



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1400 Virginia Street
Oak Hill, WV 25901

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

June 12, 2008

Dear Mr. _____

Attached is a copy of the findings of fact and conclusions of law on your hearing held June 10, 2008. Your hearing request was based on the Department of Health and Human Resources' decision to terminate your SSI-Related Medicaid due to your period of consideration ending.

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. Some of these regulations state as follows: Spenddown Medicaid is not re-determined and is closed at the end of the six month period of consideration. An individual must reapply for a new period of consideration (West Virginia Income Maintenance Manual § 1.22 N).

The information which was submitted at your hearing revealed that your six month period of consideration ended March 30, 2008 and a new application was required for you to continue receiving SSI-Related Medicaid.

It is the decision of the State Hearings Officer to **uphold** the decision of the Department to terminate your SSI-Related Medicaid.

Sincerely,

Kristi Logan
State Hearings Officer
Member, State Board of Review

Cc: Erika Young, Chairman, Board of Review
Nora Radford, Economic Service Worker

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

_____,
Claimant,

v.

Action Number: 08-BOR-1170

**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 10, 2008 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 10, 2008 on a timely appeal, filed March 25, 2008.

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.

The SSI Related Medicaid Program 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
_____, Claimant's Estranged Wife

Nora Radford, Economic Service Worker

Presiding at the Hearing was Kristi Logan, 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's decision to terminate Claimant's SSI-Related Medicaid was correct.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual § 1.22

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Department's Case Summary
- D-2 Hearing Appointment Letter
- D-3 Rights and Responsibilities Form dated January 11, 2008
- D-4 Combined Application and Review Form dated January 11, 2008
- D-5 Notification Letter dated March 19, 2008
- D-6 Case Comments from Rapids Computer System from September 21, 2007 – April 10, 2008
- D-7 West Virginia Income Maintenance Manual § 1.22

Claimants' Exhibits:

- C-1 None

VII. FINDINGS OF FACT:

- 1) Claimant applied for SSI-Related Medicaid on January 11, 2008. Claimant wished to have his Medicaid backdated to cover a hospital bill (D-6) from October. His six month period of consideration (POC) was from October 2007 – March 2008. On March 19, 2008 a notification letter was issued and read in part (D-5):

Your Medicaid will end on March 31, 2008. The time limit for this coverage has expired. If you wish to be re-evaluated for Medicaid, you must reapply for coverage.

- 2) Claimant testified that he has several medical problems that he needs Medicaid for. He sees a dermatologist for skin cancer and takes Nexium for acid reflux. He stated he and his wife do not have any bills to meet another spenddown. Claimant did not reapply for Medicaid after his POC ended.

3) West Virginia Income Maintenance Manual § 1.22 N states:

Spendedown Assistance Group's (AG) are not re-determined and are closed at the end of the 6th month of the POC. The client must reapply for a new POC.

4) West Virginia Income Maintenance Manual § 1.22 R states:

Spendedown AG's receive a computer-generated letter at the end of the 5th month of the POC. This letter informs the client that his eligibility will end at the end of the following month and that he must reapply for Medicaid coverage.

VIII. CONCLUSIONS OF LAW:

- 1) Policy states that spenddown Assistance Groups received Medicaid for a six month period of consideration at a time. At the end of that period of consideration, Medicaid is closed and the individual must reapply for another period of consideration.
- 2) Claimant was properly notified by the Department that his period of consideration was ending and a new application was required to continue receiving Medicaid. Claimant failed to reapply for Medicaid. Claimant's SSI-Related Medicaid was correctly terminated.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the decision of the Department to terminate Claimant's SSI-Related Medicaid.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 12th Day of June, 2008.

**Kristi Logan
State Hearing Officer**