



**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**

**Joe Manchin III  
Governor**

February 24, 2005

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

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

Attached is a copy of the findings of fact and conclusions of law on your hearing held February 15, 2005. Your hearing was based on the Department of Health and Human Resources' proposal to discontinue your medical card under the SSI Medicaid Program.

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 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 16.6A of the West Virginia Income Maintenance Manual)

The information which was submitted at the hearing revealed that your SSI payment was terminated in December, 1992. You are currently receiving Social Security and Black Lung benefits.

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

Sincerely,

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

cc: Board of Review  
Rusty Udy, Department Hearing Representative

## **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 February 15, 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 February 15, 2005 on a timely appeal filed November 9, 2004.

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 Mother and Representative  
Rusty Udy, 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 the worker determines he is no longer eligible for SSI Medicaid.

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**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**

DHS-1) Department's Summary  
DHS-2) Copy of Form IM-FH-1, Hearing Request, dated 11/09/04  
DHS-3) Copy of Form IG-BR-29, Hearing/Grievance Record Information  
DHS-4) Copy of Social Security Award Letter  
DHS-5) Copy of SSI Denial Letter  
DHS-6) Copy of West Virginia Income Maintenance Manual Sections 1.2 and 16.6  
DHS-7) Copy of Case Comments

**VII. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**A. Findings of Fact:**

1. The claimant's name appeared on a list of clients approved for Social Security and receiving SSI benefits.
2. Verbal information from the Social Security Administration revealed that the claimant lost SSI medical coverage due to an increase in parental income of Social Security, Worker's Compensation and earnings. The claimant did not meet the coverage requirements for the Disabled Adult Child.
3. A letter was sent to the claimant dated 11/01/04 notifying her that her SSI Medicaid would stop. Reason: The Social Security Administration states that this individual is not an SSI recipient. (DHS-5)
4. Mrs. \_\_\_\_\_ testified that the claimant was adopted through DHHR as a subsidized adoption. \_\_\_\_\_ has cerebral palsy. It was her understanding that she could keep the medical card because of her medical condition. She considered the medical card "money in the bank". They have had no claims for the past several years as there is other medical coverage. \_\_\_\_\_ is now 27 years of age.
5. Mrs. \_\_\_\_\_ testified that the income changed when she remarried. \_\_\_\_\_'s current income is approximately \$864.00 plus Medicare and Black Lung of \$272.00.
6. Case comments (DHS-7) dated 11/18/04 read in part:  
  
(\_\_\_\_\_) Eligible for SSI in 7/86 and her last SSI check was issued in 12/92. She had to repay SSI checks for 11/92 and 12/92 because she was not eligible for these months. Her SSI was terminated due to her parents income. The recording goes on to read that worker checked with the supervisor of the adoption unit and verified that any adoption subsidy would have ended for \_\_\_\_\_ at age 21.
7. Mr. Udy testified that the claimant has been evaluated for other Medicaid categories.

**B. 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 was terminated in 12/92..

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Page 3 (**Part V. continued**)

#### **VIII. 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 she is no longer a recipient of SSI. She must meet the eligibility criteria for other Medicaid coverage groups in order to qualify for a medical card. The Department is upheld in the decision outlined in the notification letter dated November 1, 2004 to discontinue the claimant's medical card under the SSI Medicaid Program. The action will be taken.

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

See Attachment.

#### **X. ATTACHMENTS**

The Claimant's Recourse to Hearing Decision.

Form IG-BR-29.