



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[Redacted]
[Redacted]
[Redacted]
[Redacted]
Redact

DECISION

MGE/161961

PRELIMINARY RECITALS

Pursuant to a petition filed November 14, 2014, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Wood County Human Services - WI Rapids in regard to Medical Assistance, a hearing was held on December 04, 2014, at Wisconsin Rapids, Wisconsin.

The issue for determination is whether the agency erred in its enrollment of petitioner in QMB effective 12/1/14 rather than 11/1/14.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted]
[Redacted]
[Redacted]
[Redacted]
Redact

Petitioner's Representative:

Attorney [Redacted]
[Redacted]
[Redacted]
Redact

Respondent:

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

By: [Redacted]
Wood County Human Services - WI Rapids
320 West Grand Avenue
PO Box 8095
Wisconsin Rapids, WI 54495-8095

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]) is a resident of Wood County.

2. Petitioner applied for QMB on 9/25/14.
3. Petitioner completed an application interview on 9/30/14.
4. On 10/1/14 notice (see ex. #2) was sent to petitioner informing him that he was required to sign the application and submit bank statements to verify his assets. The due date for those actions was 10/27/14.
5. On that same date, a separate notice (see ex. #1) was sent informing petitioner that he would be receiving an increased FS allotment and was being denied for Medicaid. Petitioner had not intended to apply for Medicaid. But, apparently the agency processed the application for Medicaid as well as QMB.
6. Petitioner filed a request for hearing on November 14, 2014.
7. On 11/26/14, petitioner ultimately signed the application and provided required verification for QMB eligibility.
8. The agency enrolled petitioner in QMB effective 12/1/14.

### **DISCUSSION**

Medicare is the health insurance program administered by the federal Centers for Medicare & Medicaid Services (CMS) for people over 65 and for certain younger disabled people. Medicare is divided into two types of health coverage. Hospitalization Insurance (Part A) pays hospital bills and certain skilled nursing facility expenses. Medical Insurance (Part B) pays doctors' bills and certain other charges.

Because Medicare is an insurance program, it charges premiums. Wisconsin MA pays some or all Medicare premiums for the persons participating in the programs described below:

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

See *MA Eligibility Handbook (MEH)*, §32.1.1, online at <http://www.emhandbooks.wi.gov/meh/>.

The petitioner wants his QMB backdated to November 1, 2014. In general, backdating for MA is possible. The *Medicaid Eligibility Handbook*, §2.8.2 states the following:

### 2.8.2 Backdated Eligibility

If certifying for retroactive Medicaid, do not go back further than the first of the month, three months prior to the application month. Certify the person for any backdate month in which s/he would have been eligible had s/he applied in that month.

However, QMB operates under its own standards. Backdating is limited to the first day of the month when there is an application. Backdating prior to that time can occur only as specified in the *Medicaid Eligibility Handbook*, §32.8.1, which states:

Occasionally, the benefits of a person who is eligible for QMB did not begin on the first of the following month as they were supposed to. This can occur if:

1. The eligibility process was not completed within 30 days.
2. Certification of eligibility was not completed.
3. A fair hearing decision has ordered backdated QMB benefits.

It is unfortunate that there was confusion in this case. But, that confusion is understandable due to the parallel notices sent to petitioner on 10/1/14. Petitioner claims he did not receive the notice requesting verification but only the Medicaid denial. He had not applied for Medicaid, however. Petitioner believed that this denial was a denial for the program he had applied for: QMB. Petitioner's failure to provide the verification timely would have been an understandable result regardless of whether he had received the request for verification. In this case, the agency does not dispute that petitioner was financially eligible at the time of the application. The only reason for the later enrollment date is the late signature and verification. That verification was provided once petitioner realized the error. Under these limited circumstances, backdating enrollment to 11/1/14 is appropriate.

### **CONCLUSIONS OF LAW**

1. The petitioner was eligible for QMB as of November 1, 2014.

**NOW, THEREFORE, it is ORDERED**

That the county agency certify the petitioner for QMB for the months of November 2014, within 10 days from the date of this Order.

### **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 29th day of  
January, 2015

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\sJohn P. Tedesco  
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 January 29, 2015.

Wood County Human Services - WI Rapids  
Division of Health Care Access and Accountability  
Attorney Redact