



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MGE/152884

PRELIMINARY RECITALS

Pursuant to a petition filed October 17, 2013, under Wis. Stat., §49.45(5), to review a decision by Columbia County Health & Human Services to deny Medical Assistance (MA), a hearing was held on December 5, 2013, by telephone.

The issue for determination is whether the county correctly determined an MA deductible.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Lori Allen
Columbia County Health & Human Services
P.O. Box 136
Portage, WI 53901

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Columbia County.
2. Petitioner was not receiving MA in the summer, 2013 because she was receiving unemployment compensation along with social security. The UC ended and petitioner's case was updated. Effective August 1, 2013, MA and Qualified Medicare Beneficiary (QMB) benefits were opened.
3. When the QMB took effect, petitioner's income increased by \$105 because the Medicare Part B premium no longer was being taken out of her social security. Her social security thus increased to \$835 monthly.

4. By a notice dated September 16, 2013, the county informed petitioner that MA would end October 1. Petitioner would have to meet a \$1,339.98 deductible to become eligible.

DISCUSSION

When a person's income is over the MA limit, an MA deductible, also known as a spend-down, must be met before eligibility begins. Wis. Stat., §49.47(4)(c)2; Wis. Admin. Code, §DHS 103.08(2)(a); MA Handbook, App. 24.2. The current income limit for a one-person household is \$591.67. MA Handbook, App. 39.4.1. The deductible is determined by subtracting the MA limit from the person's net income, and then multiplying the result by six.

An MA deductible is calculated for a six-month period. When that period ends, a new deductible is then established for the next six months. Admin. Code, §DHS 103.08(2)(c); MA Handbook, App. 24.3. To obtain MA during the deductible period, the client must submit to the economic support worker copies of medical bills incurred. MA eligibility begins as of the date that the incurred bills meet the deductible amount.

When the QMB kicked in petitioner's income increased to \$835 because the Part B premium was added back to the income. After a standard \$20 deduction, the remaining \$815 is \$223.33 over the limit, and that amount times six equals \$1,339.98.

Petitioner stated that a specialist with the state told her that her income should be compared to \$793.78 instead of \$591.67. The specialist was incorrect. There are two calculations made for an elderly or disabled person seeking MA. The first is to determine if she is "categorically needy." If so, she is eligible for MA without a deductible. The categorical income limit is \$557.11 plus shelter costs up to a maximum of \$236.67, or \$793.78. See the MA Handbook, App. 15.1.4. When petitioner did not have QMB eligibility, she was categorically eligible for MA because her \$730 monthly income was less than \$793.78.

If income is above \$793.78, the second calculation, for "medically needy," is done. That process is described in the MA Handbook, App. 15.1.4 and 24.5. Net income after the \$20 disregard is compared to the medically-needy income limit, and if above that limit, a deductible is established. The medically-needy income limit is \$591.67 according to the Handbook, App. 39.4.1.

I conclude that the county correctly determined petitioner's MA eligibility after her income increased due to the QMB paying her Medicare Part B premium.

CONCLUSIONS OF LAW

The county correctly determined petitioner's MA deductible after her income increased.

THEREFORE, it is

ORDERED

That the petition for review herein be and the same is hereby dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found 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 served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Room 651, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Madison,
Wisconsin, this 9th day of December, 2013

\sBrian C. Schneider
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 December 9, 2013.

Columbia County Health & Human Services
Division of Health Care Access and Accountability