

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO	DATE
Singleten	11/27/06

DIRECTOR'S USE ONLY		ACTION REQUESTED	
1. LOG NUMBER	CC0374	<input type="checkbox"/> Prepare reply for the Director's signature	DATE DUE _____
2. DATE SIGNED BY DIRECTOR	ca: Beasley ✓	<input checked="" type="checkbox"/> Prepare reply for appropriate signature	DATE DUE 12/6/06
Ref. Log # 236		<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. Cleared 1/19/07 letter attached			
2.			
3.			
4.			



Ref: Log # 236
FOIA - Cleared 9/22/06
RECEIVED

NOV 27 2006

State of South Carolina

Office of the Governor

Department of Health & Human Services
OFFICE OF THE DIRECTOR

MARK SANFORD
GOVERNOR

Post Office Box 12267
COLUMBIA 29211

November 13, 2006

Ms. Engrid L. Grant
105 Hillpine Road, Apartment G1
Columbia, South Carolina 29212-2436

Dear Engrid,

Thank you for your letter. I am so sorry to hear of the difficulties your family is experiencing and am asking that someone from the Department of Health and Human Services contact you to discuss your concerns and any available options. You should be hearing from that office soon. In the meantime, thanks again for taking the time to write.

Sincerely,

A handwritten signature in cursive script, appearing to read "MS".

Mark Sanford

MS/emj

cc: Mr. Robert Kerr, Director
South Carolina Department of Health and Human Services

RECEIVED

NOV 03 2006
NOV 03 2006

Dear Governor Sanford, Referred to

Answered

AS Jackson

My name is Engrid L. Grant and I am writing on behalf of my son, Darrin L. Grant, regarding his Medicaid Transportation. Darrin, who is physically and mentally disabled, uses a motorized wheelchair and is a 9th grade student at Dutch Fork High School. We don't have transportation and have been using Medicaid Transportation for years to take Darrin to his medical appointments; after his appointments Transportation picks us up and then takes Darrin to school. Medicaid Transportation is now refusing to take Darrin to Dutch Fork High School after his medical appointments.

On August 21, 2006, I called Spencer Scott, Richland County DSS Transportation Scheduler (803) 714-7536 to schedule a ride for Darrin for September 19, 2006. Mrs. Scott called me back to say that the ride was scheduled, but Transportation will not take him to school afterwards, that he has to go home. I received no written notification of this decision.

I spoke with Karen Wright (Department of Health and Human Services (803) 898-2655) about Medicaid Transportation refusing to take Darrin to school after his appointments. Mrs. Wright said Transportation is following "Jacob's Law." Mrs. Wright then went on to say that Health and Human Services is waiting to see if the Medicaid vans meet the

State regulations as a school bus.

"The law provides an exception for certain state agencies transporting parents and children together." I have asked the following questions:

1) Is Medicaid Transportation exempt from the law, since Darrin and I are transported together?

2) What state agencies are excluded from the law?

3) What is the exception provided to the state agencies under the law?

The Department of Health and Human Services have not answered my questions because the agency does not know the answers; as for transporting Darrin to his medical appointments and then to school, Health and Human Services says we can use Aiken County Council on Aging or find our own transportation for I. P. T.

If everyone is supposed to follow "Jacob's Law" how can Aiken County come to Richland County and provide the same service? Why did Medicaid Transportation wait six years to follow this law?

This abrupt change has created a huge problem for us, because if Darrin can't get to school after his medical appointments, then he misses school, which has already happened. Medicaid Transportation should continue taking Darrin to Dutch Fork High School after his medical appointments.

Governor Sanford, I am seeking your help in contacting the Department of Health and Human Services and the State Attorney General's Office to look into how Jacob's Law will affect Darrin's Medicaid Transportation.

Your time and assistance are greatly appreciated.

Thank You,
Engrid L. Grant
(803) 749-0139

Engrid L. Grant
105 Hillpine Rd., Apt. G1
Columbia, S.C. 29212-2436

As of now, I'm seeking your help for a resolution to this problem.

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

Roberts



ACTION REFERRAL

Re-logged from Bowling to Singleton 11/28/06 *lm*

TO <i>Singleton</i>	DATE <i>11/27/06</i>
------------------------	-------------------------

DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>GC0374</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>cc: Bowling</i>	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <i>12/6/06</i>
<i>Ref. Log # 236</i>	<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
<i>1. Sheila Wells</i>	<i>SRW</i>		<i>11/11/07</i>
<i>2. Susan Bowling</i>	<i>[Signature]</i>		<i>See comments in red.</i>
3.			
4.			



State of South Carolina
Department of Health and Human Services

Mark Sanford
Governor

January 19, 2007

Robert M. Kerr
Director

Ms. Engrid L. Grant
105 Hillpine Road, Apartment G1
Columbia, South Carolina 29212-2436

Dear Ms. Grant:

Your letter to Governor Mark Sanford regarding the transportation of your son, Darrin, to medical appointments and to school has been referred to our agency for response. We appreciate you taking the time to share your situation with us.

The South Carolina Department of Health and Human Services (SCDHHS) recently conducted a review of the impact that Jacob's Law has on non-emergency Medicaid transportation. As a part of that review, SCDHHS received an opinion from the South Carolina Attorney General's office regarding the application of Jacob's Law to providers of Medicaid non-emergency transportation. The Attorney General concluded that:

"when, . . . , the Medicaid transportation provided transports a preprimary, primary, or secondary school student to or from school, we believe Jacob's Law becomes applicable and thus, SCDHHS must comply with its provisions presuming such transportation is provided in a vehicle defined as a school bus pursuant the applicable federal law."

Therefore, Medicaid non-emergency transportation is not exempt from Jacob's Law. While the vans used for Medicaid non-emergency transportation may meet the federal definition of a school bus, they do not meet all standards required under Jacob's Law. Also, according to our reading of Jacob's Law, there are no State agencies that are specifically excluded from the law while transporting students to or from school.

Medicaid non-emergency transportation is provided for beneficiary transport to and from services covered under the Medicaid State Plan. Transportation providers furnish and coordinate non-emergency contractual transportation services to assure beneficiaries arrive to and depart from Medicaid service providers during regular operational hours.

Ms. Engrid L. Grant

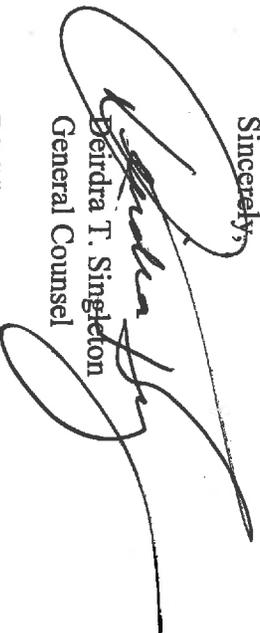
January 19, 2007

Page 2

Medicaid non-emergency transportation providers are not required to furnish transportation for beneficiaries to school before or after medical appointments. If the transportation provider is not able to transport the beneficiary to or from school in accordance with Jacob's Law, beneficiaries must provide their own transportation to or from school.

SCDHHS is committed to ensuring that Medicaid beneficiaries receive appropriate non-emergency transportation within the law. If you have any questions, please contact Byron Roberts or me at (803) 898-2795.

Sincerely,

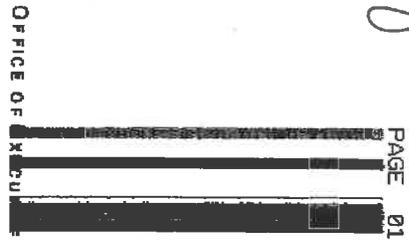
A handwritten signature in black ink, appearing to read "Deirdra T. Singleton", is written over a printed name and title. The signature is fluid and cursive, with a large loop at the end.

Deirdra T. Singleton
General Counsel

DTS/b



Office of the Ombudsman
of North Carolina
Office of the Governor



File #1
Log 374

Amber

no records on
this log

letter pm. 10th
dated

msd
log 374



State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

OFFICE OF THE GOVERNOR
POLICY AND LEGAL SERVICES

FAX TRANSMITTAL COVER

DATE:	1/29/07
FAX TO:	Jan Palathy
FAX #:	855-8235
FROM:	Smilly Jackson

Total number of pages:

 (including this cover sheet)

If you have any problems receiving this document, please contact:

Office of Constituent Services
 Post Office Box 12267
 Columbia, SC 29211
 TELEPHONE: (803) 734-6048 • FAX: (803) 734-0799

1/2007

Dear Governor Sanford,

My name is Engrid L. Grant and I am writing on behalf of my son, Darrin E. Grant, regarding his Medicaid Transportation. Darrin is a 9th grade student at Duten Fork High and is physically and mentally disabled and uses a motorized wheelchair.

I am writing for your assistance in finding out from the Department of Health and Human Services how "Jacob's Law" will affect Darrin's Medicaid Transportation, since Medicaid Transportation is refusing to take him to Duten Fork High School after his medical appointments. Using Medicaid Transportation for years, they have always taken Darrin to school after his medical appoint.

Medicaid Transportation "transports parents and children together," are they exempt from "Jacob's Law"? How can Allen County Council on Aging come to Columbia to transport and take Darrin to school but our own Medicaid Transportation will not? We do not have our own transportation to transport a motorized chair and everytime Darrin goes to the doctor, he misses school which is unfair and unjust. Your time and assistance in resolving this matter are appreciated.

Thank You,
Engrid L. Grant
(803) 749-0134

From: "Emily Jackson" <ejackson@oepp.sc.gov>
To: <POLATTYJ@dhs.state.sc.us>
Date: 1/29/2007 9:39:26 AM
Subject: Engrid Grant

Hey Jan,

Governor Sanford has received another letter from Ms. Grant re her son's transportation. Since HHS' General Counsel is looking into Ms. Grant's concerns, would you like me to fax you a copy of her most recent correspondence?

I'll need to contact Ms. Grant as soon as possible to let her know that we did receive her letter, so any updated info you have that I can pass along would be helpful. However, I fully understand that there may not be any information our office should share with Ms. Grant at this point; if that's the case, just let me know.

Thanks...Emily

Emily Jackson
Constituent Services
Office of the Governor
(803) 734-0681

*Brenda - me love #
Grand info give been best
in this one have best
would have legal -
to legal - thanks for*



From: Jan Polatty
To: Emily Jackson
Date: 1/3/2007 3:59:32 PM
Subject: Re: Engrid Grant

Hey, Em!

This one is still open - due to the legal issues it was logged to our **General Counsel** for response. We'll let you know when it has been resolved. Thanks! Jan

>>> "Emily Jackson" <ejackson@oepp.sc.gov> 12/28/06 1:48 PM >>>
Hey Jan!

I hope ya'll had a wonderful christmas!!!!

i wanted to touch base regarding Engrid Grant. November 13, we sent a written referral to HHS asking that someone contact Ms. Grant. Do you know if anyone was able to reach her? I didn't want to bombard ya'll with a follow referral so i thought i'd shoot a quick e-mail. Thanks...Emily

Emily Jackson
Constituent Services
Office of the Governor
(803) 734-0681