



**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**

March 19, 2007

Dear Mrs. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held March 16, 2007. Your hearing request was based on the Department of Health and Human Resources' proposal to close the active 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. One of these regulations states in part:

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. West Virginia is, then, referred to as a "1634 state" based on the section of the Social Security Act which allows this.

Consequently, 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.

A tape exchange between DHHR and SSA results in information used by the Worker to open the case or add this benefit to an existing case. (West Virginia Income Maintenance Manual 16.6 Categorically Needy, Mandatory – For Aged, Blind or Disabled).

The information submitted at your hearing revealed: You are no longer receiving SSI Benefits.

It is the decision of the State Hearings Officer to UPHOLD the PROPOSAL of the Department to close the SSI Medicaid case.

Sincerely,

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

cc: State Board of Review
Ms. Erika Trader, ESW

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

Claimant,

Action Number: 07-BOR-808

**West Virginia Department of
Health and Human Resources.**

Respondent.

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 19, 2007 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 convened on March 16, 2007 on a timely appeal filed February 22, 2007.

It should be noted here that the Claimant's benefits have been continued pending a hearing decision. A pre-hearing conference was held between the parties prior to the hearing, and the Claimant 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 amendment to the Social Security Act which established SSI and subsequent rules and regulations gave the states the same options regarding Medicaid coverage for SSI recipients. West Virginia elected to cover all SSI recipients and to accept SSA's determination process for SSI Medicaid. Consequently there is no application or eligibility determination process for SSI Medicaid. Instead the Department depends upon SSA for the information needed to open and close SSI Medicaid cases.

III. PARTICIPANTS:

, Claimant

_____, Spouse
Erika Trader, ESW – [REDACTED] County 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: Is the Claimant receiving SSI Benefits from the Social Security Administration?

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Section 16.6 Categorically Needy, Mandatory – For Aged, Blind or Disabled.

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Copy of Letter dated 02/12/07 to close Medicaid case
- D-2 Case Comments dated 02/16/07 – 02/21/07
- D-3 Establish Medicaid Spenddown Printout
- D-4 West Virginia Income Maintenance Manual Section 16.6 Categorically Needy, Mandatory – For Aged, Blind or Disabled

Claimants' Exhibits:

None

VII. FINDINGS OF FACT:

- 1) The Department issued a letter to the Claimant on February 12, 2007. The letter stated in part, "Your SSI Medicaid will stop. You will not receive this benefit after February 2007. Reason: The following individuals are ineligible - _____. This individual no longer receives SSI" (Exhibit D-1).
- 2) The Claimant's spouse was in the office on February 16, 2007 to inquire about his wife's medical card. The Worker explained that since he started receiving retirement benefits, his wife would have to meet a spenddown (Exhibit D-2).
- 3) Since the Claimant is disabled and not receiving SSI Benefits, she would have a spenddown of \$8,593.92 (Exhibit D-3). This amount must be acquired within a six month period, before the Claimant would be eligible for medical coverage.
- 4) West Virginia Income Maintenance Manual Section 16.6 Categorically Needy, Mandatory – For Aged, Blind or Disabled (Exhibit D-4) states:

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 January, 1974. As of the first day of that month, all individuals who were receiving state-administered Old Age Assistance (OAA), Aid to the Disabled (AD) and Aid to the Blind (AB) were converted to SSI. At the same time, SSA Offices began processing applications made directly to them.

The amendment to the Social Security Act which established SSI and subsequent rules and regulations gave the states some options regarding Medicaid coverage for SSI recipients.

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. West Virginia is, then, referred to as a "1634 state" based on the section of the Social Security Act which allows this.

Consequently, 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.

A tape exchange between DHHR and SSA results in information used by the Worker to open the case or add this benefit to an existing case.

VIII. CONCLUSIONS OF LAW:

- 1) West Virginia Income Maintenance Manual 16.6 Categorically Needy, Mandatory – For Aged, Blind or Disabled states in part:

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. West Virginia is, then, referred to as a "1634 state" based on the section of the Social Security Act which allows this.

Consequently, 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.

A tape exchange between DHHR and SSA results in information used by the Worker to open the case or add this benefit to an existing case.

- 2) The Claimant is not receiving SSI Benefits.
- 3) The Claimant must meet a spenddown of \$8,593.92 within six months to receive medical coverage.

IX. DECISION:

It is the decision of this State Hearing Officer to UPHOLD the PROPOSAL of the Department to close the active Medicaid case.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 19th Day of March 2007.

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