



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General

Joe Manchin III
Governor

Board of Review
1400 Virginia Street
Oak Hill, WV 25901

Patsy A. Hardy, FACHE, MSN, MBA
Cabinet Secretary

December 15, 2009

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held December 10, 2009. Your hearing request was based on the Department of Health and Human Resources' proposal to terminate your SSI-Related Medicaid for failure to meet a spenddown.

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. These regulations provide that 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 a spenddown at 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 (WV Income Maintenance Manual § 10.22)

The information submitted at your hearing revealed that your countable income exceeds the maximum limits for SSI-Related Medicaid and that you do not have any outstanding medical bills to meet your spenddown.

It is the decision of the State Hearings Officer to **Uphold** the proposal of the Department to terminate your SSI-Related Medicaid for failure to meet a spenddown.

Sincerely,

Kristi Logan
State Hearings Officer
Member, State Board of Review

cc: Chairman, Board of Review
Dorothy Ellison-Hunter, Family Support Supervisor

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

-----,

Claimant,

v.

Action Number: 09-BOR-2009

**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 December 10, 2009 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 December 10, 2009 on a timely appeal, filed May 18, 2009.

It should be noted here that the claimant's benefits under the SSI-Related Medicaid program have been continued pending a decision.

II. PROGRAM PURPOSE:

The Program entitled SSI-Related Medicaid is 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

-----, Witness for Claimant

Dorothy Ellison-Hunter, Family Support Supervisor

Presiding at the Hearing was Kristi Logan , State Hearing Officer and a member of the Board of Review.

This hearing was held by videoconference.

IV. QUESTION TO BE DECIDED:

The question to be decided is whether or not the Department's proposal to terminate Claimant's SSI-Related Medicaid is correct.

V. APPLICABLE POLICY:

WV Income Maintenance Manual § 16.9, 10.22 B(11) and Chapter 10 Appendix A

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Hearing/Grievance Record Information Form and Hearing Request
- D-2 Notification Letters dated May 11, 2009, May 12, 2009 and May 22, 2009
- D-3 WV Income Maintenance Manual § 10.3 RRR
- D-4 WV Income Maintenance Manual § 10.4 C
- D-5 WV Income Maintenance Manual § 10.22 B
- D-6 WV Income Maintenance Manual § 10.22 D
- D-7 Case Comments (CMCC) from RAPIDS Computer System
- D-8 Department's Summary

Claimants' Exhibits:

None

VII. FINDINGS OF FACT:

- 1) Claimant had been receiving SSI-Related Medicaid based on a disability determination by the state Medical Review Team. Claimant reported the onset of Social Security Disability income at his May 2009 Medicaid review. This income of \$1384 monthly was added to Claimant's case (D-7).

The addition of this income changed Claimant's Medicaid coverage group from SSI-Related Medicaid to SSI-Related Medicaid with a spenddown. Claimant advised the caseworker that he did not have any outstanding medical bills to meet a spenddown (D-7).

- 2) Claimant gave testimony regarding his need for Medicaid to cover his medical expenses. His living expenses have increased and he is now paying child support.

- 3) WV Income Maintenance Manual § 16.9 states:

Individuals who meet the SSI definition of aged, blind or disabled are eligible for Medicaid when the income is under the Medically Needy Income Level (MNIL). However, no SSI-Related case is denied due only to excessive income. Instead, incurred medical bills are deducted from countable income for the six month Period of Consideration (POC). This process is called a spenddown.

- 6) W V Income Maintenance Manual § 10.22 B (11) states:

To receive a Medicaid card, the monthly countable income of the Needs Group must not exceed the amount of the 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 six month POC, until this income is at or below the MNIL for the Needs Group until the POC expires.

- 7) W V Income Maintenance Manual 10 Appendix A states:

MNIL level for a Needs Group of 1 is \$200.

VIII. CONCLUSIONS OF LAW:

- 1) Claimant's Social Security Disability income of \$1384 monthly exceeds the MNIL level of \$200. The onset of this income caused Claimant to be required to meet the spenddown provision as dictated in policy to continue receiving SSI-Related Medicaid.
- 2) Claimant does not have any 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 proposal 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 15th day of December 2009.

**Kristi Logan
State Hearing Officer**