



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

September 30, 2008

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

Dear Ms. \_\_\_\_\_:

Attached is a copy of the findings of fact and conclusions of law on your hearing held September 25, 2008. Your hearing request was based on the Department of Health and Human Resources' decision to terminate your SSI-Related Medicaid due to excessive income.

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: Individuals who otherwise meet eligibility requirements but who have income in excess of the established standard will be ineligible for medical coverage unless this excess is insufficient to meet their medical needs. These individuals are required to spenddown this excess amount in order to qualify for coverage. For Medicaid purposes, a six month period of consideration (POC) is used to project countable income. If medical bills sufficient to satisfy the established spenddown are not submitted, the application is denied (West Virginia Income Maintenance Manual ' 10.22).

The information which was submitted at your hearing revealed that your countable income exceeds the maximum limits for SSI-Related Medicaid and you do not have enough outstanding medical expenses to meet your spenddown amount of \$3240.

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

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-2056**

**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 25, 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 25, 2008 on a timely appeal, filed September 2, 2008.

It should be noted here that the claimant's benefits have not 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 Sister

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 is correct.

**V. APPLICABLE POLICY:**

West Virginia Income Maintenance Manual § 10.22 and Appendix A

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

**Department's Exhibits:**

- D-1 Form IG-BR-29
- D-2 Hearing Request received September 2, 2008
- D-3 Notification Letter dated August 12, 2008
- D-4 West Virginia Income Maintenance Manual § 10.22
- D-5 Department's Case Summary

**Claimants' Exhibits:**

- C-1 Correspondence from [REDACTED]
- C-2 Correspondence from [REDACTED]

**VII. FINDINGS OF FACT:**

- 1) Claimant had been receiving SSI-Related Medicaid as a result of a disability determination made by the state Medical Review Team. In August 2008, Claimant reported the onset of Social Security Disability of \$790 monthly. With the onset of this income, Claimant was required to meet a spenddown of \$3420 to continue receiving SSI-Related Medicaid.

- 2) A notification letter dated August 12, 2008 was issued and read in part (D-3):

Your SSI Related Medicaid for the Aged, Blind and Disabled will stop. You will not receive this benefit after August 2008. Income is more than the net income limit for you to receive benefits.

- 3) Claimant's sister, \_\_\_\_\_, presented Claimant's case for her. Ms. \_\_\_\_\_ stated that they are unable to afford Claimant's Plavix which is \$220 monthly. They have applied for various pharmacy programs to help her with her prescriptions. Claimant has had to cancel her medical appointments because her physicians will not see her without medical coverage. Because she has been on Medicaid, and because her physicians will not see her, she does not have enough medical bills to meet a spenddown. She did get a bill from [REDACTED] for \$84 the other day but does not have anymore than that. Claimant does not qualify for Medicare until 2010.

- 4) West Virginia Income Maintenance Manual § 10.22 D(11) states:

To receive a Medicaid card, the monthly countable income of the Needs Group must not exceed the amount of the Medically Needy Income Level (MNIL). If the income of the Needs Group exceeds the MNIL, the client has an opportunity to spend his income down to the MNIL by incurring medical expenses. These expenses are subtracted from the client's income for the 6-month Period of Consideration (POC), until his income is at or below the MNIL for the Needs Group until the POC expires. The spenddown process applies only to AFDC-Related and SSI-Related Medicaid.

- 5) West Virginia Income Maintenance Manual § 10 Appendix A states:

MNIL for one (1) person in the Needs Group - \$200

### **VIII. CONCLUSIONS OF LAW:**

- 1) Claimant's Social Security income exceeds the MNIL level of \$200. The onset of this income caused Claimant to be required to meet the spenddown provision as indicated in policy to continue Medicaid.
- 2) Claimant does not have enough outstanding medical bills to meet a spenddown.
- 3) Claimant no longer meets the financial eligibility criteria as set forth in policy to continue receiving SSI-Related Medicaid.

### **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 30<sup>th</sup> Day of September, 2008.**

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**Kristi Logan**  
**State Hearing Officer**