



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION
Case #: MQB - 207494

PRELIMINARY RECITALS

Pursuant to a petition filed on January 20, 2023, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Shawano County Department of Human Services regarding Medical Assistance (MA), a hearing was held on April 19, 2023, by telephone.

The issue for determination is whether the agency erred in its determination of enrollment date for petitioner's QMB as of 12/1/22.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, WI 53703

By: [REDACTED]
Shawano County Department of Human Services
W7327 Anderson Avenue
Shawano, WI 54166-3105

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Oconto County.
2. On 10/11/22 the agency contacted petitioner by phone to explain the QMB program and to suggest that petitioner apply.

3. On 10/12/22 the agency sent a letter informing petitioner that she could apply for QMB and that she would need to send various financial verification documents related to income and assets. The letter explained that everything needed to be received by 10/21/22 in order to avoid an interruption in benefits.
4. Petitioner applied for QMB but did not provide all requested and required verification to complete the application until 11/14/22.
5. Petitioner was enrolled in the QMB program as of December 1, 2022.
6. Petitioner appealed seeking backdated enrollment to November 1, 2022.

DISCUSSION

Section 301 of the Medicare Catastrophic Coverage Act (MCCA) of 1988 established an eligibility category known as Qualified Medicare Beneficiary (QMB). A Qualified Medicare Beneficiary (QMB) is an individual with income below the poverty level whose Medicare premium benefits and coinsurance and deductibles are paid for by the state Medicaid (MA) program based upon the individual's poverty status (100% of the federal poverty level).

The petitioner applied for QMB on November 14, 2022. The application was approved on that date. She is asking for the QMB benefit retroactively to November 1, 2022. However, retroactive certification is not possible for the month of, or preceding, the application:

...in the case of medicare cost-sharing with respect to a qualified medicare beneficiary defined in subsection (p)(1)..., benefits are not retroactive.

42 U.S.C. 1396d(a). See also, *Medicaid Eligibility Handbook*, § 32.7.1.1 (“**For initial applications, QMB benefits begin on the first of the month after the month in which the individual is determined to be eligible**”) (emphasis added). Petitioner was not determined eligible until she has filed all the required verification documentation. That was on November 14, 2022. Thus, the Department’s decision to certify the petitioner for QMB effective December 1, 2022 was correct.

CONCLUSIONS OF LAW

The Department did not err in its denial of backdated eligibility for the QMB program.

THEREFORE, it is ORDERED

That this appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 4822 Madison Yards Way, 5th Floor North, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

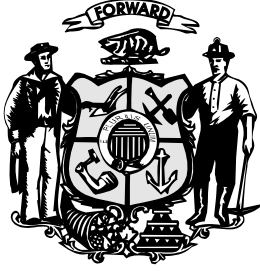
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 1st day of May, 2023



\s _____
John P. Tedesco
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin \DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on May 1, 2023.

Shawano County Department of Human Services
Division of Health Care Access and Accountability