



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
1027 N. Randolph Ave.  
Elkins, WV 26241

Bill J. Crouch  
Cabinet Secretary

Jolynn Marra  
Interim Inspector General

July 25, 2019

[REDACTED]

RE: [REDACTED] v. WVDHHR  
ACTION NOS.: 19-BOR-1833 and 19-BOR-2078

Dear Mr. [REDACTED]

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

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.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Pamela L. Hinzman  
State Hearing Officer  
Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision  
Form IG-BR-29

cc: Misty Cork, WVDHHR

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

██████████,

**Appellant,**

**v.**

**Action Numbers: 19-BOR-1833 & 19-BOR-2078**

**WEST VIRGINIA DEPARTMENT OF  
HEALTH AND HUMAN RESOURCES,**

**Respondent.**

**DECISION OF STATE HEARING OFFICER**

**INTRODUCTION**

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Department of Health and Human Resources' Common Chapters Manual. This fair hearing convened on July 24, 2019, on appeals filed on June 3, 2019.

The matters before the Hearing Officer arise from the Respondent's denial of Qualified Medicare Beneficiary (QMB) benefits for March 2019 and the Respondent's denial of SSI-Related Medicaid benefits.

At the hearing, the Respondent appeared by Misty Cork, Economic Services Supervisor, WVDHHR. The Appellant was represented by his brother, ██████████ and his sister-in-law, ██████████. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Medicaid application received on March 25, 2019
- D-2 Verification checklist dated April 12, 2019
- D-3 West Virginia Income Maintenance Manual Chapter 1.16.9.A
- D-4 Notice of Decision dated May 17, 2019

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

### **FINDINGS OF FACT**

- 1) The Appellant submitted a Medicaid application to the Respondent on March 25, 2019 (D-1).
- 2) The Respondent sent the Appellant's representative a verification checklist on April 12, 2019 (D-2), requesting copies of bank statements, as well as unpaid medical bills to be used to meet a spenddown.
- 3) The Appellant receives \$955.50 (gross income) per month in Social Security benefits, which, after allowable deductions, results in a spenddown of \$4,413 for the six-month period of consideration.
- 4) No medical bills were submitted by the Appellant.
- 5) The Appellant provided bank statements, and Qualified Medicare Beneficiary (QMB) benefits were approved effective April 2019.
- 6) The Respondent sent the Appellant a Notice of Decision on May 17, 2019 (D-4), informing him that QMB (a.k.a. Medicare Premium Assistance) benefits were approved effective April 2019.

### **APPLICABLE POLICY**

West Virginia Income Maintenance Manual Chapter 4.3.1 states that Social Security benefits are countable sources of income for the QMB and SSI-Related Medicaid Programs.

West Virginia Income Maintenance Manual Chapter 1.16.9.A (D-3) states that the beginning date of eligibility for QMB is the first day of the month following the month in which the application for QMB coverage is approved. Eligibility for QMB cannot be backdated unless there is a corrective action.

West Virginia Income Maintenance Manual Chapter 4.14.4.J.1 states that an SSI-Related Medicaid application is denied when an applicant indicates there are no medical bills or anticipated medical expenses in the 30-day application period that may be used to meet the spenddown for the Medicaid AG member(s).

### **DISCUSSION**

Policy states that the beginning date of eligibility for QMB is the first day of the month following the month in which the application for QMB coverage is approved. An SSI-Related Medicaid application is denied when an applicant indicates there are no medical bills or anticipated medical expenses in the 30-day application period that may be used to meet the spenddown for the Medicaid AG member(s).

The Respondent's representative testified that the Appellant resides in the West Virginia Veteran's Administration Nursing Facility and does not receive Long-Term Care Medicaid benefits. The Appellant's representatives testified that the Appellant needed Medicaid coverage for March 2019 as the result of a hospitalization. They indicated that the Appellant did not have unpaid medical bills at the time of application.

### **CONCLUSIONS OF LAW**

- 1) Policy states that an SSI-Related Medicaid application is denied when no medical bills or anticipated medical expenses are submitted in the 30-day application period to meet a spenddown.
- 2) The Appellant was required to meet a spenddown in order to receive SSI-Related Medicaid benefits and submitted no medical bills within the 30-day application period.
- 3) The Appellant's SSI-Related Medicaid application was appropriately denied in accordance with policy.
- 4) The Appellant's QMB and SSI-Related Medicaid application was received by the Respondent in March 2019.
- 5) The beginning date of eligibility for QMB is the first day of the month following the month in which the application for QMB coverage is approved.
- 6) The Respondent's action to deny QMB benefits for March 2019 and approve QMB coverage effective April 2019 is correct based on policy.

### **DECISION**

It is the decision of the State Hearing Officer to UPHOLD the Respondent's denial of SSI-Related Medicaid and the Respondent's action to approve QMB benefits effective April 2019.

**ENTERED this 25<sup>th</sup> Day of July 2019.**

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**Pamela L. Hinzman**  
**State Hearing Officer**

