



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
1400 Virginia Street
Oak Hill, WV 25901

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

October 19, 2016

[REDACTED]
[REDACTED]
[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 16-BOR-2669

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
State Hearing Officer
Member, State Board of Review

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

cc: Holly Edwards, [REDACTED] County DHHR

FINDINGS OF FACT

- 1) The Appellant applied for WV CHIP benefits for her children on August 5, 2016.
- 2) The Department sent notice to the Appellant on August 26, 2016, advising that WV CHIP benefits could not be approved as the Appellant's children were covered under her Public Employees Insurance Agency (PEIA) plan.
- 3) The Appellant contested the denial as her current health insurance does not provide dental or vision coverage.

APPLICABLE POLICY

West Virginia Income Maintenance Manual §7.14(A)(7) states that a child is not eligible for WV CHIP benefits if the child is receiving a state group health plan based on a family member's employment with a public agency that has access to a state health plan.

Any child who has access to insurance through a state health plan, including Public Employee Insurance Agency (PEIA), may now receive WV CHIP, if otherwise eligible and **currently not enrolled** [emphasis added]. West Virginia has expanded coverage which allows WV CHIP to offer benefits to children of public employees having income of up to 300% of the Federal Poverty Level. During PEIA's open enrollment period, children can be evaluated for eligibility for WV CHIP, and if otherwise eligible, will have coverage beginning July 1st of the coverage year. Due to IRS Section 125 rules regarding life-changing events, PEIA can only disenroll children during the program's open enrollment period. The only exception is for new employees that have not yet enrolled in PEIA. New employees have 60 days from date of hire to enroll in PEIA. This occurs simply for the processing of the CHIP applications. The client must show an approval letter for CHIP coverage to be able to disenroll from active PEIA coverage.

DISCUSSION

The Appellant testified that she is a teacher employed with the [REDACTED] County, West Virginia, and recently transferred from the [REDACTED] County school district. Due to the change in employment, she is no longer eligible for vision or dental coverage without an additional cost. The Appellant reported that PEIA will not allow her to drop her children's coverage under her insurance until she has a WV CHIP approval letter.

Pursuant to policy, children currently enrolled in a state health plan are not eligible for WV CHIP benefits. During PEIA's open enrollment period, the Appellant's children may be evaluated for WV CHIP benefits and if income eligible, WV CHIP coverage will begin effective July when PEIA coverage for her children can be cancelled.

CONCLUSIONS OF LAW

- 1) Pursuant to policy, children currently enrolled in a state health insurance plan are ineligible for WV CHIP benefits.
- 2) The Appellant's children are currently enrolled in PEIA health insurance plan.
- 3) Children enrolled in a state health insurance plan may be evaluated for WV CHIP benefits during its open enrollment period, with coverage beginning the following July.
- 4) The Appellant did not apply for WV CHIP benefits during PEIA's open enrollment period.
- 5) The Department correctly denied the Appellant's application for WV CHIP benefits.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Department's decision to deny the Appellant's application for West Virginia Children's Health Insurance Program benefits.

ENTERED this 19th day of October 2016

Kristi Logan
State Hearing Officer