

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>Jacobs</i>	DATE <i>8-3-09</i>
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DIRECTOR'S USE ONLY		ACTION REQUESTED	
1. LOG NUMBER <i>300062</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <i>8-12-09</i>	<input type="checkbox"/> FOIA DATE DUE _____
2. DATE SIGNED BY DIRECTOR	<input type="checkbox"/> Necessary Action		
<i>Ref: Log #31</i> <i>Closed 8/12/09, letter</i> <i>attached</i>			

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

July 30, 2009

RECEIVED

AUG 03 2009

Department of Health & Human Services
OFFICE OF THE DIRECTOR

AUG 03 2009

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MEDICAID ELIGIBILITY
& BENEFICIARY SERVICES

1523 Wedgefield Drive
Rock Hill, SC 29732

Alicia Jacobs
Deputy Director
Department of Health and Human Services
PO Box 8206
Columbia, SC 29202

Dear Ms Jacobs:

Thank you for responding to my letter regarding my mother, Anne G. Vickery.

For the record I need to clarify a few points. I have spoken with Janet Goode and as she has been from the beginning, she was again, very kind and compassionate. I was under the wrong assumption regarding the formality of this appeal process. I did not respond in writing to the Interlocutory Order because Ms Goode and I had conferred at least twice before the deadline date of July 10, 2009, and I did agree that I understood, unfortunately, that the Promissory Note of \$150,000 that my mother possessed for property was indeed valid and "negotiable." What I did not agree with and I still cannot understand is the point that the property is not worth \$150,000 and therefore we will never be able to find a buyer. The bottom line to this - my mother was duped, a family member gave her false information, she was lied to, and she is paying the price.

This note will not be paid at the time it is due, December 20, 2009. So, what then? I do not want the fact that we did not respond in writing to the Interlocutory Order to in any way negate any possibility that my mother might reapply in 2010 for Medicaid Nursing Home Benefits and be denied because of this no response. We do not know how we are going to proceed with trying to "re claim" the deed to the property. My mother has no money, so how will she sue my cousin? Our best hope at this point is an attorney offering pro-bono services in the hope we win a lawsuit, sell the property and move forward. No one from DHHS though has answered that question, if the note is not paid and my cousin defaults on the promissory note, then what? Is my mother still responsible for a note of \$150,000 and will she be held liable for a negative transfer of assets at that point? If that is the case then we have no hope for any type of resolution for this issue. As I said, the property is not worth this amount of money per York County Tax Assessor Office. My mother was lied to and gently coerced with the promise of wealth to sign this

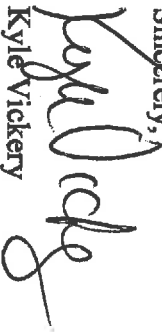
document. Of course we have no proof of that other than her being in the possession of a note that is basically worthless.

I hope you do understand my level of frustration. I do not want my mother, if we can ever reapply for Medicaid, to be held responsible for our not responding to this "negotiable promissory note", and I am concerned if we are fortunate enough to reclaim the deed to this property in December due to default, and we are able to sell for "Fair Market Value" according to York County, that she again will be held liable for a penalty. On those two points, I need some additional guidance and assistance.

I also want you to know we are going to attempt to see another attorney, one who specializes in elder rights and pursue this family member who is at the bottom of this. I am sure you are wondering what this family member has to gain by a default, that if she does not pay for the property then it cannot be hers, - we have been told that is a true statement - the property will not be hers but she can tie our lawsuit to regain the deed up in the court system for a lengthy time, and all the while, my mother is still not eligible for benefits. As you can see, this is what everyone calls, a true mess!!

So - thank you for your time and your response and if you do not mind I would appreciate a response to the two points I have asked about.

Sincerely,

A handwritten signature in black ink, appearing to read "Kyle Vickery". The signature is stylized with a large, looped "K" and a cursive "Vickery".

Kyle Vickery

803-366-7926



State of South Carolina
Department of Health and Human Services

Aug 10/2, Ref log 0031 ✓

Mark Sanford
Governor

Emma Forkner
Director

August 12, 2009

Mr. Kyle Vickery
1523 Wedgefield Drive
Rock Hill, South Carolina 29732

Dear Mr. Vickery:

Thank you for writing our agency in response to our July 24, 2009 letter regarding the Medicaid appeals process and the effect of a promissory note on eligibility for your mother, Anne Vickery.

As our previous letter mentions, your request for an appeal regarding Medicaid's denial was dismissed on July 10, 2009 because you did not respond in writing to the Interlocutory Order asking you to state the cause of action for the appeal. Unfortunately, we cannot go forward with the appeal process since we did not receive written notification from you as requested. This appeal dismissal will not affect any future Medicaid applications that you may wish to file on behalf of your mother.

Your letter mentions that you expect your cousin to default on the promissory note and you plan to take legal action. If this is the case, you may reapply for Medicaid after the note's due date of December 20, 2009. If you are able to provide proper documentation of the legal action being taken, the promissory note would not negatively affect Ms. Vickery's eligibility for Medicaid at that time. If a new application is received before the note's due date, we are required to count the value of the promissory note as a resource.

I hope this information provides further clarification regarding your mother's situation and how it may affect Medicaid eligibility. If you have any questions about the Medicaid program, please contact Jenny Lynch at (803) 898-3965.

Sincerely,

Alicia Jacobs
Deputy Director

AJ/cj