



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Joe Manchin III  
Governor

Office of Inspector General  
Board of Review  
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Martha Yeager Walker  
Secretary

May 4, 2005

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Dear Mr. \_\_\_\_\_:

Attached is a copy of the findings of fact and conclusions of law on your hearing held April 14, 2005 for the Aged/Disabled Home and Community Based Services Waiver (ADW) Program. Your hearing request was based on the Department of Health and Human Resources' proposal to terminate services.

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.

Eligibility for the Aged/Disabled Home and Community Based Services Waiver (ADW) Program is based on current policy and regulations. One of these regulations state as follows: An individual must have five deficits on the PAS to qualify medically for the ADW Program. These deficits are derived from a combination of assessment elements on the PAS. (Section 570.1.b of the Medicaid Aged & Disabled Waiver Program Policies & Procedures Manual effective November 1, 2003)

The information which was submitted at your hearing revealed that after review of the current PAS-2000, you do not have the five (5) deficits needed in order to qualify medically for the ADW Program.

It is the decision of the State Hearing Officer to uphold the proposal of the Agency to terminate services under the Aged/Disabled Home and Community Based Services Waiver (ADW) Program.

Sincerely,

Margaret M. Mann  
State Hearing Officer  
Member, State Board of Review

Kay Ikerd, BoSS  
Oretta Keeney, WVMI