



**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**

August 15, 2008

Dear Ms. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held August 14, 2008. Your hearing request was based on the Department of Health and Human Resources' decision to terminate your SSI-Related Medicaid due to a spenddown 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 Assistance Groups are not redetermined and are 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 spenddown period of consideration ended June 30, 2008 and a new application was required to continue receive 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
Murriel Hylton, Economic Service Supervisor

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

_____,
Claimant,

v.

Action Number: 08-BOR-1613

**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 14, 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 August 14, 2008 on a timely appeal, filed June 23, 2008.

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 husband

Murriel Hylton, Economic Service Supervisor

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 Form IG-BR-29
- D-2 Hearing Request received June 23, 2008
- D-3 Notification Letter dated June 18, 2008
- D-4 West Virginia Income Maintenance Manual § 1.22
- D-5 Department's Case Summary

Claimants' Exhibits:

- C-1 None

VII. FINDINGS OF FACT:

- 1) Claimant had been receiving SSI-Related Medicaid with a Period of Consideration (POC) of January 2008 – June 2008. A notification letter dated June 18, 2008 was issued and read in part (D-2):

Your Medicaid will end June 30, 2008. The time limit for this coverage has expired. If you wish to be re-evaluated for Medicaid, you must reapply for this coverage.

- 2) Claimant testified that she and her husband live off of his monthly income of \$1200 from Social Security and \$199 from a pension. She applied for SSI but was not eligible because of her husband's income.

_____, Claimant's husband, has to have dialysis every week his Medicare co-payment for this is \$400 a month. They are barely able to afford that on their income. Claimant can get her prescriptions discounted at Healthrite except for her narcotic which they will not dispense.

Claimant stated they do not have bills to meet another spenddown since they cannot use the bills used to meet her previous spenddown. She cannot go to the doctor without the Medicaid so she is not able to accumulate anymore bills to meet another spenddown. She felt this policy was unfair.

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

Spenddown Assistance Group's (AG) are not redetermined 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:

Spenddown 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 receive 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 her 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 Department's decision 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 15th Day of August, 2008.

**Kristi Logan
State Hearing Officer**