


DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO	DATE
<i>Singleton</i>	<i>9-20-06</i>

DIRECTOR'S USE ONLY		ACTION REQUESTED	
1. LOG NUMBER	000259	<input type="checkbox"/> Prepare reply for the Director's signature	DATE DUE _____
2. DATE SIGNED BY DIRECTOR	<i>cc. Ries</i> <i>Cleared 10/13/06</i> <i>attached.</i> 	<input checked="" type="checkbox"/> Prepare reply for appropriate signature	DATE DUE <i>9-29-06</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
1.			
2.			
3.			
4.			

Mark & or Derrin RECEIVED

September 13, 2006

SEP 15 2006

Mr. Gary Ries

Deputy Director

SC Department of Health and Human Services

Medicaid Eligibility and Beneficiary Services

P. O. Box 8206

Columbia, SC 29202-8206

MEDICAID ELIGIBILITY
& BENEFICIARY SERVICES

Reg: 109-0118

Re: Grace B. Styles

Dear Mr. Ries:

Thank you for your letter dated August 25, 2006. Although the sample copy of a Department of Veterans Affairs letter that you mentioned, was not enclosed, I am very familiar with them. And, your assumption that mother has probably received such a letter in the past is absolutely correct. In fact, she has received several of them, two of which I have enclosed a copy of, for your consideration.

I further appreciate you explanation of the difference between an "Aid and Attendance" payment and a "Reduced Veterans Administration Pension," along with the amounts, how, when and for what purpose they are awarded, and the qualifications of each. However, I find the explanations of same, as outlined in the two Veterans Administration letters, to be in direct contradiction to, and exactly opposite of, your explanation. The key points of contrast are obvious, but I have highlighted several lines in each enclosed letter for clarification. Also, for your convenience, I have highlighted and enclosed a copy of your above referenced letter.

Your explanation mirrors that of all DHHS employees that I have spoken with in the course of this appeal, and it correlates with the page I was sent from the existing Medicaid policy manual.

It has been my contention since the beginning of this matter that the decision to disallow mother's \$30 personal needs allowance was incorrect. I believe the reasons, policy references and explanations given in support of said decision, based on their contradictions, are not credible and do not justify such action. I further contend that my mother does not receive a "Reduced Veterans Administration Pension" but, she does, in fact, receive "Aid and Attendance." And, that she receives it in compliance with the Department of Veterans Affairs policy.

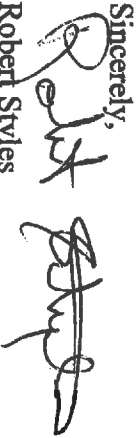
I respectfully ask that you re-visit your letter along with Medicaid policy, then, examine the two Veterans Administration letters. Upon doing so, I believe you will find credible and irrefutable evidence to support and confirm my position.

Mr. Gary Ries
September 13, 2006
Page 2
enclosures

For almost twelve years, since January 13, 1995, Mrs. Grace B. Styles has been confined to a nursing home. Each month, after paying all of her other Social Security income to the nursing home, she received her \$30 personal needs allowance from Medicaid along with her \$90 "Aid and Attendance" from the Department of Veterans Affairs. Both of which were for her personal needs. During this entire time, each time her Medicaid case was reviewed, she was told by DHHS case workers that she was in compliance with all laws and policies. She was told that if her situation did not change, she would always be allowed to keep receiving both. She was told that her \$90 "Aid and Attendance" was not countable income and she was not even required to report it. She was also told that the \$90 could not be considered in the making of any decisions regarding Medicaid. However, on June 14, 2006, her \$30 personal needs allowance was disallowed. She was given a variety of reasons and explanations for the decision, all of which contradicted what she had been told during the past twelve years.

Mr. Ries, in closing, I submit to you sir... It is obvious that Medicaid policy needs to be clarified or re-written, and that case workers should not make erroneous decisions or make mistakes that last for many years, or both. It is also evident that policy and decisions should not be contradictory to and/or with other governmental agencies. Regardless of whether this decision is correct or incorrect, has to do with policy, interpretation of policy, case worker discretion, or case worker error, either in the past or present, the fact is, Mrs. Styles' situation has not changed. She was apparently erroneously informed. She was led to believe that she would receive these benefits for the remainder of her life, and through no fault of her own, she planned her last years accordingly. Although \$30 per month is not a lot of money to most folks, it is very important to Mrs. Styles and her daily life, including her final plans. She is 81 years old and in poor health. She cannot conceivably be here very much longer. She has done nothing wrong and needs this money to make her last days comfortable and dignified.

Out of compassion for the consequences of this error, and, based on all of the above, I respectfully and humbly request that you restore Mrs. Grace B. Styles' \$30 personal needs allowance, and, that you take the appropriate actions necessary to prevent this unfortunate occurrence from happening in anyone else's life.

Sincerely,

Robert Styles
Authorized Representative: Grace B. Styles
P. O. Box 116
Slaters, SC 29683
864-836-3318

Enclosure #1



RECEIVED

SEP 15 2006

State of South Carolina
Department of Health and Human Services

MEDICAID ELIGIBILITY
& BENEFICIARY SERVICES

Mark Sanford
Governor

Robert M. Kerr
Director

August 25, 2006

Mr. Robert Styles
P.O. Box 116
Slater, South Carolina

Dear Mr. Styles:

While reviewing the letter dated August 10 that I sent to you regarding the monthly personal income allowance for your mother, Mrs. Grace B. Styles, I realized that we did not explain the probable sequence of events regarding Mrs. Styles' allowance.

First let me explain the difference between an "Aid and Attendance" payment and a "Reduced Veterans Administration Pension." An Aid and Attendance payment is made to help cover the cost for assistance the individual may need while residing in their home. The amount varies depending on the level of disability and need. You are correct that this amount is excluded from a determination of Medicaid eligibility.

An Aid and Attendance payment is not made if an individual is in a nursing home. When an individual moves into a nursing home, the Veteran's Administration eliminates any Aid and Attendance payment and initiates a \$90 payment to cover "incidental needs, such as toilet articles, snacks, etc.)." This \$90 payment is a Reduced Veterans Administration Pension. Mrs. Styles probably received a letter from the Department of Veterans Affairs some years ago explaining that her \$90 payment is for her personal needs while in the nursing home. I have enclosed an example of such a letter.

The South Carolina Medicaid program allows a \$30 personal needs allowance only for individuals who do not have a reduced VA pension for personal needs. The \$30 is for the same purpose as the reduced VA pension.

It is likely that when Mrs. Styles entered the nursing home, she was receiving an Aid and Attendance payment which was disregarded. However, that payment was discontinued because the nursing home care now covers the services for which the Aid and Attendance payment is made.

Medicaid Eligibility and Beneficiary Services
P. O. Box 8206 Columbia South Carolina 29202-8206
(803) 898-2502 Fax (803) 255-8235

Mr. Robert Styles
August 25, 2006
Page 2

I hope this explanation better explains the decision regarding the disallowance of the \$30 personal needs allowance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gary Ries", is written over the printed name.

Gary Ries
Deputy Director

GR:lm



DEPARTMENT OF VETERANS AFFAIRS
VARO Columbia
1801 Assembly St.
COLUMBIA SC 29201

Enclosure # 2
RECEIVED

SEP 15 2006

MAR 14 1997

REGIONS OF EMERGENCY
& SENIORITY SERVICES

GRACE B STYLES
113-A MELLON ST
PO BOX 116
SLATER SC 29683

In Reply Refer To: 319/212AD

XC 04 721 321
STYLES, Russell H

Dear Ms. Styles:

This letter is in reference to your Statement in Support of Claim, dated March 3, 1995.

You are receiving VA benefits under Section 306 at a protected rate of \$133.00. VA benefits are not reduced to \$90.00 due to Medicaid nursing home care under Section 306.

If you are requesting benefits of \$90.00 under Improved Pension to qualify for Medicaid, please advise and we will accept your election for benefits under Improved Pension.

You have the right to appeal this decision. The enclosed VA Form 4107, Notice of Procedural and Appellate Rights, explains your rights.

Sincerely yours,

LOUIS W. HAMMOND
Adjudication Officer

Enclosures: VA Form 4107
VA Form 21-4138

cc: CVAO
Greenville

212AD/JRB/073



Department of
Veterans Affairs

Enclosure #3

1801 ASSEMBLY ST
COLUMBIA SC 29201

19

January 19, 1996

IN REPLY REFER TO:

GRACE B STYLES
113-A MELLON ST
PO BOX 116
SLATER SC 29683

4-721-321/10
R H STYLE

We amended your PENSION award as follows:

EFFECTIVE DATE	MONTHLY RATE	COUNTABLE ANNUAL INCOME	MAXIMUM ANNUAL RATE
1-01-96	\$90.00	07369	08839

VA pays a pension to make up the difference between your countable annual income and a maximum annual rate. You can determine your monthly payment rate as follows:

- (1) subtract your countable annual income from the maximum annual rate;
- (2) divide that answer by 12;
- (3) round this answer down to the nearest whole dollar.

We based this award on countable annual income of \$7369 from January 1, 1996. To determine your countable income, we included the following sources of income you reported:

SELF : EARNED \$00000; SOCIAL SECURITY \$07369;
RETIREMENT \$00000; INTEREST \$00000;
INSURANCE \$00000; AND OTHER INCOME \$00000.

Once you have elected Improved Pension benefits and cashed your first check, you can't return to your original benefit. You cannot return to the protected pension program unless you send back the first Improved Pension payment. If you receive your payments by Direct Deposit or Electronic Funds Transfer (DD/EFT), and you decide you want to stay with the protected pension program, you must tell us before your bank receives the second payment. If you need further information on the Improved Pension program, please contact a Veterans Benefits Counselor at the toll-free number found in your telephone directory. If you decide that you do not want Improved Pension, you should so state on the enclosed VA Form 21-4138 and return it to us immediately.



Department of
Veterans Affairs

1801 ASSEMBLY ST
COLUMBIA SC 29201

19 January 19, 1996
PAGE 2

IN REPLY REFER TO:

4-721-321/10
R H STYLE

This award includes an additional monthly amount from January 1, 1996 based on need for Aid and Attendance.

If this change in your award decreases your payments for a prior period, we may establish an overpayment in your award. If our adjustment results in an overpayment of the benefits we paid you, we will notify you shortly of the exact amount of the overpayment. Also, we will give you information about repayment.

Your rate of VA pension depends on total "family" income which includes your income and that of any dependents. We must adjust your payments whenever this income changes. You must notify us immediately if income is received from any source other than that shown above. You must also report any changes in the income shown above. Your failure to promptly tell VA about income changes may create an overpayment which will have to be repaid.

We awarded you the Aid and Attendance allowance because of your nursing home admission. You must immediately tell VA the date you leave the nursing home in which you are now a patient.

You are a patient in a Medicaid-approved nursing home and covered by a Medicaid plan. Therefore, your monthly pension is limited to \$90.00 while you are receiving this type of care.

The \$90 monthly payment is for your incidental needs, such as toilet articles, snacks, etc., and no part of this payment should be used by Medicaid to cover your medical expenses. You should notify your state Medicaid office that the benefits you receive under the Improved Pension Program are being reduced.

Generally, nursing home expenses that are in excess of your non-VA income should now be paid by Medicaid. Individual states, however, have considerable latitude in determining the amount, duration, and scope of nursing home services paid by the Medicaid program.

IMPORTANT -- SEE REVERSE FOR PROCEDURAL AND APPELLATE RIGHTS
KEEP THIS LETTER FOR FUTURE REFERENCE

VA FORM
OCT 1953

20-8993



Department of
Veterans Affairs

1801 ASSEMBLY ST
COLUMBIA SC 29201

19

January 19, 1996
PAGE 3

IN REPLY REFER TO:

FILE NUMBER
4-721-321/10
R H STYLE

Please read the enclosed VA Form 21-8767. It contains important information about rights to receive this benefit.

IF YOU RESIDE IN THE CONTINENTAL UNITED STATES, ALASKA, HAWAII OR PUERTO RICO, YOU MAY CONTACT VA WITH QUESTIONS AND RECEIVE FREE HELP BY CALLING OUR TOLL-FREE NUMBER 1-800-827-1000 (FOR HEARING IMPAIRED TDD 1-800-829-4833).

LOUIS W. HAMMOND
ADJUDICATION OFFICER

Encl: 21-8767

VA FORM
OCT 1993

20-8993

IMPORTANT - SEE REVERSE FOR PROCEDURAL AND APPELLATE RIGHTS
KEEP THIS LETTER FOR FUTURE REFERENCE

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO Ries	DATE 7-28-06
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DIRECTOR'S USE ONLY		ACTION REQUESTED	
1. LOC NUMBER 000418	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____		
2. DATE SIGNED BY DIRECTOR Cleaved 8/10/06 letter attached. ✓	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE 8-8-06 <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. 2nd letter attached dated 8/25/06			Return to ²¹ 9/18 Bunker
2.			
3.			
4.			

Log Rio
"Opprop. Sign."

From: Bryan Kost
To: Denise Epps; Linda Malone
Date: 7/28/2006 10:37:18 AM
Subject: new log - Rep. Cato- Grace Styles

Hi Linda:
Please log.

Denise, here's what's coming:

I just hung up with Robert Styles, son of Grace B. Styles. Grace was born in 1925. Don't have SS# right now. Robert's phone is 864.979.5440.

Grace is in a nursing home, and has been for years. Medicaid beneficiary since 1995. She's gotten a VA pension since 1971. The issue is that recently, on her review, Medicaid told her (for the first time) that the VA pension is no longer a disregard. It's like \$90. (She also gets \$30 from Social Security.) So the thing he wants to know is what law changed, and when did it change, that now counts her VA pension (which the VA insists is not countable, calling it "aid and allowance.") He said he's spoken with G'ville DHHS workers, and supervisors, and he's gotten seven different answers now about what law changed and when. He is in the appeals process (Robert French). He's not pleased with his communication with appeals folks, but said he'd like to offer that feedback later.

Rep. Cato's office would like a written response on this, so I'm logging it. But wanted to give y'all a heads up.

Bryan Kost
DHHS Public Information
803.898.2865
cell- 429.3201
kostbr@scdhs.gov

CC: Alicia Jacobs; Mark Of

RECEIVED

JUL 28 2006

Department of Health & Human Services
OFFICE OF THE DIRECTOR



State of South Carolina
Department of Health and Human Services

#118

Mark Sanford
Governor

Robert M. Kerr
Director

August 25, 2006

Mr. Robert Styles
P.O. Box 116
Slater, South Carolina

Dear Mr. Styles:

While reviewing the letter dated August 10 that I sent to you regarding the monthly personal income allowance for your mother, Mrs. Grace B. Styles, I realized that we did not explain the probable sequence of events regarding Mrs. Styles' allowance.

First let me explain the difference between an "Aid and Attendance" payment and a "Reduced Veterans Administration Pension." An Aid and Attendance payment is made to help cover the cost for assistance the individual may need while residing in their home. The amount varies depending on the level of disability and need. You are correct that this amount is excluded from a determination of Medicaid eligibility.

An Aid and Attendance payment is not made if an individual is in a nursing home. When an individual moves into a nursing home, the Veteran's Administration eliminates any Aid and Attendance payment and initiates a \$90 payment to cover "incidental needs, such as toilet articles, snacks, etc.)." This \$90 payment is a Reduced Veterans Administration Pension. Mrs. Styles probably received a letter from the Department of Veterans Affairs some years ago explaining that her \$90 payment is for her personal needs while in the nursing home. I have enclosed an example of such a letter.

The South Carolina Medicaid program allows a \$30 personal needs allowance only for individuals who do not have a reduced VA pension for personal needs. The \$30 is for the same purpose as the reduced VA pension.

It is likely that when Mrs. Styles entered the nursing home, she was receiving an Aid and Attendance payment which was disregarded. However, that payment was discontinued because the nursing home care now covers the services for which the Aid and Attendance payment is made.

Medicaid Eligibility and Beneficiary Services
P. O. Box 8206 Columbia South Carolina 29202-8206
(803) 898-2502 Fax (803) 255-8235

Mr. Robert Styles

August 25, 2006

Page 2

I hope this explanation better explains the decision regarding the disallowance of the \$30 personal needs allowance.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Ries", is written over the printed name.

Gary Ries
Deputy Director

GR:lm



State of South Carolina

Department of Health and Human Services

Mark Sanford
Governor

Robert M. Kerr
Director

August 25, 2006

The Honorable Harry F. Cato
Member, SC House of Representatives
P.O. Box 223
Travelers Rest, South Carolina 29690

Dear Representative Cato:

This is in reference to you request for our agency to review the Medicaid eligibility case for Mrs. Grace B. Styles.

The issue in the case is about the amount of personal needs allowance for individuals in a nursing home. The South Carolina Medicaid program provides a \$30 per month allowance. This is the amount a beneficiary is permitted to keep to pay for such things as special toiletries, snacks, and clothing. Any remaining income is considered recurring income and is paid to the nursing home.

However, if the Veterans Administration provides a reduced VA pension for the purpose of personal needs, the state allowance is not also given. The VA pension for personal needs for someone in a nursing home is \$90. An individual can get the state allowance of \$30 only if they do not also get a VA pension for the same purpose.

Some individuals are receiving an Aid and Attendance payment from the VA when they enter a nursing home. The purpose of this payment is to assist with cost of care for a person in their home. The Aid and Attendance payment is disregarded for Medicaid eligibility purposes. When a person enters a nursing home, this payment is discontinued.

Because an individual begins receiving a reduced VA pension (the VA's equivalent to a personal needs allowance), beneficiaries sometimes think they are continuing to receive an Aid and Attendance payment which should be disregarded. Frequently, when a case is first budgeted, the Aid and Attendance payment has not been discontinued by the VA and is disregarded. If the reduced VA pension is not yet in place, the state \$30 personal needs allowance is provided. The state \$30 personal needs allowance is discontinued when the state becomes aware that the VA is providing a reduced VA pension.

Thank you for bringing this case to our attention. The decision in Mrs. Styles' case is correct.

The Honorable Harry F. Cato
August 25, 2006
Page 2

However, review of this case has identified a need for us to have clearer explanations regarding VA payments and nursing home coverage. We are reviewing our procedures in an effort to better explain the relationship of VA payments to personal needs allowances.

I hope this information is helpful to you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert M. Kerr". The signature is fluid and cursive, with the first name "Robert" being more prominent than the last name "Kerr".

Robert M. Kerr
Director

RMK:lm

Robert & Gary

I met with Betty Morris & also had her read my draft letter to Mr. Styke. She said it was good.

I still haven't heard from Robert French, our appeals examiner to find out why he called the "Payment - Aid & Attendance".

So, unless his reference wasn't an error, there are really no go if you'd like them OK. I'm sending him a & you an electronic copy of my drafts

given

Gary - I think our policy & procedures could be checked & Betty says staff have a hard time getting copies the posting correctly. Let me know if you wish me to work with staff & suggest some revisions. from

Dear Mr. Styles:

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It is likely that when Mrs. Styles entered the nursing home, she was receiving an Aid and Attendance payment which was disregarded. However, that payment was discontinued because the nursing home care now covers the services for which the Aid and Attendance payment is made.

I hope this explanation better explains the decision regarding the disallowance of the \$30 personal needs allowance.

Gay

Dear Representative Cato:

This is in reference to you request for our agency to review the Medicaid eligibility case for Mrs. Grace B. Styles.

The issue in the case is about the amount of personal needs allowance for individuals in a nursing home. The South Carolina Medicaid program provides a \$30 per month allowance. This is the amount a beneficiary is permitted to keep to pay for such things as special toiletries, snacks, and clothing. Any remaining income is considered recurring income and is paid to the nursing home.

However, if the Veterans Administration provides a reduced VA pension for the purpose of personal needs, the state allowance is not also given. The VA pension for personal needs for someone in a nursing home is \$90. An individual can get the state allowance of \$30 only if they do not also get a VA pension for the same purpose.

Some individuals are receiving an Aid and Attendance payment from the VA when they enter a nursing home. The purpose of this payment is to assist with cost of care for a person in their home. The Aid and Attendance payment is disregarded for Medicaid eligibility purposes. When a person enters a nursing home, this payment is discontinued.

Because an individual begins receiving a reduced VA pension (the VA's equivalent to a personal needs allowance), beneficiaries sometimes think they are continuing to receive an Aid and Attendance payment which should be disregarded. Frequently, when a case is first budgeted, the Aid and Attendance payment has not been discontinued by the VA and is disregarded. If the reduced VA pension is not yet in place, the state \$30 personal needs allowance is provided. The state \$30 personal needs allowance is discontinued when the state becomes aware that the VA is providing a reduced VA pension.

Thank you for bringing this case to our attention. The decision in Mrs. Styles' case is correct. However, review of this case has identified a need for us to have clearer explanations regarding VA payments and nursing home coverage. We are reviewing our procedures in an effort to better explain the relationship of VA payments to personal needs allowances.

I hope this information is helpful to you.

RE:bby

**Department of
Veterans Affairs****1801 ASSEMBLY ST
COLUMBIA SC 29201****97 Feb**

If this change in your award decreases your payments for a prior period, we may establish an overpayment in your award. If our adjustment results in an overpayment of the benefits we paid you, we will notify you shortly of the exact amount of the overpayment. Also, we will give you information about repayment.

Your rate of VA pension depends on total "family" income which includes your income and that of any dependents. We must adjust your payments whenever this income changes. You must notify us immediately if income is received from any source other than that shown above. You must also report any changes in the income shown above. Your failure to promptly tell VA about income changes may create an overpayment which will have to be repaid.

You are a patient in a Medicaid-approved nursing home and covered by a Medicaid plan. Therefore, your monthly pension is limited to \$90.00 while you are receiving this type of care.

The \$90 monthly payment is for your incidental needs, such as toilet articles, snacks, etc., and no part of this payment should be used by Medicaid to cover your medical expenses. You should notify your state Medicaid office that the benefits you receive under the Improved Pension Program are being reduced.

Generally, nursing home expenses that are in excess of your non-VA income should now be paid by Medicaid. Individual states, however, have considerable latitude in determining the amount, duration, and scope of nursing home services paid by the Medicaid program.

Please read the enclosed VA Form 21-8767. It contains important information about rights to receive this benefit.

If your mailing address is different than that shown above, please advise us of your new mailing address. You should notify us immediately of any changes in your mailing address.



State of South Carolina
Department of Health and Human Services

at Sanford
... ..

Robert M. Kuri
Director

August 10, 2006

Mr. Robert Styles
Post Office Box 116
Slater, South Carolina 29683

Dear Mr. Styles:

Representative Harry Cato asked our agency to respond directly to you concerning Medicaid coverage for your mother, Mrs. Grace B. Styles, since you are her legal representative. We have enclosed a release that, once signed and returned, will allow us to provide information to Representative Cato.


Mrs. Styles is covered under Medicaid's Nursing Home program and also receives Medicare coverage. Since your mother receives a \$90 monthly payment from the Veterans Administration, she is precluded under Medicaid policy from also receiving the regular \$30 monthly personal income allowance for Medicaid nursing home recipients.

Unfortunately, we did not identify the error until Mrs. Styles' most recent annual Medicaid review. When we realized our error, we discontinued the additional \$30. We apologize to you and your mother for any inconvenience or misunderstanding this error may have caused your family.

You appealed our denial of the additional \$30 allowance and that appeal was denied on July 25, 2006 for lack of cause. If you wish to seek a further review of this matter, you may appeal directly to the South Carolina Administrative Law Court as explained in the certified mail you recently received.

I hope this information proves helpful to you in dealing with your mother's healthcare needs.

Sincerely,


Gary Ries
Deputy Director

GR/jole
enclosure

#118



State of South Carolina
Department of Health and Human Services

Mark Sanford
Governor

Robert M. Kerr
Director

August 25, 2006

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Mr. Robert Styles

August 25, 2006

Page 2

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Gary Ries
Deputy Director

GR:lm



State of South Carolina

Department of Health and Human Services

Mark Sanford
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Office of the Director
P.O. Box 8206 • Columbia, South Carolina 29202-8206
(803) 898-2504 • Fax (803) 255-8235

The Honorable Harry F. Cato
August 25, 2006
Page 2

However, review of this case has identified a need for us to have clearer explanations regarding VA payments and nursing home coverage. We are reviewing our procedures in an effort to better explain the relationship of VA payments to personal needs allowances.

I hope this information is helpful to you.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. M. Kerr", written in a cursive style.

Robert M. Kerr
Director

RMK:lm

Robby + Cory

I met with Betty Moore & also had her read my draft letter to Mr. Styler. She said it was good.

I still haven't heard from Robert French, our appeals examiner to find out why he called the "Payment Audit Attendance".

So, unless his reference wasn't an error, there are really no go if you'd like them OK. I'm sending him a letter & you are electronic copy of my drafts.

Given

Gary - I think our policy & procedures could be checked &

Betty says staff have a hard time ~~with~~ applying the policy correctly. Let me know if you want me to work with staff & suggest some revisions from

Dear Mr. Styles:

While reviewing the letter dated August 10 that I sent to you regarding the monthly personal income allowance for your mother, Mrs. Grace B. Styles, I realized that we did not explain the probable sequence of events regarding Mrs. Styles' allowance.

First let me explain the difference between an "Aid and Attendance" payment and a "Reduced Veterans Administration Pension." An Aid and Attendance payment is made to help cover the cost for assistance the individual may need while residing in their home. The amount varies depending on the level of disability and need. You are correct that this amount is excluded from a determination of Medicaid eligibility.

An Aid and Attendance payment is not made if an individual is in a nursing home. When an individual moves into a nursing home, the Veteran's Administration eliminates any Aid and Attendance payment and initiates a \$90 payment to cover "incidental needs, such as toilet articles, snacks, etc.)." This \$90 payment is a Reduced Veterans Administration Pension. Mrs. Styles probably received a letter from the Department of Veterans Affairs some years ago explaining that her \$90 payment is for her personal needs while in the nursing home. I have enclosed an example of such a letter.

The South Carolina Medicaid program allows a \$30 personal needs allowance only for individuals who do not have a reduced VA pension for personal needs. The \$30 is for the same purpose as the reduced VA pension.

It is likely that when Mrs. Styles entered the nursing home, she was receiving an Aid and Attendance payment which was disregarded. However, that payment was discontinued because the nursing home care now covers the services for which the Aid and Attendance payment is made.

I hope this explanation better explains the decision regarding the disallowance of the \$30 personal needs allowance.

Gary

Dear Representative Cato:

This is in reference to you request for our agency to review the Medicaid eligibility case for Mrs. Grace B. Styles.

The issue in the case is about the amount of personal needs allowance for individuals in a nursing home. The South Carolina Medicaid program provides a \$30 per month allowance. This is the amount a beneficiary is permitted to keep to pay for such things as special toiletries, snacks, and clothing. Any remaining income is considered recurring income and is paid to the nursing home.

However, if the Veterans Administration provides a reduced VA pension for the purpose of personal needs, the state allowance is not also given. The VA pension for personal needs for someone in a nursing home is \$90. An individual can get the state allowance of \$30 only if they do not also get a VA pension for the same purpose.

Some individuals are receiving an Aid and Attendance payment from the VA when they enter a nursing home. The purpose of this payment is to assist with cost of care for a person in their home. The Aid and Attendance payment is disregarded for Medicaid eligibility purposes. When a person enters a nursing home, this payment is discontinued.

Because an individual begins receiving a reduced VA pension (the VA's equivalent to a personal needs allowance), beneficiaries sometimes think they are continuing to receive an Aid and Attendance payment which should be disregarded. Frequently, when a case is first budgeted, the Aid and Attendance payment has not been discontinued by the VA and is disregarded. If the reduced VA pension is not yet in place, the state \$30 personal needs allowance is provided. The state \$30 personal needs allowance is discontinued when the state becomes aware that the VA is providing a reduced VA pension.

Thank you for bringing this case to our attention. The decision in Mrs. Styles' case is correct. However, review of this case has identified a need for us to have clearer explanations regarding VA payments and nursing home coverage. We are reviewing our procedures in an effort to better explain the relationship of VA payments to personal needs allowances.

I hope this information is helpful to you.

RSBby



**Department of
Veterans Affairs**

**1801 ASSEMBLY ST
COLUMBIA SC 29201**

97 Feb

If this change in your award decreases your payments for a prior period, we may establish an overpayment in your award. If our adjustment results in an overpayment of the benefits we paid you, we will notify you shortly of the exact amount of the overpayment. Also, we will give you information about repayment.

Your rate of VA pension depends on total "family" income which includes your income and that of any dependents. We must adjust your payments whenever this income changes. You must notify us immediately if income is received from any source other than that shown above. You must also report any changes in the income shown above. Your failure to promptly tell VA about income changes may create an overpayment which will have to be repaid.

You are a patient in a Medicaid-approved nursing home and covered by a Medicaid plan. Therefore, your monthly pension is limited to \$90.00 while you are receiving this type of care.

The \$90 monthly payment is for your incidental needs, such as toilet articles, snacks, etc., and no part of this payment should be used by Medicaid to cover your medical expenses. You should notify your state Medicaid office that the benefits you receive under the Improved Pension Program are being reduced.

Generally, nursing home expenses that are in excess of your non-VA income should now be paid by Medicaid. Individual states, however, have considerable latitude in determining the amount, duration, and scope of nursing home services paid by the Medicaid program.

Please read the enclosed VA Form 21-8767. It contains important information about rights to receive this benefit.

If your mailing address is different than that shown above, please advise us of your new mailing address. You should notify us immediately of any changes in your mailing address.



State of South Carolina
Department of Health and Human Services

Robert M. Ken
Director

Robert M. Ken
Director

August 10, 2006

Mr. Robert Styles
Post Office Box 116
Slater, South Carolina 29683

Dear Mr. Styles:

Representative Harry Cato asked our agency to respond directly to you concerning Medicaid coverage for your mother, Mrs. Grace B. Styles, since you are her legal representative. We have enclosed a release that, once signed and returned, will allow us to provide information to Representative Cato.

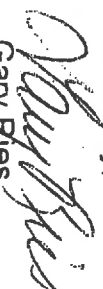
Mrs. Styles is covered under Medicaid's Nursing Home program and also receives Medicare coverage. Since your mother receives a \$90 monthly payment from the Veterans Administration, she is precluded under Medicaid policy from also receiving the regular \$30 monthly personal income allowance for Medicaid nursing home recipients.

Unfortunately, we did not identify the error until Mrs. Styles' most recent annual Medicaid review. When we realized our error, we discontinued the additional \$30. We apologize to you and your mother for any inconvenience or misunderstanding this error may have caused your family.

You appealed our denial of the additional \$30 allowance and that appeal was denied on July 25, 2006 for lack of cause. If you wish to seek a further review of this matter, you may appeal directly to the South Carolina Administrative Law Court as explained in the certified mail you recently received.

I hope this information proves helpful to you in dealing with your mother's healthcare needs.

Sincerely,


Gary Ries
Deputy Director

GR/jole
enclosure

From: Robert French
To: Gwen Power
Date: 8/24/2006 3:18:02 PM
Subject: Re: Appeal' Case #06-MAO-342

Respondent's exhibit #4 is the Medicaid Review Form that the representative, Robert Styles signed and dated on May 30, 2006 in which he wrote that Grace Styles received \$90.00 per month in "VA-A&A". In my opinion you are correct. The county and the representative mistakenly called the \$90.00, VA Aid and Attendance; however, the county treated it as a reduced VA pension, as did I. The client has been in a Nursing Facility for a long time and I find it hard to believe that she is receiving Aid and Attendance. I hope this helps out and if there is anything else you need from me, just let me know.

Robbie

Robert French
Hearing Officer
DHHS-Appeals & Hearings
1801 Main Street, Suite 901
Columbia, SC 29202-8206
(803) 898-2714
Fax (803) 898-3104

>>> Gwen Power 8/24/06 11:57 >>>

Robert, At Mr. Kerr's request, I am reviewing the letter from our eligibility staff sent to the beneficiary's son and I am trying to explain more clearly the policy and what has happened in this case. I noted in your Appeals' Case document that under findings of fact, (2) says "The Petitioner receives \$90.00 per month in the form of Veterans Administration Aid and Attendance benefits (Respondent's Exhibit #4)."

I don't have the Exhibits in the material I am reviewing. I think that the \$90 payment is a reduced veteran's pension for personal needs, not an Aid and Attendance payment. Could you please look at the Respondent's Exhibit #4 and let me know. She should not be getting and Aid and Attendance payment. However, if she is, such payments are disregarded.

Thanks for you help.

CC: Betty Moses



State of South Carolina
Department of Health and Human Services

Mark Sanford
Governor

CERTIFIED MAIL

July 25, 2006

Robert M. Kerr
Director

Robert Styles
P.O. Box 116
Slater, South Carolina 29683

RE: Order of Dismissal in the Appeal Matter of Grace Styles v. SCDHHS
Appeals' Case #06-MAO-342 0
Family Medicaid #100768980
Social Security #249-32-5723

Dear Mr. Styles:

The Order of Dismissal in the referenced appeal matter is set forth in the enclosure.

Any party has the right to petition for further review of this Decision, as provided in the Administrative Procedures Act [S.C. Code Ann. Section 1-23-310, et seq. (1976, as amended)]. To request a review, a Notice of Appeal must be filed with the Administrative Law Court, 1205 Pendleton Street, Brown Building - 2nd floor, Columbia, South Carolina 29201 within thirty (30) days of receipt of the Decision/Order from which the appeal is taken. The Notice of Appeal must be submitted in accordance with the Rules of Procedure for the S.C. Administrative Law Court, including Rule 33 which establishes specific requirements for the contents of a Notice of Appeal. For a copy of the ALC rules, you may contact the Administrative Law Court at (803) 734-0550.

If an appeal to the Administrative Law Court is filed, a copy of the Petition should also be provided to the DHHS Office of General Counsel. Also, please see the enclosed copy of Rule 71 the Rules of Procedure for the ALC requiring a filing fee for an appeal.

Sincerely,


Vastine G. Crouch

Acting Director, Division of Appeals and Hearings

VGK/msj
Enclosures (2)

Robert Styles
July 25, 2006
Page Two

cc: Stan Brown, Administrator, Region I
Office of General Counsel, DHHS

**ORDER OF DISMISSAL
IN THE APPEAL MATTER OF
GRACE STYLES v. DHHS**

Appeals' Case #06-MAO-342

Medicaid Number: 8832393201

Hearing date: Not held

JURISDICTION

Procedure in this case is governed under the authority granted by the South Carolina General Assembly to the South Carolina Department of Health and Human Services to administer various programs and grants (See e.g., S.C. Code Ann. 44-6-10, et seq.).

This appeal has been conducted pursuant to the provisions of the Appeals and Hearings regulations of the South Carolina Department of Health and Human Services (Reg. 126-150, et seq.) and the South Carolina Administrative Procedures Act (S.C. Code Ann. 1-23-310, et seq.).

STATEMENT OF THE CASE

The Petitioner has been receiving Medicaid sponsored Nursing Home benefits including Nursing Home vendor payments since at least July 13, 2000. Since at least July 13, 2000 the Respondent, South Carolina Department of Health and Human Services (DHHS) has erroneously allowed the Petitioner to keep \$120.00 per month, as her personal needs allowance. Via notice of June 14, 2006 the Respondent notified the Petitioner's representative that the Petitioner would only be allowed to keep \$90.00 per month as her personal needs allowance beginning July 1, 2006. Via letter of June 29, 2006 the Petitioner's representative appealed the Respondent's determination to decrease the Petitioner's personal needs allowance from \$120.00 per month to \$90.00 per month. On July 10, 2006 the Petitioner's representative was sent a letter from this Hearing Officer directing him to inform the Hearing Officer of the Cause of Action for his appeal and to delineate the error made by the Respondent and directing him to state the error in writing and mail the correspondence back within fourteen (14) days of receiving this Hearing Officer's letter, or the appeal would be dismissed.

ISSUE

The issue is whether the Respondent (DHHS) properly determined that the Petitioner, beginning July 1, 2006, would only be allowed to keep \$90.00 per month as her

personal needs allowance instead of \$120.00 per month. Any issues raised in the proceedings or hearing of this case but not addressed in this Decision are deemed denied.

SUMMARY OF EVIDENCE

Respondent's Evidence:

The Petitioner has been receiving Medicaid sponsored Nursing Home benefits including Nursing Home vendor payments since at least July 13, 2000 (Respondent's exhibit #3). Since at least July 13, 2000 the Respondent, South Carolina Department of Health and Human Services (DHHS) has erroneously allowed the Petitioner to keep \$120.00 per month, as her personal needs allowance (Respondent's exhibit #3). Via notice of June 14, 2006 the Respondent notified the Petitioner's representative that the Petitioner would only be allowed to keep \$90.00 per month as her personal needs allowance beginning July 1, 2006 (Respondent's exhibits #1 and #3). Via letter of June 29, 2006 the Petitioner's representative appealed the Respondent's determination to decrease the Petitioner's personal needs allowance from \$120.00 per month to \$90.00 per month (Respondent's exhibit #2).

Petitioner's Evidence:

In response to this Hearing Officer's Cause of Action letter the Petitioner's representative, via letter of July 18, 2006, writes, "I respectfully submit to you sir, that I have provided herein adequate information to justify a fair hearing. Also, there are obviously many concerns and errors that need to be addressed in this matter." (Petitioner's exhibit #7).

FINDINGS OF FACT

Having studied the exhibits and closely passed upon their credibility, and considering the burden of persuasion by the parties, I make the following Findings of Fact by a Preponderance of the evidence:

- (1) The Petitioner has been receiving Medicaid sponsored Nursing Home benefits including Nursing Home vendor payments since at least July 13, 2000 (Respondent's exhibit #3).
- (2) The Petitioner receives \$90.00 per month in the form of Veterans Administration (VA), Aid and Attendance (A & A) benefits (Respondent's Exhibit #4).
- (3) Since at least July 13, 2000 the Respondent, South Carolina Department of Health

and Human Services (DHHS) has erroneously allowed the Petitioner to keep \$120.00 per month, as her personal needs allowance (Respondent's exhibit #3).

(4) Via notice of June 14, 2006 the Respondent notified the Petitioner's representative that the Petitioner would only be allowed to keep \$90.00 per month as her personal needs allowance beginning July 1, 2006 (Respondent's exhibits #1 and #3).

(5) Via letter of June 29, 2006 the Petitioner's representative appealed the Respondent's determination to decrease the Petitioner's personal needs allowance from \$120.00 per month to \$90.00 per month (Respondent's exhibit #2).

(6) On July 10, 2006 the Petitioner's representative was sent a letter from this Hearing Officer directing him to inform the Hearing Officer of the Cause of Action for his appeal and to delineate the error made by the Respondent and directing him to state the error in writing and mail the correspondence back within fourteen (14) days of receiving this Hearing Officer's letter, or the appeal would be dismissed [Hearing Officer's (HO) exhibit #1].

(7) In response to this Hearing Officer's Cause of Action letter the Petitioner's representative, via letter of July 18, 2006, writes, "I respectfully submit to you sir, that I have provided herein adequate information to justify a fair hearing. Also, there are obviously many concerns and errors that need to be addressed in this matter." (Petitioner's exhibit #7).

(8) An Administrative Hearing Officer has only jurisdiction to hear appeals of final administrative decisions that are matters asserted to be in error of fact or law, or flowing from delay in processing a claim.

(9) The Petitioner's representative has failed to state a legitimate cause of action for which relief can be granted except for the assertion of "several issues of concern regarding the handling of this matter."

(10) This Hearing Officer does not have the power or jurisdiction in this matter to set aside law or policy, absent an established error of fact or law on the question.

DISCUSSION

I understand that the Petitioner's representative is confused as to how suddenly after a number of years the Petitioner is no longer able to keep \$120.00 per month of her income as a personal needs allowance, and instead, is only able to keep \$90.00. As I explained in my Cause of Action letter to the Petitioner's representative, the Petitioner has been allowed in the past to keep \$120.00 per month as a personal needs allowance **only** because of an error made by the Respondent. It is certainly not reasonable to make the Respondent continue to violate its own published policy just because it has

made a mistake in the past. According to published policy that has been in effect for ten years or longer, the \$90.00 that the Petitioner is now receiving, as a personal needs allowance is the most that the Petitioner can possibly receive.

The Petitioner's representative states that he verbally asked for continued benefits for the Petitioner though the appeals period; however, he did not mark the block asking for continued benefits when he signed the Request for Fair Hearing (DHHS Form 3260 ME).

Finally, the Petitioner's representative is adamant about going forward with a hearing. Since the Petitioner is now receiving the very maximum per month as a personal needs allowance that is allowed by policy, hearing oral arguments can in no way change my final decision, as I do not have the power or jurisdiction to set aside policy or law.

APPLICABLE LAW

(1) "A Hearing Officer has the authority, among other things, to: direct all procedures, issue interlocutory orders; schedule hearings and conferences; preside at formal proceedings; rule on procedural and evidentiary issues; require the submission of briefs and/or conclusions of law; call witnesses; recess, continue, and conclude any proceedings; dismiss any appeal for failure to comply with the requirements of this subarticle." South Carolina Department of Health and Human Services, Chapter 126, "Administration" R.126-154, §44-6-90, S.C. Code, 1976, as amended.

(2) "Continuation of Benefits During the Appeal Process:

When a request for a fair hearing is received within ten (10) days of the date on the notice, assistance may be continued pending a hearing decision IF the beneficiary requests.

Note: Only open cases may receive continued benefits.

When the beneficiary requests continuation of benefits, the eligibility worker must:

- Fully explain to the beneficiary at the time of request for a fair hearing that, should the final decision be adverse, any payments received ineligibly during the period are subject to repayment.
- Prepare a refund summary in accordance with policy as outlined in MPPM 101.17.03 when a decision is adverse to the beneficiary." South Carolina Department of Health and Human Services Medicaid Policy and Procedures Manual, Chapter 101.13.04 (Effective 11/01/05)

(3) "101.17.03 Repayment of Medicaid Benefits Resulting from Continued Benefits During an Appeal

If a beneficiary files an appeal and requests continued benefits pending the outcome of an appeal hearing, the DHHS Form 3260 ME, Request for a Fair Hearing, or written notice to receive continued benefits must be in the case record. If the decision upholds the action taken on the case, any Medicaid payments received during this period are subject to repayment. (Refer to MPPM 101.13.04.)" South Carolina Department of Health and Human Services Medicaid Policy and Procedures Manual, Chapter 101.17.03 (Effective 10/01/05)

(4) South Carolina Department of Health and Human Services Medicaid Policy and Procedures Manual, Chapter 304.14.02A (Effective 02/01/06) discusses how much income a Medicaid client can keep each month as a personal needs allowance and not have this money counted as income, and reads as follows:

"304.14.02A Income Allocation

In the post-eligibility step, the deductions from gross income are made in the following order:

Personal Needs Allowance

- o \$100 -- if the institutionalized individual participates in a work therapy program as a part of the plan of care; or
- o \$90 -- if the institutionalized individual receives a reduced Veterans Administration (VA) pension; or
- o \$30 -- if the institutionalized individual does not receive a reduced VA pension or participate in a work therapy program.

Note: Sometimes an individual will be receiving a veteran's benefit that is NOT a \$90 reduced VA pension. In such cases, the personal needs allowance is \$30. For example:

- \$114 per month -- all of which is Aid and Attendance (excluded income)
- \$35 per month -- insurance benefit resulting from the death of a veteran (countable unearned income)"

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact and Applicable Law, I conclude the following as a matter of law:

(1) The Petitioner's representative did not request continued benefits for the


Petitioner though the appeals process on the Request for Fair Hearing (DHHS Form 3260 ME); therefore, the Petitioner is not eligible to receive \$120.00 per month as a personal needs allowance from her income but is only eligible to receive \$90.00 per month as a personal needs allowance beginning July 2006, per South Carolina Department of Health and Human Services Medicaid Policy and Procedures Manual, Chapter 101.17.03 (Effective 10/01/05).

- (2) This matter is dismissed as the Petitioner's representative has failed to state a legitimate Cause of Action for his appeal.

DECISION

Based on the Findings of Fact, Discussion, Applicable Law and Conclusions of Law, it is determined that the determination of the Respondent to decrease the Petitioner's personal needs allowance from \$120.00 per month to \$90.00 per month was not a decision based on an error in fact or law. Unfortunate circumstances caused the Petitioner's personal needs allowance to decrease. While I sympathize and understand the Petitioner's circumstances, I cannot change Medicaid policy.

This matter is hereby **DISMISSED.**
AND IT IS SO ORDERED.


Robert French
Hearing Officer

Dated at Columbia,
South Carolina

July 25, 2006

Medicaid Programs / Other Resources Check List

Log # 0118

Legislator/Inquirer: Rep Cato (e-mail)

Constituent: Grace B. Styles

SS#: 249-32-5723

FAMILY		INCOME/RESOURCES	MEDICAID PROGRAMS	OTHER RESOURCES
1	1/1	ABD	<input type="checkbox"/>	Communicare <input type="checkbox"/>
STAFF PERSON		Foster Children	<input type="checkbox"/>	FOHC <input type="checkbox"/>
Bob Luning		HCBWS	<input type="checkbox"/>	Free Medical Clinics <input type="checkbox"/>
ACTIONS TAKEN TO HELP		LIF	<input type="checkbox"/>	Medicare <input type="checkbox"/>
Get case file from Verleke		MAO	<input type="checkbox"/>	MIAP <input type="checkbox"/>
E-mail Betty Masses, per Alicia		MBCP	<input type="checkbox"/>	Prescription Drug Programs <input type="checkbox"/>
Get e-mail Hollis Strazler, #30 should have been denied six years ago discovered in most recent review		Optional Supplement	<input type="checkbox"/>	Social Security <input type="checkbox"/>
Bryan Guts may telephone number, because Mr. Styles doesn't return voice mails.		PHC	<input type="checkbox"/>	TogetherRX <input type="checkbox"/>
E-mail from Thomas + Appel, they dismissed the case 7/26/06 over six years we allowed some \$2,100 in disignord we should not have allowed.		Pregnant Women/Infants	<input type="checkbox"/>	
Spoke to Mr. Styles - he still says we are wrong		SILVERCARD	<input type="checkbox"/>	
Get full decision on appeal + documents from R. Fend discussed w/Mark re drafted letters; tell Mr. Styles		SLMB	<input type="checkbox"/>	
We can appeal our denial		SSI	<input type="checkbox"/>	
		TEFRA	<input type="checkbox"/>	
		Working Disabled	<input type="checkbox"/>	

From: Robert French
To: Robert G Liming
Date: 8/7/2006 10:29 am
Subject: Fwd: Re: Status of Appeal of Mrs. Grace B. Styles SS # 249-32-5723

Robert,

I am making a copy of everything in my file and I will bring it to you today. In response to your questions: (1) No, Mr. Styles did not send me a copy of the VA and/or Federal Code that he is referencing and I specifically asked for this information in my Cause of Action letter to him. I dismissed his appeal specifically because he did not send me a legitimate cause for his appeal. (2) The \$30.00 is not a disregard, it is counted as income. The \$90.00 is a personal needs allowance, which means that this income is not counted as income and; therefore, can be used by his mother and not surrendered to the Nursing Home, as is all of her other income (See South Carolina Department of Health and Human Services Medicaid Policy and Procedures Manual, Chapter 304.18.01). According to this chapter, only one of the \$90.00 or \$30.00 can be counted as a personal needs allowance, **not both**.

(3) Since I do not work in Eligibility I cannot tell you when the last review was done, I suggest you talk with someone who does work in Eligibility. From Ms. Strozler's summary it appears that the client has been receiving both the \$90.00 and the \$30.00 as a personal needs allowance for many years simply because of an error on Eligibility's part. When the last review was done has no bearing on the fact that finally someone in Eligibility corrected their mistake.

Finally, for Mr. Styles' benefit, Appeals no longer has an open case. If Mr. Styles has Federal Code that shows Eligibility's decision and my decision is in violation of Federal Code, then he should appeal my decision to the State Administrative Law Court as was explained to him in the cover letter to my decision.

Robert French
Hearing Officer
DHHS-Appeals & Hearings
1801 Main Street, Suite 901
Columbia, SC 29202-8206
(803) 898-2714
Fax (803) 898-3104

>>> Robert G Liming 8/7/06 8:28 >>>

Robert: Can you please help me try to figure this out? I spoke late Friday with Mr. Styles concerning his mother's case. He claims to have documentation from the VA stating that their \$90 monthly payment is not to be considered as a disregard when qualifying for Medicaid. He cites a variety of VA and Federal laws which he says clearly back this up.

When he submitted his appeal of our denial of the \$30.00 disregard did he submit this paperwork in support of his claim? He seems to be claiming that Medicaid policy is in direct conflict with VA policy and wants to know why we can override what he claims is Federal law? Mr. Styles said the VA has told him the "aid and attendance" is not to be treated as a disregard.

Frankly I simply lack the knowledge and expertise to address Mr. Styles. I am at a loss to see how to clarify the issue and respond to him. Can you provide me with a copy of what we may have sent him, and also any reference to Medicaid rules where we can disallow the \$30 if she gets the \$90 from VA?

Another problem seems to develop over when the last review was done on his mother, he claims to have a document from us dated in 2003 when he completed the review and the disregard was allowed. However, in Hollis Strozler's earlier e-mail she said the case hadn't been reviewed in six years.

Sorry for so many questions, just trying to see if I can resolve all of this since a response is due tomorrow. Thanks for any input or clarification.

>>> Robert G Liming 8/1/2006 10:28 am >>>

Great, thanks for the info. Now I can call the son and try to explain it all to him. Apparently we had been allowing the \$30 disregard for six years because of our clerical error in not reviewing, by my math this has given the lady some \$2,160 she otherwise wouldn't have received. Appreciate your information. Thanks again.

>>> Robert French 8/1/2006 10:01 am >>>

I dismissed the appeal and the Order of Dismissal was mailed out on July 26, 2006.

Robert French
Hearing Officer

DHHS-Appeals & Hearings
1801 Main Street, Suite 901
Columbia, SC 29202-8206
(803) 898-2714
Fax (803) 898-3104

>>> Robert G Liming 7/31/06 16:24 >>>

Can you advise me of the status of an appeal for this lady regarding a \$30 disregard issue? I am handling a legislative referral on the case and wanted to know if a hearing has been set and if so where and when. Thanks for any input.

Robert G. Liming
Special Project Manager, Office of Constituent Services
South Carolina Department of Health and Human Services
Room 310
1801 Main Street
P.O. Box 8206
Columbia, South Carolina 29202-8206

803-898-2621

E-Mail: rlimingr@scdhhs.gov

Website: www.scdhhs.gov

From: Robert G Liming
To: French, Robert
Date: 8/7/2006 8:28 am
Subject: Fwd: Re: Status of Appeal of Mrs. Grace B. Styles SS # 249-32-5723

CC: Of, Mark

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When he submitted his appeal of our denial of the \$30.00 disregard did he submit this paperwork in support of his claim? He seems to be claiming that Medicaid policy is in direct conflict with VA policy and wants to know why we can override what he claims is federal law? Mr. Styles said the VA has told him the "aid and attendance" is not to be treated as a disregard.

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Sorry for so many questions, just trying to see if I can resolve all of this since a response is due tomorrow. Thanks for any input or clarification.

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Robert G. Liming
Special Project Manager, Office of Constituent Services
South Carolina Department of Health and Human Services
Room 310
1801 Main Street
P.O. Box 8206
Columbia, South Carolina 29202-8206

803-898-2621

E-Mail: limingr@scdhhs.gov

Website: www.scdhhs.gov

From: Bryan Kost
To: Denise Epps; Linda Malone
Date: 8/1/2006 4:15 PM
Subject: Fwd: new log - Rep. Cato- Grace Styles

Mr. Styles just called, and he wanted to give us another phone number to use to reach him if necessary. He isn't always available on cell, and doesn't check cell phone messages. His home number is 864.836.3318. Thanks for working this one. Rep. Cato's office would like written correspondence when we're done....

Bryan Kost
DHHS Public Information
803.898.2865
cell- 429.3201
kostbr@scdhs.gov

>>> Bryan Kost 7/28/2006 10:37 AM >>>

Hi Linda:
Please log.

Denise, here's what's coming:

I just hung up with Robert Styles, son of Grace B. Styles. Grace was born in 1925. Don't have SS# right now. Robert's phone is 864.979.5440.

Grace is in a nursing home, and has been for years. Medicaid beneficiary since 1995. She's gotten a VA pension since 1971. The issue is that recently, on her review, Medicaid told her (for the first time) that the VA pension is no longer a disregard. It's like \$90. (She also gets \$30 from Social Security.) So the thing he wants to know is what law changed, and when did it change, that now counts her VA pension (which the VA insists is not countable, calling it "aid and allowance.") He said he's spoken with Gville DHHS workers, and supervisors, and he's gotten seven different answers now about what law changed and when. He is in the appeals process (Robert French). He's not pleased with his communication with appeals folks, but said he'd like to offer that feedback later.

Rep. Cato's office would like a written response on this, so I'm logging it. But wanted to give y'all a heads up.

Bryan Kost
DHHS Public Information
803.898.2865
cell- 429.3201
kostbr@scdhs.gov

From: Robert French
To: Robert G Liming
Date: 8/1/2006 2:06 pm
Subject: Re: Status of Appeal of Mrs. Grace B. Styles SS # 249-32-5723

You're welcome. Let me know if there is anything else you need from me. I hope the son was able to understand my Order of Dismissal. I tried to let the son know in my Order, in a round about way, that his mother did receive, as you said, money that she really wasn't entitled to.

Robbie

Robert French
Hearing Officer
DHHS-Appeals & Hearings
1801 Main Street, Suite 901
Columbia, SC 29202-8206
(803) 898-2714
Fax (803) 898-3104

>>> Robert G Liming 8/1/06 10:28 >>>
Great, thanks for the info. Now I can call the son and try to explain it all to him. Apparently we had been allowing the \$30 disregard for six years because of our clerical error in not reviewing, by my math this has given the lady some \$2,160 she otherwise wouldn't have received. Appreciate your information. Thanks again.

>>> Robert French 8/1/2006 10:01 am >>>
I dismissed the appeal and the Order of Dismissal was mailed out on July 26, 2006.

Robert French
Hearing Officer
DHHS-Appeals & Hearings
1801 Main Street, Suite 901
Columbia, SC 29202-8206
(803) 898-2714
Fax (803) 898-3104

>>> Robert G Liming 7/31/06 16:24 >>>
Can you advise me of the status of an appeal for this lady regarding a \$30 disregard issue? I am handling a legislative referral on the case and wanted to know if a hearing has been set and if so where and when. Thanks for any input.

Robert G. Liming
Special Project Manager, Office of Constituent Services
South Carolina Department of Health and Human Services
Room 310
1801 Main Street
P.O. Box 8206
Columbia, South Carolina 29202-8206

803-898-2621
E-Mail: rliming@scdhhs.gov
Website: www.scdhhs.gov

From: Robert G Liming
To: Strozier, Hollis
Date: 8/1/2006 10:33 am
Subject: Re: Status on Ms. Grace Styles SS # 249-32-5723

Thanks so very much, fully understand now. FYI, Robert French in appeals dismissed the case on July 26. I will try to explain this to Mr. Styles, but I doubt he will be too happy with us.

It is sad it took us 6 years to realize there hadn't been a review, but it also means that Mrs. Stules has received some \$2,160 she really shouldn't have received.....Thanks again for your great help.

>>> Hollis Strozier 7/31/2006 4:48 pm >>>

Every recipient of nursing home medicaid gets 30.00 personal needs allowance deducted from their gross income to pay for toothpaste, powder etc.. This is 30.00 that they do not pay the nursing home. When a recipient gets 90.00 aid and attendance from veterans affairs, they do not also get the 30.00 personal allowance deducted from their gross income. Instead, they get to keep the 90.00 for their spending money.

>>> Robert G Liming 07/31/06 9:48 AM >>>

So is the only issue the \$30.00? Ms. Styles keeps her full Nursing Home coverage, but instead of having \$120 per month in spending from her income (including the \$90 from VA) she now has to allocate an additional \$30 to pay toward her nursing home care. I guess I am a bit confused as to where the \$30 comes from and I am assuming it comes from her regular monthly income?

The only issue being appealed is the \$30.00 income disregard? Thanks, I have much to learn and really appreciate your expertise. It is invaluable in trying to answer these letters.

>>> Michael Jones (Hollis Strozier) 7/31/2006 9:27 am >>>

The responsible relative of Mrs. Styles is appealing my decision to charge her 30.00 more in recurring income paid to the nursing home. The Division of Appeals has already contacted me about this. Due to some kind of error, this case had not been reviewed in 6 years. While reviewing the case, I discovered that it had not been correctly budgeted even though the 90.00 veterans Aid and Attendance check had always been reported. Medicaid policy states that a recipient is not eligible for the 30.00 personal needs disregard if they receive the 90.00 Aid and Attendance. There was some confusion years ago at the county level about how to treat these situations which accounts for the error 6 years ago. The responsible relative is making a large issue out of a 30.00 increase. The client continues to be eligible to keep the 90.00. Hollis>> Robert G Liming 07/31/06 7:44 AM >>>

Can you give me some background on this case, we have a legislative referral from her

son. The son says he got word from Medicaid that some law had changed and that her small VA pension is no longer a disregard?

I'm a bit confused because MEDS seems to show she is covered in full and her next review is June 2007. Can you give me any background, just want to be sure of facts before I contact the son or the legislator. Many thanks.

Robert G. Liming
Special Project Manager, Office of Constituent Services
South Carolina Department of Health and Human Services
Room 310
1801 Main Street
P.O. Box 8206
Columbia, South Carolina 29202-8206

803-898-2621

E-Mail: rlimingr@scdhhs.gov

Website: www.scdhhs.gov

From: Robert G Liming
To: Moses, Betty
Date: 7/31/2006 8:05 am
Subject: Fwd: Status on Ms. Grace Styles SS # 249-32-5723

Betty: Not sure I understand this one, it was the one Alicia asked you to look at on Friday. If you can explain it to me I will be glad to try and develop a letter to the legislator and client's son. Left a copy of what I had at your desk, Thank You, BOB

Robert G. Liming
Special Project Manager, Office of Constituent Services
South Carolina Department of Health and Human Services
Room 310
1801 Main Street
P.O. Box 8206
Columbia, South Carolina 29202-8206

803-898-2621
E-Mail: rlimingr@scdhhs.gov
Website: www.scdhhs.gov

>>> Robert G Liming 7/31/2006 7:44 am >>>
Can you give me some background on this case, we have a legislative referral from her son. The son says he got word from Medicaid that some law had changed and that her small VA pension is no longer a disregard?

I'm a bit confused because MEDS seems to show she is covered in full and her next review is June 2007. Can you give me any background, just want to be sure of facts before I contact the son or the legislator. Many thanks.

Robert G. Liming
Special Project Manager, Office of Constituent Services
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E-Mail: rlimingr@scdhhs.gov
Website: www.scdhhs.gov

AEDHMS05 P S.C. DEPARTMENT OF HEALTH AND HUMAN SERVICES DATE: 08/04/06
MEDSPROD AUTHORIZED REPRESENTATIVE ACTION:

HH NAME: STYLES GRACE B ACTION TYPE: MAINTENANCE
HH NUMBER: 100768980 APL STATUS: ACTION DATE: 10/24/02

AUTHORIZED REP/RESPONSIBLE PARTY MAILING ADDRESS:
NAME: ROBERT STYLES

ADDRESS: RELATIONSHIP: C1 CHILD
P O BOX 116

LEGAL RELATIONSHIP:
SLATER SC 29683- COMMITTEE/CONSERVATOR
HOME PHONE: 864-836-3318 GUARDIAN
WORK PHONE: - - X POWER OF ATTORNEY
E-MAIL: -

UPDATED: USER ID: HSTRO DATE: 01/02/04 SYSTEM ID: CNV1000 DATE: 10/24/02
ME900049 HOUSEHOLD RECORD FOUND
PF1->HELP PF3->NEXT SCR PF4->REFRESH PF6->RETURN PF10->PREV MENU
PF13->FIELD LEVEL HELP PF21->HIST- PF22->HIST+

EDHMS06 P S.C. DEPARTMENT OF HEALTH AND HUMAN SERVICES DATE: 08/04/06
.MEDSPROD HOUSEHOLD MEMBER DETAIL ACTION:
NAME: STYLES GRACE B MEMBER PERIOD START: 05/14/06 END:
RCP NUMBER: 8832393201 HH NUMBER: 100768980 HH NAME: STYLES GRACE B
SSN: 249-32-5723 VC: V APL STATUS: ACTION TYPE: MAINTENANCE
APPLYING(A/NA): NA ACTION DATE: 10/24/02
DOB: 05/19/1925 AGE: 81 ALTERNATE RECIPIENT NUMBER:
DOD: SC RES(Y/N): Y QUESTIONABLE(Y/N): N
SEX: F FEMALE RACE: 01 WHITE MEDICARE COVERAGE(Y/N): Y 251146041D
REL: SFI SELF SS CLAIM NUMBER(Y/N): Y 251146041D
SSI APPLICATION DATE: RAILROAD NUMBER(Y/N): N
MARITAL STATUS: S SINGLE LIV ARRANGEMENT: NFCL NURSING FACILIT
STUDENT STATUS: GRADE: PROVIDER NAME: LAURL BAYE
PREGNANT(Y/N): N EDC: # DATE OF DISCHARGE:
BLIND/DISABLED(Y/N): N RSP(Y/N): CHILD SUPPORT/ALIMONY PAID(Y/N): N
DISABILITY ONSET: VC CHILD CARE/INCAPACITATED EXPENSE(Y/N): N
VETERAN(Y/N): N INSURANCE(Y/N): N EARNED INC(Y/N): N UNEARNED INC(Y/N): Y
US CITIZEN(Y/N): Y ALIEN#: REGISTER TO VOTE(Y/N): N REASON: G
US ENTRY: BIRTH CNTRY: MEDICAL SERVICES LAST 3 MONTHS(Y/N): N
UPDATED: USER ID: HSTRO DATE: 06/14/06 SYSTEM ID: TTR1004 DATE: 07/15/06
ME900063 RECIPIENT RECORD FOUND
2>BUY 3>NEXT 4>REFH 5>ESC 9>BENDEX 11>HH BGS 12>DED REL 14>RCP INFO
15>EINC 16>UINC 18>HH MBR BGS 19>REQ CRD 20>UCB 23>SDX 24>SRS

AEDHMS54 P S.C. DEPARTMENT OF HEALTH AND HUMAN SERVICES DATE: 07/31/06

.MEDSPROD MEMBER PERIOD START: 05/14/06 END: ACTION: PAGE: 0001

NAME: STYLES GRACE B HH NAME: STYLES GRACE B

RCP NUMBER: 8832393201 HH NUMBER: 100768980 ACTION TYPE: MAINTENANCE

SSN: 249-32-5723 VC: V APL STATUS: ACTION DATE: 10/24/02

PRIMARY INDIVIDUAL: APL CO: 23 WORKER ID: SCULP LOCATION: 077

LAUREL BAYE HEALTH CARE SSCN: 251146041D RRN:

661 RUTHERFORD RD RACE: 01 SEX: F MARITAL STATUS: S

GREENVILLE TPL INSURANCE: N RELATION: SELF

CORRECT RCP NUMBER: SC 29609- DOB: 05/19/1925 DOD: LIV ARRANGEMENT: NFCL INCOME TRUST:

BG BEG END PROVIDER: LAURL BAYE BENEFITS QMB RETRO % OF POV CHIP

S NUMBER	ELIG	ELIG	PCAT	QCAT	TYPE	IND	IND	LEVEL	NUMBER
88323932	04/01/1996		10	10				.96	
	03/01/1995	04/01/1996	10					.96	
	01/01/1995	03/01/1995	10					.96	

UPDATED: USER ID: HSTRO DATE: 06/14/06 SYSTEM ID: IEV7110 DATE: 03/11/03
ME900063 RECIPIENT RECORD FOUND

PF2->HH BG PF3->HH MBR DTL PF4->REFH PF5->ELD02 PF6->RETURN PF7->PREV
PF8->NEXT PF9->HH NOTES PF15->RCP SEARCH PF17->ELD00 PF18->HH MBR BGS

MEDEL02 P S.C. DEPARTMENT OF HEALTH AND HUMAN SERVICES DATE: 07/31/06
MEDSPROD MEDICAID ELIGIBILITY DECISION ACTION:

DATES-FROM: 05 / 2006 THRU: __ / __ PAGE: 3 OF 3

HH NAME: GRACE B STYLES CATEGORY: MAONH HH NUMBER: 100768980

BG NUMBER: 88323932 ACTION TYPE: MAINTENANCE

BG: A BGP: A WKR: HSTRO HOLLIS STROZIER ACTION DATE: 06/14/06

RCP NAME: GRACE B STYLES RCP NUMBER: 8832393201

PREVIOUS BG: NEW BG: CORRECT RCP NUMBER:

IT: PING-PONG: RETRO: N EXPARTE: N QMB: Y PROT PER DATE:

ACTUAL ELIGIBILITY DATES

MEDICAID

--BENEFIT DATES--- --MEDICAID+QMB DATES-- SERVICE REASON REASON

BEGIN END BEGIN END TYPE CODE 1 CODE 2

03/01/1995 04/01/1996 04/01/1996

01/01/1995 03/01/1995

UPDATED: USER ID: HSTRO DATE: 06/14/06 SYSTEM ID: ELD3000 DATE: 06/14/06

ME900115 BUDGET GROUP PERIOD INFORMATION FOUND

PF1-HELP PF2-PREV MBR PF3-NEXT MBR PF5-HH MBR DTL PF6-RETURN PF10-MENU

PF11-HH MBRS PF15-MD PF16-BG DET PF18-RCP INFO PF21-HIST- PF22-HIST+ PF24-AOD

4EDEL01 P S.C. DEPARTMENT OF HEALTH AND HUMAN SERVICES DATE: 07/31/06
 MEDSPROD MEDICAID ELIGIBILITY DECISION ACTION:
 HH NAME: GRACE B STYLES DATES-FROM: 05 / 2006 THRU: ____ / ____ PAGE: 2 OF 3
 BG NUMBER: 88323932 CATEGORY: MAONH HH NUMBER: 100768980
 BG: A BGP: A WKR: HSTRO HOLLIS STROZIER ACTION TYPE: MAINTENANCE
 ACTION DATE: 06/14/06
 COUNTABLE BG MEMBERS: 1
 COUNTABLE INCOME: 787.00 COUNTABLE RESOURCES: 0.00
 INCOME LIMIT: 1809.00 RESOURCE LIMIT: 2000.00
 POV-LVL: +.96 % HLTH INS PREM: 0.00
 RECURRING INC: 787.00 TOTAL ALLOC: 0.00 OSS AWARD: 0.00
 MEETS NON-FINANCIAL? (Y/N): Y ACT ON DECISION COMPLETE? (Y/N): Y
 MEETS INCOME? (Y/N): Y DECISION ACCEPTED DATE: 06/14/06
 MEETS RESOURCES? (Y/N): Y NEXT REVIEW DATE: 06/14/07
 MEETS OTHER CONDITIONS? (Y/N): Y ANTICIPATED CLOSURE DATE: ____
 REASON(S) FOR DENIAL/CLOSURE/CHANGE:

ELIGIBILITY DECISION APPEALED? (Y/N) _ CONTINUE BENEFITS? (Y/N): _
 APPEAL REQUEST DATE: ____ COUNTY DECISION UPHELD? (Y/N): _
 UPDATED: USER ID: HSTRO DATE: 06/14/06 SYSTEM ID: ELD3000 DATE: 06/14/06
 ME900115 BUDGET GROUP PERIOD INFORMATION FOUND
 PF1->HELP PF3->NEXT SCR PF6->RETURN PF10->MENU PF13->FIELD HELP
 PF15->MAKE DECISION PF16->BG DET PF21->HIST- PF22->HIST+ PF24->ACT ON DECISION

4EDHMS15 P S.C. DEPARTMENT OF HEALTH AND HUMAN SERVICES DATE: 08/04/06
MEDSPROD UNEARNED INCOME DETAIL ACTION:

NAME: STYLES GRACE B PERIOD START: 05/14/2006 END:
NUMBER: 8832393201 HH NAME: STYLES GRACE B
SSN: 249-32-5723 HH NUMBER: 100768980 ACTION TYPE: MAINTENANCE
STATUS: ACTION DATE: 10/24/2002

SOURCE TYPE: VETERAN'S ADMIN A & A 1 SOURCE: A AND A
ADDRESS

DATE APPLIED FOR:
END DATE:

PHONE: - - - PAGE: 0001

GROSS AMT	DTE RECD	FREQUENCY
0.00		
90.00	01/01/2006	MONTHLY

UPDATED: USER ID: HSTRO DATE: 06/14/2006 SYSTEM ID: DATE:
INCOME RECORD FOUND
PF2->ADD PF3->NEXT SCR PF4->REFH PF6->RETURN PF7->PREV PF8->NEXT
PF9->PRINT PF20->UCB PF21->HIST- PF22->HIST+ PF23->P MO PF24->N MO

AEDHMS08 P S.C. DEPARTMENT OF HEALTH AND HUMAN SERVICES DATE: 08/04/06
MEDSPROD MEDICARE COVERAGE ACTION:

NAME: STYLES GRACE B HH NAME: STYLES GRACE B
RCP NUMBER: 8832393201 HH NUMBER: 100768980 ACTION TYPE: MAINTENANCE
SSN: 249-32-5723 APL STATUS:
MCN: 251146041D VALIDATED BY: BUY IN ON: 07/02/2006 ACTION DATE: 10/24/2002

PART A - BEGINNING DATE: 02/01/1980 ENDING DATE: BY: MMA

PART B - BEGINNING DATE: 02/01/1980 ENDING DATE: BY: MMA

PART C - BEGINNING DATE: 01/01/2006 ENDING DATE: BY: MMA

PART D - BEGINNING DATE: 01/01/2006 ENDING DATE: BY: MMA

LOW INC- BEGINNING DATE: 01/01/2006 ENDING DATE: 12/31/2006 BY: MMA
SUBSIDY

UPDATED: USER ID: DATE: SYSTEM ID: TTR1004 DATE: 07/15/06
ME900063 RECIPIENT RECORD FOUND
PF3->NEXT SCR PF4->REFH PF6->RETURN PF10->PREV MENU PF13->FIELD HELP
PF16->BUY IN PF17->BENDEX INFO PF18->MMA01 PF19->COB01 PF21->HIST-

EDHMS15 P S.C. DEPARTMENT OF HEALTH AND HUMAN SERVICES DATE: 08/04/06
,MEDSPROD UNEARNED INCOME DETAIL ACTION:

PERIOD START: 05/14/2006 END:

NAME: STYLES GRACE B HH NAME: STYLES GRACE B
NUMBER: 8832393201 HH NUMBER: 100768980 ACTION TYPE: MAINTENANCE
SSN: 249-32-5723 STATUS: ACTION DATE: 10/24/2002

SOURCE TYPE: SOCIAL SECURITY ADMINISTRATIO 1 SOURCE: SSA
ADDRESS

DATE APPLIED FOR: 10/24/2002
END DATE:

PHONE: - - PAGE: 0001

GROSS AMT	DTE RECD	FREQUENCY
0.00		
787.00	01/03/2006	MONTHLY
756.00	01/03/2005	MONTHLY
736.00	01/03/2004	MONTHLY
721.00	03/03/2003	MONTHLY

UPDATED: USER ID: DATE: SYSTEM ID: CNV1010 DATE: 10/24/02
INCOME RECORD FOUND
PF2->ADD PF3->NEXT SCR PF4->REFH PF6->RETURN PF7->PREV PF8->NEXT
PF9->PRINT PF20->UCB PF21->HIST- PF22->HIST+ PF23->P MO PF24->N MO

4MEDIEV01 P S.C. DEPARTMENT OF HEALTH AND HUMAN SERVICES DATE: 08/04/06
MEDSPROD BENDEX INFORMATION

***** CONFIDENTIAL - FOR INTERNAL USE ONLY ***** ROW: 1 OF 1

SSA SSN: 249-32-5723 SSA NAME: GRACE B STYLES
SSN: 249-32-5723 NAME: GRACE B STYLES

RCP NUM: 8832393201 HH NUM: 100768980 COUNTY: 23 ELIGIBILITY STATUS: E

SSA INFORMATION PAYMENT INFORMATION

INDIVIDUAL DATA:

SSA SSN: 249-32-5723 PAYMENT STATUS CODE: CP 787.20

SSA NAME: GRACE B STYLES EFFECTIVE DATE: 12/05 787.00

SSCN: 251146041D NET MONTHLY BNFTS AMT (MBC): 787.00

SSA DOB: 05/19/1925 INITIAL ENTITLEMENT DATE: 09/71

PROOF OF DOB: P CURRENT ENTITLEMENT DATE: 05/90

SEX: F MONTHLY BENEFITS PAYABLE: 787.00

VALIDATED BOSSN: 249-32-5723 RETRO PAYMENT AMOUNT: 0.00

CATEGORY OF ASSISTANCE: N MONTHLY OP DEDUCTION AMT: 0.00

STATE AND COUNTY CODE: 42220 ENDING DATE FOR OP DEDUCTION:

ALTERNATE SSN: 249-32-5723 GARNISHMENT AMOUNT WITHHELD: 0.00

DIRECT DEPOSIT INDICATOR: C

PAYMENT CYCLING INDICATOR: 1

UPDATED: SYSTEM ID: IEV7012 DATE: 2005-11-25-07.31.10.465874

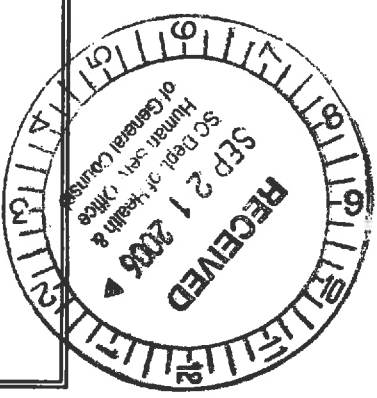
ME905004 BENDEX MASTER RECORD FOUND

PF1->HELP PF2->BENDEX HIST PF3->NEXT PF5->RECIP PF10->PREV MENU

PF11->BDX AUDIT PF12->BDX ACTION PF14->SDX PF16->BDX INPUT PF17->BUY-IN

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL



TO <i>Singleton</i>	DATE <i>9-20-06</i>
------------------------	------------------------

DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>000259</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>cc: Ries</i> <i>Dean</i> <i>10/13/06</i> <i>Butter</i>	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <i>9-29-06</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
1.			
2.			
3.			
4.			



State of South Carolina
Department of Health and Human Services

Mark Sanford
Governor

Robert M. Kerr
Director

October 13, 2006

Mr. Robert Styles
PO Box 116
Slater, South Carolina 29683

Re: Grace B. Styles

Dear Mr. Styles:

Your letter to Gary Ries of September 13, 2006 was referred to me. While I appreciate your concerns, allowing your mother to receive an additional \$30.00 for her personal needs over and above that provided by the Veterans Administration (VA) is not in compliance with current Medicaid policy. The documents you submitted support Mr. Ries' explanation that your mother's VA benefit was reduced from \$133.00 in 1995 to \$90.00 in January 1996 and that the \$90.00 was solely for her personal needs while in a nursing facility. At one time, a person could receive both the VA and the Medicaid personal needs allowance for a total of \$120.00. However, this is no longer agency policy.

Under current policy your mother is entitled to only the monthly \$90.00 VA personal needs allowance. Whenever the county caseworker discovers an error in a beneficiary's budget, he must correct the error. This is what the county did earlier this year. As I understand the situation, you appealed the county's decision and the Hearing Officer did not rule in your favor. Since you did not appeal his decision further, we must abide by his decision.

I regret any inconvenience this may have caused you. If I can be of further assistance, please contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "George R. Burnett".

George R. Burnett
Assistant General Counsel

GRB/b

Office of General Counsel
P. O. Box 8206 Columbia South Carolina 29202-8206
(803) 898-2795 Fax (803) 255-8210

RECEIVED

SEP 15 2006

MEDICAID ELIGIBILITY
& BENEFICIARY SERVICES

Mr. Gary Ries
Deputy Director
SC Department of Health and Human Services
Medicaid Eligibility and Beneficiary Services
P. O. Box 8206
Columbia, SC 29202-8206

Re: Grace B. Styles

Dear Mr. Ries:

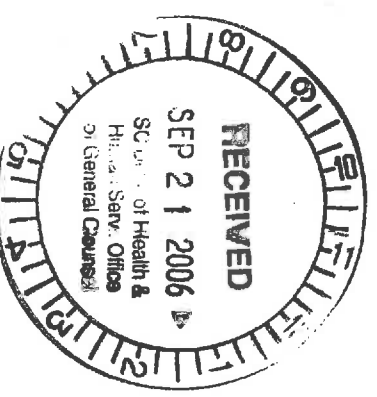
Thank you for your letter dated August 25, 2006. Although the sample copy of a Department of Veterans Affairs letter that you mentioned, was not enclosed, I am very familiar with them. And, your assumption that mother has probably received such a letter in the past is absolutely correct. In fact, she has received several of them, two of which I have enclosed a copy of, for your consideration.

I further appreciate you explanation of the difference between an "Aid and Attendance" payment and a "Reduced Veterans Administration Pension," along with the amounts, how, when and for what purpose they are awarded, and the qualifications of each. However, I find the explanations of same, as outlined in the two Veterans Administration letters, to be in direct contradiction to, and exactly opposite of, your explanation. The key points of contrast are obvious, but I have highlighted several lines in each enclosed letter for clarification. Also, for your convenience, I have highlighted and enclosed a copy of your above referenced letter.

Your explanation mirrors that of all DHHS employees that I have spoken with in the course of this appeal, and it correlates with the page I was sent from the existing Medicaid policy manual.

It has been my contention since the beginning of this matter that the decision to disallow mother's \$30 personal needs allowance was incorrect. I believe the reasons, policy references and explanations given in support of said decision, based on their contradictions, are not credible and do not justify such action. I further contend that my mother does not receive a "Reduced Veterans Administration Pension" but, she does, in fact, receive "Aid and Attendance." And, that she receives it in compliance with the Department of Veterans Affairs policy.

I respectfully ask that you re-visit your letter along with Medicaid policy, then, examine the two Veterans Administration letters. Upon doing so, I believe you will find credible and irrefutable evidence to support and confirm my position.

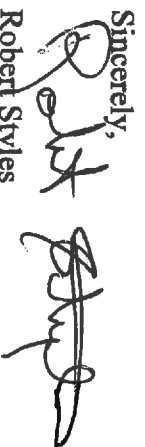


Mr. Gary Ries
September 13, 2006
Page 2
enclosures

For almost twelve years, since January 13, 1995, Mrs. Grace B. Styles has been confined to a nursing home. Each month, after paying all of her other Social Security income to the nursing home, she received her \$30 personal needs allowance from Medicaid along with her \$90 "Aid and Attendance" from the Department of Veterans Affairs. Both of which were for her personal needs. During this entire time, each time her Medicaid case was reviewed, she was told by DHHS case workers that she was in compliance with all laws and policies. She was told that if her situation did not change, she would always be allowed to keep receiving both. She was told that her \$90 "Aid and Attendance" was not countable income and she was not even required to report it. She was also told that the \$90 could not be considered in the making of any decisions regarding Medicaid. However, on June 14, 2006, her \$30 personal needs allowance was disallowed. She was given a variety of reasons and explanations for the decision, all of which contradicted what she had been told during the past twelve years.

Mr. Ries, in closing, I submit to you sir... It is obvious that Medicaid policy needs to be clarified or re-written, and that case workers should not make erroneous decisions or make mistakes that last for many years, or both. It is also evident that policy and decisions should not be contradictory to and/or with other governmental agencies. Regardless of whether this decision is correct or incorrect, has to do with policy, interpretation of policy, case worker discretion, or case worker error, either in the past or present, the fact is, Mrs. Styles' situation has not changed. She was apparently erroneously informed. She was led to believe that she would receive these benefits for the remainder of her life, and through no fault of her own, she planned her last years accordingly. Although \$30 per month is not a lot of money to most folks, it is very important to Mrs. Styles and her daily life, including her final plans. She is 81 years old and in poor health. She cannot conceivably be here very much longer. She has done nothing wrong and needs this money to make her last days comfortable and dignified.

Out of compassion for the consequences of this error, and, based on all of the above, I respectfully and humbly request that you restore Mrs. Grace B. Styles' \$30 personal needs allowance, and, that you take the appropriate actions necessary to prevent this unfortunate occurrence from happening in anyone else's life.

Sincerely,

Robert Styles

Authorized Representative: Grace B. Styles
P. O. Box 116
Slater, SC 29683
864-836-3318

Enclosure #1



RECEIVED

SEP 15 2006

State of South Carolina
Department of Health and Human Services
MEDICAID ELIGIBILITY
& BENEFICIARY SERVICES

Mark Sanford
Governor

Robert M. Kerr
Director

August 25, 2006

Mr. Robert Styles
P.O. Box 116
Slater, South Carolina

Dear Mr. Styles:

While reviewing the letter dated August 10 that I sent to you regarding the monthly personal income allowance for your mother, Mrs. Grace B. Styles, I realized that we did not explain the probable sequence of events regarding Mrs. Styles' allowance.

First let me explain the difference between an "Aid and Attendance" payment and a "Reduced Veterans Administration Pension." An Aid and Attendance payment is made to help cover the cost for assistance the individual may need while residing in their home. The amount varies depending on the level of disability and need. You are correct that this amount is excluded from a determination of Medicaid eligibility.

An Aid and Attendance payment is not made if an individual is in a nursing home. When an individual moves into a nursing home, the Veteran's Administration eliminates any Aid and Attendance payment and initiates a \$90 payment to cover "incidental needs, such as toilet articles, snacks, etc.)." This \$90 payment is a Reduced Veterans Administration Pension. Mrs. Styles probably received a letter from the Department of Veterans Affairs some years ago explaining that her \$90 payment is for her personal needs while in the nursing home. I have enclosed an example of such a letter.

The South Carolina Medicaid program allows a \$30 personal needs allowance only for individuals who do not have a reduced VA pension for personal needs. The \$30 is for the same purpose as the reduced VA pension.

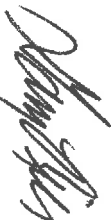
It is likely that when Mrs. Styles entered the nursing home, she was receiving an Aid and Attendance payment which was disregarded. However, that payment was discontinued because the nursing home care now covers the services for which the Aid and Attendance payment is made.

Medicaid Eligibility and Beneficiary Services
P. O. Box 8206 Columbia South Carolina 29202-8206
(803) 898-2502 Fax (803) 255-8235

Mr. Robert Styles
August 25, 2006
Page 2

I hope this explanation better explains the decision regarding the disallowance of the \$30 personal needs allowance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gary Ries", is positioned above the printed name and title.

Gary Ries
Deputy Director

GR:lm



DEPARTMENT OF VETERANS AFFAIRS
VARO Columbia
1801 Assembly St.
COLUMBIA SC 29201

MAR 14 1995

In Reply Refer To: 319/212AD

GRACE B STYLES
113-A MELLON ST
PO BOX 116
SLATER SC 29683

XC 04 721 321
STYLES, Russell H

Dear Ms. Styles:

This letter is in reference to your Statement in Support of Claim, dated March 3, 1995.

You are receiving VA benefits under Section 306 at a protected rate of \$133.00. VA benefits are not reduced to \$90.00 due to Medicaid nursing home care under Section 306.

If you are requesting benefits of \$90.00 under Improved Pension to qualify for Medicaid, please advise and we will accept your election for benefits under Improved Pension.

You have the right to appeal this decision. The enclosed VA Form 4107, Notice of Procedural and Appellate Rights, explains your rights.

Sincerely yours,

LOUIS W. HAMMOND
Adjudication Officer

Enclosures: VA Form 4107
VA Form 21-4138

cc: CVAO
Greenville

212AD/JRB/073

Enclosure # 2



Department of
Veterans Affairs

Enclosure

1801 ASSEMBLY ST
COLUMBIA SC 29201

19

January 19, 1996

IN REPLY REFER TO:

GRACE B STYLES
113-A MELLON ST
PO BOX 116
SLATER SC 29683

4-721-321/10
R H STYLE

We amended your PENSION award as follows:

EFFECTIVE DATE	MONTHLY RATE	COUNTABLE ANNUAL INCOME	MAXIMUM ANNUAL RATE
1-01-96	\$90.00	07369	08839

VA pays a pension to make up the difference between your countable annual income and a maximum annual rate. You can determine your monthly payment rate as follows:

- (1) subtract your countable annual income from the maximum annual rate;
- (2) divide that answer by 12;
- (3) round this answer down to the nearest whole dollar.

We based this award on countable annual income of \$7369 from January 1, 1996. To determine your countable income, we included the following sources of income you reported:

SELF : EARNED \$00000; SOCIAL SECURITY \$07369;
RETIREMENT \$00000; INTEREST \$00000;
INSURANCE \$00000; AND OTHER INCOME \$00000.

Once you have elected Improved Pension benefits and cashed your first check, you can't return to your original benefit. You cannot return to the protected pension program unless you send back the first Improved Pension payment. If you receive your payments by Direct Deposit or Electronic Funds Transfer (DD/EFT), and you decide you want to stay with the protected pension program, you must tell us before your bank receives the second payment. If you need further information on the Improved Pension program, please contact a Veterans Benefits Counselor at the toll-free number found in your telephone directory. If you decide that you do not want Improved Pension, you should so state on the enclosed VA Form 21-4138 and return it to us immediately.



**Department of
Veterans Affairs**

1801 ASSEMBLY ST
COLUMBIA SC 29201

19

January 19, 1996
PAGE 2

IN REPLY REFER TO:

4-721-321/10
R H STYLE

This award includes an additional monthly amount from January 1, 1996 based on need for Aid and Attendance.

If this change in your award decreases your payments for a prior period, we may establish an overpayment in your award. If our adjustment results in an overpayment of the benefits we paid you, we will notify you shortly of the exact amount of the overpayment. Also, we will give you information about repayment.

Your rate of VA pension depends on total "family" income which includes your income and that of any dependents. We must adjust your payments whenever this income changes. You must notify us immediately if income is received from any source other than that shown above. You must also report any changes in the income shown above. Your failure to promptly tell VA about income changes may create an overpayment which will have to be repaid.

We awarded you the Aid and Attendance allowance because of your nursing home admission. You must immediately tell VA the date you leave the nursing home in which you are now a patient.

You are a patient in a Medicaid-approved nursing home and covered by a Medicaid plan. Therefore, your monthly pension is limited to \$90.00 while you are receiving this type of care.

The \$90 monthly payment is for your incidental needs, such as toilet articles, snacks, etc., and no part of this payment should be used by Medicaid to cover your medical expenses. You should notify your state Medicaid office that the benefits you receive under the Improved Pension Program are being reduced.

Generally, nursing home expenses that are in excess of your non-VA income should now be paid by Medicaid. Individual states, however, have considerable latitude in determining the amount, duration, and scope of nursing home services paid by the Medicaid program.



**Department of
Veterans Affairs**

1801 ASSEMBLY ST
COLUMBIA SC 29201

19

January 19, 1996
PAGE 3

IN REPLY REFER TO:

FILE NUMBER
4-721-321/10
R H STYLE

Please read the enclosed VA Form 21-8767. It contains important information about rights to receive this benefit.

IF YOU RESIDE IN THE CONTINENTAL UNITED STATES, ALASKA, HAWAII OR PUERTO RICO, YOU MAY CONTACT VA WITH QUESTIONS AND RECEIVE FREE HELP BY CALLING OUR TOLL-FREE NUMBER 1-800-827-1000 (FOR HEARING IMPAIRED TDD 1-800-829-4833).

LOUIS W. HAMMOND
ADJUDICATION OFFICER

Encl: 21-8767

VA FORM
OCT 1993

20-8993

IMPORTANT - SEE REVERSE FOR PROCEDURAL AND APPELLATE RIGHTS
KEEP THIS LETTER FOR FUTURE REFERENCE