

BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

[REDACTED]

Petitioner,

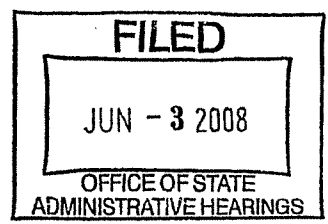
Case No.
OSAH-DFCS-NH-0826500-31-Brown

v.

Agency Ref. No.: 597325618

DEPARTMENT OF HUMAN RESOURCES,
DIVISION OF FAMILY AND CHILDREN
SERVICES

Respondent.



FINAL DECISION

I. Introduction

This matter is the administrative review of The Division of Family and Children Services' (Respondent's) decision to deny Nursing Home Medicaid benefits for [REDACTED] (Petitioner) for the months of August - November, 2007. For the following reasons, Respondent's decision is AFFIRMED.

II. Findings of Fact

1. Petitioner entered a nursing home in July of 2007. In August, Petitioner applied for nursing home Medicaid.
2. At the time, Petitioner retained some income, which prevented his Nursing Home Medicaid eligibility without establishing a Qualified Income Trust (QIT).
3. Petitioner's August application was denied because he did not establish a QIT. Petitioner received notice of his denial on October 19, 2007. Through the course of this application, Petitioner never received any notice indicating the need to establish a QIT.
4. Petitioner reapplied for Nursing Home Medicaid in November of 2007. This time, Petitioner's case manager sent Petitioner a checklist instructing him to establish a QIT. Petitioner established the QIT by December 17, 2007, and was approved for nursing home Medicaid benefits, beginning in December.
5. Petitioner and his family were indebted by \$15,000 to the nursing home for August, September, October, and November of 2007. They now appeal Respondent's decision to not backdate the Medicaid benefits to August.

III. Conclusions of Law

1. Petitioner bears the burden of proof in this matter, because this is an appeal of the denial of the Nursing Home Medicaid for the months in question. OSAH Rule 616-1-2-.07. The standard of proof on all issues is preponderance of the evidence. OSAH Rule 616-1-2-.21(4).

2. In order to remove income from the Medicaid eligibility determination and fall within the Medicaid Eligibility Cap, a QIT may be established. Respondent's Manual Vol. II § 2407-1 states the following:

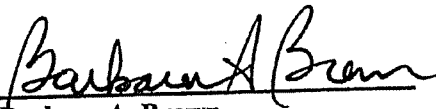
"The QIT must be established for the benefit of the applicant/recipient and must meet the following requirements... The QIT may NOT be backdated. It is effective beginning the month in which it is completed and signed by all required parties, not before."

3. Respondent properly denied Petitioner's Nursing Home Medicaid Application for the months prior to December of 2007, because the QIT was not established until that month.

IV. Decision

Inasmuch as Petitioner did not establish his QIT until December, 2007, Respondent's decision to deny Petitioner's benefits prior to the month of December was correct. Accordingly, Respondent's determination is hereby **AFFIRMED**.

SO ORDERED this 2nd day of June 2008.


Barbara A. Brown
Administrative Law Judge