



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Office for Civil Rights

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Fax - (215) 861-4431 • <http://www.hhs.gov/ocr>

Case Number: [REDACTED]
Investigator: [REDACTED]
Contact Telephone: [REDACTED]

November 14, 2022

Jason Parmer, Staff Attorney
Disability Rights of West Virginia
Transmitted Via Email Only: jparmer@drowv.org

Dear Mr. Parmer:

The U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR) received the complaint filed by Disability Rights of West Virginia (DRWV) stating that the West Virginia Department of Health and Human Resources (DHHR), is engaging in unlawful discrimination based on disability. In the complaint, DRWV alleges that DHHR fails to administer services, programs, and activities in the most integrated setting appropriate to meet the needs of qualified individuals with disabilities. As a result, DRWV states that certain individuals found eligible for services under the Intellectual and Developmental Disabilities Waiver (IDDW) did not receive services needed to avoid the risk of institutionalization and are now needlessly segregated in state-operated hospitals. These allegations could represent a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504),¹ Title II of the Americans with Disabilities Act of 1990 (Title II or ADA),² and Section 1557 of the Patient Protection and Affordable Care Act (Section 1557).³

OCR enforces federal civil rights laws which prohibit discrimination in the delivery of health and human services based on race, color, national origin, disability, age, sex, religion, and the exercise of conscience, and also enforces the Health Insurance Portability and Accountability Act (HIPAA) Privacy, Security and Breach Notification Rules.

After careful consideration, we have determined that we will open an investigation into the complaint filed by DRWV. Please be assured that our office is committed to resolving your complaint as expeditiously as possible. If you have any questions about this letter or the investigation process, please contact Investigator [REDACTED] at [REDACTED]; [REDACTED].

¹ 29 U.S.C. § 794; 45 C.F.R. Part 84

² 42 U.S.C. § 12131-12134; 28 C.F.R. Part 35

³ 42 U.S.C. § 18116; 45 C.F.R. Part 92

When contacting this office, please remember to include the transaction number that we have given your file. That number is located in the upper left corner of this letter.

[REDACTED]

[REDACTED]