



**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of the Inspector General
Board of Review**

**Sherri A. Young, DO, MBA, FAAFP
Interim Cabinet Secretary**

**Christopher G. Nelson
Interim Inspector General**

September 12, 2023

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 23-BOR-2613

Dear [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,

Kristi Logan
Certified State Hearing Officer
Member, State Board of Review

Encl: Recourse to Hearing Decision
Form IG-BR-29

cc: Amanda Simmons, [REDACTED] DHHR

Raleigh County DHHR • 407 Neville Street • Beckley, West Virginia 25801
304.256.6930 ext. 10643 • 304.256.6932 (fax) • Kristi.D.Logan@wv.gov
<https://www.wvdhhr.org/oig/bor.html> • DHHROIGBORE@WV.GOV

[REDACTED],

V.

Respondent.

FINDINGS OF FACT

- 1) The Appellant was a recipient of Adult Medicaid benefits.
- 2) The Appellant underwent an eligibility review on August 14, 2023.
- 3) The Appellant receives Social Security benefits of \$2,029 a month.
- 4) The Respondent notified the Appellant on August 18, 2023, that her Adult Medicaid benefits would be terminated effective August 31, 2023, due to excessive income.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §4.7 explains the Modified Adjusted Gross Income (MAGI) methodology for the Adult Medicaid group:

4.7.1 Determining Income Counted for the MAGI Household

Income of each member of the individual's MAGI household is counted. The MAGI household is determined using the MAGI methodology established in Chapter 3.

4.7.4 Determining Eligibility

The applicant's household income must be at or below the applicable MAGI standard for the MAGI coverage groups.

Step 1: Determine the MAGI-based gross monthly income for each MAGI household income group (IG).

Step 2: Convert the MAGI household's gross monthly income to a percentage of the FPL by dividing the current monthly income by 100% of the FPL for the household size. Convert the result to a percentage. If the result from Step 2 is equal to or less than the appropriate income limit (133% FPL), no disregard is necessary, and no further steps are required.

Step 3: If the result from Step 2 is greater than the appropriate limit (133% FPL), apply the 5% FPL disregard by subtracting five percentage points from the converted monthly gross income to determine the household income. **Step 4:** After the 5% FPL income disregard has been applied, the remaining percent of FPL is the final figure that will be compared against the applicable modified adjusted gross income standard for the MAGI coverage groups.

Chapter 4 Appendix A: Income Limits

133% of the FPL for a one-person AG: \$1,616

100% of the FPL for a one-person AG: \$1,215

Families First Coronavirus Response Act and Fiscal Year (FY) 2023 Omnibus Appropriations Bill provide in relevant sections:

During the COVID-19 Public Health Emergency (PHE), provisions were stipulated permitting the Respondent to provide continuous coverage to Medicaid recipients, regardless of income, during the PHE. On December 23, 2022, the end of Medicaid continuous enrollment was set as April 1, 2023.

DISCUSSION

Pursuant to policy, the income limit for a one-person assistance group for Adult (MAGI) Medicaid benefits is \$1,616, or 133% of the federal poverty level. A 5% disregard is applied if the deduction would bring the assistance group's income below the 133% federal poverty level income limit.

The Appellant's gross monthly income is \$2,029. To determine if the Appellant is eligible for the 5% disregard, her monthly income is divided by 100% of the federal poverty level: $\$2,029.68 / 1,215 = 1.66$ which is then converted to a percentage, 166%. Since the application of the 5% disregard would not bring the Appellant's income that is 166% of the federal poverty level below the allowable income limit of 133% of the federal poverty level, the disregard is not applied. The Appellant's income is excessive to receive Adult Medicaid benefits.

The Appellant did not dispute the amount of income used in determining Medicaid eligibility but testified that she has health problems that will likely result in the need for surgery (Exhibit A-1). The Appellant stated she is not eligible for Medicare until April 2024.

Whereas the Respondent acted in accordance with policy and the Board of Review lacks the authority to grant policy exceptions, the decision to terminate the Appellant's Adult Medicaid benefits due to excessive income is affirmed.

CONCLUSIONS OF LAW

- 1) The income limit for a one-person assistance group for Adult Medicaid benefits is \$1,616
- 2) The Appellant's gross monthly income is \$2,029.
- 3) The Appellant's income is excessive to receive Adult Medicaid benefits.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to terminate the Appellant's Adult Medicaid benefits.

ENTERED this 12th day of September 2023.

Kristi Logan
Certified State Hearing Officer