


DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>Hess</i>	DATE <i>4-19-11</i>
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DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>1011474</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>CC: Supra, Mr. Tech</i> <i>closed 5/6/11, letter attached.</i> 	<input type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____ <input type="checkbox"/> FOIA DATE DUE _____ <input checked="" 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.			

Mr. Goff - please send to appropriate office by 4/16/11

SmartZone Communications Center

ehunt07@comcast.net

± Font size :

Fw: Hearing Appeal Copy (David A Bannan - Recipient # 4781088932)

From : Celia Shaw <celiashaw1@yahoo.com>

Sat Apr 16 2011 4:55:45 PM

Subject : Fw: Hearing Appeal Copy (David A Bannan - Recipient # 4781088932)

To : Ed Hunt <ehunt07@comcast.net>

RECEIVED

APR 19 2011

Department of Health & Human Services
OFFICE OF THE DIRECTOR

----- Forwarded Message -----

From: Celia Shaw <celiashaw1@yahoo.com>

To: bahadorie@scdhs.gov; greenesl@scdhs.gov

Cc: sdixon@dsncc.com; dpace@dsncc.com

Sent: Sat, April 16, 2011 4:50:13 PM

Subject: Hearing Appeal Copy (David A Bannan - Recipient # 4781088932)

Ms. Bahadori,

BACKGROUND: By letter dated 10/15/2009 from David Goodell, SC Dept. of Disabilities & Special Needs (copy of which can be provided), clients of the Charleston County Board of Disabilities and Special needs were required to file for Medicaid waivers assistance to avoid service cuts. I made application on behalf of my son, David Bannan -- even though I expressed reservations because David was at that time employed and health-insured by Enterprise Car Leasing where he had washed cars for approximately 24 years.

Today, 4/16, I received a copy of the APPEAL SUMMARY for my son, and was amazed to note the following:

- (1) No mention of the fact that I had submitted complete and accurate salary and 401-K information in the original application. (MS. GREENE SAYS SHE SIMPLY MADE A MISTAKE IN OVERLOOKING THIS. *401K*)
- (2) Upon 3/23/11 telephone call notification from Ms. Greene that David's 401-K plan balance exceeded 'Resource Limit', I immediately had this money moved into the Special Needs Trust of Charleston County Disabilities & Special Needs Board.
- (3) This Special Needs Trust information was transmitted by Ms. Dixon (DSNCC) to Ms. Greene well ahead of the Thursday, 4/14 send-off of the Appeal Summary - yet it was not included -- as was my understanding.
- (4) After intense - and understandable - pressure from Ms. Greene to push First Citizens Bank for an up-to-the-minute statement on the small jointly-owned savings account, this Jan-March, 2011 statement (which I obtained by special order/FAX -- after pleading

several days) was not submitted with the Appeal Hearing request. On that statement, I had made important notes regarding the 1/3 split of the balance between David, his brother and me. Instead, the entire \$2502.86 is recorded as an asset for David -- as opposed to the actual one-third (\$824) that belongs to him!!!!

I feel important information was omitted or not fully communicated as we move toward the Hearing Request.

(David had suffered a great loss -- approx. 1/3 of his total 401-K funds to federal and state taxes -- because this money was pulled out in one year to establish the Special Needs Trust. I hate to see him further disadvantaged, and I think this completed Trust information should have been communicated.)

Celia Shaw Hunt (843) 830-0547 (Cell -available 24/7)
2613 Lyall Ct.
N. Charleston SC 29406

✓ CC: Anthony E. Keck (or designated representative) - SC DHHS

Celia Hunt
2613 Lyall Ct
N. Charleston, SC 29406

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APR 19 2011

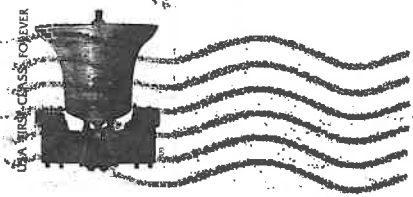
Department of Health & Human Services
OFFICE OF THE DIRECTOR

Anthony E. Reck, Director
SC Dept. of Health & Human Services
PO Box 8206
Columbia, SC 29202-8206

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May 6, 2011

FIRST CLASS MAIL

Celia Shaw Hunt
2613 Lyall Court
North Charleston, SC 29406

RE: David Bannan
Medicaid # 4781088932

Dear Ms. Hunt:

I am writing in response to your email of April 16, 2011 which has been forwarded to me from the Director of the South Carolina Department of Health and Human Services, Mr. Anthony Keck.

I understand that your son, David Bannan has been receiving Aged, Blind, and Disabled (ABD) Medicaid benefits since August 1, 2009. I also understand that while performing the yearly review on his Medicaid coverage, Ms. Sandra Greene discovered that David Bannan had a 401(k) retirement plan worth more than the \$6,680.00 ABD resource limit; therefore, Ms. Greene ceased Mr. Bannan's ABD Medicaid benefits effective May 1, 2011, via a Notice of Adverse Action dated March 30, 2011. On April 6, 2011 your appeal request was received in Ms. Greene's office and she forwarded your appeal request to my office on April 14, 2011. You state that Ms. Greene admits she made a mistake when she originally allowed your son ABD Medicaid benefits based on excess resources and if that is correct, your son has improperly received ABD Medicaid benefits since August 1, 2009; however, this was through no fault of your own. You also state that the Special Needs Trust that you created for David Bannan was sent to Ms. Greene prior to her sending her Appeal Summary to my office and to you, and apparently, you believe that the creation of the Special Needs Trust should have reversed Ms. Greene's determination, which is not correct. After Ms. Greene determined that David Bannan's resources exceeded the ABD Medicaid resource limit and you appealed that determination, Ms. Greene's only option was to send your appeal, her Appeal Summary, and the supporting documentation to my office, which she did.

Your appeal has been assigned to Hearing Officer Renee Johnson. Ms. Johnson has determined that the Special Needs Trust that you created for David Bannan has been sent to the SCDHHS Medical Support Group, as is the standard operating procedure for Special Needs Trusts. Ms. Johnson is waiting to see if the Medical Support Group finds the Special Needs Trust to be proper and appropriate to meet the financial criteria for the Mental Retardation and Related Disabilities (MR/RD) Medicaid Waiver and after that determination is made, Ms. Johnson will know how to proceed with your appeal. Since you have elected to continue David Bannan's ABD Medicaid benefits pending Ms. Johnson's decision, Mr. Bannan has not been deprived of Medicaid benefits.

If you have not heard from Hearing Officer Renee Johnson within the next three (3) weeks, or if you

Celia Shaw Hunt

May 6, 2011

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have any questions regarding this case, please feel free to contact me directly at 1-800-763-9087.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert French".

Robert French, Director
Division of Appeals and Hearings