



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1400 Virginia Street
Oak Hill, WV 25901

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

March 17, 2008

Dear Mr. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held March 14, 2008. Your hearing request was based on the Department of Health and Human Resources' decision to terminate Qualified Medicare Beneficiary (QMB) benefits.

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 QMB program is based on current policy and regulations. Some of these regulations state as follows: Countable income is determined by subtracting any allowable disregards and deductions from the total non-excluded gross income. To be eligible for QMB, income must be equal to or less than the income limit for its size (West Virginia Income Maintenance Manual Section 10.16 B).

The information which was submitted at your hearing revealed that your net income exceeds the limit for you to continue to receive QMB.

It is the decision of the State Hearings Officer to **uphold** the decision of the Department to terminate Claimant's QMB benefits.

Sincerely,

Kristi Logan
State Hearings Officer
Member, State Board of Review

Cc: Erika H. Young, Chairman, Board of Review
Susan Godby, Economic Service Supervisor, DHHR

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

_____,
Claimant,

Action Number: 08-BOR-821

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 14, 2008 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 14, 2008 on a timely appeal, filed January 31, 2008.

It should be noted here that the claimant's benefits have been continued pending a hearing decision.

II. PROGRAM PURPOSE:

The Program entitled Qualified Medicare Beneficiary (QMB) is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

The QMB program provides 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.

III. PARTICIPANTS:

_____, Claimant
Susan Godby, Economic Service Supervisor, DHHR

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

IV. QUESTIONS TO BE DECIDED:

The question(s) to be decided is whether the Department's decision to terminate Claimant's QMB benefits is correct.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Sections 9.12 C(1), 10.16 B, 10.22 B(2) and Chapter 10 Appendix A

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Form IG-BR-29
- D-2 Notification Letter dated January 26, 2008
- D-3 WV Income Maintenance Manual Section 10.16
- D-4 WV Income Maintenance Manual Appendix A effective dates February 2007 and March 2008
- D-5 Department's Hearing Summary

Claimants' Exhibits:

- C-1 None

VII. FINDINGS OF FACT:

- 1) A notification letter was issued January 26, 2008 when Claimant's Social Security income was updated in the computer system to the 2008 amount of \$889. The notification letter reads in part (D-2):

Your Qualified Medicare Beneficiary Coverage will stop.

Reason: Income is more than the net income limit for you to receive benefits.

- 2) Claimant's Social Security Disability benefits increased to \$889 gross monthly effective January 1, 2008. His wife has no income.

- 3) WV Income Maintenance Manual Section 9.12 C(1) states:

An eligible individual with an ineligible spouse with no deemed income uses the income limit for a single individual.

- 4) WV Income Maintenance Manual Section 10.22 B(2) states:

A \$20 SSI disregard is applied to the total gross unearned income.

- 5) WV Income Maintenance Manual Section 10.16 B countable income for QMB coverage is determined as follows:

Step 1: Determine the total non-excluded gross unearned income and subtract the appropriate disregards.

Step 2: Determine the total non-excluded gross earned income.

Step 3: Add unearned income from Step 1 above.

Step 4: Subtract the amount of income diverted to a PASS account and the Death Benefit deduction. The result is the total monthly countable income.

Step 5: Compare the amount in Step 4 to the QMB income levels for the appropriate number of persons. If the amount is less than or equal to the QMB income levels, the person is eligible.

- 6) WV Income Maintenance Manual Appendix A shows the income limit for a single individual for QMB is \$851, effective February 2007. Effective March 2008, the income limit for a single individual for QMB increased to \$867.

VIII. CONCLUSIONS OF LAW:

Claimant's net income, after the only allowable deduction of the SSI \$20 disregard, is \$869. This net amount exceeds the income limit for a single individual for QMB.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the Department's decision to terminate Claimant's QMB benefits.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 17th Day of March, 2008.

Kristi Logan
State Hearing Officer