



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
227 Third St.  
Elkins, WV 26241

Joe Manchin III  
Governor

Martha Yeager Walker  
Secretary

September 13, 2005

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

Dear Ms. \_\_\_\_:

Attached is a copy of the findings of fact and conclusions of law on your hearing held July 28, 2005. Your hearing request was based on the Department of Health and Human Resources' action to deny your Medicaid application based on failure to meet disability criteria.

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. One of these regulations specifies that in order to be considered disabled, an individual over 18 must be unable to engage in any substantial gainful employment by reason of any medically determined physical or mental impairment which can be expected to result in death or last for a continuous period of not less than 12 months. [WV Income Maintenance Manual Section 12.2(A)]

Information submitted at your hearing revealed that you do not meet the criteria necessary to establish a disability for Medicaid purposes.

It is the decision of the State Hearing Officer to **uphold** the action of the Department in denying your October 2004 application for SSI-Related Medicaid.

Sincerely,

Pamela L. Hinzman  
State Hearing Officer  
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review  
Lillian Brown, ESS, DHHR

**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 13, 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 July 28, 2005 on a timely appeal filed April 1, 2005.

**II. PROGRAM PURPOSE:**

The program entitled 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

\_\_\_\_, daughter-in-law of Claimant

Lillian Brown, Economic Services Supervisor, DHHR

Presiding at the hearing was Pamela L. Hinzman, State Hearing Officer and a member of the State Board of Review.

#### **IV. QUESTIONS TO BE DECIDED:**

The question to be decided is whether the Agency was correct in its action to deny the Claimant's application for SSI-Related Medicaid based on failure to meet disability criteria.

#### **V. APPLICABLE POLICY:**

West Virginia Income Maintenance Manual Section 12.2(A)  
20 CFR ' 404.1505 - 404.1545, Code of Federal Regulations

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

##### **Department's Exhibits:**

- D-1 Medicaid application dated October 7, 2004
- D-2 Social Summary dated November 19, 2004
- D-3 DFA-RT-8a (physician's summary)
- D-4 [REDACTED] County Memorial Hospital discharge summary for admission date October 1, 2004
- D-5 Medical Review Team transmittal memo dated November 24, 2004
- D-6 ES-RT-3 dated December 13, 2004
- D-7 [REDACTED] County Memorial Hospital discharge summary for admission date October 25, 2004
- D-8 Medical Review Team transmittal memo dated January 6, 2005
- D-9 ES-RT-3 (MRT decision) signed January 25, 2005

#### **VII. FINDINGS OF FACT:**

- 1) The Claimant completed an application for SSI-Related Medicaid (D-1) on October 7, 2004.
- 2) A discharge summary (D-4) was obtained from [REDACTED] County Memorial Hospital, along with a physician's summary completed by Dr. [REDACTED]. These records were submitted to the Medical Review Team, hereinafter MRT, to determine whether the Claimant meets disability requirements. The physician's summary indicated the last date of patient contact was October 2, 2004 and that the primary diagnosis was "SVT" (supraventricular tachycardia). The prognosis was listed as "fair." The physician indicated the length of time the incapacity/disability would last was not applicable and employment limitations were listed as "none." The final diagnosis listed on the [REDACTED] County Memorial Hospital Discharge Summary of October 2, 2004 is supraventricular tachycardia and obesity.

- 3) The MRT reviewed the Claimant's medical documentation and determined that the Claimant is not disabled in a decision issued December 13, 2004 (D-6). The decision states:

DFA-RT-8a of 10/2/04 states prognosis is "fair." Length of disability- "NA." Employment limitations- "None." The above does not qualify for MAO-D.

- 4) The Claimant, whose most recent employment was at a shoe factory in 1975, was notified of the decision and revealed that she had been admitted to the hospital on October 25, 2004. A discharge summary from ██████████ County Memorial Hospital (D-7) was obtained and a reconsideration request was submitted to the MRT on January 6, 2005 (D-8). This summary listed a final diagnosis of acute atrial fibrillation with rapid ventricular response and acute bronchitis.

- 5) A decision was issued by the MRT on January 25, 2005 (D-9) which states:

Additional medical reports do not reveal a covered disability condition.

- 6) The Claimant reapplied for Medicaid on April 1, 2005 and new medical information was submitted to the MRT, along with a new physician's summary dated April 4, 2005. That application was approved effective April 2005.

- 7) West Virginia Income Maintenance Manual ' 12.2 (A):

The definition of disability for Medicaid purposes is the same as the definitions used by SSA in determining eligibility for SSI or RSDI based on disability. An individual who is age 18 or over is considered to be disabled if he is unable to engage in any substantial gainful activity due to any medically determined physical or mental impairment which has lasted or can be expected to last for a continuous period of not less than 12 months or can be expected to result in death.

- 8) The Federal definition of disability is found in 20 CFR ' 404.1505:

There is a five-step sequence of questions to be addressed when evaluating claims of disability. These are set forth in 20 CFR ' 404.1520.

(1) Is the person performing substantial gainful activity as defined in 20 CFR 404.1510?

(2) Does a severe impairment exist which is expected to last one year or result in death?

(3) If the person has a severe impairment, is the impairment a listed impairment under 20 CFR Part 404, Sub Part P, App. 1 or its medical equivalent?

(4) What is the person's Residual Functional Capacity (20 CFR 404.1545) and can that person still perform his or her former work?

(5) Can the person do any other work based upon the combined vocational factors of residual functional capacity, age, education, and past work experience? (20 CFR ' 404.1520f)

- 9) 20 CFR ' 404.1508, 404.1509, & 404.1520 Code of Federal Regulations:

Unless your impairment is expected to result in death, it must have lasted or must be expected to last for a continuous period of at least 12 months. We call this duration requirement. (404.1509)

Your impairments(s) must be severe and meet the duration requirement before we can find you disabled. If you do not have any impairments or combination of impairments which significantly limits your physical or mental ability to do basic work activities, we will find that you do not have a severe impairment and are, therefore, not disabled. We will not consider your age, education and work experience. (404.1520)

- 10) 20 CFR ' 404.1508, 404.1509, & 404.1520 Code of Federal Regulations:  
Impairment must result from anatomical, physiological or psychological abnormalities which can be shown by medically acceptable clinical and laboratory diagnostic techniques. A physical or mental impairment must be established by medical evidence consisting of signs, symptoms and laboratory findings, not only by your statement of symptoms. (404.1508)

### **VIII. CONCLUSIONS OF LAW**

- 1) The Claimant is not performing substantial gainful activity as defined in 20 CFR ' 404.1510.
- 2) The Claimant has a severe impairment, acute atrial fibrillation with rapid ventricular response, however evidence submitted in conjunction with the October 7, 2004 application fails to substantiate that the impairment is expected to last one year or result in death.
- 3) The Department followed proper procedures in determining that the Claimant does not meet disability requirements.

### **IX. DECISION:**

It is the ruling of the State Hearing Officer to **uphold** the action of the Department in denying the Claimant's application for SSI-Related Medicaid.

### **X. RIGHT OF APPEAL:**

See Attachment

### **XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 13th Day of September 2005.**

---

**Pamela L. Hinzman**  
**State Hearing Officer**