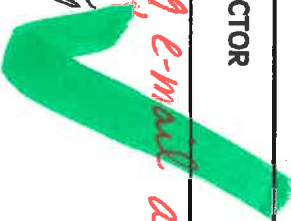


DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

| | |
|----------------------|------------------------|
| TO <i>Singler</i> | DATE <i>4-27-09</i> |
|----------------------|------------------------|

| DIRECTOR'S USE ONLY | ACTION REQUESTED | |
|--|--|--|
| 1. LOG NUMBER <i>300601</i> | <input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____ | |
| 2. DATE SIGNED BY DIRECTOR <i>Cleared 10/21/09, e-mail attached.</i> <i>copy: Jenkins</i> <i>Stensland</i>  | <input type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____ <input checked="" type="checkbox"/> FOIA DATE DUE <i>5-11-09</i> <input type="checkbox"/> Necessary Action | |

| APPROVALS <small>(Only when prepared for director's signature)</small> | APPROVE | * DISAPPROVE <small>(Note reason for disapproval and return to preparer.)</small> | COMMENT |
|---|---------|--|---------|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |

RECEIVED

APR 27 2009

SCDHHS

Office of General Counsel

April 24, 2009

**VIA CERTIFIED MAIL:
RETURN RECEIPT REQUESTED AND FACSIMILE (803.255.8210)**

Richard D. Hepfer
Deputy General Counsel
South Carolina Department of Health and Human Services
P.O. Box 8206
Columbia, SC 29202-8206

Trudy Hartzog Robertson
Attorney at Law
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Suite 300
40 Calhoun Street
Post Office Box 22828
Charleston, SC 29413-2828

Re: C09FOI0471 (DJH)

Dear Mr. Hepfer:

Thank you for your correspondence of December 1, 2008 in response to our Freedom of Information Act ("FOIA") request dated November 11, 2008, and I also thank Mr. Bruce D. Carter for his supplemental response of February 25, 2009.

Booz Allen Hamilton ("Booz Allen"), the Medicaid Integrity Contractor, has commenced an audit against one of our clients, McLeod Regional Medical Center of the Pee Dee, Inc., located in Florence, South Carolina ("MRMC"). Booz Allen is demanding to review certain records of MRMC under very short time frames and is not providing MRMC with required information about the focus of the audit. While we want to be responsive to the requests of Booz Allen, we are left to proceed in the absence of any information from the Centers for Medicare and Medicaid Services ("CMS") on specific task order protocols, specific audit protocols or other specific guidance under which Booz Allen is to act during the course of audits under the Medicaid Integrity Contractor's Program in the State of South Carolina.

In CMS' document entitled "Medicaid Integrity Audit Program Comprehensive Auditing Protocols: Institutional Providers" ("General Auditing Protocols"), Booz Allen is required to comply with certain audit and field work standards and is required to provide certain information to CMS. In addition to the items requested in earlier letters, we also now request the following under FOIA:

- (1) Under sub-step #2 of Audit Step #1 in the General Auditing Protocols, in reviewing the audit package received from CMS, Booz Allen is to document an overall scope and objection of the audit, including: "define and document the scope of the audit being performed" and "define and document objective and parameters of the audit". We request copies of the documents meeting these steps.
- (2) Under sub-step #4 of Audit Step #1 in the General Auditing Protocols, there is to be a "Joint Operating Agreement or Memorandum of Understanding, which describes the roles and responsibilities of CMS, MIC and States". We request copies of the fully executed and completed Joint Operating Agreement or Memorandum of Understanding between CMS, Booz Allen and the State of South Carolina.
- (3) Under sub-step #5 of Audit Step #1 in the General Auditing Protocols, Booz Allen is to "develop medical necessity review threshold by having MIC Medical review practitioner setup threshold

Richard G. Hepfer
Deputy General Counsel
Page 2

based on State criteria for medical necessity." We request copies of all documents regarding the development of this threshold and criteria.

(4) Audit Step #2 in the General Auditing Protocols requires that Booz Allen develop and document the "Provider Audit Program". Sub-steps 1 through 9 of Audit Step #2 state that Booz Allen must (1) specify the objective of the audit; (2) document relevant criteria, standards and guidance; (3) document an understanding of MRMCMC; (4) document the audit staffing budget and timeline; (5) document the scope of the audit; (6) prepare a sample plan; (7) develop and document an audit approach to include the testing plan; (8) provide a copy of the Provider Audit Program to the CMS Baltimore Project Officer; and (9) create a work paper documenting the Provider Audit Program. We request copies of the Provider Audit Program for MRMCMC and we request all documentation prepared in response to Audit Step #2 and the sub-steps 1 through 9 thereunder.

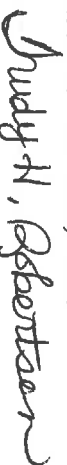
(5) Sub-step #5 of Audit Step #3 in the General Auditing Protocols states that the notification letter to MRMCMC must contain the "purpose of the review", among other items. We request copies of notification letters and documentation relating to the purpose of the review of MRMCMC.

We appreciate your expediting of our request and will remit the fees you charge for the processing of this request.

Thank you in advance for your assistance. Should you have any questions, please call me.

Sincerely,

Moore & Van Allen, PLLC



Trudy H. Robertson

THR/med
Enclosures-As Stated

cc: Bruce D. Carter (*via facsimile only*)

Marie Brown - JOA with Medicaid Integrity Contractor

*Doyle 000601
#000602*

From: Bruce Carter
To: trudyrobertson@mvalaw.com; Donaldmeyer@mvalaw.com
Date: 10/21/2009 12:51 PM
Subject: JOA with Medicaid Integrity Contractor
CC: Marie Brown
Attachments: Marie Brown

Per our exchange of voice mails, attached is the pdf of the Joint Operating Agreement between the SC Department of Health and Human Services and Booz Allen Hamilton, the Medicaid Integrity Contractor. I am sorry that it took so long to get it to you. It has only been in house a couple of weeks and I just got it in the last week or so.

Please let me know if there is anything else I can do for you. I believe this is the last document we have that is associated with your Freedom of Information Act request. Please contact me if there are any problems opening the document or if you have questions.

Bruce D. Carter
 Assistant General Counsel
 803.898.2793 - (T)
 803.255.8210 - (F)
 803.360.3543 - (C)
carterbd@scdhhs.gov