



**State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
150 Maplewood Avenue
Lewisburg, WV 24901**

**Joe Manchin III
Governor**

**Martha Yeager Walker
Secretary**

December 6, 2006

Dear Ms. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held December 1, 2006. Your hearing request was based on the Department of Health and Human Resources' action to deny benefits under the WV Children's Health Insurance Program (WV CHIP).

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 WV Children's Health Insurance Program is based on current policy and regulations. Some of these regulations state as follows: It is a requirement that the child does not have individual or group health insurance coverage. Most children with health coverage will not qualify for WV CHIP. (Section 7.14A of the West Virginia Income Maintenance Manual)

The information which was submitted at your hearing revealed that your daughter has health insurance through her stepmother's health plan.

It is the decision of the State Hearing Officer to uphold the action of the Department to deny benefits under WV CHIP.

Sincerely,

Margaret M. Mann
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Bonnie Vaughn, DHHR

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

_____,
Claimant,

v.

Action Number: 06-BOR-3251

**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 December 1, 2006 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 December 1, 2006 on a timely appeal, filed November 2, 2006.

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

II. PROGRAM PURPOSE:

The Program entitled WV Children's Insurance is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

Medical coverage under the WV Children's Health Insurance Program (**WV CHIP**) is health insurance administered through the Public Employees Insurance Agency (PEIA) with benefits provided by Acordia National for children from age 1 through age 18. WV CHIP is a means-tested insurance program for which the Department determines eligibility and provides information to PEIA for administration.

III. PARTICIPANTS:

_____, Claimant
Bonnie Vaughn, Department Hearing Representative

Presiding at the hearing was Margaret M. Mann, 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 was correct in the decision to deny the claimant's application for WV CHIP because of other insurance coverage.

V. APPLICABLE POLICY:

Section 7,14A and Appendix A, Chapter 7 of the West Virginia Income Maintenance Manual

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Notification Letter dated 10/25/06
- D-2 Sections 7.9, 7.14, 9.7-8, and 16.5 of the WV Income Maintenance Manual
- D-3 Appendix A, Chapter 10 of the WV Income Maintenance Manual

Claimant's Exhibits:

- C-1 Insurance Card
- C-2 Notice of hearing for Family Court of [REDACTED]

VII. FINDINGS OF FACT:

- 1) On 10/06/06, the claimant reapplied for a medical card for her daughter [REDACTED] under the Qualified Child Medicaid coverage group. Her income was over the allowable limits and eligibility was evaluated for WV CHIP.
- 2) [REDACTED] is covered under her stepmother's health insurance. Coverage under WV CHIP was denied.
- 3) A letter dated 10//25/06 was mailed to the claimant. It reads in part: Your 10/06/06 application for WV Children's Health Insurance Program (WV CHIP) has been denied. Reason: Your current health insurance plan does not qualify you for WV Children's Health Insurance (CHIP) coverage based on acceptable health insurance plans outlined by the WV CHIP Board. (D-1) The claimant requested a hearing on 11/02/06.
- 4) Testimony from Ms. _____ revealed that [REDACTED] has just general medical coverage under the plan she has through her stepmother. There are no dental or eye plans. Prescriptions are not covered. The insurance is under the [REDACTED] Hospital Medical Benefits Plan. (C-1)
- 5) The requirements for WV CHIP children are outlined in Section 7.14A of the West Virginia Income Maintenance Manual. One of these requirements is that the child does

not have individual or group health insurance coverage. Most children with health coverage will not qualify for WV CHIP.

- 6) Appendix A, Chapter 7 of the West Virginia Income Maintenance Manual entitled “Definitions of Insurance for WV CHIP” reads in part: **Group Health Insurance Coverage:** Health insurance coverage offered in connection with a group health plan. **Group Health Plan:** An employee welfare benefit plan that provides medical care and services to employees or their dependents, as defined under the plan, directly through insurance, reimbursement, or otherwise. **Health Insurance Coverage:** Benefits consisting of medical care, provided directly, through insurance or reimbursement, or otherwise, and including items and services paid for as medical care under any hospital or medical service policy or certificate, hospital or medical service plan contract, or HMO contract, offered by a health insurance issuer.

VIII. CONCLUSIONS OF LAW:

- 1) One of the eligibility criteria for WV CHIP is that the child does not have individual or group health insurance coverage.
- 2) The child in this case does have medical coverage through her stepmother’s plan at work.
- 3) The denial of the application is valid.

IX. DECISION:

It is the finding of the State Hearing Officer that the Department is upheld in the decision to deny the claimant’s application for WV CHIP.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant’s Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 6th Day of December, 2006.

**Margaret M. Mann
State Hearing Officer**