



October 1, 2024

[REDACTED]

RE: [REDACTED] v. WV DoHS/BMS
ACTION NO.: 24-BOR-2712

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,

Tara B. Thompson, MLS
State Hearing Officer
Member, State Board of Review

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

cc: Keshia Walton, Cynthia Parsons, and Laura Radcliff - Bureau for Medical Services
Beverly Turpin and Caroline Duckworth - Acentra
Kristen Blanks and Kerri Linton, Psychological Consultation and Assessment

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

██████████,

Appellant,

v.

Action Number: 24-BOR-2712

**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 ██████████. 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 September 24, 2024.

The matter before the Hearing Officer arises from the Respondent's June 28, 2024 decision to deny the Appellant eligibility for the Medicaid Children with Serious Emotional Disorder Waiver (CSEDW) program.

At the hearing, the Respondent was represented by Kristen Blanks, Psychological Consultation and Assessment (PC&A). Appearing as witnesses for the Respondent were Laura Radcliff, Bureau for Medical Services (BMS); Derrick Johnson, Acentra; and Caroline Duckworth, Acentra. The Appellant was present. ██████████ the Appellant's father, represented the Appellant at the hearing. ██████████ the Appellant's mother, appeared as a witness for the Appellant. All representatives and witnesses were placed under oath and the following documents were admitted into evidence. Crystal Dotson observed on behalf of PC&A and did not provide testimony.

Department's Exhibits:

- D-1 BMS Manual Chapter 502 excerpts
- D-2 Child and Adolescent Functional Assessment Scale (CAFAS), dated April 27, 2023
- D-3 Independent Evaluation (IE), dated May 1, 2023
- D-4 CAFAS, dated April 29, 2024
- D-5 Child and Adolescent Needs and Strengths (CANS) Assessment, dated May 10, 2024
- D-6 Notice, dated May 24, 2024
- D-7 IE, dated June 19, 2024
- D-8 Notice, dated June 28, 2024

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 was a recipient of CSEDW program services. Her eligibility was established based on the Appellant's qualifying Child and Adolescent Functional Assessment Scales (CAFAS) Youth Total score and Independent Evaluation (IE) Behavioral Assessment System for Children (BASC) T-Scores (Exhibits D-2 and D-3).
- 2) On April 29, 2024, Acentra conducted a new CAFAS to rate the Appellant's functioning in the preceding three months (Exhibit D-4). The CAFAS reflected a Youth Total score of 20 for the Appellant (Exhibit D-4).
- 3) On May 24, 2024, the Respondent issued a notice advising the Appellant her Medicaid WV CSEDW program services were terminated because her CAFAS total score was 20, below the threshold for CSEDW eligibility. The notice advised that functional impairment was not substantiated by a Youth Total score of 90 or above on the CAFAS (Exhibit D-6).
- 4) The May 24, 2024 notice advised the Appellant may have a second psychological evaluation at the Respondent's expense if requested within 60 calendar days of the latter (Exhibit D-6).
- 5) On June 19, 2024, a second IE was completed with the Appellant (Exhibit D-7).
- 6) On June 19, 2024, the IE revealed the presence of eligible diagnoses (Exhibit D-7).
- 7) On June 19, 2024, the Appellant had BASC T-Scores above 60 in *hyperactivity, aggression, conduct, anxiety, and depression* (Exhibit D-7).
- 8) On June 19, 2024, the Appellant had a Youth Total score of 60 on the CAFAS (Exhibit D-7).
- 9) On June 28, 2024, the Respondent issued a notice advising the Appellant her Medicaid WV CSEDW program services were terminated because her CAFAS total score was 60, below the threshold for CSEDW eligibility. The notice advised that functional impairment was not substantiated by a Youth Total score of 90 or above on the CAFAS (Exhibit D-8).
- 10) The June 28, 2024 notice advised that the Appellant did not require a PRTF level of care (Exhibit D-8).

APPLICABLE POLICY

Bureau for Medical Services (BMS) Manual § 502.14.3 *Initial Medical Eligibility* provides that 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 evaluation (IE) or the Medical Eligibility Contracted Agent (MECA) and corroborated by narrative descriptions of functioning and reported history.

To be eligible for CSEDW, an applicant must have:

- An eligible diagnosis;
- Functional impairment; and
- Require PRTF Level of Care

BMS Manual § 502.14.3.3 *Functionality* provides that the member must have substantial impairment in functioning that is defined as a Youth Total score of 90 or above on the Child and Adolescent Functional Assessment Scales (CAFAS)/Preschool and Early Childhood Functional Assessment (PECFAS). The applicant 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 CAFAS must reflect elevated scores as noted above. The presence of substantial impairment must be supported by relevant test scores and the narrative descriptions in the documentation submitted for review and other relevant information.

The following CAFAS/PECFAS subscales must equal a total score of 90:

- School/daycare/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 Behavioral 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.

BMS Manual § 502.15 *Annual redetermination of waiver eligibility process* provides that the member must continue to meet all eligibility criteria as previously defined. All members presently receiving CSEDW services will be evaluated annually using a CAFAS/PECFAS and the Child and Adolescent Needs and Strengths (CANS). To be found eligible, the member must have an eligible diagnosis of SED as described above.

To be redetermined and to continue to meet medical eligibility, the member must have a substantial impairment as described in *Functionality*. The functionality for the annual redetermination will be determined by the CAFAS/PECFAS and the CANS. The Needs Domains of the CANS completed

by the wraparound facilitator and the CAFAS/PECFAS will be reviewed by the MECA. Members who show “no evidence of need/no need for action” as defined by the CANS may not require continued eligibility for the CSEDW program, and eligibility for the CSEDW program may be terminated, if the CAFAS/PECFAS total score is also less than 90 overall.

DISCUSSION

The Appellant was denied continued eligibility for the CSEDW program. The Appellant’s representative contested the Respondent’s denial and argued that the Appellant requires the services provided by the program.

The Respondent contracts with Psychological Consultation and Assessment (PC&A) to determine an applicant’s eligibility for the CSEDW program. PC&A is required to decide the Appellant’s eligibility through a review of the IE and submitted records. PC&A does not have the authority to change the information submitted for review and can only determine if the information provided aligns with the policy criteria for establishing CSEDW eligibility.

During the hearing, the Appellant’s representative argued that the assessments only capture a snapshot of the Appellant’s functioning at a particular moment. The Respondent’s representative contended that the CAFAS evaluates the preceding 90 days. Information provided on the form indicated that the previous three months were evaluated. The policy requires the Respondent to consider the CAFAS when determining CSEDW eligibility. The Board of Review may only consider the Appellant’s functioning at the time of the Respondent’s decision and cannot consider functioning decline after the Respondent’s CSEDW eligibility decision.

The Board of Review cannot judge the policy and can only determine if the Respondent followed the policy when deciding the Appellant’s CSEDW eligibility. Further, the Board of Review cannot make clinical conclusions regarding diagnosis and functioning. The Hearing Officer can only determine whether the Respondent correctly denied the Appellant’s eligibility based on the functionality indicated on the IE and corroborated by the submitted documentation.

To be eligible for CSEDW, the member must have an eligible diagnosis and functional impairment which requires a PRTF level of care. The Respondent had to prove by a preponderance of evidence that the Appellant was correctly denied continuing CSEDW eligibility because she failed to meet the criteria in each of these areas. The parties did not refute that the Appellant had an eligible diagnosis at the time of the Respondent’s decision.

Functional Impairment

To satisfy the eligibility criteria for functionality, the CAFAS Youth Total score had to be 90 or above and the BASC T-Scores had to be greater than 60 in two or more of the Clinical Scales. The evidence revealed that the BASC T-Scores fulfilled this criterion.

During the hearing, the Appellant, her representative, and her witness compellingly testified to the Appellant’s historic functioning limitations, the benefits she gained from the program, and ongoing functioning limitations related to her diagnosis. The Appellant should be commended for her

ongoing efforts. While the testimony provided indicated that the substantial support provided by the program remains necessary for the Appellant's continued progress, the Hearing Officer must consider the policy directive to consider the CAFAS Youth Total score.

PRTF Level of Care

To be medically eligible, the Appellant must require the level of care and services provided within a psychiatric residential treatment facility (PRTF) setting as evidenced by required evaluations and corroborating narrative descriptions of functioning and reported history. As eligible functioning impairment was not reflected by the submitted evaluations, the Appellant's requirement of a PRTF setting cannot be affirmed.

CONCLUSIONS OF LAW

- 1) To be eligible for CSEDW, the member must have an eligible diagnosis, functional impairment, and require a PRTF level of care.
- 2) To satisfy the eligibility criteria for *functionality*, the CAFAS Youth Total score had to be 90 or above and the BASC T-Scores had to be greater than 60 in two or more of the Clinical Scales.
- 3) The preponderance of evidence revealed that the Appellant did not have an eligible CAFAS score at the time of the Respondent's decision.
- 4) To be medically eligible, the client must require the level of care and services provided within a PRTF setting as evidenced by the required evaluations and corroborating narrative descriptions of functioning and reported history.
- 5) Because the submitted evaluations failed to establish the presence of eligible functional impairment, the Appellant's requirement of a PRTF setting cannot be affirmed.
- 6) The Respondent correctly terminated the Appellant's CSEDW eligibility because the evaluations did not meet the *functionality* or *PRTF level of care* eligibility criteria.

DECISION

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to terminate the Appellant's CSEDW program eligibility.

ENTERED this 1st day of October 2024.

Tara B. Thompson, MLS
State Hearing Officer