



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[Redacted]
[Redacted]
Redact

DECISION

MQB/163699

PRELIMINARY RECITALS

Pursuant to a petition filed February 2, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Dodge County Department of Human Services in regard to a Medical Assistance-related benefit, a hearing was held on April 28, 2015, by telephone. A hearing set for March 25, 2015, was rescheduled at the petitioner’s request.

The issue for determination is whether the county agency correctly discontinued the petitioner’s Medicare Premium Assistance/SLMB benefit effective January 1, 2015.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted]
[Redacted]
Redact

Respondent:

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

By: [Redacted], ES Spec.
Dodge County Department of Human Services
143 E. Center Street
Juneau, WI 53039-1371

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon
Division of Hearings and Appeals

FINDINGS OF FACT

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

2. The petitioner had an ongoing SLMB case prior to January 2015, as a household of two persons (self and spouse). At a periodic case review in December 2014, the petitioner opted to participate in the MAPP program for disabled adults. MAPP allows a person to receive full service Medicaid without a large deductible. The household income consists of the petitioner's \$834 in Social Security Disability, her husband's \$899 in Social Security Disability, and their \$5.00 monthly in babysitting income. All of these amounts total **\$1,738**, from which the agency was able to subtract \$20 (due to disabled status) in disregards.
3. On December 8, 2014, the Department issued written notice to the petitioner advising that her SLMB/Medicare Premium Assistance would be discontinued effective January 1, 2015. The basis for discontinuance was income over the "SLMB" limit. On February 9, 2015, the agency issued another notice to the petitioner advising that she was still not eligible for SLMB/Medicare Premium Assistance due to MAPP status and excess income. The petitioner timely appealed.
4. At hearing, the petitioner did not contest the household's gross income figures.

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.

Medicare is an insurance program that charges premiums. Wisconsin *Medical Assistance* (MA) pays some or all Medicare premiums for eligible persons through the subprograms 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).

MA Eligibility Handbook (MEH), 32.1.1, online at <http://www.emhandbooks.wisconsin.gov/meh-ebd/meh.htm>. QMB pays for Medicare Part A and B premiums, SLMB and SLMB+ pay Medicare Part B premiums, and QDWI pays Part A premiums. *Id.*, §32.1.3. Subprograms 1 through 4 are collectively referred to as Medicare Premium Assistance programs.

The income limit for QMB is up to 100% of the federal poverty level. For SLMB the limit is from 100% to 119%, and for SLMB+ it is 120% to 134% of the federal poverty level. *MEH*, 32.2 – 32.5. Gross income is used in income testing. *MEH*, 15.1.5 & 32.1.1.

In 2015, 100% of the monthly federal poverty level for two persons is \$1,310.83, 120% is \$1,573.00, and 135% is \$1,769.13. *Id.*, 39.5. Because the petitioner's income exceeds the QMB and SLMB (\$1,573.00) amounts, the agency declined to provide her with either the QMB or SLMB form of Medicare Premium Assistance.

The petitioner’s income *is* below the \$1,769.13 SLMB+ limit. However, there is another problem. To qualify for SLMB+, the applicant cannot already be certified for any form of MA. *Id.*, § 32.4.1. The petitioner is getting full MA through MAPP. Thus, the agency acted correctly here.

CONCLUSIONS OF LAW

1. The county agency correctly determined that the petitioner was not eligible for Medicare Premium Assistance (specifically, SLMB+) effective January 1, 2015, due to receiving MA through MAPP.

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 Madison,
Wisconsin, this 19th day of May, 2015

\sNancy J. Gagnon
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 May 19, 2015.

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