



**State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
150 Maplewood Avenue
Lewisburg, WV 24901**

**Joe Manchin III
Governor**

**Martha Yeager Walker
Secretary**

September 6, 2007

Dear Mr. & Mrs. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held August 30, 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: Spenddown cases are not redetermined and are closed at the end of the 6th month of the POC. The client must reapply for a new POC. (Section 1.22 N #2 of the West Virginia Income Maintenance Manual)

The information which was submitted at your hearing revealed that you met a spenddown and was approved for a medical card. The POC ended 07/31/07. You will need to reapply for a new period of consideration and meet another 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,

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

cc: Erika H. Young, Chairman, Board of Review
Susan Godby, DHHR

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

_____,
Claimants,

v.

Action Number: 07-BOR-1892

**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 August 30, 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 August 30, 2007 on a timely appeal, filed July 27, 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
Susan Godby, Department Hearing Representative

Presiding at the hearing was Margaret M. Mann, 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 or not the Department is correct in the decision to discontinue the Claimant=s medical card because the Period of Consideration (POC) ended.

V. APPLICABLE POLICY:

Sections 1.22N #2, 1.22R #2d, and 10.22C of the West Virginia Income Maintenance Manual

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Form IG-BR-29 Hearing/Grievance Record Information
- D-2 Notification Letter dated 07/19/2007
- D-3 Sections 1.22N and 1.22R of the West Virginia Income Maintenance Manual
- D-4 Department's Summary

VII. FINDINGS OF FACT:

- 1) The Claimant is a recipient of Medicaid based on the fact a spenddown was met. The case was approved in February 2007 and the Period of Consideration (POC) ended 07/31/2007.
- 2) A closure notice was mailed 07/19/2007 which reads in part: Your (DB) Medicaid will end on 07/31/07. Reason: The time limit for this coverage has expired. If you wish to reevaluated for Medicaid, you must reapply for coverage. (D-2) A hearing was requested on this matter.
- 3) Testimony revealed that the spenddown would be approximately \$2611.56. The Claimant reapplied but did not have enough bills to meet another spenddown.
- 4) Testimony from CB revealed that they cannot get medical care because bills have to be paid up front. Her husband has eleven kinds of medication he has to take twice a day. The cost for medication alone runs \$759.00 a month. He has several medical ailments which include but are not limited to an enlarged heart, diabetes, ulcers, and cirrhosis of the liver. CB works at [REDACTED].
- 5) **Section 1.22 N #2 of the West Virginia Income Maintenance Manual reads in part:**

Spenddown cases are not redetermined and are closed at the end of the 6th month of the POC. The client must reapply for a new POC.

5) **Section 1.22 R #2d of the West Virginia Income Maintenance Manual reads:**

Spenddown AG=s are mailed a computer-generated letter at adverse action notice deadline of the 6th month to the POC. This letter informs the client that his eligibility will end on the last day of the month and that he must reapply for Medicaid coverage.

7) **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 excess of the appropriate MNIL, the AG must meet a spenddown.

VIII. CONCLUSIONS OF LAW:

- 1) Policy dictates that spenddown cases are not redetermined and are closed at the end of the 6th month of the POC. Also, the computer generated letter mailed to the client notifies him of case closure and his right to reapply for Medicaid.
- 2) The Claimant met a spenddown and had a POC through 07/31/2007.
- 3) The Claimant must reapply for a new POC.

IX. DECISION:

It is the finding of the State Hearing Officer that the Claimant=s case should have been closed at the end of the Period of Consideration (POC) which was 07/31/2007. The Department is upheld in the proposal to discontinue the Claimant=s medical card under the SSI-Related Medicaid Program. Action will be taken as described in the notification letter dated July 19, 2007.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 6th Day of September, 2007.

**Margaret M. Mann
State Hearing Officer**