



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MQB/158300

PRELIMINARY RECITALS

Pursuant to a petition filed June 11, 2014, under Wis. Stat., §49.45(5), to review a decision by the Dane County Dept. of Human Services in regard to Medicare Assistance, a hearing was held on July 17, 2014, by telephone.

The issue for determination is whether petitioner is eligible for Qualified Medicare Beneficiary (QMB) benefits.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Kathy Judd

Dane County Dept. of Human Services
1819 Aberg Avenue
Madison, WI 53704-6343

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Dane County.
2. Petitioner moved back to Wisconsin in 2013. Since June, 2013, she has been eligible for Medicare Premium Assistance under the Special Low Income Medicare Beneficiary (SLMB) program. She completed a review in May, 2014, and by a notice dated May 7, the county informed her that SLMB would continue effective June 1, 2014.
3. Petitioner filed this appeal seeking Qualified Medicare Beneficiary (QMB) benefits.

4. Petitioner's monthly income is \$1,145 social security.

DISCUSSION

QMB, 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, but QMB also pays some other costs such as co-pays. See the MA Handbook, Appendix 32.1.1 for a full description of the programs.

The programs have progressively higher income limits. The QMB income limit for one person is \$972.50 (100% of the federal poverty level). Handbook, App. 39.5. The SLMB limit is \$1,167 (120% of the FPL). Handbook, App. 32.3 and 39.5. A person qualifies for SLMB Plus if income is below \$1,312.88 (135% of the FPL). Handbook, App. 32.4 and 39.5. The FPL limits for the programs are mandated by Wis. Stat., §49.468(1)(d) for QMB and §49.468(1m)(b) for SLMB.

The county budgeted \$1,145 as petitioner's monthly income. With a standard \$20 deduction, that meant that counted income was \$1,125, which is well above the QMB limit but below the SLMB limit.

Petitioner testified that she received QMB in other states in which she lived. Because these programs are largely state-funded, it is possible that the income limits were higher in the other states. However, in Wisconsin the income limit is clear. To be eligible for QMB income must be below 100% of the FPL. I can find no mechanism by which the Division of Hearings and Appeals can order QMB eligibility for someone with income above that level.

CONCLUSIONS OF LAW

The county correctly determined that petitioner is eligible for SLMB, but not for QMB.

THEREFORE, it is

ORDERED

That the petition for review herein be and the same is hereby 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 Madison,
Wisconsin, this 22nd day of July, 2014

\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 July 22, 2014.

Dane County Department of Human Services
Division of Health Care Access and Accountability