BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL BY THE COMMISSIONER OF HEALTH

In the Matter of	)	
	)	
N. X.	)	OAH No. 23-0680-MDE
	)	

DECISION

I. Introduction

N. X. is a former Medicaid recipient, whose benefits lapsed at the end of July 2023. She reapplied for Medicaid benefits in September 2023. Her application was denied because she owned resources, a bank account, that exceeded the Medicaid program's $2,000 resource limit.

Ms. X.'s court-appointed guardian, N. B., requested a hearing on Ms. X.'s behalf to challenge the application denial. That hearing was held on November 28, 2023. Ms. B. represented Ms. X. and testified on her behalf. Sally Dial, a Division Fair Hearing Representative, represented the Division.

The evidence in this case shows that Ms. X. owned over $2,000 in countable resources both at the time of her application in September 2023, and during the preceding month of August 2023. This made her ineligible for Medicaid benefits both for September 2023 and the preceding month of August 2023. Consequently, the Division's denial of Ms. X.'s application is AFFIRMED in its entirety.

II. Facts

N. X. resides in an assisted living home. Her brother C. X. was her court-appointed guardian until he passed away in 2022.[1] Ms. B., Ms. X.'s great niece, was appointed as Ms. X.'s guardian in January 2023.[2]

Following her guardianship appointment, Ms. B. had difficulty working with Social Security, which resulted in a backlog in Ms. X.'s monthly Social Security payments. She also had difficulty in accessing Ms. X.'s bank account. She was able to resolve the issues and was able to access Ms. X.'s bank account sometime in the spring of 2023.[3]

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1 Ms. B.'s testimony.

2 Official notice is taken of the date of the guardianship appointment, which was derived from the State of Alaska Court System public information website (Courtview), accessed on November 28, 2023 with the parties' consent.

3 Ms. B.'s testimony.

Ms. X. was a Medicaid recipient whose Medicaid benefits expired at the end of July 2023.[4] Ms. B. reapplied for Medicaid benefits for Ms. X. on September 1, 2023.[5] In her application, she listed that Ms. X. was the owner of a bank account with a then current balance of $2,611.55.[6]

The Division requested copies of Ms. X.'s bank statements.[7] Ms. B. supplied the Division with bank statements showing that Ms. X.'s bank account balance as of June 1, 2023, July 1, 2023, and August 1, 2023, was greater than $2,000 on each of those dates.[8]

The Division denied Ms. X.'s Medicaid application on October 13, 2023 because her bank account balance exceeded the $2,000.00 Medicaid resource limit.[9]

III. Discussion

The Alaska Medicaid program contains a variety of coverage categories.[10] 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 in resources (cash, other personal property, and real property) an applicant may retain. In addition, a Medicaid applicant may also request Medicaid coverage for the three calendar months preceding the month of application, which requires that they satisfy the eligibility requirements during each of those months.[11] This case therefore involves the question of whether Ms. X. is financially eligible for Medicaid coverage during the month of application, September 2023 and for the preceding month of August 2023.[12]

Because Ms. X.'s Medicaid benefits expired at the end of July 2023, her September 2023 application is considered a new application for benefits. She therefore has the burden of proof,

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4 Ex. 2.

5 Exs. 2.1 – 2.9. The application was emailed to the Division after work hours on September 1, 2023, the beginning of the Labor Day Holiday weekend. The Division therefore has it date stamped as received on September 6, 2023, the next business day.

6 Ex. 2.3; Ms. B.'s testimony.

7 Exs. 3 – 3.1.

8 Exs. 4.1 – 4.10.

9 Exs. 5 – 5.1.

10 *See,* 7 AAC 100.002.

11 7 AAC 100.072.

12 The potential retroactive eligibility period is the three months preceding the application. Because Ms. X. was enrolled in Medicaid through July 2023, only the monthly immediately preceding the application, August 2023, is at issue.

by a preponderance of the evidence, to demonstrate that she is financially eligible for those benefits.[13]

Ms. X., who resides in an assisted living home, applied for Medicaid under the Long-Term Care coverage category.[14] Because she is unmarried, her resources may not exceed $2,000.00. The resources are counted at the beginning of the month.[15] This resource limit applies to retroactive Medicaid benefits.[16] Resources are defined as "any real or personal property that an applicant … owns and can convert to cash to be used for his or her support or maintenance."[17] Bank accounts, as cash, are therefore a countable resource.

Ms. X.'s bank account had a balance of over $2,000.00 at the beginning of both August and September 2023. This bank balance, just by itself, therefore caused Ms. X. to exceed the Medicaid program's $2,000 resource limit during August and September 2023. Consequently, Ms. X. was not eligible for Medicaid benefits during either September, 2023, the month of her application, nor in August 2023, the month immediately preceding her application.

IV. Conclusion

The Division's denial of Ms. X.'s September 2023 Medicaid application, both for the month of September 2023 and for the potentially retroactive coverage month of August 2023, is AFFIRMED.

Dated: November 30, 2023

Signed

Lawrence A. Pederson
Administrative Law Judge

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13 7 AAC 49.135.

14 Exs. 2-2.8.

15 7 AAC 100.500 and 7 AAC 100.502(a)(2) are the regulations that govern financial resources for Medicaid Long-Term care applications. They incorporate the standard Medicaid resource eligibility requirements contained in 7 AAC 100.400(a)(14) which in turn incorporate the Adult Public Assistance eligibility requirements contained in 7 AAC 40.270. Pursuant to that regulation, a single applicant/recipient may not have more than $2,000.00 in countable resources, which is measured "at any time on the first day of the calendar month."

16 7 AAC 100.072(d)(3).

17 7 AAC 40.260. *See* note 15 above.

Adoption

The undersigned, by delegation from the Commissioner of Health, 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 December, 2023.

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

[This document has been modified to conform to the technical standards for publication. Names may have been changed to protect privacy.]