

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

In the Matter of:)
)
S N-X) OAH Case No. 13-1317-MDE
) DPA Case No.
_____)

DECISION

I. Introduction

This case is S N-X' appeal of the decision by the Division of Public Assistance (or Division) to grant her written request to withdraw from Alaska Medicaid coverage.

This appeal was originally assigned to Administrative Law Judge Andrew Hemenway, but was re-assigned to Administrative Law Judge Mark T. Handley due to a scheduling conflict.

Ms. N-X admitted she had filed a request to withdraw from Alaska Medicaid coverage. However, Ms. N-X explained that at the time she filed that request, she understood that she could get coverage back if she changed her mind after thirty days. Ms. N-X explained that she wanted to get back on Alaska Medicaid because she is an Alaskan, who has only been absent from Alaska for medical treatment. It was Ms. N-X understanding that she could go back on Alaska Medicaid if she changed her mind after thirty days.

The Division's acceptance of Ms. N-X request to withdraw from Alaska Medicaid coverage is upheld. Ms. N-X' appeal was filed after the deadline. Ms. N-X is now covered by Washington Medicaid. Ms. N-X would need to re-apply as a pre-requisite to qualifying for Alaska Medicaid again.

II. Facts

Ms. N-X asked for a hearing to appeal the Division's action on her written request to withdraw from Alaska Medicaid coverage. The Division granted N-X' written request, which was a follow-up to her request by telephone. Ms. N-X made this request because she was in the hospital in Washington State at the time, and understood that changing to Washington State Medicaid coverage would give her better care options. At the hearing, Ms. N-X explained that she wanted to get back on Alaska Medicaid because she is an Alaskan, who

was only absent from Alaska for medical treatment and it was her understanding that she could go back on Alaska Medicaid if she changed her mind after thirty days.¹

The Division provided a summary of interactions with Ms. N-X regarding her request to terminate her Alaska Medicaid and the records of these interactions. On July 19, 2013, Ms. N-X left a voice message with the Division from Harborview Medical Center in Washington asking to terminate her Alaska Medicaid coverage. On July 9, 2013, Ms. N-X asked the Division not to take action on her request until after she had discussed her concerns with the Division. In a discussion on July 23, 2013, Ms. N-X expressed her frustration with the Division's response to her request for assistance in obtaining services. On July 29, 2013, Ms. N-X filed a written request to terminate her Alaska Medicaid coverage. On July 29, 2013, the Division issued a notice that Ms. N-X' Alaska Medicaid coverage had been terminated. On September 24, 2013, Ms. N-X made a request to the Division that her Alaska Medicaid coverage be reinstated without having to re-apply. The Division declined to rescind its termination and Ms. N-X appealed that decision by asking for a Fair Hearing.²

Ms. N-X did indicate that getting a thirty-day a nursing rehabilitation facility placement to see if it was a good match was a reason for her request to terminate her Alaska Medicaid coverage in her termination request letter.³

It is the Division's decision to terminate coverage at her request and then decline Ms. N-X' request that her Alaska Medicaid coverage be reinstated without having to re-apply that is the subject of this appeal. Ms. N-X' appeal was heard by telephone on December 5, 2013. The hearing was audio recorded. Ms. N-X testified on her own behalf. DPA Public Assistance Analyst Terry Gagne represented the Division.

At the time of the hearing, Ms. N-X was still receiving medical treatment in Washington State and was still unhappy with the assistance she was receiving in obtaining medical services. Ms. N-X was covered by Washington Medicaid at that time.⁴

At the hearing, Ms. N-X explained that she wanted to get back on Alaska Medicaid because she is an Alaskan, who was only absent from Alaska for medical treatment and it

¹ Recording of Hearing- Ms. N-X.

² Division's position statement, page 2 & Exhibits 1-9.

³ Ms. N-X hand-written request to terminate Alaska Medicaid coverage is at Exhibits 6.2.

⁴ Recording of Hearing.

was her understanding that she could go back on Alaska Medicaid if she changed her mind after thirty days.⁵

III. Discussion

Although Ms. N-X is frustrated that she cannot not qualify for Alaska Medicaid without re-applying, her coverage was appropriately terminated at her request, and the division correctly denied her request to re-instate her coverage without re-applying.

Ms. N-X confusion and frustration is understandable. Ms. N-X filed a letter clearly requesting termination of Alaska Medicaid coverage, but there are indications in the letter that she made the request with the understanding that she could get Alaska coverage back. Ms. N-X applied for and received Washington Medicaid coverage. Receiving coverage from another state ends Alaska residency for the purpose of being eligible for Alaska Medicaid. There is no exception for those who are confused about the residency requirements.⁶

Ms. N-X appeal of the termination of her Alaska Medicaid coverage was not timely filed.⁷ The appeal of the termination of her coverage should have been filed within thirty days of by August 30, 2013, not September 24, 2013 when Ms. N-X' appeal was actually filed.

IV. Conclusion

Ms. N-X did not qualify for Alaska Medicaid coverage and her appeal of the termination of her coverage was not timely filed. The Division's decision is AFFIRMED.

Dated this 17th day of December 2013.

Signed

Mark T. Handley
Administrative Law Judge

⁵ Recording of Hearing- Ms. N-X.

⁶ 7 AAC 100.060(c)(2).

⁷ 7 AAC 40.030.

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 14th day of January, 2014.

By: Signed _____
Name: Ree Sailors
Title: Deputy Commissioner, DHSS

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