



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
P.O. Box 970
Danville, WV 25053

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

February 29, 2008

Dear Mr. and Mrs. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held February 6, 2008. 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: 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. (Section 10.22C of the West Virginia Income Maintenance Manual)

The information which was submitted at your hearing revealed your income is excessive and you are required to meet a spenddown. You do not have bills to meet a 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,

Cheryl Henson
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Barry Jenkins, [REDACTED] DHHR

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

_____,
Claimant,

Action Number: 07-BOR-2364

**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 February 6, 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 February 6, 2008 on a timely appeal, filed October 22, 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:

_____, Claimants
Barry Jenkins, [REDACTED] DHHR Supervisor

Presiding at the hearing was Cheryl Henson, 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 is correct in the decision to discontinue the Claimant=s medical card because financial requirements could not be met.

V. APPLICABLE POLICY:

Section 10.22C and Appendix A, Chapter 10 of the West Virginia Income Maintenance Manual

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Notification letter dated January 18, 2008
- D-2 Hearing Request Form signed October 22, 2007
- D-3 IGBR29
- D-4 Notification letter dated October 9, 2007
- D-5 Notification letter dated October 24, 2007
- D-6 WV Income Maintenance Manual Section 1.22 and 10.22
- D-7 Copy of Case Comments in Rapids
- D-8 Copy of Rapids Screen SSI-Related Eligibility Determination
- D-9 Case Summary

Claimant's Exhibits:

- C-1 Copy of Claimant's Prescription Medicines from Rite Aid

VII. FINDINGS OF FACT:

- 1) The Claimants are recipients of SSI-Related Medicaid, and have been eligible for Medicaid based on a spenddown for the following timeframes: October 2004 through March 2005, and September 2005 through August 2007. The Claimants were able to provide unpaid bills to meet the spenddowns for those periods. A new application was

completed in October 2007 and the Department entered the following (D-7) into Case Comments:

Results: NS passing for Both [REDACTED] but need to meet spenddown of \$5355.00. They state they have no bills. Therefore medical failing for both of them, but MFPB is continuing.

- 2) The Department sent the Claimants a letter (D-4) dated October 9, 2007. The letter stated the following:

Action: Your application for Medicaid dated 10/05/07 has been denied.

Reason: You stated you do not have medical bills to meet your spenddown. The amount of your spenddown is \$5355.00. You stated you did not have medical bills.

- 3) The male Claimant testified his wife needs her medications to keep her out of the hospital. He stated she has multiple personality disorder and takes numerous medications. If she does not get her medication, within forty-eight hours she will be like "Dr. Jekyll and Mr. Hyde". He acknowledged they do not have medical bills to meet the spenddown, however, he states that her medication alone costs close to \$2000.00 (C-1) monthly. They cannot afford to get the medication without a medical card. The Claimant's mother stated that her son "pulls his own teeth with pliers" because they cannot afford to go to the dentist and they do not abuse the medical card. She stated that his wife is totally "uncontrollable" when off her medication.
- 4) The Claimants requested a hearing and their benefits were continued pending the outcome of today's hearing.
- 5) **Appendix A, Chapter 10 of the West Virginia Income Maintenance Manual reads:**

The MNIL for a one person assistance group is \$200.00, a two person assistance group \$275.
- 6) **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 in excess of the appropriate MNIL, the AG must meet a spenddown.

VIII. CONCLUSIONS OF LAW:

- 1) The Claimant's income is excessive for the Medicaid program which requires them to meet a spenddown of \$5355.00. Policy makes no exceptions to this requirement due to need.
- 2) The Claimant did not have bills to meet a spenddown.

- 3) Policy requires that if a client's net countable monthly income is in excess of the appropriate MNIL, the AG must meet a spenddown.
- 4) The proposed closure of the case is valid.

IX. DECISION:

It is the finding of the State Hearing Officer that the Claimant has to meet a spenddown in order to meet the financial requirements for the SSI-Related Medicaid Program. The Department is **upheld** in the proposal to discontinue the Claimant's medical card under the SSI-Related Medicaid Program.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision
Form IG-BR-29

ENTERED this 29th Day of February, 2008.

**Cheryl Henson
State Hearing Officer**