



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
P. O. Box 468
Hamlin, WV 25523

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

April 23, 2009

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held April 8, 2009. Your hearing request was based on the Department of Health and Human Resources' action to terminate your eligibility for coverage, effective March 1, 2009, through the Qualified Individual (QI-1) Medicaid Program due to a Cost of Living Adjustment (COLA) of your Social Security 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.

Eligibility for the Qualified Individual (QI-1) Medicaid Program is based on current policy and regulations. Some of these regulations state as follows: Income must be between 121 and 134% of the Federal Poverty Level (FPL), which is \$1084.00 through \$1219.00. **NOTE:** RSDI COLA's are disregarded in determining income eligibility through March of the year they become effective. (WV Income Maintenance Manual Section 16.6 E and Appendix A)

The information submitted at your hearing reveals that your monthly countable income increased to \$1221.00 in January 2009 because of a COLA of your Social Security benefits. This amount exceeds the Income Limit for your household by two (2) dollars; however, because the increase was due to a RSDI COLA, the Department was incorrect in their decision to terminate your eligibility for QI-1 Medicaid coverage effective March 1, 2009.

It is the decision of the State Hearing Officer to **reverse** the action of the Department in terminating your eligibility for Medicaid benefits, effective March 1, 2009 through the Qualified Individual (QI-1) Program.

Sincerely,

Cheryl Henson
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Brenda Bailey [REDACTED] DHHR

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

-----,

Claimant,

v.

Action Number: 09-BOR-813

**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 April 8, 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 April 8, 2009 on a timely appeal, filed February 20, 2009.

It should be noted here that the claimant's benefits have been terminated.

II. PROGRAM PURPOSE:

The Qualified Individual (QI-1) Medicaid Program is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

The Qualified Medicare Beneficiary (QMB), the Specified Low Income Medicare Beneficiary (SLIMB), and the Qualifying 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 QMB 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.

III. PARTICIPANTS:

-----, Claimant
Brenda Bailey, [REDACTED] DHHR

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 to be decided is whether the Department is correct in the decision to terminate, effective March 1, 2009, the Claimant's eligibility for coverage under Qualified Individual (QI-1) Medicaid.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual, Chapter 16.6 and Appendix A

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

D-A Hearing Summary
D-B Income Verification dated March 26, 2009
D-C Notification letter sent to Claimant dated January 31, 2009
D-D WV Income Maintenance Manual Section 10.16 and Appendix A

Claimant's Exhibits:

None

VII. FINDINGS OF FACT:

- 1) The Claimant was actively receiving Qualified Individual (QI-1) Medicaid coverage from the Department during the month of January 2009. On January 31, 2009 the Department received information on a mass change cost of living adjustment (COLA) from the Social Security Administration which showed the Claimant's Social Security benefits beginning January 2009 increased to \$1241.00 (D-B) monthly. The Department determined this amount was now in excess of the allowable income for the program.
- 2) The Department sent the Claimant a notification letter (D-C) on January 31, 2009 which included the following pertinent information:

ACTION: Your Qualified Individual I benefits will stop. You will not receive this benefit after FEBRUARY 2009.

REASON: Income is more than the income limit for you to receive benefits. Your income has increased.

The following individuals are ineligible.

Your Countable Net Income = \$1221.00
Med Needy Income Limit \$1219.00

- 3) Although the Claimant does not dispute that her income increased to \$1221.00 monthly in January 2009, she contends that she should continue to be eligible for the program. The Claimant's increase was due to a cost of living adjustment (COLA) of her Social Security benefits.
- 4) The Department contends that policy makes no allowance for cost of living increases and the income is excessive by two (2) dollars.
- 5) The West Virginia Income Maintenance Manual, Section 16.6.E states in pertinent part:

QUALIFIED INDIVIDUAL (QI-1) (QI-A)

Income: 121 to 134% FPL

NOTE: RSDI COLA's are disregarded in determining income eligibility through March of the year they become effective.

VIII. CONCLUSIONS OF LAW:

- 1) Policy provides that monthly countable income for the Qualified Individual (QI-1) Medicaid program must be between \$1084.00 and \$1219.00 in order to be determined eligible. Policy also provides that RSDI COLA's are disregarded in determining income eligibility through March of the year they become effective.
- 2) The Claimant received a COLA on her Social Security benefits in January 2009 which increased her countable income to \$1221.00.
- 3) Based on the evidence, the Claimant clearly is eligible for Qualified Individual (QI-1) Medicaid benefits for the Month of March 2009; however, she is ineligible for QI-1 beginning April 1, 2009.
- 4) The Department was incorrect in their decision to terminate the Claimant's QI-1 Medicaid benefits effective March 1, 2009.

IX. DECISION:

It is the decision of the State Hearing Officer to **reverse** the action of the Department in terminating the Claimant's eligibility for Qualified Individual Medicaid benefits effective March 1, 2009. The Claimant became ineligible for QI-1 benefits effective April 1, 2009.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 24th Day of April, 2009.

**Cheryl Henson
State Hearing Officer**