



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
P. O. Box 2590
Fairmont, WV 26555-2590

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

February 11, 2008

Dear Mr. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held February 7, 2008. Your hearing request was based on the Department of Health and Human Resources' action to terminate your SSI Medicaid.

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 Medicaid Program is determined based on current regulations. One of these regulations specifies that SSI recipients receive Medicaid coverage under the West Virginia Medicaid Program on the basis of their eligibility for SSI. The West Virginia Department of Health and Human Resources depends on information from the Social Security Administration in certifying Medicaid cases under this coverage group. (West Virginia Income Maintenance Manual ' 16.6).

The information submitted at your hearing reveals that you are no longer receiving SSI. As a result, you are no longer eligible to participate in the SSI Medicaid Program.

It is the decision of the State Hearings Officer to **uphold** the Department's action in terminating your SSI Medicaid benefits.

Sincerely,

Thomas E. Arnett
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Susan Layman, ESW, DHHR

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

_____,

Claimant,

v.

Action Number: 07-BOR-2575

**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 11, 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 7, 2008 on a timely appeal, filed December 3, 2007.

II. PROGRAM PURPOSE:

The program entitled **Medicaid** is set up cooperatively between the Federal and State Government and administered by the West Virginia Department of Health and Human Resources.

Medicaid for Recipients of SSI is a segment of the department's 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 and who are eligible for Supplemental Security Income benefits (SSI) as determined by the Social Security Administration.

III. PARTICIPANTS:

_____, Claimant
Susan Layman, ESW, DHHR

Presiding at the Hearing was Thomas E. Arnett, 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 their proposal to terminate the Claimant's Medicaid benefits under the SSI Medicaid Program.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual § 16.6, A&B.

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibit(s):

- D-1 SSA State Data Exchange received on 10/4/07
- D-2 Notice of Decision dated 11/15/07
- D-3 WVIMM 16.6

Claimant's Exhibit(s):

- C-1 Prescription medications taken by the Claimant

VII. FINDINGS OF FACT:

- 1) The Department received an electronic correspondence (Exhibit D-1) via data exchange with the Social Security Administration (SSA) on or about October 4, 2007 indicating that the Claimant was no longer eligible to receive Supplemental Security Income (SSI).
- 2) Upon being notified that the Claimant's SSI had been terminated with the SSA, the Department notified the Claimant via a Notice of Decision (Exhibit D-2) on November 15, 2007 that his SSI Medicaid would stop.

This notice states, in pertinent part:

Action: Your SSI Medicaid will stop. You will not receive this benefit after November 2007.

Reason: The individual listed below no longer receives SSI.

- 3) The Department cited policy found in the West Virginia Income Maintenance Manual which states that individuals who are eligible for SSI through the SSA are automatically eligible to receive SSI Medicaid through the State of West Virginia. When SSA determines that the individual is no longer eligible for SSI, Medicaid eligibility through this program is terminated. The Department noted that the Claimant does not qualify for any other medical programs except SSI-Related Medicaid which requires the Claimant to meet a spenddown.
- 4) The Claimant submitted Exhibit C-1 and testified that he need medical coverage for continued medical care and prescription coverage. He is pursuing alternative forms of assistance but is concerned that he will not be able to maintain his health without medical insurance.

- 5) West Virginia Income Maintenance Manual, Chapter 16.6 (A):

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 (for Recipients of SSI).

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.

VIII. CONCLUSIONS OF LAW:

- 1) Pursuant to policy found in the West Virginia Income Maintenance Manual, the Claimant's SSI Medicaid was terminated when the Department was notified by the Social Security Administration that he was no longer eligible to receive SSI. The Department evaluated the Claimant for participation in alternative Medicaid Programs and determined that he does not meet eligibility criteria.
- 2) The evidence reveals that the Department was correct in its action to terminate the Claimant's SSI Medicaid benefits.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the action of the Department in terminating the Claimant's SSI Medicaid benefits.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 11th Day of February, 2008.

Thomas E. Arnett
State Hearing Officer