June 24, 2005; July 29, 2005 and September 23, 2005, respectively.

It should be noted here that the claimant's benefits have been continued pending a hearing decision. The issue could not be resolved in a pre-hearing conference between the parties and, Mrs. _____ did not have legal representation.

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.

The SSI Related Medicaid Program 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

Sheila Napier, Economic Service Worker – [REDACTED] District DHHR Office
Presiding at the Hearing was, Ray B. Woods, Jr., M.L.S., State Hearing Officer and a member
of the State Board of Review.

IV. QUESTIONS TO BE DECIDED:

The question(s) to be decided is: Should Mrs. ____'s SSI-Related Medicaid case be closed?

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Chapter 1.22 N (2) REDETERMINATION
SCHEDULE – Spenddown.

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Copy of Closure Letter dated 03/18/05
- D-2 Copy of AGTM (Track MA Spenddown Printout) dated 10/04/04
- D-3 Copy of WVIMM Section 1.22N
- D-4 Copy of WVIMM Section 10.22C
- D-5 Copy of Department's Summary
- D-6 Scheduling Notice dated 08/01/05 (Rescheduled – Department)
- D-7 Scheduling Notice dated 06/13/05 (Rescheduled – Claimant)
- D-8 Scheduling Notice dated 04/11/05 (Rescheduled – State Hearing Officer)
- D-9 Scheduling Notice dated 03/29/05 (Initial Notice)
- D-10 Request for Hearing dated 03/21/05
- D-11 GroupWise Messages re: Scheduling

Claimants' Exhibits:

- C-1 None

VII. FINDINGS OF FACT:

- 1) West Virginia Income Maintenance Manual Chapter 1.22 N. REDETERMINATION
SCHEDULE (Exhibit D-2) states:

1. Non-Spenddown

Non-Spenddown AG's are redetermined in the 6th month of the POC. The 6-month period begins with the month of application. The date of the next redetermination is automatically coded in the data system.

2. Spenddown

Spenddown AG's are not redetermined and are closed at the end of the 6th month of the POC. The client must reapply for a new POC. The last month of the 6-month POC is coded in the data system.

- 2) The Department's Exhibit D-4 was not considered in this particular, since it involves "Allowable Spenddown Expenses" when an individual applies for the SSI-Related Medicaid Program.

- 3) Mrs. Sheila Napier submitted the following Hearing Summary (Exhibit D-5):

Mrs. ____ applied for and was approved for SSI-Related Medicaid with a spenddown for the period of consideration beginning October 1, 2004. She had a spenddown in the amount of \$,2358.00 which was met on October 1, 2004 using old bills. Her period of consideration ended on March 31, 2005.

Mrs. ____ needed to reapply for Medicaid with a new period of consideration beginning April 1, 2005. Mrs. ____ stated that she did not have additional bills to meet a new spenddown and requested a hearing and that benefits be reinstated.

- 4) Mrs. Sheila Napier, on behalf of the Department, sent a closure letter to Mrs. ____ on March 18, 2005. It stated in part,

1. ACTION: Your Medicaid will end on 03/31/05.
2. REASON: The time limit for this coverage has expired. If you wish to be re-evaluated for Medicaid, you must reapply for coverage.
3. POLICY: West Virginia Income Maintenance Manual Section(s): 1.22 N; 1.22 R.

- 5) The Track MA Spenddown Printout (Exhibit D-2) indicates that Mrs. ____ met her spenddown on October 1, 2004 with an accumulation of bills in the amount of \$2,358.00. The Period of Consideration would end March 2005.

- 6) The original hearing date in this matter was scheduled for April 8, 2005. The hearing was rescheduled for June 24, 2005 by the State Hearing Officer, due to a death in the immediate family. The hearing was rescheduled for July 29, 2005 at the request of the Claimant, who was recovering from surgery. The hearing was rescheduled and finally convened on September 23, 2005, at the request of the Department. The front desk personnel had failed to notify the Case Worker that the Claimant was waiting for the July 29, 2005 hearing. (Exhibits D-6 – D-9)

- 7) Mrs. ____ submitted a Request for Hearing form dated March 21, 2005. (Exhibit D-10).

- 8) A letter from Mrs. ____'s physician was not accepted as Claimant's Exhibit. The letter addressed continued eligibility rather than, the issue of the period of consideration ending.

- 9) Mrs. ____ did not have any questions for Ms. Napier after reviewing the Hearing Summary and Department's Exhibits. Mrs. ____ stated that she did not understand the Spenddown Process. She appealed the Department's decision because, she did not know she had to reapply for the SSI-Related Medicaid Program.

- 10) A decision was rendered at the conclusion of the hearing.

VIII. CONCLUSIONS OF LAW:

Mrs. ____'s Period of Consideration ended on March 31, 2005 and, her Medicaid case should be closed. Ms. ____ must reapply for the SSI-Related Medicaid Program to determine her financial and medical eligibility.

IX. DECISION:

It is the decision of this State Hearing Office to UPHOLD the PROPOSAL of the Department in this particular matter.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision
Form IG-BR-29

ENTERED this 26th Day of September, 2005.

**Ray B. Woods, Jr., M.L.S.
State Hearing Officer**