



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1027 N. Randolph Ave.
Elkins, WV 26241

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

June 19, 2007

Dear Mr. and Mrs. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held June 14, 2007. Your hearing request was based on the Department of Health and Human Resources' proposal to terminate your SSI Medicaid based on closure of SSI benefits.

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 Medicaid Program is based on current policy and regulations. Some of these regulations state that eligibility for Supplemental Security Income is the sole eligibility factor for SSI Medicaid. (West Virginia Income Maintenance Manual Chapter 16.6A)

Information submitted at the hearing revealed that the Department appropriately terminated your SSI Medicaid benefits since you no longer receive SSI.

It is the decision of the State Hearing Officer to **uphold** the proposal of the Department to terminate your SSI Medicaid benefits.

Sincerely,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Rita Hayner, ESS, DHHR

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

_____,
Claimants,

v.

**Action Number: 07-BOR-1099
07-BOR-1591**

**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 19, 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 14, 2007 on timely appeals filed April 2, 2007 and April 6, 2007. The hearing was originally scheduled for April 26, 2007, but was rescheduled at the request of the Claimants.

The Claimants' benefits have continued pending a hearing decision.

II. PROGRAM PURPOSE:

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

_____, Claimant

Rita Hayner, Economic Services Supervisor, DHHR

Presiding at the hearing was Pamela L. Hinzman, State Hearing Officer and a member of the State Board of Review.

IV. QUESTIONS TO BE DECIDED:

The question to be decided is whether the Agency is correct in its proposal to terminate the Claimants' SSI Medicaid coverage.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Chapters 2.11C and 16.6A

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Hearing request received April 2, 2007
- D-2 Notice of Decision dated March 27, 2007
- D-3 Income information
- D-4 Notice of Decision dated April 3, 2007

VII. FINDINGS OF FACT:

- 1) The Claimants had been receiving Supplemental Security Income (SSI) Medicaid through the Department based on their receipt of SSI.
- 2) The Claimants married in March 2007 and their SSI payments stopped effective April 2007 since their combined Social Security Disability income (\$958) is excessive for continued SSI eligibility.
- 3) The Department sent a Notice of Decision (D-2) to Mr. _____ - dated March 27, 2007. A similar Notice of Decision (D-4) dated April 3, 2007 was sent to Mrs. _____. The Notices state:

Action: Your SSI Medicaid will stop. You will not receive this benefit after April 2007. Reason: The individual listed below no longer receives SSI.

- 4) Mrs. _____ testified that her medication costs total about \$1,000 per month and her husband also has prescription expenses, including blood pressure medication. She stated that they would be unable to afford their medications without Medicaid coverage.
- 5) West Virginia Income Maintenance Manual Section 16.6A states:

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.

- 6) West Virginia Income Maintenance Manual Section 2.11C states that the worker closes the SSI Medicaid case when the client's name appears on data exchange and the worker determines he is no longer eligible for SSI Medicaid.

VIII. CONCLUSIONS OF LAW:

- 1) Policy dictates that the Social Security Administration's determination of SSI eligibility is the sole eligibility factor for SSI Medicaid. When the worker determines that the SSI payment has stopped, SSI Medicaid is terminated.
- 2) Testimony provided during the hearing confirms that the Claimants' SSI payments stopped following their marriage due to excessive combined income and the Department is proposing to terminate SSI Medicaid in accordance with policy.
- 3) Because the Social Security Administration has determined that the Claimants are no longer eligible to receive SSI, the Department's proposal to terminate the Claimants' SSI Medicaid is correct.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the proposal of the Department to terminate SSI Medicaid.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 19th Day of June, 2007.

Pamela L. Hinzman
State Hearing Officer