WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

[redacted]

Appellant,

v. **Action Number: 26-BOR-2830**

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 [redacted]. 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 October 28, 2026, on an appeal filed with the Board of Review on September 23, 2026.

The matter before the Hearing Officer arises from the September 3, 2026 decision by the Respondent to deny the Appellant's medical eligibility for the Aged and Disabled Waiver program.

At the hearing, the Respondent appeared by Robert Meade, Data Analyst/Hearing Coordinator-Bureau for Medical Services. Appearing as a witness for the Respondent was Braden Scheick, RN, Acentra. The Appellant was self-represented. All witnesses were placed under oath and the following documents were admitted into evidence.

Department's Exhibits:

D-1 Notice of Decision dated September 3, 2026
D-2 Bureau for Medical Services Provider Manual § 501.9.1
D-3 Medical Necessity Evaluation Request dated March 29, 2026
D-4 Pre-Admission Screening dated August 14, 2026
D-5 Pre-Admission Screening Summary dated August 14, 2026
D-6 Notice of Potential Denial dated August 16, 2026

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) On August 14, 2026, the Appellant was evaluated for eligibility for the Aged and Disabled Waiver (ADW) Program.

2) A Pre-Admission Screening (PAS) assessment was completed with the Appellant to determine his functional abilities in the home. (Exhibit D-4)

3) The Appellant was awarded functional deficits in the areas of vacate a building, bathing, and continence. (Exhibit D-4)

4) On August 16, 2026, the Respondent issued a Notice of Potential Denial to the Appellant providing him with a two-week period to provide additional information to establish eligibility for the program. (Exhibit D-6)

5) The Appellant failed to provide additional information.

6) On September 3, 2026, the Respondent issued a Notice of Denial to the Appellant informing him of his medical ineligibility for the ADW Program because he failed to meet the required five deficits as mandated by Medicaid Program Regulations.

APPLICABLE POLICY

Bureau for Medical Services Provider Manual §501.11.1 Medical Criteria provides 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.

Section	**Description of Points**	
#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, not
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	

DISCUSSION

The Medicaid Aged/Disabled Title XIX (HC) Waiver Services Program (ADW Program) identifies medically eligible individuals for the program when they demonstrate five functional deficits in the designated life areas on the Pre-Admission Screening (PAS) assessment. During an initial PAS assessment, the Respondent determined that the Appellant failed to meet the medical requirements of the program because he failed to demonstrate the necessary amount of functional deficits. The Respondent must show by a preponderance of the evidence that the Appellant did not demonstrate the necessary five functional deficits for program eligibility.

Braden Scheick, RN, conducted the PAS assessment with the Appellant. Based on the information provided, the assessing nurse awarded functional deficits in the areas of vacating, bathing and continence.

The Appellant related that he suffered a stroke and continues to deal with congestive heart failure. During the hearing process, a review of the functional abilities considered for the ADW program was completed with the Appellant. The Appellant denied any physical assistance with eating, dressing and grooming, indicating he could perform those functions. The Appellant indicated that he was able to transfer without physical assistance and was encouraged to walk outside by his doctor in order to get Vitamin D from sunlight.

During the PAS, the assessing nurse observed the Appellant extend his extremities, bend at the waist, and touch his posterior hips and shoulders, which corroborates the Appellant's testimony of his independence in those areas. Based on the information provided by the Appellant and

supporting information documenting in the PAS, no additional deficits can be awarded. The Respondent's decision to deny ADW services is affirmed.

CONCLUSIONS OF LAW

1) To qualify medically for the ADW program, an individual must have five functional deficits as derived from the PAS assessment.

2) The Appellant received functional deficits in the areas of vacating, bathing and continence.

3) Based on information provided during the hearing, no additional deficits can be awarded.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to deny the Appellant's application for services under the Aged and Disabled Waiver Program.

ENTERED this _____ day of October 2026.

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Eric L Phillips
Certified State Hearing Officer