

**DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF DIRECTOR**

**ACTION REFERRAL**

TO <i>Liggett</i>	DATE <i>2-18-15</i>
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DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <b>000186</b>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>Cleared 3/24/15, letter attached.</i>	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <u><i>2-27-15</i></u>
	<input type="checkbox"/> FOIA DATE DUE _____
	<input type="checkbox"/> Necessary Action

APPROVALS (Only when prepared for director's signature)	APPROVE	* DISAPPROVE (Note reason for disapproval and return to preparer.)	COMMENT
1.			
2.			
3.			
4.			



FLORENCE ADDRESS  
1817 Pineland Avenue  
Florence, South Carolina 29501  
(843) 667-1152

HUGH K. LEATHERMAN, SR.

SOUTH CAROLINA STATE SENATE  
DISTRICT 31, FLORENCE  
AND DARLINGTON COUNTIES

111 GRESSETTE SENATE OFFICE BUILDING  
COLUMBIA, SOUTH CAROLINA 29202  
(803) 212-6640

PRESIDENT PRO TEMPORE  
South Carolina Senate

COMMITTEES  
Chairman, Finance  
Chairman, Operations and Management  
Ethics  
Interstate Cooperation  
Labor, Commerce and Industry  
Rules  
State House  
Transportation

February 12, 2015

**RECEIVED**

FEB 17 2015

Department of Health & Human Services  
OFFICE OF THE DIRECTOR

Christian Soura, Interim Director  
Department of Health & Human Services  
1801 Main Street  
Columbia, South Carolina 29201

Dear Mr. Soura:

I am enclosing herewith a copy of a letter, with attachment, that I recently received from my constituent relative to Jeffrey Mercer. As you can see, Mr. Mercer has been denied a Medicaid waiver for intellectual disabilities. His elderly father can no longer care for him and his sister took him into her home last June. Jeffrey is totally dependent and cannot care for himself. His sister, Mrs. Shila, desperately needs emergency home care for Jeffrey so that she can work and earn a living.

I would very much appreciate it if you would ask your staff to look into this matter to see if anything can be done to help Mr. Mercer obtain the assistance that he and his family so desperately need.

Very truly yours,

A handwritten signature in black ink, appearing to read "H.K.L.", with a long, sweeping underline.

Hugh K. Leatherman, Sr.  
HKL:dsm

Enclosure

Cc: Kevin R. Etheridge, Jr., Esquire  
12/ME/1

# THE GARDNER LAW FIRM

Est. Since 1927

FLORENCE OFFICE  
POST OFFICE DRAWER 6557  
2184 WEST EVANS STREET  
FLORENCE, SC 29502  
(843) 662-9899 phone  
(843) 662-6520 facsimile  
TOLL FREE NATIONWIDE 1-877-267-1818

JOHN R. ETHERIDGE, JR.  
ATTORNEY AT LAW  
South Carolina  
Bar No.: 012510

January 28, 2015

KEVIN R. ETHERIDGE  
ATTORNEY AT LAW  
South Carolina  
Bar No. 72811

JUDY B. BOLGER  
ACCOUNTS PAYABLE

BRANDY G. SEIFFERT  
PARALEGAL

JULIE R. MERCER-SHILA  
PARALEGAL

AIMEE BOICE  
LEGAL ASSISTANT

Senator Hugh K. Leatherman, Jr.  
Leatherman Realty, Inc.,  
2180 W. Evans Street  
Florence, South Carolina 29501

RE: Intellectual Disabilities/Related Disabilities [ID/RD] Waiver Request for  
Jeffrey Allen Mercer (xxx-xx-7781)

Dear Senator Leatherman:

Enclosed please find a copy of a letter to the Division of Appeals and Hearings regarding my paralegal's situation that I believe is self explanatory.

I would appreciate it if you might be able to have someone in your office give us a hand with this. If you have any further questions, please call Julie Shila in at (843) 662-9899 which is our office number.

I thank you in advance for your assistance.

With kind personal regards, I am,

Sincerely yours,



Kevin R. Etheridge  
KRE/jrs

cc: File

Enclosure(s)

Thank you once again  
for all of your  
help and your service  
to the area!



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PARALEGAL

AIMEE BOICE  
LEGAL ASSISTANT

Division of Appeals and Hearings  
SC Department of Health and Human Services  
Post Office box 8206  
Columbia, South Carolina 29202-8206

RE: Intellectual Disabilities/Related Disabilities (ID/RD) Waiver Request for  
Jeffrey Mercer (xxx-xx-7781)

Dear Sir/Madam:

Enclosed please find a copy of a letter of denial dated January 13, 2015, received in my office.

We wish to appeal this decision and request a reconsideration due to Jeffrey's inability to care for himself and his sister's, Julie Shila, need to work outside of the home.

<http://ddsn.sc.gov/providers/medicaidwaiversservices/mrrd/documents/default/chapter3W.pdf>  
states:

*An applicant will be assigned to the Critical [ID/RD] Waiver Waiting List when he/she requires a service available thru the [ID/RD] Waiver which, if not provided, will likely result in serious and imminent harm;*

AND

*Has an immediate need for direct care or supervision, which directly relates to the person's disability;*

Jeffrey is unable to take care of his own personal needs. He can not bathe himself, feed himself, dress himself, take his medication on his own nor can he stay in the home alone while she goes to work. If the home were to catch on fire there would be great concern if he would know to get out of the house. He does not even have the ability to speak and can not use the telephone to contact help if any type of emergency should occur.

Jeffrey is unable to go to the local "day care" facility due to the type of medicine he is currently taking which is a blood thinner (Xarelto 20mg) for blood clots he has in his legs and also due to an incident of abuse he has experienced at a previous stay in one of these facilities.

Division of Appeals and Hearings  
SC Department of Health and Human Services  
January 28, 2015  
Page 2

OR

*Has recently lost a primary caregiver or is at imminent risk of losing primary caregiver;*

Jeffrey came to live with his sister in June 2014, due to his aging father's inability to continue to care for him. He has been on a Medicaid Waiver and continues to be on this waiver that only provides fifteen (15) hours per week for his in home care. His mother passed away in June 2008, and Jeffrey's father has taken care of him since that time. Jeffrey's mother and father were an aging couple who were retired and therefore, did not need extensive services to care for Jeffrey. However, due to the change of circumstances that his father is now eighty-two (82) years of age and can no longer physically care for Jeffrey ( the loss of his primary caregivers) and his new living arrangements it is imperative that relief is granted for assistance in his care.

We are asking this request be approved for emergency at home care provisions for as many of the forty (40) hours you can provide so that Mrs. Shila can continue to work. She is the main bread winner of the home and can not afford to stay home.

Please let me know if anything further is needed from me at this time.

With kind personal regards, I am,

Sincerely yours,



Kevin R. Etheridge, Jr.  
KRE/jrs

cc: Beverly A.H. Buscemi, Ph.D.  
State Director

Vicki Coleman  
Waiver Coordinator

David Turner  
Case Manager

File

Enclosure(s)



HUGH K. LEATHERMAN, SR.  
SENATOR, DISTRICT 31  
P. O. BOX 142  
COLUMBIA, SOUTH CAROLINA 29202

**RECEIVED**

FEB 17 2015

Department of Health & Human Services  
OFFICE OF THE DIRECTOR

Christian Soutra, Interim Director  
Department of Health & Human Services  
1801 Main Street  
Columbia, South Carolina 29201

IMS

Nikki R. Haley GOVERNOR  
Christian L. Soura DIRECTOR  
P.O. Box 8206 > Columbia, SC 29202  
www.scdhhs.gov

March 24, 2015

Hugh K. Leatherman, Sr.  
South Carolina State Senate  
District 31, Florence  
And Darlington Counties  
111 Gressette Senate Office Building  
Columbia, South Carolina 29202

RE: Jeffrey Mercer

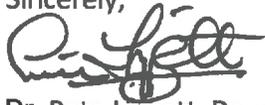
Dear Senator Leatherman:

The South Carolina Department of Health and Human Services (SCDHHS) has received your letter of February 12, 2015, concerning Mr. Jeffrey Mercer. It is our understanding, after receiving your letter and attachments, that the South Carolina Department of Disabilities and Special Needs (SCDDSN) denied Mr. Mercer being placed on the Critical Waiting List for the Intellectual Disabilities and Related Disabilities (ID/RD) Medicaid Home and Community-Based Waiver program. Their denial was based on a determination he does not meet the criteria for placement on the Critical Waiting List.

The SCDDSN is contracted with SCDHHS to provide day to day operational functions for the ID/RD Medicaid Waiver program, including a determination of program access. As a result of the SCDDSN denial the family has initiated an appeal through the Medicaid Fair Hearing and Appeal process. Our agency has received the request for a Hearing and appointed Mr. Jesse Goode as the Hearing Officer. He has directed the parties to schedule and conduct a Pre-Hearing conference and submit written summaries. Following receipt of the summaries Mr. Goode will direct the parties about what further action to take.

We appreciate your concern and interest in this case. Should you have any questions, please contact my office at (803) 898-0178 or Ms. Jenny Lynch at (803) 898-3965.

Sincerely,



Dr. Pete Liggett, Deputy Director

cc: Kevin Etheridge, Attorney for Jeffrey Mercer  
Constance Holloway, Attorney for SCDHHS