



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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MQB/164905

PRELIMINARY RECITALS

Pursuant to a petition filed March 24, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Winnebago County Department of Human Services in regard to Medical Assistance, a hearing was held on April 29, 2015, at Neenah, Wisconsin.

The issue for determination is whether Petitioner is financially eligible for Medicare Savings Plan benefits.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Jeanie Ortiz

Winnebago County Department of Human Services
220 Washington Ave.
PO Box 2187
Oshkosh, WI 54903-2187

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Winnebago County.
2. Petitioner's Medicaid group size is 2 – Petitioner and spouse.
3. Petitioner filed this appeal to contest the discontinuance of Medicare Savings Plan benefits.

4. Petitioner married in late 2014. With the inclusion of income for Petitioner's spouse, household income is just over \$3000.00, all from Social Security benefits.
5. Petitioner receives Medicaid via the MAPP program; that has not been affected here.

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.

When a couple lives together the income of both is counted:

32.1.2 MSP Fiscal Test Group

The fiscal test group (*FTG*) size is two when a couple is living together at home. If they are both living in the same nursing home, each person is an individual FTG.
MEH, §32.1.2; also see *MEH*, §15.1.

The income limits for a group of 2 are percentages of the Federal Poverty Level (FPL) and are as follows:

QMB	-	100% FPL - \$1310.83, <i>MEH</i> , §§32.2.3 and 39.5;
SLMB	-	120% FPL - \$1573.00, <i>MEH</i> , §§32.3.2
SLMB	-	135% FPL - \$1769.63, <i>MEH</i> , §§32.4.2 and 39.5.
QDWI	-	200% FPL - \$2621.67, <i>MEH</i> , §32.5.2 and 39.5.

Petitioner's income is over the income limits for the all of the MSP levels of benefits.

Petitioner stated that she did check with Medicaid and Medicare before getting married and was assured it would have no effect on health care benefits. There is no way to know what exactly was said or what the understanding of the parties to the conversation was. Nonetheless, the MSP income limits are as noted above and the Division of Hearings and Appeals does not have authority to change those limits.

Finally, Petitioner's appeals also notes needing assistance through the Family Care Program, IRIS or a similar program. The initial contact for those programs is the county Aging and Disability Resource

Center (ADRC). In Winnebago County that phone number is (877) 886-2372 and there is an office in Neenah at 211 N Commercial St.

CONCLUSIONS OF LAW

That Petitioner is not eligible for MSP benefits as Petitioner's income is in excess of MSP limits.

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 10th day of June, 2015

\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 June 10, 2015.

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