



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
150 Maplewood Avenue
Lewisburg, West Virginia 24901
Telephone (304) 647-7476 Fax: (304) 647-7486

Bob Wise
Governor

Paul L. Nusbaum
Secretary

January 10, 2005

Dear Ms.

Attached is a copy of the findings of fact and conclusions of law on your hearing held January 6, 2005. Your hearing request was based on the Department of Health and Human Resources' proposal to discontinue your medical card.

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 specifies that 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 2.11D of the West Virginia Income Maintenance Manual)

The information which was submitted at the hearing revealed that you are no longer receiving SSI.

It is the decision of the State Hearing Officer to uphold the proposal of the Department to discontinue your medical card.

Sincerely,

A handwritten signature in cursive script that reads "Margaret M. Mann".

Margaret M. Mann
State Hearing Officer
Member, State Board of Review

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 January 6, 2005 for Ms.

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 January 6, 2005 on a timely appeal filed August 17, 2004. It should be noted that this hearing was originally scheduled for November 8, 2004. The claimant did not keep the appointment and a hearing abandonment notice was sent on November 10, 2004. The claimant responded to this notice and the hearing was rescheduled for December 20, 2004. Because of inclement weather on December 20, 2004, the hearing date was changed to January 6, 2005.

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

All persons giving testimony were placed under oath.

II. PROGRAM PURPOSE

The 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.

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

Claimant's Husband

Beverly McKinney, Department Hearing Representative

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

IV. QUESTION TO BE DECIDED

The question to be decided is whether or not 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 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.

Section 9.10C of the West Virginia Income Maintenance Manual reads:

SSA makes the determination of the need for SSI. Receipt of SSI is the only eligibility factor.

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED

- DHS-1) Form IG-BR-40 Appointment Letter
- DHS-2) Form IG-BR-29 Hearing/Grivance Record Information
- DHS-3) Hearing Request dated 08/16/04
- DHS-4) Medicaid Closure Notice dated 08/13/04
- DHS-5) West Virginia Income Maintenance Manual Sections 9.10
- DHS-6) Department's Summary

VII. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. Findings of Fact:

1. The Department's data exchange showed the claimant was no longer receiving SSI.
2. The claimant was sent a notice dated 08/13/04 which reads in part:

"Your SSI-Medicaid will stop. You will not receive this benefit after August 2004. Reason: Individual is not eligible for this type of Medicaid due to loss of SSI payment," (DHS-4)

3. The claimant is no longer receiving SSI. Ms. testified that she was living in the home with her husband and receiving too much money. She has had to pay back SSI benefits since November. She and her husband were separated when she was approved for SSI.
4. Ms. McKinney explained the eligibility factor of spenddown. The claimant would have an approximate spenddown of \$5,000.

B. Conclusions of Law:

1. Policy dictates that the receipt of SSI is the only eligibility factor for SSI Medicaid,
2. The claimant's SSI payment has stopped.

VIII. DECISION

After reviewing the information presented during the hearing and the applicable policy and regulations, it is the finding of the State Hearing Officer that the claimant no longer meets the criteria for the SSI Medicaid Program as she is no longer a recipient of SSI. The Department is upheld in the decision to discontinue the claimant's medical card under the SSI Medicaid Program. The action

: (Part VIII. Continued)

described in the notification letter dated August 13, 2004 will be taken.

IX. RIGHT OF APPEAL

See Attachment.

X. ATTACHMENTS

The Claimant's Recourse to Hearing Decision.

Form IG-BR-29.