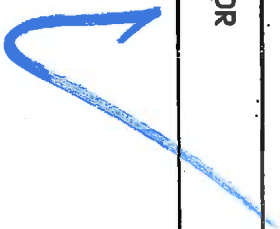


DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

| | |
|------------------------|-----------------------|
| TO <i>Singleton</i> | DATE <i>4-3-07</i> |
|------------------------|-----------------------|

| DIRECTOR'S USE ONLY | ACTION REQUESTED |
|---|---|
| 1. LOG NUMBER <i>0000627</i> | <input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____ |
| 2. DATE SIGNED BY DIRECTOR  | <input type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____ |
| | <input type="checkbox"/> FOIA DATE DUE _____ |
| | <input checked="" 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. | | | |

Law Office of Patricia L. Harrison

611 Holly Street
Columbia SC 29205
(803) 256-2017
Fax: (803) 256-2213

FAX TRANSMISSION COVER SHEET

Date: April 2, 2007

RECEIVED

To: Ms. Val Williams

APR 03 2007

Fax: 256-8210

Department of Health & Human Services
OFFICE OF THE DIRECTOR

Re: Brook Waddle

Sender: Nancy C. Law, Assistant to Patricia L. Harrison

**YOU SHOULD RECEIVE 3 PAGE(S), INCLUDING THIS COVER SHEET. IF
YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (803) 256-2017.**

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PATRICIA L. HARRISON

ATTORNEY AT LAW
611 HOLLY STREET
COLUMBIA, SOUTH CAROLINA 29205

TELEPHONE (803) 256-2017

FAX (803) 256-2213

April 2, 2007

Ms. Val Williams
SC Dept. of Health and Human Services
PO Box 8206
Columbia, SC 29202-8206

Dear Val:

As we discussed today, MUSC has notified Brook Waddle of their determination that she can be discharged home once the appropriate supports are in place. Preparations were underway for her to go home last week when DDSN denied the nursing services which had been ordered by Brook's physician, bringing the discharge home process to a screeching halt.

It appears that Brook's service coordinator never informed Brook of her right to receive services through EPSDT. Brook is entitled to these services, over and above any services which she may be entitled to receive through the HASCI waiver or other Medicaid programs. Once the State pays for required nursing services separately under EPSDT, there should be no question about the cost of HASCI services being less than institutional costs. (We can leave the issue of whether individual HASCI participants are entitled to receive HASCI services costing more than the average institutional cost of care to another day.)

Brook requires suctioning anywhere from four to twenty-five times a day. She requires catheter care every three hours. The medical necessity of the requested nursing services is undeniable.

Hopefully, the provision of the mandated EPSDT services will resolve this issue promptly. However, DDSN's flat denial of requested nursing services raises another issue. HHS has acknowledged that the agency is unable to track the Medicaid dollars once they are paid to DDSN. I hope you share my concern that there is a huge problem when DDSN uses inflated "costs" in determining whether Brook's HASCI services cost more than institutional care. For example, your agency pays DDSN \$235.00 a month for service coordination (targeted case management). As I have previously discussed with Sam Waldrep, DDSN pays providers only \$132.00 per month for this same service. In 2001, your agency was reimbursing DDSN more than \$11.00 an hour for respite services. In 2007, six years later, respite providers are paid less than \$9.00 an hour. Denying Brook her right to receive services in the community based on the amounts DDSN and Charles Lea Center are taking off the top needs to be closely examined by the State Medicaid Agency.

I would appreciate your providing me with the current reimbursement rate paid by HHS to DDSN for LPN services, RN services, respite and adult companion services. Also, would you

please provide me with a HHS provider list for these services.

I would appreciate your getting back with me as soon as possible to discuss whether we will be able to resolve Brook's case without resorting to an Olmstead action. Thank you for your assistance.

Cordially,


Patricia L. Harrison

cc: Brook Waddle
Ken Anthony, Esq.
Governor Mark Sanford
Representative James Harrison
David Zoelner, Esq.
Gloria Prevost
Robert Kerr, CPA
R. Michael Carnbell
Linda Valdeers, PhD
Tana Vanderbilt, Esquire