



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of:

Redact
Redact
Redact
Redact

DECISION

MGE/165612

PRELIMINARY RECITALS

Pursuant to a petition filed April 21, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the La Crosse County Department of Human Services ["County"] in regard to Medical Assistance ["MA"], a Hearing was held via telephone on May 14, 2015.

The issue for determination is whether the \$335 paid monthly for health benefits under the retiree plan for petitioner's husband may be deducted from petitioner's income for purposes of institutional MA.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

Redact (not present at
May 14, 2015 Hearing)
c/o Redact
Redact
Redact

Represented by:

Redact, petitioner's
husband
Redact

Respondent:

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

BY: Redact, ES Supervisor
La Crosse County Department of Human Services
300 N. 4th Street
PO Box 4002
La Crosse, WI 54601

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [Redact]; 87 years old) is a resident of Jackson County, Wisconsin.
2. Petitioner resides in a nursing home and is receiving institutional MA; petitioner's husband resides in the community.
3. Petitioner's husband worked for [Redact] and is now retired; as a retiree he receives health care benefits from [Redact] which cost \$335 per month; the health care benefits provide benefits for both him and petitioner; should he die before petitioner petitioner could continue receiving the health care benefits at the same cost (\$335 per month).
4. By an *About Your Benefits* letter notice dated February 23, 2015 petitioner was informed that effective April 1, 2015 the monthly cost of care that she must pay would be \$868.24; this is because the \$335 per month paid for her husband's retiree health care benefit would no longer be deducted from petitioner's income.

DISCUSSION

Petitioner argues that the \$335 monthly payment should continue to be deducted from her income (which would result in a lower monthly cost of care that she must pay). However, health insurance¹ costs are an allowed deduction only if the primary person is the owner of the policy and is billed for the premium. *Medicaid Eligibility Handbook* ["MEH"] 27.6.4; See also, Wis. Admin. Code §§ DHS 103.07(1)(d)3. & 103.075(6)(c)4.a. (December 2008). In this case, petitioner is the primary person but she is not the owner of the policy (the retiree health benefit belongs to her husband). Therefore, the \$335 monthly payment cannot be deducted from petitioner's income.

CONCLUSIONS OF LAW

For the reasons discussed above, the \$335 paid monthly for health benefits under the retiree plan for petitioner's husband cannot be deducted from petitioner's income for purposes of institutional MA.

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

¹ Health insurance coverage includes any arrangement in which a third party agrees to pay for the health care costs of the individual. Wis. Admin. Code § DHS 101.03(69m) (December 2008).

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 4th day of June, 2015

\sSean P. Maloney
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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Madison, WI 53705-5400

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The preceding decision was sent to the following parties on June 4, 2015.

La Crosse County Department of Human Services
Division of Health Care Access and Accountability