


DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO	DATE
<i>Single tax</i>	<i>4-12-10</i>

DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>000416</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>CC: Sherry Ward</i> <i>Cleared 4/14/10, letter attached.</i> 	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <i>4-21-10</i> 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.			

From: George Burnett
To: Jan Polatty
CC: Deirdra Singleton; Sherry Ward
Date: 4/9/2010 2:09 PM
Subject: Fax to Emma and Sherry

Jan

Sherry Ward in Program Integrity got a fax from a July Johns, an attorney in Atlanta, concerning more VEP stuff. Emma was copied. Sherry sent it to me and I will respond. I will not do it until next week, though. If Emma wants to discuss, I'm available.

George

Burn-
Jan 10 8:24 - ?

From: "fax" <fax@scdhhs.gov>
To: "POLATTYJ@scdhhs.gov" <POLATTYJ@scdhhs.gov>
Date: 4/8/2010 4:33 PM
Subject: Received Fax From: 4048924033
Attachments: DHHSBUREAUOFIT_1004082133259323.TIF

This message was received via FAXCOM, a product from Biscom Inc. <http://www.biscom.com/>

-----Fax Reception Report-----

Received Time: 04/08/2010 17:32
Result: OK
Description: All pages received OK
Result Code: 0000
Pages Received: 3
Remote TSI: 4048924033
Connect Time: 1 minutes, 12 seconds
Routing ID: 8235
Caller ID:
Unique ID: DHHSBUREAUOFIT_1004082133259323
Fax Line: 1
Fax Server: 127.0.0.1

The fax is included as a TIF image attachment

HUFF, POWELL & BAILEY, LLC

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FACSIMILE

(Please Deliver As Soon As Possible)

To:	Sherry Ward, Director
Fax No.:	803.255.8235
From:	Julye Johns, Esq.
Date:	April 8, 2010
No. of Pages (including cover sheet):	3
Re:	Medicaid Audit regarding Dr. Ralph Johns

Confidentiality Note:

The information contained in this facsimile message is confidential and its contents are intended to be legally privileged information solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message and its contents is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the original message to us at the address shown above via air courier service, the United States Postal Service or your national postal service (air mail). Thank you.

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April 8, 2010

VIA FACSIMILE and U.S. MAIL

Sherry Ward, Director
Division of Program Integrity
South Carolina Department of Health & Human Services
P.O. Box 100210
Columbia, SC 29202-3210

Re: Ralph H. Johns, M.D.
Provider ID # GP0650; Case No.: P3469

Dear Ms. Ward:

I am writing on behalf of my father and client, Dr. Ralph Johns. I will be representing him in conjunction with the audit conducted by SCDHHS and I anticipate being admitted *pro hac vice* to represent him in this action.

We do plan to appeal the final ruling of DHHS and specifically Finding #1 included in your letter of March 25, 2010. However, it is our understanding that your Director, Emma Forkner, is reviewing the issue of payment for VEP testing. Therefore, at this time, we request a stay of all collection activity pending the outcome of that review.

Please contact me by April 16, 2010 regarding our request for a stay. Should we not hear from you or should the request not be granted, as mentioned above, we do plan to file an appeal regarding Finding #1. Of course, should you have any questions, please do not hesitate to contact me at 404.969.0104.

Best regards,

Very truly yours,

Julie Johns

JJ/ca

HUFF POWELL & BAILEY, LLC

Sherry Ward, Director

April 8, 2010

Page 2

cc: Emma Forkner, Director
Ms. Nancy Pittman

Doc #000416 ✓

April 14, 2010

Julye Johns, Esquire
Huff, Powell & Bailey, LLC
The Peachtree
1355 Peachtree Street, NE Suite 2000
Atlanta, Georgia

Re: Appeal of Ralph H. Johns

Dear Ms. Johns:

I appreciate your letter of April 8th concerning Dr. Johns' appeal. There are several things you must know. Dr. Johns has until April 29, 2010 to file his appeal. The appeal must be made in writing – not by fax, not by email – to Mr. Vastine Crouch, Director of the Division of Appeals and Hearings. To appear *pro haec vice*, you must comply strictly with Rule 404, Appellate Court Rules.

Once again, your understanding is incorrect. Ms. Forkner is not reviewing the issue of payment for VEP testing. The Department will not pay for this test if it is used as a screening. Once a screening has taken place and a physician has a medical reason for VEP use, and documents the medical necessity for using VEP, the Department will make payment.

If I can be of assistance to you, let me know.

Sincerely,

George R. Burnett
Assistant General Counsel

GRB

cc: Nancy Pittman
Sherry Ward

HUFF, POWELL & BAILEY, LLC

Ref Log # 4116

ATTORNEYS AT LAW

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April 8, 2010

RECEIVED

APR 13 2010

Department of Health & Human Services
OFFICE OF THE DIRECTOR

VIA FACSIMILE and U.S. MAIL

Sherry Ward, Director
Division of Program Integrity
South Carolina Department of Health & Human Services
P.O. Box 100210
Columbia, SC 29202-3210

Re: Ralph H. Johns, M.D.
Provider ID # GP0650; Case No.: P3469

Dear Ms. Ward:

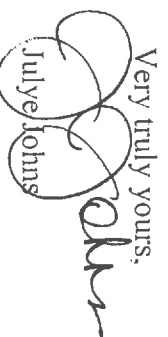
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Best regards.

Very truly yours,


Julye Johns

JJ/ca

HUFF POWELL & BAILEY, LLC

Sherry Ward, Director

April 8, 2010

Page 2

cc: Emma Fy~~g~~kner, Director

Ms. Nancy Pittman