

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

In the Matter of)
)
U T)
_____)

OAH No. 13-0168-MDE
Division No.

DECISION

I. Introduction

U T applied for Medicaid benefits. The Department of Health and Social Services, Division of Public Assistance (Division), approved Ms. T for Medicaid benefits starting March 1, 2013, because her resources exceeded those allowed by the Medicaid program during the months prior to March. Ms. T requested a hearing asking for Medicaid coverage for the three month period preceding March 1, 2013.

Ms. T’s hearing was held on March 1, 2013. Ms. T did not appear at the hearing. J J, her daughter and power of attorney, represented her and testified on her behalf. Public Assistance Analyst Terri Gagne represented the Division.

Based upon the undisputed evidence, Ms. T did not financially qualify for Medicaid benefits before March 2013. The Division’s decision approving her for Medicaid benefits beginning in March 2013 is affirmed.

II. Facts

Ms. T is an elderly woman who fell and broke her arm and wrist on December 28, 2012. She was hospitalized and her condition rapidly deteriorated. She incurred a large amount of uncovered medical bills from late December 2012 through February 2013.¹

Ms. T has a personal bank account. It is undisputed that her bank account balance was larger than \$2,000 on the first days of December 2012, January 2013, and February 2013. She applied for Medicaid benefits on January 23, 2013.² The Division denied her application on January 31, 2013, because her countable resources (bank account balance) exceeded the Medicaid program limit of \$2,000.³ Ms. T reapplied for Medicaid benefits on February 6, 2013.

_____ ¹ Ms. J testimony.
² Ex. 2.0.
³ Ex. 2.21.

Her bank account balance, as of February 1, 2013, was over \$2,000.⁴ The Division approved Ms. T for Medicaid benefits beginning with March 2013.⁵

Ms. J was not able to access Ms. T's bank account, due to the bank's requirements, until after February 1, 2013.⁶ She began writing checks to cover Ms. T's outstanding bills on February 4, 2013, which reduced Ms. T's bank account balance to under \$2,000.⁷ These payments still left Ms. T with outstanding medical bills, for late December 2012 through January 2013, of more than \$30,000.⁸

III. Discussion

The Alaska Medicaid program contains a variety of coverage categories. *See* 7 AAC 100.002. Each of these categories has differing eligibility requirements. These include financial requirements which limit how much monthly income a Medicaid applicant may have, and how much resources (cash, other personal property, and real property) an applicant may own.

An applicant for Medicaid benefits may not own more than \$2,000 in countable resources.⁹ Resources include cash and are valued on the first day of each eligibility month.¹⁰ An applicant may also receive Medicaid benefits for any or all of the three months preceding his/her Medicaid application. However, eligibility is determined separately for each month in question; the applicant must be financially eligible for Medicaid benefits and have outstanding medical bills during that specific month.¹¹

Ms. T is therefore subject to the financial requirement that she may not own more than \$2,000 in countable resources, which is measured on the first day of the month. During each of the months in question (December 2012, January 2013, February 2013), she undisputedly had more than \$2,000 in her bank account on the first day of those months. Ms. T therefore does not qualify for Medicaid benefits during any of those months.

Ms. T, however, argues that she should qualify because the amount of her outstanding medical bills far outstripped her bank account balance during each of those months in question.

⁴ Exs. 2.34, 2.36.

⁵ Ex. A, p. 28.

⁶ Ms. J testimony; Ex. A, p. 2.

⁷ Ex. A, p. 33.

⁸ Ex. A, p. 33.

⁹ 7 AAC 100.400(a)(14).

¹⁰ 7 AAC 40.260; 7 AAC 40.270(b); 7 AAC 100.400(a)(13) – (15).

¹¹ 7 AAC 100.072.

The Medicaid regulations do not provide for a setoff when calculating financial eligibility.¹² Ms. T was therefore not eligible for Medicaid benefits during December 2012, January 2013, or February 2013.

IV. Conclusion

The Division's approval of Ms. T's Medicaid benefits, beginning with March 2013, is affirmed.

DATED this 8th day of April, 2013.

Signed _____
Lawrence A. Pederson
Administrative Law Judge

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 23rd day of April, 2013.

By: *Signed* _____
Name: Lawrence A. Pederson
Title/Agency: Admin. Law Judge, DOA/OAH

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

¹² 7 AAC 40.260 – 280; 7 AAC 100.400(a)(13) – (15).