

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

In the Matter of)	
)	OAH No. 12-0969-MDE
M Q)	Division No.
_____)	

DECISION

I. Introduction

M Q applied for retroactive Medicaid benefits for the months of July and August 2012. The Division of Public Assistance (Division) denied her application.¹ Ms. Q requested a hearing. Ms. Q’s hearing was held on January 17, 2013. Ms. Q represented herself and testified on her own behalf. Public Assistance Analyst Jeff Miller represented the Division. Eligibility Technician Eric Ross testified for the Division.

Because Ms. Q used Medicaid benefits from another state’s Medicaid program during the months of July and August 2012, she was not eligible for Medicaid benefits from the state of Alaska during those same months. As a result, the Division’s decision denying her application is **AFFIRMED**.

II. Facts

Ms. Q came to Alaska from Pennsylvania at the end of June 2012. The purpose for her visit was the imminent birth of a grandchild. At the time Ms. Q came to Alaska, she wasn’t sure if she would be staying in Alaska. Ms. Q ended up staying in Alaska. Ms. Q has a number of debilitating health conditions and required hospital care during July 2012.²

Ms. Q was receiving Medicaid benefits through the State of Pennsylvania during the months of July and August 2012. She used the Pennsylvania Medicaid benefits to pay for prescriptions during those months.³ Her Pennsylvania Medicaid benefits were terminated effective August 23, 2012.⁴ Ms. Q was approved for Alaska Medicaid benefits on September 4, 2012.⁵

¹ Ex. 2.19.
² Q testimony.
³ Q testimony; Ex. 2.14.
⁴ Exs. 2.15 – 2.16.
⁵ Ex. 1.

Ms. Q requested that she receive retroactive Alaska Medicaid benefits for the months of July and August 2012.⁶ The Division denied her request because she had used Medicaid benefits from another state.⁷

III. Discussion

The Alaska Medicaid program states that “[a]n applicant who has recently arrived in the state with the intent to remain and who is still receiving assistance from another state” can be considered an Alaska resident and qualify for Alaska Medicaid benefits.⁸ However, Alaska Medicaid benefits will not be issued until the other state’s Medicaid benefits have been terminated.⁹ The Alaska Medicaid regulations allow for an exception to that rule. However, the exception only applies if the applicant did not use the other state’s Medicaid benefits during the month for which he or she requests Alaska Medicaid coverage.¹⁰

IV. Conclusion

Ms. Q could have qualified for Alaska Medicaid benefits during the months of July and August 2012 after her move to Alaska in late June 2012, despite the fact that Pennsylvania did not close its Medicaid case until August 23, 2012. However, she undisputedly used her Pennsylvania Medicaid benefits during both July and August 2012. As a result, she was not eligible for Alaska Medicaid benefits during either of those months.

The Division’s decision to deny Ms. Q’s application for retroactive Medicaid benefits for the months of July and August 2012 is **AFFIRMED**.

DATED this 21st day of February, 2013.

Signed _____
Lawrence A. Pederson
Administrative Law Judge

⁶ Q testimony; Ross testimony; Ex. 2.18.

⁷ Ross testimony; Ex. 2.19.

⁸ 7 AAC 100.062(a).

⁹ 7 AAC 100.062(a).

¹⁰ 7 AAC 100.062(a)((2).

Adoption

The undersigned, by delegation from 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 7th day of March, 2013.

By: Signed
Name: Lawrence A. Pederson
Title: Administrative Law Judge

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