

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

904 # 6611190

TO <i>Wells</i>	DATE <i>7/25/06</i>
--------------------	------------------------

DIRECTOR'S USE ONLY		ACTION REQUESTED	
1. LOG NUMBER <i>000110</i>	<input checked="" type="checkbox"/> Prepare reply for the Director's signature DATE DUE <i>8/1/06</i>	<input type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____	<input type="checkbox"/> Necessary Action
2. DATE SIGNED BY DIRECTOR <i>cc: Ries</i> <i>Cleared 8/1/06, letters</i> <i>attached.</i>	<input type="checkbox"/> FOIA DATE DUE _____		

APPROVALS (Only when prepared for director's signature)	APPROVE	* DISAPPROVE (Note reason for disapproval and return to preparer.)	COMMENT
1. <i>2nd Request dated 8/28/06 attached.</i>			
2.			
3.			
4.			



RECEIVED

JUL 25 2006

Department of Health & Human Services
OFFICE OF THE DIRECTOR

State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

Post Office Box 12267
COLUMBIA 29211

July 14, 2006

Mr. Robert M. Kerr, Director
South Carolina Department of Health
and Human Services
1801 Main Street
Columbia, South Carolina 29202-8206

Dear Robby,

Please find enclosed correspondence from Deborah Forbes regarding the eligibility process associated with her son's application for Medicaid. Your review and reply would be greatly appreciated. Thanks for your help and take care.

Sincerely,

A handwritten signature in black ink, appearing to read "MS".

Mark Sanford

MS/sc

Enclosure

011190
RECEIVED

JUL 12 2006

From: Deborah Forbes <propertystis@yahoo.com>
To: <mark@gov.sc.gov>
Date: Tue, Jul 11, 2006 4:33 PM
Subject: Joshua Ryder Disability Claim

Referred to BS
Answered Cooper

Mr. Cooper

Please see the attached letter: My sons file was open last August with the SC Department of Health and Human Resources. As I said the Director now retired sent me a very scathing letter in response to my attached letter. Mr. Mike Cannon who is acting as director has contacted me for several phone interviews however has canceled both. We should not be made to start this process over and have been in touch with the ADA DC we have been informed to contact the governors office re the lack of due process in which the SC depart failed to follow regarding my sons claim.

Further more my son was not home prior to the hearing and after contacting Mr. Pursely I was told not to attend the hearing without Joshua. After the hearing date was missed may 17th we received correspondence stating that Joshua's claim was denied and no further hearing would be scheduled. We were NOT sent any information regarding a re scheduling the hearing within 30 days as you stated in our conversation.

Mrs. Forbes
611 Lakeview Landing Road
Fort Mill SC 29715

704-516-9928 cell

Deborah E. Forbes, Associate Broker
Land Sales & Marketing Consultant
COLDWELL BANKER UNITED
3440 Toringdon Way suite 110
Charlotte, NC 28277
(704) 516-9928 (cell) (704) 541-5111 (office)
(704) 541-4211 (Fax)

CC: <governor@oepp.sc.gov>

In reference to your departments discrimination against the above applicant and failure to comply with the criteria and procedures you must follow to determine eligibility; we will be forwarding your complete packet and findings to the Americans with Disability Act (ADA) office (U.S. DOJ - Washington, D.C.), as well as, the Office of the Director of Health for Governor Mark Sanford, SC. We have recently been informed that your Director, Robert Pursley has retired. Please have this letter addressed immediately by the interim or appointed Director.

Sincerely,

Mrs. Forbes (advocate for the applicant)

Cc: Robert French Hearing Officer and Mark Orf, Division Director Constituent Dept.
Enclosure: **Americans with Disabilities act, Pub. L. 101-336**

From: Deborah Forbes <propertytys@yahoo.com>
To: <mark@gov.sc.gov>
Date: Tue, Jul 11, 2006 4:33 PM
Subject: Joshua Ryder Disability Claim

Mr. Cooper

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CC: <governor@oepp.sc.gov>

State of South Carolina
Department of Health and Human Services
Post Office Box 8206
Columbia, South Carolina 29202-8206

June 14, 2006

Attention: Robert D. Pursley, Director, Division of Appeals and Hearings

Re: *Joshua Paul Ryder, 242-59-6902, Applicant, and your Order of Dismissal and Denial of Disability application. Regarding your certified letter we received on May 31, 2006 and the hearing held on May 17, 2006 at 10am in the conference room of community long term care (area #4) office.*

After speaking with Mr. Pursley prior to the above scheduled meeting, we were advised not to attend the meeting should Joshua not be able to be present. On May 17, 2006 Joshua was not available and his whereabouts were unknown to us. Furthermore, after careful review of the packet you sent to us, used to determine Joshua's case we discovered you did not order any medical records of your own from the releases that Joshua signed. Instead, you carelessly used what we supplied you with from our own personal files.

The State of South Carolina, Department of Health and Human Services discriminated against Joshua Paul Ryder' with respect to his application for disability because of the following reasons;

(1) the SC Department of Health and Human Services failed to order the supporting medical records from several medical release forms signed by applicant, (2) Under the ADA title II of subtitle 504, the Department of Health and Human Services failed to abide by the guidelines stated in the criteria used to determine disability benefits for the above applicant, (3) the Department failed to recognize or investigate the applicant's inability to focus and/or reason appropriately, (4) the Department failed to recognize the applicant has demonstrated limited and impaired ability to maintain life-supporting employment over a period of ten years, (5) the Department failed to conduct a proper investigation and/or analysis of the applicant's mental health state, (6) the departments staff physician evaluating the case has never spoken with or met the applicant and based his findings on incomplete records/information, (7) the medical records supplied by the clients own file were clearly not read or taken into consideration by the case examiner, (8) the only records that may have been acquired by your department were those records from a hospital visit at Springs Memorial Hospital in August of 2005 when he blacked out and are unrelated to determining a mental disability case.

Finally, Joshua has clearly met all the criteria used to determine a disability. Joshua is a 28 years old male who has not been able (from no known fault of his own) to care independently for his own welfare in the last 10 years.

In reference to your departments discrimination against the above applicant and failure to comply with the criteria and procedures you must follow to determine eligibility; we will be forwarding your complete packet and findings to the Americans with Disability Act (ADA) office (U.S. DOJ - Washington, D.C.), as well as, the Office of the Director of Health for Governor Mark Sanford, SC. We have recently been informed that your Director, Robert Pursley has retired. Please have this letter addressed immediately by the interim or appointed Director.

Sincerely,

Mrs. Forbes (advocate for the applicant)

Cc: Robert French Hearing Officer and Mark Orf, Division Director Constituent Dept.
Enclosure: **Americans with Disabilities act, Pub. L. 101-336**



Log 0110
For 611190

State of South Carolina
Department of Health and Human Services

Mark Sanford
Governor

Robert M. Kerr
Director

August 1, 2006

Mrs. Deborah Forbes
611 Lakeview Landing Road
Fort Mill, South Carolina 29715

Dear Mrs. Forbes:

Governor Mark Sanford asked our agency to respond to your concerns about the Medicaid application process for your son, Joshua.

A conference call held on July 12, 2006, with several of our agency staff members hopefully answered your questions and concerns about the application process for Medicaid's Aged, Blind or Disabled program (ABD).

Since you indicated additional medical information could be documented that will affect your son's application, we sent you a new ABD application package. If you have any questions regarding completion of this new application, please call Ms. Beverly Curbeam in our Lancaster County Office at 803-286-8208.

I am sorry for any inconvenience or confusion the Medicaid application process has caused you or any member of your family. Good customer service is important to us, and we take your concerns seriously. Once the requested information is submitted to our Lancaster County Office, please notify Mr. Mark Orf at 803-898-2749 to expedite processing of the application.

Sincerely,


Robert M. Cannan, Bureau Chief
Administrative Services

RMC: jym



Cleared 8-1-06 Ref log # 110
Gov # 671190
log to Wells
RECEIVED
SEP 08 2006

State of South Carolina

Department of Health & Human Services
OFFICE OF THE DIRECTOR

Office of the Governor

MARK SANFORD
GOVERNOR

Post Office Box 12267
COLUMBIA 29211

August 28, 2006

Mr. Robert M. Kerr, Director
South Carolina Department of Health
and Human Services
1801 Main Street
Columbia, South Carolina 29202-8206

Dear Robby,

Please find enclosed a copy of my recent letter regarding Deborah Forbes. Any information on the status of your review would be greatly appreciated. Thanks again for your help and take care.

Sincerely,

A handwritten signature in blue ink, appearing to be "M".

Mark Sanford

MS/sc

Enclosure



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SEP 08 2006

State of South Carolina

Department of Health & Human Services
OFFICE OF THE DIRECTOR

Office of the Governor

MARK SANFORD
GOVERNOR

Post Office Box 12267
COLUMBIA 29211

July 14, 2006

Mr. Robert M. Kerr, Director
South Carolina Department of Health
and Human Services
1801 Main Street
Columbia, South Carolina 29202-8206

Dear Robby,

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Sincerely,

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Mark Sanford

MS/sc

Enclosure

011990
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JUL 12 2006

From: Deborah Forbes <propertystls@yahoo.com>
To: <mark@gov.sc.gov>
Date: Tue, Jul 11, 2006 4:33 PM
Subject: Joshua Ryder Disability Claim

Referred to: BS
Answered: Cooper

Mr. Cooper

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State of South Carolina
Department of Health and Human Services
Post Office Box 8206
Columbia, South Carolina 29202-8206

June 14, 2006

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