

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO	DATE
Singleton/Wells	5-11-07

DIRECTOR'S USE ONLY		ACTION REQUESTED	
1. LOG NUMBER	000714	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____	
2. DATE SIGNED BY DIRECTOR	cc: Bowling Closed on 5/16/07 see attached e-mail response	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <u>5-22-07</u> <input type="checkbox"/> FOIA DATE DUE _____ <input type="checkbox"/> Necessary Action	

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

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28 April 2007

VIA FAX AND MAIL

RECEIVED

MAY 08 2007

Department of Health & Human Services
OFFICE OF THE DIRECTOR

Dr. Stanley Butkus
South Carolina Department of Disabilities and Special Needs
PO Box 4706
Columbia, South Carolina 29240

Acting Director
South Carolina Department of Health and Human Service
PO Box 8206
Columbia, South Carolina 29202

Mr. Vastine Crouch
Office of Appeals and Hearings
South Carolina Department of Health and Human Services
PO Box 8206
Columbia, South Carolina 29202

RE: Brook Waddle

Dear Gentlemen:

By this letter, Brook Waddle is appealing the denial of services by the South Carolina Department of Disabilities and Special Needs and the South Carolina Department of Health and Human Services. We have delayed filing this appeal in hopes that these issues would be resolved within 30 days of DDSN's March 30, 2007 denial of nursing services. Unfortunately, these services are still not in place. During the course of this appeal, we are willing to work with both agencies toward returning Brook to her home community. However, we are requesting a final administrative determination within 90 days as required by 42 C.F.R. 431.244. Our grounds for appeal are as follows:

The State has failed to provide Brook Waddle with services under the Head and Spinal Cord Medicaid Waiver in the least restrictive setting, including, but not limited to, nursing services, attendant services, psychological services, assistive technology devices and other services for which appellant is eligible to receive. The State has failed to offer these services to Brook Waddle with reasonable promptness.

Joy Singleton Wells
"Approved - Sign"
cc: Bowling

The State has failed to notify Brook Waddle of her eligibility for services under the MR/RD Medicaid waiver and to offer these services in the least restrictive setting with reasonable promptness.

The State failed to perform a PASARR assessment and specialized services as required by federal regulations prior to attempting to discharge Brook to an institutional setting.

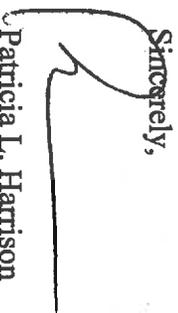
The State has failed to provide EPSDT services as required by the Social Security Act and federal regulations.

The State has improperly limited the hours of services offered to Brook Waddle in violation of the Social Security Act and Title 42 of the Code of Federal Regulations.

The State has acted erroneously in denying requested services in violation of applicable federal case law and regulations.

I have offered to meet with representatives from the South Carolina Department of Health and Human Services and the South Carolina Department of Disabilities and Special Needs and that offer remains open.

Sincerely,



Patricia L. Harrison

cc: Brook Waddle
Ken Anthony, Esq.
David Zoellner, Esq.

From: Vastine Crouch
To: Brenda James
Date: 5/16/2007 8:24 am
Subject: Log letter 714

CC: Jean Maner

Deirdra called me yesterday to confirm that I rec'd the original letter of April 28 from Ms. Harrison. I told her I did and set up an appeal file. She said she would take care of the log letter. I assume she did/will. Therefore, I'm considering the issue of the log letter closed.

Log 0714

From: Vasitne Crouch
To: Brenda James
Date: 5/16/2007 8:24:25 AM
Subject: Log letter 714

Deitra called me yesterday to confirm that I rec'd the original letter of April 28 from Ms. Harrison. I told her I did and set up an appeal file. She said she would take care of the log letter. I assume she did/will. Therefore, I'm considering the issue of the log letter closed.

CC: Jean Maner