



January 16, 2026

[REDACTED]

RE: [REDACTED] A JUVENILE v. DoHS/BUREAU FOR MEDICAL SERVICES
ACTION NO.: 25-BOR-3465

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,

Kristi Logan
Certified State Hearing Officer
Member, State Board of Review

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

cc: Bureau for Medical Services
PC&A

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

█ A JUVENILE,

Appellant,

v.

Action Number: 25-BOR-3465

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

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for █ a Juvenile. 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 14, 2026.

The matter before the Hearing Officer arises from the November 20, 2025, decision by the Respondent to deny medical eligibility for services through the Children with Serious Emotional Disorders (CSED) Waiver program.

At the hearing, the Respondent appeared by Kerri Linton, consulting psychologist for the Bureau for Medical Services. The Appellant appeared by his mother, █. Appearing as a witness for the Appellant was █ therapist with █. The witnesses were placed under oath, and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Bureau for Medical Services Provider Manual §502.14
- D-2 Preschool and Early Childhood Functional Assessment Scale dated August 6, 2025
- D-3 CSED Referral Information
- D-4 Independent Evaluation dated August 18, 2025
- D-5 Notice of Denial dated September 3, 2025
- D-6 Second Medical Evaluation Request dated October 28, 2025
- D-7 Independent Evaluation dated November 11, 2025
- D-8 Behavior Assessment System for Children, Third Edition dated November 10, 2025
- D-9 Notice of Denial dated November 20, 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 applied for the CSED Waiver program.
- 2) An Independent Evaluation was conducted with the Appellant on August 18, 2025, in conjunction with the CSED Waiver application (Exhibit D-4).
- 3) The Appellant was diagnosed with autism spectrum disorder (ASD), Attention Deficit Hyperactive Disorder (ADHD), unspecified mood disorder and pica (Exhibit D-4).
- 4) The Respondent issued a notice of denial on September 3, 2025, advising that the Appellant's application had been denied as the primary diagnosis is autism spectrum disorder, a developmental disability that is not an eligible diagnosis for the Children with Serious Emotional Disorders Waiver program. Further, he is not at imminent risk of placement in a Psychiatric Residential Treatment Facility (Exhibit D-5).
- 5) The Appellant requested a second medical evaluation on October 28, 2025 (Exhibit D-6).
- 6) A second Independent Evaluation was conducted with the Appellant on November 11, 2025 (Exhibit D-7).
- 7) The Appellant was diagnosed with ASD, ADHD, and pica (Exhibit D-7).
- 8) The Respondent issued a notice of denial on November 20, 2025, advising that the Appellant's application had been denied as there was not an eligible diagnosis for the CSED Waiver program and there is not an imminent risk of placement in a Psychiatric Residential Treatment Facility (Exhibit D-9).

APPLICABLE POLICY

Bureau for Medical Services Provider Manual Chapter 502 explains eligibility for CSED Waiver:

502.14.1 Medical Eligibility

To be medically eligible, the applicant must require the Level of Care and services provided within a Psychiatric Residential Treatment Facility (PRTF) setting as evidenced by required evaluations and other information requested by the independent evaluator or

the MECA and corroborated by narrative descriptions of functioning and reported history. To be eligible for the CSEDW, an applicant must have:

- Eligible diagnosis
- Functional impairment
- Otherwise require PRTF Level of Care

Initial medical eligibility is determined by MECA through review of an Independent Evaluation Report completed by a member of the IEN, which must include background information, a mental status examination, functional behavior, and any other documentation deemed appropriate. West Virginia defines the term "children with a serious emotional disorder" as children/adolescents with a serious emotional disorder who are three years of age through 20 years of age and who currently have or at any time during the past year have had a diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria specified within the Diagnostic and Statistical Manual of Mental Disorders (DSM) or International Classification of Disease (ICD) or equivalent that is current at the date of evaluation and results in functional impairment that substantially interferes with or limits the child/adolescent's role or functioning in family, school, and/or community activities.

502.14.2 Diagnosis

An eligible diagnosis is defined as a diagnosable mental, behavioral, or emotional disorder that meets the current DSM diagnostic criteria. These disorders include any mental disorders listed in the DSM except for "V" codes, substance use, and developmental disorders, which are excluded unless they co-occur with another diagnosable serious emotional disorder. The applicant must also demonstrate an impairment in functioning that is due to an eligible diagnosis to meet eligibility requirements.

502.14.3 Functional Impairment

The applicant must have a substantial impairment in functioning, which is defined as a Youth Total score of 90 or above on the Child and Adolescent Functional Assessment Scale (CAFAS) and the Preschool and Early Childhood Functional Assessment (PECFAS), The child/adolescent must demonstrate an ability to engage in activities of daily living but lack adequate emotional or behavioral stability to meet the demands of daily living. The child/adolescent must be able to actively engage and participate in services offered through the CSEDW. The CAFAS/PECFAS must reflect elevated scores as noted above. The presence of substantial impairment must be supported not only by relevant test scores, but also the narrative descriptions contained in the documentation submitted for review and other relevant information (e.g., previous psychological testing, Individualized Education Program (IEP), treatment records, discharge summaries, etc.). The following CAFAS/PECFAS subscales must equal at least a total score of 90:

- School/day care/work role performance
- Home role performance
- Community role performance
- Behavior toward others
- Moods/emotions
- Self-harmful behavior

- Substance use (CAFAS only)
- Thinking/communication

Additionally, ratings on the most current Behavior Assessment System for Children (BASC), must reflect T-scores greater than 60 in two or more of the clinical scales. The criteria must be supported by additional documentation provided (e.g., previous psychological evaluations, IEP, facility records, etc.).

502.14.4 PRTF Level of Care

PRTFs provide full-time psychiatric treatment for children and adolescents with complex mental health conditions who are under the age of 21. PRTFs serve individuals with mental, emotional, or behavioral problems who do not require emergency or acute psychiatric care but whose symptoms and needs are not able to be managed in their home or community and require supervision/intervention on a 24-hour basis. The CSEDW approval does not indicate that a child would be approved for PRTF placement, and that insurance approval would still be required. To be eligible for CSEDW, the applicant must meet the criteria and require a hospital Level of Care defined as an inpatient psychiatric facility for individuals ages 21 and under as provided in 42 CFR §440.160. The applicant must also be at imminent risk of placement in a PRTF. Imminent risk of placement in a PRTF is defined as:

- Residing in a PRTF within the past six months; or
- Through evaluations and documentation submitted to the MECA, it is determined that there is a reasonable indication that the applicant is in danger of being placed in a PRTF within the next 30 days.
- Is at imminent risk of harm due to behavior(s) that are likely to cause physical harm to them self or others. The applicant must indicate the need for PRTF as evidenced by suicidal or homicidal ideation, physical aggression toward others, self-injurious behavior, seriously risky behavior (running away, sexual aggression, or substance use).

DISCUSSION

Pursuant to policy, an individual must meet the medical eligibility criteria of an eligible diagnosis of a mental, behavioral, or emotional disorder, a substantial impairment of functioning related to an eligible diagnosis, and the need for PRTF level of care for the CSED Waiver program.

The Respondent denied the Appellant's application for CSED Waiver as he did not meet the diagnostic criteria of an eligible diagnosis of a mental, behavioral, or emotional disorder and he did not require the level of care provided in a PRTF.

Kerri Linton, witness for the Respondent, testified that the Appellant's primary diagnosis of ASD is not a mental, behavioral, or emotional disorder but is classified as a developmental disorder. Ms. Linton referred to the Independent Evaluations conducted in August 2025 and November 2025, which did not document an eligible diagnosis for CSED Waiver eligibility.

██████████ witness for the Appellant, testified that the Appellant has been diagnosed with Oppositional Defiance Disorder (ODD) and contended that ODD is an eligible diagnosis for CSED Waiver. ██████████ stated that the Appellant would benefit from the coping strategies provided through the program and argued that although the Appellant's behaviors are manageable now at five years old, as he ages and grows stronger, support will be required to keep him in the community.

No documentation was provided to confirm that the Appellant has a diagnosis of ODD or another qualifying diagnosis for CSED Waiver eligibility. Based on the information submitted, the Appellant does not have a documented diagnosis of a mental, behavioral, or emotional disorder and therefore does not meet the diagnostic criteria for the CSED Waiver program.

CONCLUSIONS OF LAW

- 1) An individual must meet the medical eligibility criteria of an eligible diagnosis of a mental, behavioral, or emotional disorder, a substantial impairment of functioning related to an eligible diagnosis, and the need for PRTF level of care to qualify for CSED Waiver.
- 2) The Appellant's primary diagnosis of autism spectrum disorder is classified as a developmental disorder.
- 3) There was no documentation provided to support that the Appellant has an eligible diagnosis of a mental, behavioral, or emotional disorder.
- 4) The Respondent's decision to deny medical eligibility for CSED Waiver is affirmed.

DECISION

It is the decision of the State Hearing Officer to **uphold** the decision of the Respondent to deny the Appellant's application for Children with Serious Emotional Disorders Waiver program.

ENTERED this 16th day of January 2026.

Kristi Logan
Certified State Hearing Officer