

**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 7, 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 7, 2005 on a timely appeal, filed August 26, 2004. It should be noted that this hearing was originally scheduled for November 30, 2004. It was rescheduled at the request of the claimant to March 1, 2005. The hearing had to be postponed from March 1, 2005 to March 7, 2005 due to inclement weather.

It should be noted here that the claimant's benefits have been continued pending a hearing decision.

II. PROGRAM PURPOSE:

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

SSI is a public assistance program administered by the Social Security Administration (SSA), which provides cash benefits to eligible aged, disabled or blind individuals. The Program began in 1974. West Virginia elected to cover all SSI recipients and to accept SSA's determination of eligibility for SSI as the sole eligibility determination for Medicaid. Consequently, there is no application or eligibility process for SSI Medicaid. Instead the Department depends upon SSA for the information needed to open and evaluate continuing eligibility for SSI Medicaid cases.

III. PARTICIPANTS:

_____, Claimant's Spouse and Representative

_____, Witness for the Claimant

Beverly McKinney, Department Hearing Representative

IV. QUESTIONS TO BE DECIDED:

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The question to be decided is whether the Department is correct in the decision to discontinue the claimant's medical card under SSI Medicaid as the claimant is no longer a recipient of SSI.

V. APPLICABLE POLICY:

Section 2.11D of the West Virginia Income Maintenance Manual reads in part:

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.

Section 16.6A of the West Virginia Income Maintenance Manual reads in part:

There is no application or eligibility determination process for SSI Medicaid. Instead the Department depends upon SSA for the information needed to open and evaluate continuing eligibility for SSI Medicaid cases.

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department' Exhibits

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Exhibit D-1) Hearing Appointment Notice

Exhibit D-2) Form IG-BR-29 Hearing/Grievance Record Information

Exhibit D-3) Hearing Request

Exhibit D-4) Medicaid Closure Notice

Exhibit D-5) Section 16.6 of the West Virginia Income Maintenance Manual

Exhibit D-6) Department's Summary _

VII. FINDINGS OF FACT:

- 1) The claimant was notified in a letter dated 08/13/04 that his SSI Medicaid would stop and the benefit would end in August, 2004. Reason: The individual no longer receives SSI. (Exhibit D-4)
- 2) The claimant's name appeared on a data exchange printout showing his SSI had been terminated.
- 3) A hearing was verbally requested on the proposed closure 08/26/04. (Exhibit D-3)
- 4) Ms. _____ testified the claimant is currently receiving \$883.00 in Social Security benefits. The policy of a Medicaid spenddown has been explained to them. They have no outstanding medical bills to meet a spenddown. She has to care for her terminally ill husband and cannot work. Their regular monthly expenses are over \$1100.00 and his prescriptions would cost \$4,585.00 monthly.

VIII. CONCLUSIONS OF LAW:

- 1) Policy dictates that the claimant=s eligibility for SSI Medicaid is dependent upon information from Social Security. There is no application or eligibility evaluation process.
- 2) The claimant=s SSI has been terminated and he is currently receiving Social Security benefits.

IX. DECISION:

It is the finding of the State Hearing Officer that the claimant is not eligible for a medical card under the SSI Medicaid Program because he is no longer a recipient of SSI. He must meet the eligibility criteria for another Medicaid coverage group in order to qualify for a medical card. The Agency is upheld in the decision outlined in the notification letter dated August 13, 2004 to discontinue the claimant=s medical card under the SSI Medicaid Program. The action will be taken.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29