

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

In the Matter of)
)
)
)
)
)
)
)

B N

OAH No. 14-0337-MDE
Agency No.

DECISION

I. Introduction

B N was eligible for Medicaid under a program designed for women diagnosed with breast and cervical cancer. When her cancer treatment ended, the Division of Public Assistance (division) terminated her Medicaid coverage. Ms. N appealed that decision.

A hearing was held on B 17, 2014. Ms. N represented herself at that hearing, and testified on her own behalf.

II. Facts

Ms. N was diagnosed with breast cancer in 2001.¹ She had no health insurance at that time, and still has no health insurance coverage other than her Medicaid benefits. Ms. N is now 51 years old. Ms. N received radiation and drug therapy for the cancer, beginning in 2002.² Her drug therapy ended in February 2013.³ She had a follow-up examination on July 12, 2013,⁴ and has been advised to have another follow-up examination a year later, or sooner if needed.⁵

On March 19, 2014, Ms. N was sent a notice informing her that her Medicaid eligibility would end on March 31, 2014.⁶

III. Discussion

The Medicaid program includes an eligibility category for women diagnosed with breast or cervical cancer.⁷ Once eligible for Medicaid under this program, eligibility continues only as long as the recipient is receiving treatment for breast, cervical, or a related

¹ The factual findings are taken from Ms. N' testimony unless otherwise stated.

² Exhibit 14.1.

³ Exhibit 14.2.

⁴ Exhibit 14.3.

⁵ Exhibit 14.4.

⁶ Exhibit 7.2. This notice superseded an earlier notice dated February 28, 2014.

⁷ 7 AAC 100.02(d)(7).

cancer.⁸ “A woman is presumed to be receiving treatment for the duration of the period in the treatment plan established by the treating health care professional.”⁹

Receiving treatment does not include the routine monitoring that cancer patients may receive after their treatment has ended.¹⁰ In this case, Ms. N’ active treatment ended in February of 2013. While she expects to need continued monitoring to look for re-occurrence of her cancer, she is not currently being treated for cancer.

Ms. N notes that she has other medical conditions which had also been covered by Medicaid. That is because a person receiving Breast and Cervical Cancer coverage is eligible to receive coverage for all medical care that would be covered under any Medicaid program.¹¹ However, unless she is independently eligible for Medicaid under a different program, all of her coverage ends once she is no longer receiving treatment for breast cancer.

IV. Conclusion

Because Ms. N is no longer receiving treatment for breast cancer, the division properly ended her Medicaid coverage under the Breast and Cervical Cancer program.

Dated this 2nd day of June, 2014.

Signed

Kay L. Howard
Administrative Law Judge

⁸ 7 AAC 100.710(b).

⁹ *Id.*

¹⁰ Exhibit 12, Order Granting Motion for Reconsideration, OHA Case No. 10-FH-172. This is an Office of Hearings and Appeals case. That office was the prior in-house hearing agency for Medicaid hearings before that function was transferred to the Office of Administrative Hearings.

¹¹ 7 AAC 100.710(c).

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 17th day of June, 2014.

By: Signed _____
Name: Kay L. Howard
Title: Administrative Law Judge

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