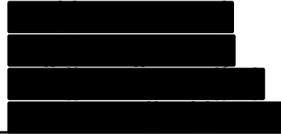




STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

MQB/170246

PRELIMINARY RECITALS

Pursuant to a petition filed November 20, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on December 16, 2015, at Milwaukee, Wisconsin.

There remains no issue for determination.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Julie Salmeron

Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Corinne Balter
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. The petitioner (CARES # [redacted]) is a resident of Milwaukee County. She is currently in a nursing home.
2. The petitioner applied for institutional Medicaid coverage requesting three months of back date coverage.

3. On November 23, 2015 the Division of Hearings and Appeals received the petitioner's Request for Fair Hearing.
4. The petitioner provided the agency the required verification prior to the fair hearing.
5. On the date of the fair hearing, the agency determined that the petitioner was eligible for institutional Medicaid coverage with the requested three month back date.
6. The petitioner was denied SLMB, but the petitioner is no longer concerned with the SLMB coverage given that she is now eligible for institutional Medicaid coverage.

DISCUSSION

Qualified Medicare Beneficiary (QMB), Special Low Income Medicare Beneficiary (SLMB), and SLMB Plus are programs which provide assistance with Medicare Part B premiums for persons whose incomes are over the regular Medical Assistance limits. All three programs pay the entire Part B premium. See the MA Handbook, Appendix 32.1.1 for a full description of the programs. Applications for these programs are processed concurrently with Medical Assistance applications using the same processing rules.

Under MA rules assets must be verified. Wis. Adm. Code, §DHS 102.03(3)(h); MA Handbook, Appendix 20.3.5. To verify means to establish the accuracy of verbal or written statements about an applicant's circumstances. Handbook, App. 20.1.1. An application for MA "shall be denied when the applicant or recipient is able to produce required verifications but refuses or fails to do so." Wis. Adm. Code, §DHS 102.03(1); see also the MA Handbook, App. 2.7.1.

The petitioner was seeking institutional Medicaid coverage. She resides in a nursing home, and sought coverage with a three month back date. Her application was processed concurrently for SLMB coverage. That coverage was denied, and she appealed. Her institutional Medicaid coverage had not been denied. That portion of the application was pending for verification. She provided the required verification, and is eligible and receiving institutional Medicaid coverage with a three month back date. Institutional Medicaid coverage was what she was seeking, and there remains no issue for my determination.

CONCLUSIONS OF LAW

There remains no issue for determination.

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 22nd day of December, 2015

\sCorinne Balter
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on December 22, 2015.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability