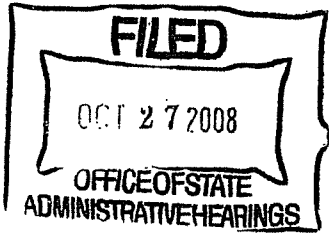


BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA



	Petitioner	:	
vs.		:	Docket No.:
		:	OSAH-DFCS-NH-0829137-110-Langston
		:	
	DEPARTMENT OF HUMAN RESOURCES,	:	Agency Reference No.: 459460016
	DIVISION OF FAMILY & CHILDREN	:	
	SERVICES,	:	
	Respondent	:	



INITIAL DECISION

I. Introduction

This case involves the denial of nursing home vendor payments by the Respondent. For the reasons set forth below, the action of the Respondent is **AFFIRMED**.

II. Findings of Fact

1.

Petitioner entered the Wellstar Paulding Nursing Center on April 17, 2007. Petitioner, through her authorized representative, applied for Medicaid on February 22, 2008, to cover ongoing nursing home expenses. Petitioner also requested Medicaid coverage for the three months prior to the Medicaid application dated February 22, 2008, of November 2007, December 2007, and January 2008.

2.

After having designated \$9973.39 of John Hancock stocks for the burial exclusion, Petitioner's remaining countable resource of her checking account at Wachovia Bank showed the following balances as verified by copies of bank account statements in file.

November 1, 2007	=	\$5569.73
December 1, 2007	=	\$4077.13
January 1, 2008	=	\$2262.17
February 1, 2008	=	\$3707.84
March 1, 2008	=	\$5169.38

For each of these months, the account balance exceeded the resource limit of \$2000.00. Petitioner was not eligible for Medicaid for any of these months and no vendor payment was made by Medicaid.

3.

Petitioner became eligible for Medicaid effective with April 1, 2008, as her checking account balance was verified as being below the \$2000.00 countable resource limit.

4.

On July 1, 2008, the Petitioner requested that the Paulding County Department of Family and Children Services ("DFCS") deduct the nursing home liability that she owes to Wellstar Paulding Nursing Center from her current income as an incurred medical expense ("IME") for the month of the request and future months as necessary.

5.

This request was denied by DFCS based on Economic Support Services Policy Manual, Medicaid Program, Section 2555-1 which states "IMEs (incurred medical expenses) incurred in months for which no vendor payment is made are not deducted."

Conclusions of Law

1. The value of an applicant/recipient's countable resources cannot exceed the appropriate resource limit for the applicant/recipient to be eligible for ABD Medicaid. Section 2300, Economic Support Services Policy Manual, Medicaid Program.
2. The countable resource limit for the nursing home class of assistance for an individual is \$2000.00. Appendix A, Section 2300, Economic Support Services Policy Manual, Medicaid Program.
3. "IMEs (incurred medical expenses) incurred in months for which no vendor payment is made are not deducted." Economic Support Services Policy Manual, Medicaid Program, Section 2555-1
4. The policy for the Medicaid program for the State of Georgia is received and interpreted by the Department of Community Health who, in turn, issues the Economic Support Services Policy Manual, Medicaid Program, for the use of the Department of Family and Children Services in making eligibility determinations for Medicaid. This is the basis for the DFCS determination in this case.
5. The interpretation of a statute by an administrative agency, which has the duty of enforcing or administering it, is to be given great weight and deference. Hospital Authority of Gwinnett County v. State Health Agency, 211 Ga. App. 407, 408 (1993); Kelly v. Lloyd's of London, 255 Ga. 291, 293 (1985); Reheis v. L.E.A.F., Inc., 216 Ga. App. 699, 702 (1995); Georgia Real Estate Commission v. Peavy, 229 Ga. App. 201, 203 (1997); and Commissioner of Insurance v. Stryker, 218 Ga. App. 716, 718 (1995).

Decision

The Respondent's denial of vendor payments is **AFFIRMED**.

SO ORDERED, this 27 day of October, 2008.



DAVID C. LANGSTON
Administrative Law Judge