

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>Jacobs</i>	DATE <i>10-11-09</i>
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DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <div style="text-align: center; font-size: 1.2em;"><i>001682</i></div>	<input checked="" type="checkbox"/> Prepare reply for the Director's signature DATE DUE <i>10-18-09</i> <input type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____ <input type="checkbox"/> FOIA DATE DUE _____ <input type="checkbox"/> Necessary Action
2. DATE SIGNED BY DIRECTOR <div style="text-align: center; font-size: 1.5em;"> <i>* Note -- Two different Senators, same letter. cc: Ms. Foreman, Myers</i> </div>	

APPROVALS <small>(Only when prepared for director's signature)</small>	APPROVE	* DISAPPROVE <small>(Note reason for disapproval and return to preparer.)</small>	COMMENT
1. <i>Cleared 10/18/09, letter attached.</i>			
2.			
3.			
4.			



JIM DEMINT
SOUTH CAROLINA

COMMITTEES:
BANKING, HOUSING, AND
URBAN AFFAIRS

CHAIRMAN
SENATE STEERING COMMITTEE

340 RUSSELL SENATE OFFICE BUILDING

WASHINGTON, DC 20510
(202) 224-6121

demint.senate.gov

United States Senate

June 8, 2009

COMMERCE, SCIENCE AND
TRANSPORTATION
FOREIGN RELATIONS
JOINT ECONOMIC

RECEIVED

JUN 11 2009

Ms. Emma Forkner
Director
South Carolina Department of Health and Human Services
PO Box 8206
Columbia, SC 29202-8206

Department of Health & Human Services
OFFICE OF THE DIRECTOR

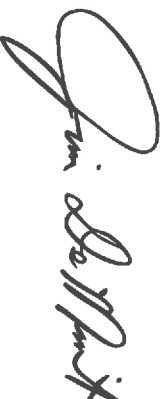
Dear Ms. Forkner,

I am writing to refer a matter involving my constituent, Ms. Virginia King, and her request for assistance with Ms. Janie Mae Rose's Medicaid application. Enclosed is a copy of her letter for your review.

I would greatly appreciate your responding directly to Ms. King about this issue. I have informed Ms. King that I would refer her to your agency in an effort to be helpful.

Thank you for your attention to this matter. Best regards.

Sincerely,



Jim DeMint
United States Senator

CHARLESTON
112 CUSTOM HOUSE
200 EAST BAY STREET
CHARLESTON, SC 29401
(843) 727-4525

GREENVILLE
105 NORTH SPRING STREET
SUITE 109
GREENVILLE, SC 29601
(864) 233-5366

COLUMBIA
1901 MAIN STREET
SUITE 1475
COLUMBIA, SC 29201
(803) 771-6112

May 5, 2009

RECEIVED

JUN 11 2009

Senator Jim DeMint
Charleston Office
112 Custom House
200 East Bay Street
Charleston, SC 29401
(843) 727.4525 Office

Department of Health & Human Services
OFFICE OF THE DIRECTOR

Re: Medicaid for Assisted Living vs. Nursing Home Income limits

Dear Senator DeMint,

I am writing you this letter to inform you of how flawed the Medicaid system has become. I want you to know the story of Janie Mae Rose and how she is ineligible for Medicaid in an Assisted living facility through no fault of her own.

Janie Mae Rose is widow to Harry E. Rose a former veteran with no blood children of her own. Janie came into my family's life August 16, 1948. That is my father's birthday and at that time he was not expected to live, nor my grandmother due to complications at birth. Janie not only nursed my grandmother back to health but saved my father's life by caring for him. My father is one of five children growing up in Charleston, South Carolina. Since that time Janie has raised all the Hewitt children and grandchildren, even some great grandchildren. She is family to us and we are forever grateful. In December 1973 Janie's husband Harry passed away. This is significant, not only for her loss but because at that time Janie became eligible for VA benefits. Her case number is 14-629-502. At that time she was fully employed by our family and was not eligible for full benefits as she was making too much income.

At the age of 75 Janie retired and moved from an apartment in the back of our home to the Ansonborough House downtown Charleston. Janie's character is one in a million. She always has a smile on her face and is truly grateful for anything and everything she has. It shows as she knows no stranger and has many friends wherever she goes. Janie was living on her own when we found out she had had a few falls and could not get up on her own. Once she got out of Re-hab at the Heartland of West Ashley, the family took immediate action and moved her to an assisted living facility called Twin Oaks Villas as of November 15, 2006. Here she could have a roommate, have help with dressing herself, laundry, warm prepared meals and her medications could be correctly administered as well as the bathrooms were friendly for elderly.

My Father and I took over all her expenses and bills in 2006. We wanted to make sure Janie was always taken care of. She was receiving social security each month for \$523.50 - \$93.50 Medicare Medical Insurance = \$430.00 a month in 2007. When the bills starting coming in it was time to start looking at Medicaid.

My first attempt to apply for Medicaid in assisted living was October 27, 2006. My case worker was Mrs. Bennett. You have to understand that I am a college graduate unfamiliar with any Medicare, Medicaid applications. I did not know what was expected or needed. I got the form from some of the staff at the Heartland of West Ashley. After months of research, time and digging I got all of Janie's personal information for Mrs. Bennett. After all of my efforts Janie's application was denied on the premise that she had too much in assets. You should know Janie does not own anything. No house, no cars, jewelry etc. She only had a CD, a few checking accounts and some money my grandmother left her. It was to my understanding that in order for her to become eligible we had to do a "spend down" and record where every dollar was being spent on her behalf.

Second attempt to apply for Medicaid in assisted living was August 20, 2007. I had Janie's accounts all transferred to one bank. That way she only had one checking account and one savings account. We spent her CD on living pre-paid funeral expenses. Rent for the assisted living was \$1750 a month which ate her money fairly quick. I sent that application for Medicaid in when she only had \$3000 or less to her name in her checking / savings account. Mrs. Karen Jones was her case worker and Janie was denied for too many assets as she had a Prudential life insurance policy as well as an AIG small policy. The Prudential life insurance policy was for \$10,000. So I cashed that policy in to provide for her living expenses once more as the "spend down" was still in effect. I was also told that in order for Medicaid to kick in or become eligible we would need to "shake all the trees" meaning ask the VA if she was eligible for benefits. I contacted the VA and found out she was eligible for benefits and worked with Bill Young and John Ballenger. On November 1, 2007 Janie started receiving \$976.00 a month for granted pension and aid allowance. Please keep in mind Janie's housing costs \$1750 a month and now she was getting \$430 from Social Security and \$976 for VA. This totals \$1406. Which means she is \$344 short, this does not include any additional insurance with Blue Cross, clothing, medicines etc.

Third attempt to apply for Medicaid in assisted living was April 9, 2009. Our case worker was Mrs. Bennett and Janie only had \$2000 in her account at the time of this application. For the third time Janie was recently denied for having too much income. The limit set by whoever is \$1157 for assisted living. Keep in mind the only income Janie receives is Social Security which is now \$470 a month and VA benefits for \$1056 a month in 2009. The deciding factor for her denial is the amount of money from the VA. She gets \$985 for pension and \$71 for aid. If the VA was giving her less for pension and more for aid she could have a chance to become eligible. For nursing home it is \$2022. Janie would qualify for a nursing home but does not for assisted living. Physically Janie does not qualify for nursing home. This is through no fault of her own. The other question I have concerning this "income limit" is the VA income in general. It is to my understanding that once Janie is approved for Medicaid then the VA would need to be notified so they could discontinue funding her \$1056 a month. They would decrease her income to only \$90 a month for her own personal use. Why is the VA even a factor for income if this is the case?

My overall view of this process is one of great sadness. I am tired and feel beat down by this system. I have followed all the rules set in place since 2006. For an African American, VA widowed individual with nothing she now faces the unknown. I am very unsettled by this process. My honest opinion is the system was meant to do just what it is doing, not nearly enough. I have heard stories and more often then not – by the time family members got their loved one qualified, they died. How is it that a woman with nothing, (thanks to your guidelines), who has followed the rules in everyway is potentially set to be kicked out of her home. Twin Oaks has one Medicaid bed left available and they were trying to save it for Janie. That was the reason we placed Janie with Twin Oaks because they did have Medicaid beds. Imagine being elderly and placed in a nursing home, where people are waiting to die vs. an assisted living facility where people are still able to do for themselves for the most part. There is a big difference. Janie can not be the only one in this situation. She is loved at Twin Oaks and is happy. She does not qualify for a nursing home as she is able to use a walker, yet the system does not work for her. She has been given just enough money to fall short and become homeless and uncared for. **Who decided the \$1157 number? Why is there a difference between an assisted living income requirement and a nursing home?** I am numb from this experience. I feel the system has let Janie down and many others like her. I am a college graduate that keeps getting “bounced” from one organization to the next. I know how to follow the rules, add and subtract, fill out forms and yet you have made this system almost impossible. My question is what happens now? What happens to the thousands, millions of people similar to Janie? How is this a “just” system? What can be done to change this? The sad part is, by the time you receive this letter and actually do something about it, Janie will probably be close to passing if not already. She is 87 years old and still has a wonderful outlook on life. I want you to know her story. I want you to understand my frustration and anger. I want a system that works with the elderly so when it is time for me to take care of my parents there will be a system in place that does not fight me at every corner. The current system is severely flawed.

Any correspondents, ideas, responses or solutions to this problem would be greatly appreciated. My contact information is as follows: Virginia King, 6426 Farmhouse Road, Ravenel, SC 29470, vhking@aol.com. I would be very interested in meeting with you as I have tons of documentation.

Thank you for reading this letter.

Kind Regards,



Virginia H. King – 29 years old, married and mother of a son, Tax paying citizen

LINDSEY O. GRAHAM
SOUTH CAROLINA



290 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5972

UNITED STATES SENATE

June 10, 2009

RECEIVED

JUN 11 2009

Department of Health & Human Services
OFFICE OF THE DIRECTOR

Ms. Emma Forkner
Director
SC Department of Health and Human Services
PO Box 8206
Columbia, SC 29202-8206

Dear Ms. Forkner:

The attached letter concerns an issue outside my official jurisdiction. Therefore, as a courtesy to my constituent, I am sending this correspondence to your attention.

Thank you for your attention to this matter, and I ask that you please respond directly to the individual.

Sincerely,

A handwritten signature in dark ink, appearing to read "L. Graham", written over a horizontal line.

Lindsey O. Graham
United States Senator

LOG/lt.

Enclosure

508 HAMPTON STREET
SUITE 202
COLUMBIA, SC 29201
(803) 933-0112

401 WEST EVANS STREET
SUITE 228B
FLORENCE, SC 29501
(843) 669-1605

101 EAST WASHINGTON STREET
SUITE 220
GREENVILLE, SC 29601
(864) 250-1417

530 JOHNNIE DODDS BOULEVARD
SUITE 202
MOUNT PLEASANT, SC 29464
(843) 849-3887

140 EAST MAIN STREET
SUITE 110
ROCK HILL, SC 29730
(803) 366-2828

135 EAGLES NEST DRIVE
SUITE B
SENECA, SC 29678
(864) 888-3330

May 5, 2009



Senator Lindsey Graham
Washington Office
290 Russell Senate Office Building
Washington, DC 20510
(202) 224-5972

RECEIVED

JUN 11 2009

Re: Medicaid for Assisted Living vs. Nursing Home Income limits

Department of Health & Human Services
OFFICE OF THE DIRECTOR

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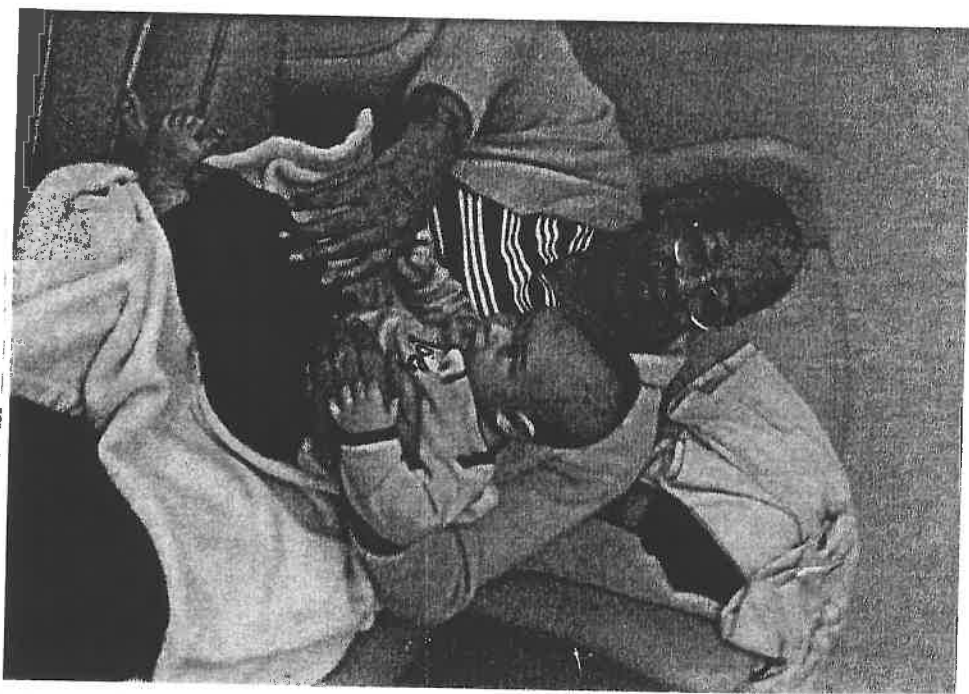
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Thank you for reading this letter.

Kind Regards,



Virginia H. King – 29 years old, married and mother of a son, Tax paying citizen





Log # 1054

State of South Carolina
Department of Health and Human Services

Mark Sanford
Governor

Emma Forkner
Director

June 18, 2009

Ms. Virginia King
PO Drawer 22166
Charleston, South Carolina 29413

Dear Ms. King:

US Senators Jim DeMint and Lindsey Graham, and Lieutenant Governor Andre Bauer's Office on Aging contacted our agency on your behalf regarding assistance with Ms. Janie Mae Rose's healthcare needs. I apologize for your frustration regarding Medicaid eligibility guidelines.

Medicaid eligibility is based on federal and state financial and categorical guidelines. Determining appropriate program requirements presents many challenges, including budget constraints.

Ms. Rose's income exceeds the limit for her to qualify for Medicaid through the Optional State Supplemental program that provides a monthly payment to licensed Community Residential Facilities. Fortunately, as your letter states, she physically doesn't need care in a nursing home at this time.

In an effort to be of assistance, we contacted Mr. Grady Odom of Twin Oaks Villas regarding payment options so that Ms. Rose may remain at Twin Oaks. Mr. Odom should be in contact with you shortly to offer his assistance, if he has not already.

Although Ms. Rose is not currently eligible for full Medicaid benefits, she may be eligible through the Gap Assistance Pharmacy Program for Seniors (GAPS). GAPS provides state pharmacy assistance during the "doughnut hole" to supplement the drug coverage available through a Medicare Prescription Drug Plan (PDP). To benefit from GAPS, an individual must select a PDP that is participating with GAPS. We previously mailed you an application that includes a list of the GAPS PDPs (*copy enclosed*). Ms. Rose's PDP, Silverscript, currently participates with GAPS. If you have any questions regarding GAPS, please contact Ms. Daisy Myers at (803) 898-2629.

If you have any questions about the Medicaid program, please contact Ms. Jennifer Lynch in Constituent Services at (803) 898-3965, and she will be happy to assist you.

Sincerely,

Alicia Jacobs

Alicia Jacobs
Deputy Director

AJ/cl
Enclosure