



January 27, 2026

[REDACTED]

RE: [REDACTED] v. WVDoHS-BoSS  
ACTION NO.: 25-BOR-3492

Dear [REDACTED]

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

In arriving at a decision, the State Hearing Officer is governed by the Public Welfare Laws of West Virginia and the rules and regulations established by the Department of Human Services. These same laws and regulations are used in all cases to ensure that all persons are treated alike.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Eric L. Phillips  
Certified State Hearing Officer  
Member, State Board of Review

Encl: Recourse to Hearing Decision  
Form IG-BR-29

cc: Connie Sankoff, BoSS

**WEST VIRGINIA OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW**

██████████,

**Appellant,**

v.

**Action Number: 25-BOR-3492**

**WEST VIRGINIA DEPARTMENT OF  
HUMAN SERVICES  
BUREAU FOR SENIOR SERVICES,**

**Respondent.**

**DECISION OF STATE HEARING OFFICER**

**INTRODUCTION**

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████. This hearing was held in accordance with the provisions found in Chapter 700 of the Office of Inspector General Common Chapters Manual. This fair hearing was convened on January 22, 2026, on an appeal filed with the Board of Review on December 19, 2025.

The matter before the Hearing Officer arises from the December 3, 2025 decision by the Respondent to reduce the Appellant's Level of Care (LOC) under the Aged and Disabled Waiver program.

At the hearing, the Respondent appeared by Connie Sankoff, RN, Bureau of Senior Services. Appearing as a witness for the Respondent was Tammy Skaggs, RN, Acentra. The Appellant was self-represented. Appearing as a witnesses for the Appellant was ██████████, Case Manager, ██████████. All witnesses were placed under oath and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Hearing Request
- D-2 Scheduling Order dated January 5, 2026
- D-3 Notice of Decision dated December 3, 2025
- D-4 Pre-Admission Screening Summary dated November 5, 2025
- D-5 Aged and Disabled Waiver Service Plan Addendum dated December 1, 2025
- D-6 Pre-Admission Screening dated November 5, 2025

**Appellant’s Exhibits:**

None

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

**FINDINGS OF FACT**

- 1) The Appellant is a recipient of Aged and Disabled Waiver services.
- 2) On November 5, 2025, a Pre-Admission Screening (PAS) was completed to reevaluate the Appellant’s continued medical eligibility and assess his current level of care (LOC) needs. (Exhibit D-6)
- 3) The Appellant received a total of 15 points on the PAS, attributing to a Level B LOC or 63-93 monthly homemaker service hours. (Exhibit D-4 and Exhibit D-5)
- 4) The Appellant was previously assessed at a Level C LOC or 94-124 monthly homemaker service hours on an October 2024 reevaluation.
- 5) On the November 5, 2025, PAS the Appellant was assessed as a Level 2 Supervised Assistive Device concerning transferring and awarded zero points.
- 6) The Respondent conceded a total care concerning the Appellant’s ability to transfer and awarded two additional points.
- 7) The Appellant received a total of 17 points on the PAS after the Respondent’s reevaluation.

**APPLICABLE POLICY**

*Aged and Disabled Waiver Medicaid Policy Chapter 501.12.1 Medical Criteria* details that an individual must have five deficits as described on the PAS to qualify medically for the ADW program. These deficits are derived from a combination of the following assessment elements on the PAS.

<b>Section</b>	<b>Description of Points</b>
#24	Decubitus; Stage 3 or 4
#25	In the event of an emergency, the individual is c) mentally unable or d) physically unable to vacate a building. a) Independently and b) With Supervision are not considered deficits

#26	Functional abilities of individual in the home	
a.	Eating	Level 2 or higher (physical assistance to get nourishment)
b.	Bathing	Level 2 or higher (physical assistance or more)
c.	Dressing	Level 2 or higher (physical assistance or more)
d.	Grooming	Level 2 or higher (physical assistance or more)
e. f.	Continence, Bowel Continence, Bladder	Level 3 or higher; must be incontinent
g.	Orientation	Level 3 or higher (totally disoriented, comatose)
h.	Transfer	Level 3 or higher (one-person or two-person assistance in the home)
i.	Walking	Level 3 or higher (one-person or two-person assistance in the home)
j.	Wheeling	Level 3 or higher (must be Level 3 or 4 on walking in the home to use Level 3 or 4 for wheeling in the home. Do not count outside the home)
#27	Individual has skilled needs in one or more of these areas: (g) suctioning, (h) tracheostomy, (i) ventilator, (k) parenteral fluids, (l) sterile dressings, or (m) irrigations	
#28	Individual is not capable of administering his/her own medications	

*Aged and Disabled Waiver Policy Manual Chapter 501.12.2.1, Service Level Criteria*, documents that there are four service levels for personal attendant services. Points will be determined as follows based on the following sections of the PAS:

Section	Description of Points
#23	Medical Conditions/Symptoms – 1 point for each (can have total of 12 points)
#24	Decubitus - 1 point
#25	1 point for b., c., or d.
#26	Functional Abilities: Level 1 - 0 points Level 2 - 1 point for each item a. through i. Level 3 - 2 points for each item a. through m., i. (walking) must be at Level 3 or Level 4 in order to get points for j. (wheeling) Level 4 – 1 point for a, 1 point for e, 1 point for f, 2 points for g through m
#27	Professional and Technical Care Needs - 1 point for continuous oxygen
#28	Medication Administration - 1 point for b. or c.
#34	Dementia - 1 point if Alzheimer's or other dementia
#35	Prognosis – 1 point if Terminal

The total number of points possible is 44.

*Aged and Disabled Waiver Policy Manual Chapter 501.12.2.2 Service Level Range of Hours*

**Traditional Service Levels**

Level	Points Required	Range of Hours Per Month (for Traditional)
A	5-9	0 – 62
B	10-17	63 – 93
C	18-25	94 – 124
D	26-44	125 – 155

The hours of service are determined by the service level and assessment results of the personal attendant agency RN assessment and Public Partnerships, LLC (PPL) Assessments. Please note, the levels are a range of hours and are to be used to meet everyone’s daily needs. Maximum hours are not guaranteed if the need is not identified. If the minimum hours awarded are not being utilized, the reason must be documented in the Service Plan.

**DISCUSSION**

Policy provides that an ADW Medicaid recipient’s level of care is based on the number of points received on a yearly medical evaluation using the PAS assessment tool. The Appellant received a total of 17 service level points as derived from the November 2025 PAS, which qualifies for Level B LOC, or a maximum of 93 hours each month.

The Appellant was previously assessed at a Level C LOC, or maximum of 124 monthly homemaker service hours. The Appellant contests the reduction of LOC. The Respondent must demonstrate by a preponderance of the evidence that it correctly reduced the Appellant’s homemaker service hours.

The Appellant offered no specific areas of contention on the PAS, but provided testimony indicating that his condition has deteriorated from his illnesses, and he requires the same amount of homemaker service hours. The Appellant purported that he has experienced some recent falls and requires the homemaker service hours for his safety. [REDACTED], Case Manager-[REDACTED] testified that she has reviewed the information in the PAS and agrees with the reduction of homemaker service hours.

Based on an evidentiary review, no additional points may be awarded to the PAS; therefore, the Respondent was correct in its decision to reduce the Appellant’s homemaker service LOC hours from a Level C to a Level B LOC.

**CONCLUSIONS OF LAW**

- 1) Service level points for the ADW Program are determined annually using the PAS screening tool.
- 2) The Appellant was awarded a total of 17 points on the November 2025 PAS.
- 3) No additional points were awarded to the LOC.
- 4) The Appellant meets the medical criteria for a Level B LOC (10-17 points) and a 63-96 level of monthly homemaker service hours.

**DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to reduce the Appellant's LOC from a Level C to a Level B LOC.

**ENTERED this \_\_\_\_\_ day of January 2026.**

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Eric L. Phillips  
**Certified State Hearing Officer**