



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
1400 Virginia Street
Oak Hill, WV 25901

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

June 18, 2015



RE: [REDACTED] v. WV DHHR
ACTION NO.: 15-BOR-2028

Dear Ms. [REDACTED]

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

In arriving at a decision, the State Hearing Officer is governed by the Public Welfare Laws of West Virginia and the rules and regulations established by the Department of Health and Human Resources. These same laws and regulations are used in all cases to assure that all persons are treated alike.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Kristi Logan
State Hearing Officer
Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision
Form IG-BR-29

cc: Bureau for Medical Services

**WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BOARD OF REVIEW**

██████████,

Appellant,

v.

Action Number: 15-BOR-2028

**WEST VIRGINIA DEPARTMENT OF
HEALTH AND HUMAN RESOURCES,**

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Department of Health and Human Resources' Common Chapters Manual. This fair hearing was convened on June 17, 2015, on an appeal filed May 11, 2015.

The matter before the Hearing Officer arises from the April 27, 2015, decision by the Respondent to deny additional Person Centered Support-Agency Personal Options units for the Appellant under the I/DD Waiver program.

At the hearing, the Respondent appeared by ██████████, APS Healthcare. The Appellant appeared by her sister, ██████████. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

D-1 Notice of Denial dated April 27, 2015

D-2 WV Medicaid Provider Manual §513.9.2.3.2

D-3 Service Authorization Second Level Negotiation Request dated April 22, 2015

D-4 Purchase Request Details Screen Print for Service Year May 2015-April 2016

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

FINDINGS OF FACT

- 1) A request (D-3) for 6,240 units of Person Centered Support-Personal Options (PCS-PO) under the I/DD Waiver program was submitted on behalf of the Appellant on April 22, 2015.
- 2) The Department issued a Notice on April 27, 2015, advising that of the 6,240 units of PCS-PO that were requested, only 2,900 units were approved.
- 3) The Appellant's individualized budget for service year May 2015-April 2016 is \$64,396.55. The approval of the total amount of PCS-PO units requested would cause the Appellant to exceed her budget by \$9,000.

APPLICABLE POLICY

WV Medicaid Provider Manual §513.9.2.3.2 states that the amount of Person Centered Support services is limited by the member's individualized budget. The budget allocation may be adjusted only if changes have occurred regarding the member's assessed needs.

DISCUSSION

The Appellant's representative contended that due to her full-time employment, there are several hours a day that the Person Centered Support services are utilized to ensure that the Appellant has constant supervision. The Appellant's representative argued that the 2,900 units that were approved will not cover the time between the Appellant's return from the day program she attends, and when the Appellant's representative returns home from work.

CONCLUSIONS OF LAW

The services under the I/DD Waiver program are limited to the individualized budget that is determined yearly by a member's functional assessment. The approval of the total amount of Person Centered Support-Personal Options units for the Appellant would cause her to exceed her allocated budget amount, and therefore only a portion of the services could be approved.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision of the Department to deny the requested amount of Person Centered Support-Personal Options services under the I/DD Waiver program.

ENTERED this 18th day of June 2015

Kristi Logan
State Hearing Officer