

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS
ON REFERRAL BY THE COMMISSIONER OF HEALTH AND SOCIAL SERVICES**

In the Matter of:)
)
D G fka R) OAH No. 13-0548-DKC
) DPA Case No.

DECISION

I. Introduction

D G applied for Denali KidCare Medicaid (DKC) benefits in March 2013. The Division of Public Assistance (Division) denied her application because her household income was greater than the income limit for her household size. Ms. G requested a hearing.

Ms. G’s hearing was held on May 9, 2013. Ms. G and her husband L G participated in the hearing. Both testified. Public Assistance Analyst Jeff Miller represented the Division.

Ms. G is a pregnant woman who lives with her husband and his two children. Because she is not the biological or adoptive mother of her husband’s two children, she has a household of three for DKC eligibility purposes: Ms. G, Mr. G, and their unborn child. Mr. G’s income is greater than the DKC income limits for a three person household. As a result, the Division's decision to deny Ms. G’s application for DKC benefits is affirmed.

II. Facts

Ms. G lives with her husband and his two children. Ms. G is not biologically or legally related to Mr. G’s children. Ms. G is the children’s primary caregiver and is pursuing their adoption, but has not been able to complete that process. Ms. G is pregnant. It is a high risk pregnancy, which results in her being unable to work. She requires frequent ultrasounds, and needs to see a doctor every two weeks. Ms. G does not have health insurance, which affects her ability to obtain needed medical care.¹

Mr. G is the sole income source for the family. The Division estimated that his average gross monthly income was \$4,467 and determined that it made Ms. G financially ineligible for DKC benefits. The Division’s decision was based upon there being three people in the DKC

¹ Ms. G and Mr. G’s testimony.

household, Ms. G, Mr. G, and the unborn child. Mr. G's two children were not counted as part of the household.² The DKC gross monthly income limit for a three person household is \$3,560.³ While Mr. G disagreed with the Division's estimate of his income because his work hours decrease during the spring and summer, he did not dispute that his gross monthly income was greater than \$3,560.⁴

III. Discussion

DKC is a type of Medicaid that provides Medicaid coverage for pregnant women.⁵ Like other types of Medicaid, the DKC program has financial eligibility requirements. The gross allowable monthly income for a three person household is \$3,560. The gross allowable monthly income for a five person household is \$5,027.⁶ DKC pregnant woman coverage counts an unborn child as part of the DKC household.⁷ It is undisputed that Ms. G's household's gross monthly income is greater than the limit for a three person household, but less than the limit for a five person household.

The issue is therefore whether Ms. G's DKC household should include Mr. G's two children. If it does, then Ms. G would qualify for DKC pregnant woman coverage because the household gross monthly income would be less than the program limit of \$5,027 for a five person household (Ms. G, Mr. G, the unborn child, and Mr. G's two children). If, however, Ms. G cannot count Mr. G's two children as part of her household, then she would not qualify because the gross monthly household income would be greater than the program limit of \$3,560 for a three person household (Ms. G, Mr. G, and the unborn child).

The DKC program for pregnant women counts the pregnant woman, her husband if they are living together, and the unborn child(ren) as part of the household for determining financial eligibility.⁸ Biological or adoptive children of the pregnant woman are also counted as part of the household.⁹ However, a pregnant woman's stepchildren are not counted as part of the

² Ex. 4.

³ Ex. 13.

⁴ Mr. G testimony.

⁵ 7 AAC 100.300 - 302.

⁶ 7 AAC 100.302(a)(2); *Alaska Family Medicaid Eligibility Manual Addendum 1*; Ex. 13.

⁷ The DKC pregnant woman coverage category counts an unborn child as part of the household. 7 AAC 100.302(b)(4).

⁸ 7 AAC 100.302(b).

⁹ 7 AAC 100.102(b)(1); 7 AAC 100.104(a)(1); 7 AAC 100.300(a).

household unless those stepchildren are the siblings of an already born child of the pregnant woman (“the parent and the stepparent have a common child living in the home”).¹⁰

The undisputed facts show that Ms. G has a three person household for the purposes of determining her eligibility for DKC coverage. Because she is not the biological or adoptive parent of Mr. G’s children and because Ms. G’s child is not yet born, Mr. G’s children cannot be counted as part of her DKC household. As a result, Ms. G is not financially eligible for DKC coverage. Her need for frequent medical care due to her difficult pregnancy does not change this conclusion. Medical necessity is not a factor that is taken into account when determining DKC eligibility.¹¹

IV. Conclusion

The Division’s denial of Ms. G’s application for DKC pregnant woman Medicaid benefits is affirmed.

Dated this 3rd day of June, 2013.

Signed

Lawrence A. Pederson
Administrative Law Judge

Adoption

The undersigned, by delegation from of the Commissioner of Health and Social Services, adopts this Decision, under the authority of AS 44.64.060(e)(1), as the final administrative determination in this matter.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 25th day of June, 2013.

By: *Signed*

Name: Ree Sailors
Title: Deputy Commissioner, DHSS

[This document has been modified to conform to the technical standards for publication.]

¹⁰ 7 AAC 100.102(b)(2); 7 AAC 100.114(e); 7 AAC 100.116(a)(2); 7 AAC 100.300(a).

¹¹ See 7 AAC 100.300 for a list of eligibility requirements.