



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

January 15, 2015

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 14-BOR-3680

Dear Mr. [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: Claimant'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**

██████████,

**Claimant,**

v.

**Action Number: 14-BOR-3680**

**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 January 15, 2015, on an appeal filed November 19, 2014.

The matter before the Hearing Officer arises from the November 8, 2014, decision by the Respondent to deny additional units of Service Coordination and Behavior Support - Professional.

At the hearing, the Respondent appeared by ██████████, APS Healthcare. The Claimant appeared *pro se*. Appearing as a witness for the Claimant were ██████████, Service Coordinator with ██████████ and ██████████, Behavioral Service Support Professional with ██████████. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 WV Medicaid Provider Manual Chapter 513 – I/DD Waiver Services - §513.9.1.11
- D-2 WV Medicaid Provider Manual Chapter 513 – I/DD Waiver Services - §513.9.1.1
- D-3 Service Authorization Second Level Negotiation Request dated November 4, 2014
- D-4 Service Item Status History for Service Coordination for March 2014 – February 2015
- D-5 Service Item Status History for Behavior Support – Professional for March 2014 – February 2015
- D-6 Notice of Denial dated November 7, 2014

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 additional units of Service Coordination and Behavior Support – Professional services under the I/DD Waiver program was submitted for the Claimant on November 4, 2014. The Department issued a Notice of Denial (D-6) on November 7, 2014, advising that the request for additional units had been denied.
- 2) The Department’s representative, [REDACTED] with APS Healthcare, testified that 1,052 units of Service Coordination and 1,194 units of Behavior Support – Professional services had been requested for the Claimant. Ms. [REDACTED] stated the maximum amount allowed by policy (D-1 and D-2) is 872 units for Service Coordination and 960 units for Behavior Support – Professional, per individual per service year. Ms. [REDACTED] noted that the Claimant had already been approved (D-4 and D-5) for the maximum amount for each service in August 2014, and the units in excess of the cap were denied.
- 3) The Claimant’s witnesses testified that the caps for the requested services were unfair. The Claimant experienced a behavior crisis situation and as a result needs the additional services. The Claimant’s witnesses contended that the Claimant’s specific situation should be taken into consideration and the additional units approved.

### **APPLICABLE POLICY**

WV Medicaid Provider Manual §§ 513.1.1 and 513.1.11 limits Service Coordination units to 872 units and Behavior Support – Professional units to 960 units per Individualized Program Plan (IPP).

### **DISCUSSION**

Policy limits the amount of units for Service Coordination and Behavior Support – Professional. The Claimant was approved for the maximum amount allowed by policy for these services, therefore the request for additional units must be denied.

### **CONCLUSIONS OF LAW**

Whereas the request for additional units for Service Coordination and Behavior Support – Professional exceeded the amount permitted by policy, the Department correctly denied the additional units for the Claimant.

**DECISION**

It is the decision of the State Hearing Officer to **uphold** the Department's denial of additional units for Service Coordination and Behavior Support – Professional under the I/DD Waiver program for the Claimant.

**ENTERED this 15<sup>th</sup> day of January 2015**

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**Kristi Logan**  
**State Hearing Officer**