

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>Myers</i>	DATE <i>4-7-08</i>
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DIRECTOR'S USE ONLY		ACTION REQUESTED	
1. LOG NUMBER  <i>000522</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____		
2. DATE SIGNED BY DIRECTOR  <i>Cleaved 4/24/08, letter attached.</i>	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <i>4-16-08</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.			
2.			
3.			
4.			

LINDSEY O. GRAHAM  
SOUTH CAROLINA



200 RUSSELL SENATE OFFICE BUILDING  
WASHINGTON, DC 20510  
(202) 224-5872

## UNITED STATES SENATE

## Fax Transmittal Sheet

**RECEIVED**

TO: Emma Forkner

APR 07 2008

FROM: Sara Snell

Department of Health & Human Services  
OFFICE OF THE DIRECTOR

DATE: 4/7/08

COMMENTS: Please see the attached Thank you!

3 PAGE(S) TO FOLLOW

IF THERE IS ANY PROBLEM RECEIVING THIS FAX, PLEASE  
CALL (803) 933-0112.

Confidentiality: This message is intended solely for the use of the addressee and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the person responsible for delivering it to the recipient, you are put on notice that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by phone and return the original message at the address via U.S. Postal Service.

Thank you.

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401 WEST EVANG STREET  
SUITE 226B  
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(843) 659-1595

101 EAST WASHINGTON STREET  
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(843) 663-3867

140 EAST MAIN STREET  
SUITE 110  
ROCK HILL, SC 29730  
(803) 368-8228

135 EAGLES NEST DRIVE  
SUITE B  
SEWEE, SC 29578  
(843) 888-3330

04/07/2008 04:18PM

LINDSEY O. GRAHAM  
SOUTH CAROLINA



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WASHINGTON, D.C. 20510  
(202) 224-5872

# UNITED STATES SENATE

April 7, 2008

**RECEIVED**

APR 07 2008

Ms. Emma Forkner  
Director  
SC Department of Health and Human Services  
PO Box 8206  
Columbia, SC 29202-8206

Department of Health & Human Services  
OFFICE OF THE DIRECTOR

RE: James Brian Lyles  
SSN: 247-59-5469

Dear Ms. Forkner:

The attached letter concerns an issue outside my official jurisdiction. Therefore, as a courtesy to my constituent, James Brian Lyles, I am sending this correspondence to your attention.

Thank you for your attention to this matter, and I ask that you please respond directly to Mr. Lyles.

Sincerely,

  
Lindsey O. Graham  
United States Senator

LOG/ss

Enclosure

508 HAMPTON STREET  
SUITE 202  
COLUMBIA, SC 29201  
(803) 932-0112

401 WEST EVANS STREET  
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101 EAST WASHINGTON STREET  
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(864) 250-1417

530 JOHNNIE DODDS BOULEVARD  
SUITE 202  
MOUNT PLEASANT, SC 29464  
(843) 688-3887

140 EAST MAIN STREET  
SUITE 110  
ROCK HILL, SC 29730  
(803) 366-2828

135 EAGLES NEST DRIVE  
SUITE D  
SENECA, SC 29678  
(864) 858-5530

04/07/2008 04:18PM

MAR 10 2008

LINDSEY O. GRAHAM  
SOUTH CAROLINA200 Russell Senate Office Building  
Washington, DC 20510  
(202) 224-5972UNITED STATES SENATE  
AUTHORIZATION FORMMusc Charleston, SC  
MD Anderson, Houston  
MD Anderson, Dallas

By providing the information below and signing this form, I hereby authorize me (agency DeltaS name) to furnish the office of U.S. Senator Lindsey Graham information pertaining to my claim or request. This authorization is in accordance with the Privacy Act of 1974.

Name: James Brian Lyles Phone: 803-525-2481 <sup>my Mom</sup> Beth Lyles

Address: 1045 Foxbrook Lane

City: Manning State: SC Zip: 29102

Social Security Number: 247-59-5469 VA Number (if applicable): \_\_\_\_\_

In the space below, briefly describe the problems that you are experiencing and explain exactly what you would like Senator Graham to do on your behalf. Without this information, it will be impossible for Senator Graham to adequately assist you. (If you need more space, please use the back of the form)

I am 25y old. I have a Radiatic Brain tumor - currently being treated at MUSC. I had brain surgery in Oct. 2005, then 30 treatments of radiation with low dose chemo therapy, then 8 mts of high dose chemo. All clear for 10 mts. Met in July 2007 showed 3 new tumors formed in my brain. MUSC gave me more chemo. Last Met in Jan 2008 showed them still growing. not responding

Signed: James Brian Lyles Date: 3/4/08 (copy)

NOTE: Those requesting assistance from Senator Graham should note that if they are represented by an attorney, that attorney must contact the Senator's office by letter or telephone before action can proceed. This is to eliminate any confusion and it is in the best interest of the client.

If represented by an attorney, please give attorney's name \_\_\_\_\_

Please return form to:

U.S. Senator Lindsey O. Graham  
508 Hampton Street, Suite 202  
Columbia, South Carolina 29201  
Phone: (803) 933-0112  
Fax: (803) 933-0957

508 Hampton Street  
Suite 202  
Columbia, SC 29201  
(803) 933-0112401 West Evans Street  
Suite 220B  
Florence, SC 29501  
(843) 668-1505101 East Washington Street  
Suite 220  
Greenville, SC 29601  
(864) 250-1417650 Lowmire Doods Boulevard  
Suite 202  
Mount Pleasant, SC 29461  
(843) 668-3887140 East Main Street  
Suite 110  
Rock Hill, SC 29730  
(803) 961-1100  
04/07/2008 04:18PM135 Eagles Nest Drive  
Suite B  
Seneca, SC 29078  
(803) 701-4444

to chemo. MUSC suggested maybe a clinical trial. My doctor + my Mom tried everywhere to get me in but because of this Pediatric brain tumor (Medulloblastoma) and my age ~~we~~ only 1 hospital will take me, it's like once I've been treated already + the tumor are recurring. No one wants to help me. Even At. Jude's turned me down and they advertized "No one will be turned away." MD Anderson in Houston says Dr. Peter

Page 713-792-5424

said he would take me.

My doctor at MUSC, Dr. Ram Kalpathy talked with Dr. Page + they had everything set up for me until we came to the part about my insurance + they said they do not accept South Carolina Medicaid + if we came, we would have to self pay \$2,500.00 for the initial evaluation. If I had good insurance, I could go but it's not for to be denied because I <sup>don't</sup> have the right kind of insurance. The American Cancer Society will help with our travel plans if we can get an appointment at MD Anderson. My Church, Clarendon Baptist Church, had a fund raise + raised enough money for me to go but how do I pay for treatments there with no insurance + no money. It doesn't seem fair. Can you please help me? I want to beat this

Thank You,  
04/07/2008 04:18PM

WHDHMS54 P S.C. DEPARTMENT OF HEALTH AND HUMAN SERVICES DATE: 04/07/08  
MEDSPROD RECIPIENT INFORMATION ACTION:

MEMBER PERIOD START: 10/26/05 END: PAGE: 0001

NAME: LYLES JAMES B HH NAME: LYLES JAMES B  
RCP NUMBER: 6780524007 HH NUMBER: 101085369 ACTION TYPE: MAINTENANC  
SSN: 247-59-5469 VC: V APL STATUS: ACTION DATE: 10/26/05  
PRIMARY INDIVIDUAL: APL CO: 14 WORKER ID: HMCFA LOCATION: 001  
1045 FOX BROOK LN SSCN: 247595469A RRN:

MANNING SC 29102-6355 RACE: 01 SEX: M MARITAL STATUS: S  
CORRECT RCP NUMBER: LIV ARRANGEMENT: HOME INCOME TRUST: DOD:

PROVIDER:

BG	BEG	END	BENEFITS	OMB	RETRO	% OF	POV	SPONSOR		
S	NUMBER	ELIG	ELIG	PCAT	QCAT	TYPE	IND	IND	LEVEL	SPONSOR
-	09071662	12/01/2005		80	50		N		.00	
-	09071659	10/01/2005		12/01/2005	32	50	N		.00	

UPDATED: USER ID: TOWEN DATE: 01/26/06 SYSTEM ID: TTR1001 DATE: 12/23/05  
ME900063 RECIPIENT RECORD FOUND

PF2->HH BG PF3->HH MBR DTL PF4->REFH PF5->ELD02 PF6->RETURN PF7->PREV  
PF8->NEXT PF9->HH NOTES PF15->RCP SEARCH PF17->ELD00 PF18->HH MBR BGS

Log #522



*State of South Carolina*  
*Department of Health and Human Services*

Mark Sanford  
Governor

Emma Forkner  
Director

April 24, 2008

Mr. James Brian Lyles  
1045 Foxbrook Lane  
Manning, South Carolina 29102

Dear Mr. Lyles:

Thank you for your letter to Senator Lindsey Graham regarding your need of treatment for pediatric brain tumors. We welcome the opportunity to be of assistance.

The South Carolina Department of Health and Human Services (SCDHHS) has reviewed the concerns outlined in your letter. Your South Carolina Medicaid policy reimburses for services provided within the South Carolina Medical Service Area (SCMSA), which is the state of South Carolina, and areas in North Carolina and Georgia within 25 miles of the South Carolina state border. Also covered are services provided outside of the SCMSA, but only with prior approval from Medicaid. One of the administrative functions of prior approving out-of-state services is to have all providers involved in the patient's care to confirm, in writing, that they will enroll in the South Carolina Medicaid program and will accept South Carolina Medicaid reimbursement as payment in full.

SCDHHS was contacted on February 15, 2008, by the Medical University of South Carolina (MUSC) to initiate out-of-state prior authorization on your behalf. At that time, MUSC was advised by Dr. Peter Zage's staff in Houston, Texas, that they would not accept South Carolina Medicaid for your treatment and, that if you were seen by them, that you would be a self-pay patient. It is our understanding from your letter that you were made aware of this information before receiving services in Texas.


Upon receiving a copy of your letter on April 15, 2008, SCDHHS staff contacted Dr. Zage's office and spoke with Ms. Libby. She advised that Dr. Zage does not accept any state Medicaid coverage other than Texas Medicaid. Physicians have the choice as to what insurance or medical coverage plans that they will or will not accept in their business practice. Because the doctor did not accept the South Carolina Medicaid

Mr. James Brian Lyles  
April 24, 2008  
Page 2

coverage, and you were aware of this fact prior to receiving services, SCDHHS is unable to assist with services rendered to you in Texas. However, any services you receive within the SCMSA will continue to be covered.

If you should have any further questions regarding this case, please contact Ms. Valeria Williams, Division Director of Physician Services, at (803) 898-2660.

Sincerely,

  
Felicity Myers  
Deputy Director

FM/gws

cc: Senator Lindsey Graham