

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>Liggett</i>	DATE <i>6-6-14</i>
----------------------	-----------------------

DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>000601</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>cc: Mr. Keck Extend until 6/30/14, per Janet Bell on 6/23/14, see attached e-mail</i>	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <i>6-30-14</i> <input type="checkbox"/> FOIA DATE DUE _____ <input type="checkbox"/> Necessary Action

APPROVALS (Only when prepared for director's signature)	APPROVE	* DISAPPROVE (Note reason for disapproval and return to preparer)	COMMENT
1. <i>Cleared 6/30/14, letter attached.</i>			
2.			
3.			
4.			



Seed Time To Harvest Residential Behavioral Services, LLC

209 Hampton Avenue

Kingstree, SC 29556

843-401-0005 Business

843-319-7843 Business Cell

843-401-0006 Fax

Email: rosalind@seedharvesttime.com

www.seedharvesttime.com

RECEIVED

JUN 06 2014

Department of Health & Human Services
OFFICE OF THE DIRECTOR

VIA CERTIFIED MAIL

June 4, 2014

Mr. Anthony Keck, Director

South Carolina Department Health & Human Services

P.O. Box 8206

Columbia, SC 29202

RE: Complaint

Dear Mr. Keck:

Enclosed please find a Complaint being submitted by Seed Time To Harvest Residential Behavioral Health Services, LLC. It is unfortunate that we had to file this complaint. We are respectfully requesting that this matter be investigated and a review of your findings be forwarded to our attention within (10) ten business days from receipt of this letter.

Mr. Keck, respectfully we are an agency located in a rural area of South Carolina where services are limited to the population. We are a qualified agency working under the auspices of SCDHHS RBHS and CLTC divisions and our services have been gravely interrupted. We have emails in our possession to prove the causes of actions that we are alleging. Please review this complaint with an open heart and open mind. Our agency is in no way trying to start trouble. We simply want the opportunity to provide services as it relates to the governing rules and regulations.

If further information is needed, please do not hesitate to contact me.

With Kind Regards,

Rosalind Gamble, M.A., PMHC

Seed Time To Harvest Residential Behavioral Health Services, LLC

Enclosures

CC: South Carolina EEOC

STTHRBHS EEOC Complaint



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ABOUT US:

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(STTHRBHS D.B.A. Rosalind Gamble) is a qualified and certified organization governed and licensed under the auspices of the South Carolina Department of Health and Human Services (SCDHHS), Residential Behavioral Health Services (RBHS) and Community Long Term Care (CLTC) Divisions. The agency is listed on the (SCDHHS) qualified provider's list and provides services to individuals who are Medicaid eligible.

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(STTHRBHS D.B.A. Rosalind Gamble) offers an array of services to include: Individual Therapy, Family Therapy, Behavior Modification and Case Management Services.

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In addition, (STTHRBHS D.B.A (Rosalind Gamble) provides Case Management Services for individuals who have medical issues and are at risk of out of home placements. These services are regulated by the South Carolina Department of Health and Human Services Community Long Term Care Division to assist those with the appropriate needs assessments.

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Matthews, and Gloria Farmer of unfair/discriminatory business practices **strange** things began to happen with the STTHRBHS agency.

FIRST CAUSE OF ACTION: The first incident occurred at a Spring Maid Bank Retreat in Myrtle Beach, SC on or about January 2013, where a State level CLTC staff member literally verbally threatened me in the auditorium in the presence of other case managers. The verbal threat is as follows:

"I will slap that pretty little face of yours". My reply back was, "and maybe I will just have to slap you back". I was extremely taken back about the unprofessional nature of what had occurred".

SECOND CAUSE OF ACTION: Thereafter, on or about October 2013, with no prior notice or indication our agency received a phone call from a CLTC Conway office staff member Vanessa Shalosky stating" that your cases are being transferred due to you not having a case manager to cover your cases. At that time, I challenged the decision and demanded that the cases be transferred back to STTHRBHS because we in fact had a case manager to cover the cases. And that it was unfair and unacceptable that the CLTC agency could or would begin to transfer STTHRBHS cases without prior notice from CLTC and without staffing the cases to determine if STTHRBHS had a plan of action in place.

THIRD CAUSE OF ACTION: On or about October 24, 2013, the threats escalated and STTHRBHS received an unwarranted slanderous email from State CLTC staff (Debora Carter) threatening the agency's right to provide services. The email reads as follows:

"While we have no control over what you do with the payment you receive from Medicaid, we are concerned when a provider does not pay their employees as this could lead to the employee not providing the needed services to the CLTC participants. Although Ms. Shuler no longer works for your agency, this is not a good business practice and could affect future employees and CLTC participants.

We gave Ms. Shuler the information to contact the SC Board of Labor regarding the non-payment of wages for work she completed.

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FOURTH CAUSE OF ACTION: After some time and much stress, the cases were transferred back until the new STTHRBHS case manager completed training at the end of October 2013. To say the least, the new case manager was met with hostility and opposition. On or about October 26, 2013, the new STTHRBHS case manager completed her training. The case manager was required to take a competency test to complete case management requirements. It is unfortunate that the new case manager for STTHRBHS was forced to take the competency test riding along in a car with a State CLTC trainer. It is alleged that the trainer stated "she did not have time to waste for her to complete the test". To make matters even worst, the hostility and retaliation continued. When the new case manager requested technical assistance from the same CLTC staff member concerning completing initials and quarterly visits in the field we constantly made phone calls to the trainer with no responses. It was not until we forwarded emails a response was illicited.

FIFTH CAUSE OF ACTION: Initially, the new case manager for STTHRBHS was assigned to the CLTC Conway area office. The case manager reported several instances to STTHRBHS staff of feeling uncomfortable having Conway as the area office due to not being able to get required

assistance with her caseload and being misinformed with many discrepancies as it related to her job duties. In her words the case manager referred to staff members as being "racist towards her." She would request whether or not she should attend certain meetings and would be misinformed by CLTC staff that it was not necessary to attend. Then complaints from the CLTC office would be reported to STTHRBHS staff that the case manager refused to attend meetings. Soon thereafter more complaints via telecommunications came from Conway CLTC staff alleging that telephonic messages were left on the STTHRBHS case manager's phone and she was accused of not returning or taking phone calls from staff. In an effort to suspend second hand he say she say communication STTHRBHS forwarded an email to all CLTC staff members and area offices requesting that any communication concerning the new STTHRBHS case manager should be copied to the agency's attention for review in order to be informed of any issues are concerns staff may have due to the fact the STTHRBHS case manager was not an Independent but employed by STTHRBHS.

SIXTH CAUSE OF ACTION: To say the least the harassment continued and in an effort to resolve the STTHRBHS case manager's stress, on or about January 13, 2014 STTHRBHS forwarded a written request to State CLTC staff requesting that the case manager's area office be changed to the Sumter area office under the direction of Gloria Farmer. The harassment became so unbearable that it prompted STTHRBHS provider to write a letter to Ms. Farmer on or about October 29, 2013 concerning the events that had been occurring and we were told in no uncertain terms that we should be careful on how we challenge the state because "I have been in this business a long time and I have seen many providers come and go. And you must remember that you are competing against

companies such as Columbia Health Care. So you should be less abrasive." The new case manager was transferred to the Sumter office. Even after the transfer, the CLTC Conway office continued their harassment.

It is noted that the new STTHRBHS case manager had only been working in her job capacity for a period of approximately (5) five to (6) six months and was constantly bombarded by continuous complaint after complaint. It is also noted that the STTHRBHS case manager continuously requested assistance from CLTC staff because of computer errors beyond her control. Multiple issues were reported to CLTC staff and many tickets were opened with CLTC on STTHRBHS' behalf due to software malfunctions that the STTHRBHS case manager had been experiencing. Notes were not syncing causing the lost of documented information. Yet the hostility continued with minimum technical assistance from CLTC staff.

SEVENTH CAUSE OF ACTION: Unfortunately, on or about May 15, 2014 the State's CLTC staff member's threats became a reality. STTHRBHS received a phone call from Debora Carter, Program Coordinator and Tony Matthews of SCDHHS CLTC Division to inform the STTHRBHS agency that the current case manager was terminated and could no longer provide services under the CLTC waiver. Shortly thereafter STTHRBHS received a certified letter from the staff member who initially made the threat that a review of the STTHRBHS case manager had been conducted for time frames November 1, 2013 to March 31, 2014 (after providing services for a period of (5) five months) and as a result of the review the new STTHRBHS case manager would no longer be allowed to provide case management services to Waiver participants and all STTHRBHS cases would be turned

over to the state no later than Friday, May 23, 2014. It is noted that STTHRBHS was never informed and totally unaware of any kind of review being conducted by the State as it related to STTHRBHS staff. In addition, CLTC sanctioned STTHRBHS to pay back recoupment payments in the amount of \$1,085.00 without providing any technical assistance, without acknowledging computer software reports, without additional training or offering STTHRBHS the option to reduce the case manager's case load to assist her. The case manager was simply maliciously terminated and not allowed to provide services.

EIGHTH CAUSE OF ACTION: In an effort to continue serving clients who chose STTHRBHS as their provider, STTHRBHS had to scramble to resolve the issue. STTHRBHS then identified three (3) case managers who are CLTC certified to service the STTHRBHS caseload. STTHRBHS followed protocol by requesting the necessary documents and Phoenix access codes from the State. Each case manager was given an access code to work under the umbrella of STTHRBHS' dashboard. Multiple emails were forwarded informing the State of which cases each case manager would cover. When transferring the cases to the (3) three case managers the State CLTC office violated HIPPA and transferred STTHRBHS cases to Columbia Health Care's dashboard allowing Columbia Health Care (a competing provider) to review STTHRBHS' client cases and personal information. In addition, it is alleged that the State contacted Columbia Health Care (the competing provider) informing the agency that one (1) of the case managers would be assisting STTHRBHS. Needless to say, (2) two of the case managers were forced to decline accepting the case load because of this action, which in turn, caused STTHRBHS to lose (23) cases having to return the cases back to the state.

NINTH CAUSE OF ACTION: It is unfortunate that the harassment and retaliation continued.

On or about May 22, 2014, STTHRBHS forwarded resumes to Ann Coker State CLTC staff of potential applicants to be credentialed to attend the CLTC Case Manager training on June 16, 2014 . The applicants qualified. However, the agency was met with opposition as the State CLTC representative Ann Coker refused to allow one of the qualified applicants into the training. In an email on May 22, 2014 the State CLTC staff member (Ann Coker) responds as follows:

“ Ms. Nesmith – Please resend information on Latitia Harvin. I only have information on Crystal Allen-Nixon. I have reviewed Ms. Nixon’s resume’ and see that she currently has 3 jobs. Even if these jobs are part-time it doesn’t appear that she would have sufficient time to adequately serve CLTC participants. Being a CLTC case manager is a fulltime job that requires much time and energy to do it correctly. If you will resend the information for Ms. Harvin I will be happy to review.

Ann”

Sadly enough, the State CLTC staff member Ann Coker violated the applicant’s rights to become educated and qualified to provide CLTC services. This also put STTHRBHS in a precarious situation of having only (1) one case manager to service clients, which inhibits the agency’s ability to service a limited amount of clients (87) total. With two (2) case managers STTHRBHS would be able to service more participants, (174) total.

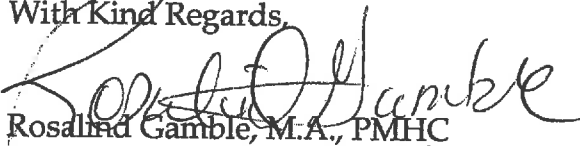
Since making complaints to the SCDHHS, STTRHBHS services have been gravely interrupted on both the Case Management side as well as the Individual and Family Therapy side. On or about March 3, 2014 STTHRBHS was informed that the agency would no longer be able to obtain the service documents needed to provide continued services under the MNS and 254 forms from State

STTHRBHS EEOC Complaint

Due to the agency's (SCDHHS) hostile and malicious intent and actions, STTHRBHS (DBA Rosalind Gamble,) is respectfully requesting that an investigation be conducted and Anti-discriminatory laws be enforced in this matter.

If further information is needed, please contact me via business cell at 843 319 7843 or via email rosalind@seedharvesttime.com.

With Kind Regards,



Rosalind Gamble, M.A., PMHC

Clinical Director STTHRBHS

209 Hampton Avenue

Kingstree, SC 29556

843 319 7843 business cell

843 401-0005 office

843 401-0006 fax

Seed Time to Harvest
209 Hampton Avenue
Kingstree, SC 29554

GERMIDED MAIL™



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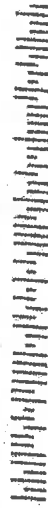
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JUN 06 2014
JUN 21 2014

South Carolina Department of Health & Human Services
Mr. Anthony Keck, Director
Post Office Box 8206
Columbia, SC 29202



Annmarie McCanne

Log # 401

From: Vanessa Busbee
Sent: Friday, June 20, 2014 4:44 PM
To: Rhondalyn Pelzer; Janet Bell; Annmarie McCanne
Cc: Roy Smith; Constance Holloway; Byron Roberts
Subject: FW: log letter Seed Time To Harvest (2)
Attachments: log letter Seed Time To Harvest (2).doc

Extend until
6/30/14, per
Janet Bell on
6-23-14
bf

Rhondalyn: Based on the legal opinion below - can you get this log letter #000401 reassigned to Janet Bell. I will bring you the blue action referral.

Annie: This is the log letter you helped me get an extension until Monday the 23rd. Janet will probably need an extension as well since she is just receiving the information.

Janet: Attached is a draft response from CLTC that has been through the legal department. You may want to use it in some form while drafting your response.

I'm not sure we need to respond to Ms. Gamble that we're forwarding. Let me know if that is how we have to clear the assignment. I thought we could just reassign. Can someone let me know? I'm out Monday but can draft this and forward on Tuesday if needed.

Thanks. Let me know if you need anything else from me. Vanessa

Vanessa Busbee
Program Coordinator II
Busbeev@scdhhs.gov
803.898.2726
cell: 803-240-1518
www.scdhhs.gov




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From: Constance Holloway
Sent: Friday, June 20, 2014 1:33 PM
To: Vanessa Busbee
Subject: log letter Seed Time To Harvest (2)

Vanessa,

I have spoken to Bryon regarding this matter and this log letter should be sent over to the Civil Rights Officer (Janet Bell) so she can provide a response to Ms. Gamble since Ms. Gamble is alleging civil rights violation.

To clear your log letter, you need to send a letter to Mr. Gamble stating that you have received the her letter dated June 4, 2014 and it has been forwarded to the Civil Rights Officer, Janet Bell for a response.

I have attached the changes that Byron and I made to the response you drafted. You may wish to provide that to Janet Bell.

If you have any questions, please feel free to contact me.

Thanks,
Constance

Brenda James

Log # 401 ✓

From: Annmarie McCanne
Sent: Monday, June 16, 2014 3:49 PM
To: Vanessa Busbee; Brenda James
Cc: Roy Smith
Subject: Log 401 - Extension

Hey, Vanessa and Brenda – Pete has approved the extension for Log 401. New due date is 6/23/14.

Thanks,
Annie

Annmarie McCanne
Administrative Coordinator
MCCANNE@scdhhs.gov
803.898.0178
1801 Main Street
Columbia, South Carolina - 29201
www.scdhhs.gov



SOUTH CAROLINA
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MEDICAID

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From: Vanessa Busbee
Sent: Friday, June 13, 2014 2:00 PM
To: Annmarie McCanne
Cc: Roy Smith
Subject: RE: Log Letter Extension

Sorry! I meant Monday the 23rd!!

V

Vanessa Busbee
Program Coordinator II
Busbeev@scdhhs.gov
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cell: 803-240-1518
www.scdhhs.gov

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From: Vanessa Busbee
Sent: Friday, June 13, 2014 1:58 PM
To: Annmarie McCanne
Cc: Roy Smith
Subject: RE: Log Letter Extension

Monday the 30th?

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From: Annmarie McCanne
Sent: Friday, June 13, 2014 1:55 PM
To: Vanessa Busbee; Jan Polatty
Cc: Roy Smith
Subject: RE: Log Letter Extension

I'll check with Pete. How long will you need?

Annmarie McCanne
Administrative Coordinator
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Columbia, South Carolina - 29201
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From: Vanessa Busbee
Sent: Friday, June 13, 2014 1:37 PM
To: Annmarie McCanne; Jan Polatty
Cc: Roy Smith
Subject: Log Letter Extension

I'm not sure who to ask – please point me in the right direction.

We received Log Letter 000401 from Seed Time To Harvest RBHS. It is dated 6.6.14 was originally routed to Ann Dwyer's area. Ann's area date stamped it 6.11.14. We (CLTC) received it late on 6.11.14. The Date Due is 6.17.14. We have compiled all the necessary information and are drafting the response and it will need to be sent to the legal office for review and comment. Is it possible to get an extension?

Thanks. Vanessa

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DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

RECEIVED

JUN 11 2014

BEHAVIORAL HEALTH

TO <i>Hutto / Bell</i>	DATE <i>6-6-14</i>
---------------------------	-----------------------

DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>000401</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
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	<input type="checkbox"/> FOIA DATE DUE <i>6-30-14 per Brenda James on 6/29/14</i>
	<input type="checkbox"/> Necessary Action

APPROVALS (Only when prepared for director's signature)	APPROVE	* DISAPPROVE (Note reason for disapproval and return to preparer.)	COMMENT
1. <i>C.B. Hutto</i>	<i>✓</i>		
2.			
3.			
4.			

SCDHS APPEALS

JUN 23 2014

RECEIVED



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FIFTH CAUSE OF ACTION: Initially, the new case manager for STTHRBHS was assigned to the CLTC Conway area office. The case manager reported several instances to STTHRBHS staff of feeling uncomfortable having Conway as the area office due to not being able to get required

assistance with her caseload and being misinformed with many discrepancies as it related to her job duties. In her words the case manager referred to staff members as being "racist towards her." She would request whether or not she should attend certain meetings and would be misinformed by CLTC staff that it was not necessary to attend. Then complaints from the CLTC office would be reported to STTHRBHS staff that the case manager refused to attend meetings. Soon thereafter more complaints via telecommunications came from Conway CLTC staff alleging that telephonic messages were left on the STTHRBHS case manager's phone and she was accused of not returning or taking phone calls from staff. In an effort to suspend second hand he say she say communication STTHRBHS forwarded an email to all CLTC staff members and area offices requesting that any communication concerning the new STTHRBHS case manager should be copied to the agency's attention for review in order to be informed of any issues are concerns staff may have due to the fact the STTHRBHS case manager was not an Independent but employed by STTHRBHS.

SIXTH CAUSE OF ACTION: To say the least the harassment continued and in an effort to resolve the STTHRBHS case manager's stress, on or about January 13, 2014 STTHRBHS forwarded a written request to State CLTC staff requesting that the case manager's area office be changed to the Sumter area office under the direction of Gloria Farmer. The harassment became so unbearable that it prompted STTHRBHS provider to write a letter to Ms. Farmer on or about October 29, 2013 concerning the events that had been occurring and we were told in no uncertain terms that we should be careful on how we challenge the state because "I have been in this business a long time and I have seen many providers come and go. And you must remember that you are competing against

companies such as Columbia Health Care. So you should be less abrasive." The new case manager was transferred to the Sumter office. Even after the transfer, the CLTC Conway office continued their harassment.

It is noted that the new STTHRBHS case manager had only been working in her job capacity for a period of approximately (5) five to (6) six months and was constantly bombarded by continuous complaint after complaint. It is also noted that the STTHRBHS case manager continuously requested assistance from CLTC staff because of computer errors beyond her control. Multiple issues were reported to CLTC staff and many tickets were opened with CLTC on STTHRBHS' behalf due to software malfunctions that the STTHRBHS case manager had been experiencing. Notes were not syncing causing the lost of documented information. Yet the hostility continued with minimum technical assistance from CLTC staff.

SEVENTH CAUSE OF ACTION: Unfortunately, on or about May 15, 2014 the State's CLTC staff member's threats became a reality. STTHRBHS received a phone call from Debora Carter, Program Coordinator and Tony Matthews of SCDHHS CLTC Division to inform the STTHRBHS agency that the current case manager was terminated and could no longer provide services under the CLTC waiver. Shortly thereafter STTHRBHS received a certified letter from the staff member who initially made the threat that a review of the STTHRBHS case manager had been conducted for time frames November 1, 2013 to March 31, 2014 (after providing services for a period of (5) five months) and as a result of the review the new STTHRBHS case manager would no longer be allowed to provide case management services to Waiver participants and all STTHRBHS cases would be turned

over to the state no later than Friday, May 23, 2014. It is noted that STTHRBHS was never informed and totally unaware of any kind of review being conducted by the State as it related to STTHRBHS staff. In addition, CLTC sanctioned STTHRBHS to pay back recoupment payments in the amount of \$1,085.00 without providing any technical assistance, without acknowledging computer software reports, without additional training or offering STTHRBHS the option to reduce the case manager's case load to assist her. The case manager was simply maliciously terminated and not allowed to provide services.

EIGHTH CAUSE OF ACTION: In an effort to continue serving clients who chose STTHRBHS as their provider, STTHRBHS had to scramble to resolve the issue. STTHRBHS then identified three (3) case managers who are CLTC certified to service the STTHRBHS caseload. STTHRBHS followed protocol by requesting the necessary documents and Phoenix access codes from the State. Each case manager was given an access code to work under the umbrella of STTHRBHS' dashboard. Multiple emails were forwarded informing the State of which cases each case manager would cover. When transferring the cases to the (3) three case managers the State CLTC office violated HIPPA and transferred STTHRBHS cases to Columbia Health Care's dashboard allowing Columbia Health Care (a competing provider) to review STTHRBHS' client cases and personal information. In addition, it is alleged that the State contacted Columbia Health Care (the competing provider) informing the agency that one (1) of the case managers would be assisting STTHRBHS. Needless to say, (2) two of the case managers were forced to decline accepting the case load because of this action, which in turn, caused STTHRBHS to lose (23) cases having to return the cases back to the state.

NINTH CAUSE OF ACTION: It is unfortunate that the harassment and retaliation continued.

On or about May 22, 2014, STTHRBHS forwarded resumes to Ann Coker State CLTC staff of potential applicants to be credentialed to attend the CLTC Case Manager training on June 16, 2014 . The applicants qualified. However, the agency was met with opposition as the State CLTC representative Ann Coker refused to allow one of the qualified applicants into the training. In an email on May 22, 2014 the State CLTC staff member (Ann Coker) responds as follows:

“ *Ms. Nesmith – Please resend information on Latitia Harvin. I only have information on Crystal Allen-Nixon. I have reviewed Ms. Nixon’s resume’ and see that she currently has 3 jobs. Even if these jobs are part-time it doesn’t appear that she would have sufficient time to adequately serve CLTC participants. Being a CLTC case manager is a fulltime job that requires much time and energy to do it correctly. If you will resend the information for Ms. Harvin I will be happy to review.*

Ann”

Sadly enough, the State CLTC staff member Ann Coker violated the applicant’s rights to become educated and qualified to provide CLTC services. This also put STTHRBHS in a precarious situation of having only (1) one case manager to service clients, which inhibits the agency’s ability to service a limited amount of clients (87) total. With two (2) case managers STTHRBHS would be able to service more participants, (174) total.

Since making complaints to the SCDHHS, STTRHBHS services have been gravely interrupted on both the Case Management side as well as the Individual and Family Therapy side. On or about March 3, 2014 STTHRBHS was informed that the agency would no longer be able to obtain the service documents needed to provide continued services under the MNS and 254 forms from State

referring agencies. Currently, STTHRBHS has been stopped and not allowed to utilize MNS and 254's from State referring agencies to provide services.

In closing, this complaint is being respectfully submitted. STTHRBHS is thereby making a complaint against the SCDHHS due to the cause of actions listed above. STTHRBHS and their employees have been unfairly treated, have endured harassment for complaints made about CLTC's discriminatory actions, to include violation of Title VII of the Civil Rights Act of 1990 (ADA) when CLTC staff Ann Coker denied STTHRBHS applicant the right to work, become educated, and provide services as a case manager (A clear result of an adverse employment decision that is discriminatory in nature), when the STTHRBHS case manager was maliciously terminated from providing services under Waiver on May 15, 2014, and when CLTC divulged STTHRBHS confidential client information to another agency, Columbia Health Care.

STTHRBHS staff has endured the offensive conduct of CLTC which has created a hostile work environment that has and is abusive and intimidating due to complaints made by STTHRBHS in reference to CLTC's discriminatory actions.

STTHRBHS and employees have the right to provide services as compared to their counterparts Columbia Healthcare. STTHRBHS client information should never have been divulged by CLTC staff by placing pertinent STTHRBHS client information on the dashboard of Columbia Health Care.

STTHRBHS EEOC Complaint

Due to the agency's (SCDHHS) hostile and malicious intent and actions, STTHRBHS (DBA Rosalind Gamble,) is respectfully requesting that an investigation be conducted and Anti-discriminatory laws be enforced in this matter.

If further information is needed, please contact me via business cell at 843 319 7843 or via email rosalind@seedharvesttime.com.

With Kind Regards,



Rosalind Gamble, M.A., PMHC

Clinical Director STTHRBHS

209 Hampton Avenue

Kingtree, SC 29556

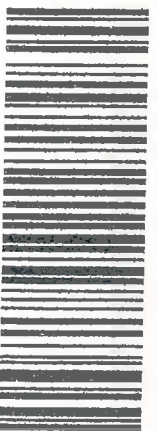
843 319 7843 business cell

843 401-0005 office

843 401-0006 fax

Seed Time to Harvest
209 Hampton Avenue
Kingstree, SC 29554

REGISTERED MAIL™



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JUN 06 2014
JUN 21 2014

South Carolina Department of Health & Human Services
Mr. Anthony Keck, Director
Post Office Box 8206
Columbia, SC 29202



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Mr. Anthony Keck, Director
Post Office Box 8206
Columbia, SC 29202

June 30, 2014

CERTIFIED & REGULAR MAIL

Ms. Rosalind Gamble, M.A., PMHC
Seed Time to Harvest Residential
Behavioral Health Services, LLC
209 Hampton Avenue
Kingstree, SC 29556

Dear Ms. Gamble:

This letter is in response to your (Seed Time to Harvest Residential Behavioral Health Services, LLC, which shall be hereinafter referred to as STTHRBHS) letter dated June 4, 2014 to Anthony Keck, Director of the South Carolina Department of Health and Human Services (SCDHHS). Due to the nature of your complaints, your letter was routed to me, the Interim Civil Rights Coordinator, for investigation. I have reviewed each of your Causes of Action and respond as follows:

First Cause of Action:

In order to fully investigate this allegation, I would need the specific names of the state level Community Long Term Care (CLTC) staff member and other case managers referenced in your complaint.

Second Cause of Action:

You allege it is unfair and unacceptable that the CLTC agency could or would transfer STTHRBHS cases without prior notice from CLTC and without staffing the cases to determine if STTHRBHS had a plan of action in place.

My investigation revealed the current Scope of Service requires: "The Provider must have an effective written back-up service provision plan in place to ensure that the participant receives the Case management services as authorized. Whenever the Provider determines that services cannot be provided as authorized, the Area Administrator/Lead Team Case Manager must be notified by telephone immediately."

It appears the Conway CLTC staff had no knowledge of your back-up plan nor had they been contacted to make arrangements for coverage of the caseload relinquished by the Case Manager for the Conway area. When STTHRBHS later made arrangements through the CLTC Central Office for another Case Manager to service the cases, the Central Office notified the Area Office and the required Area Office Orientation occurred and the cases were transferred back to STTHRBHS.



Third Cause of Action:

CLTC Staff received a phone call from one of your former employees regarding a lack of payment for work performed. Standard procedure is to inform the employee that this is a matter for the South Carolina Labor Board, provide him/her with the board's contact information, and then notify the provider of the complaint. While Ms. Carter's email notifying you of the complaint contained extraneous remarks, the purpose of the email was solely to notify you of the complaint in accordance with standard procedure.

Fourth Cause of Action:

My understanding is all Case Managers are required to take an in-class competency exam at the end of the initial orientation and a second exam after ninety (90) days. In this case, the distance between the Sumter/Florence CLTC office and Charleston office was taken into consideration. And, since the January 2014 exam was scheduled to be administered in Charleston and the trainer was scheduled to make home visits with the new Case Manager in the Sumter/Florence area, the decision was made to waive the on-site testing in Charleston and allow the trainer to administer the test on the day the visits were scheduled to maximize time. The trainer denies stating "she did not have time to waste for her to complete the test."

Fifth Cause of Action:

Both the supervisor and managers were consulted and no evidence was found that Conway Area CLTC staff discriminated against the Case Manager based upon race. Regarding meetings, it appears the CLTC Area Office orientation includes information about office meetings, and the Case Manager was provided a list of the dates and times of scheduled meetings for the entire year. Contact was made with STTHRBHS on January 7, 2014 regarding the Case Manager's seeming lack of response. Per STTHRBHS' subsequent request, CLTC has copied STTHRBHS on all emails to the Case Manager since that time.

Sixth Cause of Action:

My investigation reveals the CLTC Central Office was sent an email on January 2, 2014 requesting that the Case Manager be switched from the CLTC Conway office to the Sumter office. A response was sent January 13, 2014 approving the change. The Sumter Area Administrator has no record of receiving a letter about the request, though she does recall a telephone conversation regarding directions about various case management procedures. The Area Administrator's recollection is that she called your attention to your abrasive tone during the conversation and asked that you be mindful of how you communicate with her. The Area Administrator does not recall any mention of you competing against Columbia Health Care.

In this section you also mention computer errors beyond your control, multiple reported issues, software malfunctions and notes not syncing which caused a loss of documented information. My investigation reveals the Case Manager opened ticket #20006 in Phoenix on February 10, 2014, reporting computer problems. On the same day, Phoenix Help Desk personnel replied "Ricqui, you will need to have tablet mode reinstalled. It looks like you didn't get an update we pushed out back in January. If you can use the Phoenix stick the next time you are in the area office, I can walk you through the steps of the reinstall over the phone. My number is 803-898-9140." There was no response. On February 25, 2014, Phoenix Help Desk again commented on

the issue. "Ricqui, do you still need tablet reinstalled?" The issue was closed on February 28, 2014 due to no response from the Case Manager.

On March 1, 2014, problems were reported with Phoenix. Thirty minutes later SCDHHS Phoenix Contractors responded, "Hi Ricqui, you will need to have Phoenix reinstalled on your tablet. Your last sync was on January 22, 2014, and a new version of tablet mode has gone out since then. Please either go to your area office for a reinstall, or call Bryan at the Phoenix help desk on Monday. Thanks!" After no reply or contact from the Case Manager, Bryan Gambrell responded to the issue on March 3, 2014 "Ricqui, you will need to go to your area office and have tablet reinstalled. I can walk you through the steps over the phone. Please give me a call at 803-898-9140. Please do not work in tablet until the reinstall is done."

On March 3, 2014, Central Office staff was informed of the computer problems by the CLTC Regional Trainer. Central Office staff followed up with the Area Administrator and Ms. Gambrell to find out the source of the problem. The issue was discussed with the Provider which resulted in the Case Manager contacting Ms. Gambrell and the problems being resolved.

Seventh Cause of Action:

On April 8, 2014, CLTC received an email from the Conway CLTC Area Administrator indicating she and the Lead Team Case Manager had some serious concerns about STTHRBHS' Case Manager and were requesting a review. A full case review was conducted by CLTC Central Office staff. Based on the results, CLTC Provider Compliance staff made a courtesy call to STTHRBHS on May 15, 2014, to report that Ms. King would no longer be allowed to provide case management services to waiver participants. CLTC Provider Compliance staff state you referred to the call as unprofessional, saying you needed the information in writing. You were informed that a letter outlining the results was forthcoming. As acknowledged in your complaint, you did receive the written notice of this action.

Eighth Cause of Action:

After reviewing your statements regarding a possible HIPAA violation and talking with CLTC staff, your HIPAA complaint has been referred to SCDHHS' Privacy/Security Incident Response Committee.

Ninth Cause of Action:

I am advised concerns were expressed about potential Case Manager Crystal Allen-Nixon having adequate time to service CLTC clients since her resume indicated she held three (3) other jobs. It is my understanding Ms. Allen-Nixon was later scheduled to attend the June 16-26th CLTC training sessions.

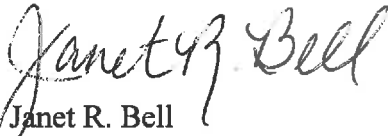
In response to the comments regarding Individual and Family Therapy services, SCDHHS does not make referrals for residential behavioral health services (RBHS) services. Until July 1, 2014, the decision to refer a beneficiary for RBHS services from a private provider is solely at the discretion of the state agency that provides the direct service. Effective July 1, 2014, however, the 254 form will no longer be used and a private RBHS provider may receive referrals from a state agency, pediatrician, or self-referral. No prior authorization will be required.

Based on my review of the Causes of Action outlined in your letter and after conducting an investigation of the CLTC staff, I have been unable to substantiate discriminatory behavior as outlined in Title VII of the Civil Rights Act of 1964.

While my review does reveal the working relationship between the parties may not have been a harmonious one, no violations have occurred. In my role as Interim Civil Rights Coordinator, however, I would encourage both parties to endeavor to find a concordant atmosphere to work together in the future for the good of Medicaid recipients in South Carolina.

If you have any questions regarding this matter, please feel free to contact me at (803) 898-2034.

Sincerely,


Janet R. Bell
Interim Civil Rights Coordinator

cc: South Carolina Equal Employment Opportunity Commission
SCDHHS CLTC Central Office