



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
P.O. Box 970
Danville, WV 25053

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

August 13, 2007

Dear Mr. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held June 27, 2007. Your hearing request was based on the Department of Health and Human Resources' proposal to terminate benefits under the SSI-Related 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 for the SSI-Related Medicaid Program is based on current policy and regulations. Some of these regulations state as follows: If the net countable monthly income is equal to or less than the appropriate MNIL, the AG is eligible without a spenddown. If it is excess of the appropriate MNIL, the AG must meet a spenddown. (Section 10.22C of the West Virginia Income Maintenance Manual)

The information which was submitted at your hearing revealed your income has increased and you are now required to meet a spenddown. You do not have bills to meet a spenddown.

It is the decision of the State Hearing Officer to **uphold** the proposal of the Department to terminate benefits under the SSI-Related Medicaid Program.

Sincerely,

Cheryl McKinney
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Lucinda Lambert, [REDACTED] DHHR

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

_____,

Claimant,

v.

Action Number: 07-BOR-1031

**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 June 27, 2007 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 June 27, 2007 on a timely appeal, filed January 2, 2007.

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

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.

SSI Related Medicaid 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
Lucinda Lambert, [REDACTED] DHHR Supervisor

Presiding at the hearing was Cheryl McKinney, State Hearing Officer and a member of the State Board of Review.

IV. QUESTIONS TO BE DECIDED:

The question(s) to be decided is whether the Department is correct in the decision to discontinue the Claimant=s medical card because financial requirements could not be met.

V. APPLICABLE POLICY:

Section 10.22C and Appendix A, Chapter 10 of the West Virginia Income Maintenance Manual

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Copy of IGBR29
- D-2 Copy of Notification letter dated December 14, 2006
- D-3 Copy of WV Income Maintenance Manual Section 10.22
- D-4 Copy of Department's Summary dated April 19, 2007

VII. FINDINGS OF FACT:

- 1) The Claimant is a recipient of SSI-Related Medicaid, and reported the onset of Social Security income in the amount of \$878.00 beginning in December 2006. He also reported that his Social Security income would increase to \$909.00 in January 2007.
- 2) The Department entered the changes into the computer system and sent the claimant a letter on December 14, 2006 (D-2) indicating his SSI Related Medicaid would stop after December 2006 due to the increase in income. The letter also stated the following:

Action: Your application for Medicaid dated 10/02/06 has been denied.

Reason: You stated you do not have medical bills to meet your spenddown. The amount of your spenddown is \$3948.00. You stated you did not have medical bills.

- 3) The Claimant testified he does not dispute any of the income calculations or other information the Department presented and used to evaluate his eligibility, but he simply cannot afford to pay for his medical bills.
- 4) The Claimant requested a hearing and his benefits were continued pending the outcome of today's hearing.
- 5) **Appendix A, Chapter 10 of the West Virginia Income Maintenance Manual reads:**

The MNIL for a one person assistance group is \$200.00, a two person assistance group \$275.
- 6) **Section 10.22C of the West Virginia Income Maintenance Manual reads in part:**

If the net countable monthly income is equal to or less than the appropriate MNIL, the AG is eligible without a spenddown. If it is in excess of the appropriate MNIL, the AG must meet a spenddown.

VIII. CONCLUSIONS OF LAW:

- 1) The Claimant's income increased as he started receiving monthly Social Security in the amount of \$878.00 in December 2006 and \$909.00 in January 2007. This resulted in a spenddown.
- 2) The Claimant did not have bills to meet a spenddown.
- 3) Policy requires that if a client's net countable monthly income is in excess of the appropriate MNIL, the AG must meet a spenddown.
- 4) The proposed closure of the case is valid.

IX. DECISION:

It is the finding of the State Hearing Officer that the Claimant has to meet a spenddown in order to meet the financial requirements for the SSI-Related Medicaid Program. The Department is **upheld** in the proposal to discontinue the Claimant's medical card under the SSI-Related Medicaid Program.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 13th Day of August, 2007.

**Cheryl McKinney
State Hearing Officer**