



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

September 9, 2008

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\_\_\_\_\_  
\_\_\_\_\_

Dear Mr. \_\_\_\_\_:

Attached is a copy of the findings of fact and conclusions of law on your hearing held September 5, 2008. Your hearing request was based on the Department of Health and Human Resources' action to close your Disabled Adult Children (DAC) Medicaid coverage based on termination of DAC status through the Social Security Administration.

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 DAC Medicaid Program is based on current policy and regulations. Some of these regulations state that eligibility for DAC Medicaid is determined by the Social Security Administration (SSA). Eligibility is communicated to the Department via data exchange. The Department depends upon SSA for the information needed to open, evaluate and close continuing eligibility for SSI Medicaid or Deemed SSI Medicaid cases. (West Virginia Income Maintenance Manual Chapter 16.6A and B, 1)

Information submitted at the hearing revealed that the Department appropriately terminated your Medicaid coverage based on the Social Security Administration's determination that you are no longer considered a Disabled Adult Child.

It is the decision of the State Hearing Officer to **uphold** the Department's action to terminate your Medicaid benefits.

Sincerely,

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

cc: Erika H. Young, Chairman, Board of Review  
Tammy Hollandsworth, ESW, DHHR

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

\_\_\_\_\_,

**Claimants,**

**v.**

**Action Number: 08-BOR-1946**

**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 September 9, 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 September 5, 2008 on a timely appeal filed August 18, 2008.

**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. Disabled Adult Children are considered Deemed SSI Recipients and are required by law to be treated as SSI recipients for Medicaid purposes.

**III. PARTICIPANTS:**

\_\_\_\_\_, Claimant

Tammy Hollandsworth, Economic Service Worker, 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 was correct in its action to terminate the Claimant's Disabled Adult Children Medicaid coverage.

#### **V. APPLICABLE POLICY:**

West Virginia Income Maintenance Manual Chapters 2.11, C, and 16.6A and B, 1

#### **VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:**

##### **Department's Exhibits:**

- D-1 Hearing/Grievance Record Information (IG-BR-29)
- D-2 Notice of Decision dated August 14, 2008
- D-3 West Virginia Income Maintenance Manual Chapter 16.6, B, 1
- D-4 Hearing Summary

#### **VII. FINDINGS OF FACT:**

- 1) The Claimant was receiving Medicaid based on his status as a Disabled Adult Child (DAC) as determined through the Social Security Administration (SSA).
- 2) The Economic Service Worker testified that the Department received a computer data exchange alert indicating that the Claimant was no longer receiving Social Security benefits and had ceased to be eligible for Medicare Parts A and B. The Department worker contacted the Social Security Administration to inquire about the information and was advised that the Claimant is no longer considered disabled and, therefore, is no longer considered a Disabled Adult Child.
- 3) The worker closed the Claimant's Medicaid case and sent a Notice of Decision (D-2) to the Claimant dated August 14, 2008. The Notice states:

Action: Your Medicaid for Disabled Adult Children will stop. You will not receive this benefit after AUGUST 2008.

Reason: Eligibility is based on the loss of SSI due to receipt of Disabled Adult Child Social Security benefits.

- 4) The Claimant testified that he began receiving Medicaid as a Disabled Adult Child in 1995. He said he was assured by his attorney that he would receive lifetime Medicaid.

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 Sections 16.6, B and B, 1 states:

The following coverage groups are required by law to be treated as SSI recipients for Medicaid purposes. Therefore, the information in item A, above, is also applicable to these cases.

1. Disabled Adult Children (DAC) (MP D)

An individual is eligible for Medicaid as a Disabled Adult Child when all of the following conditions are met:

- He is at least 18 years old.
- He became disabled or blind before reaching the age of 22.
- He was eligible for SSI based on disability or blindness.
- He lost SSI eligibility as a result of becoming entitled to or receiving an increase in child's insurance benefits on or after 7-01-87.

Eligibility is determined by SSA and communicated to the Department through data exchange. The client must not be required to apply for this coverage group.

- 7) 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 eligibility for DAC Medicaid is determined by the Social Security Administration and communicated to the Department via data exchange. When the worker determines that Social Security payments have stopped, DAC Medicaid coverage is terminated.
- 2) Testimony provided during the hearing reveals that the Department received information from the Social Security Administration confirming that the Claimant is no longer considered disabled and is no longer a Disabled Adult Child.
- 3) Because the Social Security Administration has determined that the Claimant is no longer eligible for DAC benefits, the Department's action to terminate Medicaid is correct.

#### **IX. DECISION:**

It is the decision of the State Hearing Officer to **uphold** the Department's action to terminate the Claimant's Medicaid coverage under the Disabled Adult Children Medicaid Program.

#### **X. RIGHT OF APPEAL:**

See Attachment

#### **XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 9th Day of September, 2008.**

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**Pamela L. Hinzman**  
**State Hearing Officer**