



STATE OF WISCONSIN  
Division of Hearings and Appeals

In the Matter of



DECISION

MAP/170842

PRELIMINARY RECITALS

Pursuant to a petition filed December 18, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on January 27, 2016, at Milwaukee, Wisconsin.

The issue for determination is whether Petitioner’s Medicare Savings Programs (MSP)-Qualified Medicare Beneficiary (QMB) eligibility may be backdated upon a new application.

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

ADMINISTRATIVE LAW JUDGE:

David D. Fleming  
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # ) is a resident of Milwaukee County.
2. Petitioner had been a recipient of Medicare Savings Programs Specified Low-Income Medicare Beneficiary benefits but those benefits ended July 31, 2015 as Petitioner was working and had income in excess of MSP income limits. Petitioner was notified of the discontinuance by a Notice of Decision dated June 29, 2015.
3. On December 9, 2015 Petitioner contacted the agency and requested MSP benefits 2015. That application was approved for QMB benefits and those benefits began January 1, 2016.

## DISCUSSION

Medicare is an insurance program and charges coinsurance, deductibles and monthly premiums. These out-of-pocket expenses of Medicare beneficiaries are generally referred to as 'Medicare cost-sharing.' For certain Wisconsin residents who receive Medicare, Wisconsin Medicaid pays some or all of their Medicare cost-sharing. These State Medicaid programs are called Medicare Savings Programs (MSP). *Medicaid Eligibility Handbook (MEH)*, §32.1.1. There are 4 levels to the MSPs per the MEH at §32.1.1:

- Qualified Medicare Beneficiary (QMB).
- Specified Low-Income Medicare Beneficiary (SLMB).
- Specified Low-Income Medicare Beneficiary Plus (SLMB+), also known as Qualifying Individuals - 1 (QI-1).
- Qualified Disabled and Working Individuals (QDWI).

The MSP benefits are:

### 32.1.3 MSP Benefits

1. QMB Medicaid pays Medicare Part A & B premiums and Medicare deductibles and coinsurance.
2. SLMB Medicaid pays Medicare Part B premiums.
3. SLMB +. Medicaid pays Medicare Part B premiums.
4. QDWI Medicaid pays Medicare Part A premiums.  
*MEH*, §32.1.3.

Further, per the *MEH*:

### 32.7.1.1 QMB Applications

For initial applications, QMB benefits begin on the first of the month after the month in which the individual is determined to be eligible/confirmed in CARES.  
*MEH*, §32.7.1.1.

Thus, based upon the December 2015 reapplication the agency correctly started Petitioner's QMB benefits on January 1, 2016.

## CONCLUSIONS OF LAW

That QMB benefits begin in the month after the month of completion of application processing, thus with an application in December 2015, September 2105 is the correct start month.

**THEREFORE, it is**

**ORDERED**

That this appeal 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 7th day of March, 2016

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\sDavid D. Fleming  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on March 7, 2016.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability