



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
4190 W Washington St.
Charleston, WV 25313
304-746-2360 Ext 2227

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

March 26, 2009

Dear -----:

Attached is a copy of the Findings of Fact and Conclusions of Law on your hearing held March 20, 2009. Your hearing request was based on the Department of Health and Human Resources' decision to deny Qualified Individuals (QI-1) benefits.

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.

Regulations for the QI-1 Program state in part that if the monthly countable income is less than or equal to the QI-1 income level, the client is eligible. For QI-1, the income may be greater than 120% of the Federal Poverty Level (FPL), but must be less than or equal to 135% FPL.

Information submitted at your hearing revealed that the QI-1 income limits were exceeded.

It is the decision of the State Hearing Officer to **uphold** the action of the Department to deny QI-1 benefits.

Sincerely,

Jennifer Butcher
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Debbie Meadows, Economic Service Supervisor

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

-----,

Claimant,

v.

Action Number: 09-BOR-756

**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 March 26, 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 March 20, 2009 on a timely appeal, filed February 20, 2009.

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.

The Qualified Medicare Beneficiaries (QMB), the Specified Low Income Medicare Beneficiaries (SLIMB), and the Qualified Individuals (QI-1) Programs provide limited coverage under the Medicaid Program for eligible individuals or couples who are eligible for Medicare, Part A and who meet specified income tests. The QMBV program has a lower maximum income level and provides coverage of all Medicare co-insurance and deductibles as well as payment of the Medicare premium. SLIMB and QI-1 have higher maximum income levels and provide only for the payment of the Medicare Part B premium. The maximum income level for QI-1 is 135% of the Federal Poverty Level. This program pays for a portion of the Medicare premium.

III. PARTICIPANTS:

-----, Claimant

Debbie Meadows, Economic Service Supervisor, DHHR

Presiding at the Hearing was Jennifer Butcher, State Hearing Officer and a member of the State Board of Review.

All persons offering testimony were placed under oath.

IV. QUESTION TO BE DECIDED:

The question to be decided is whether or not the Department was correct to deny Qualified Individuals (QI-1) benefits.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual, Chapter 10.16; Chapter 10.22; Chapter 10, Appendix A

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Closure notification dated January 31, 2009
- D-2 West Virginia Income Maintenance Manual, Chapter 16.6E
- D-3 West Virginia Income Maintenance Manual, Chapter 10.16

Claimant's Exhibit:

- C-1 Approval letter dated December 4, 2008
- C-2 Notification from Social Security of annual increase in income received in December 2008
- C-3 Notification letter for reinstated benefits after the request for the fair hearing dated February 23, 2009.

VII. FINDINGS OF FACT:

- 1) The Department issued notice to Claimant on January 31, 2009 informing him that his medical coverage under the Qualified Individual (QI-1) program would close because his income is more than the allowable level. Claimant's net income is \$1275.73, and the maximum allowable limit for a one-person assistant group is \$1219.
- 2) On February 20, 2009, Claimant requested a hearing and asked that benefits be continued pending a hearing decision.
- 3) Despite the fact that the hearing request was not received within the advance notice period, the Department reinstated Claimant's QI-1 coverage pending a hearing decision and erroneously issued a notice of approval.
- 4) Claimant asserted at the hearing that, because he received a notice of approval, he should be entitled to the benefit.

- 5) Policy at WV Income Maintenance Manual Section 16.6 (E) specifies that a the countable income of a one-person assistance group must be at or below 134% of the Federal Poverty Level (FPL) in order for that person to be eligible for QI-1 coverage. Appendix A to Chapter 10 lists the current income limits and shows that 134% of the FPL for a one-person is \$1219.

VIII. CONCLUSIONS OF LAW:

Because Claimant's income exceeds the allowable limit for the QI-1 program, Claimant is not eligible for the program.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the Department's denial of Qualified Individual (QI-1) Medicaid.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 26th Day of March, 2009.

**Jennifer Butcher
State Hearing Officer**