

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR**

ACTION REFERRAL

TO	DATE
<i>Roberts/FOIA</i>	<i>2-4-12</i>

DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>100-236</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>CC: Coy, Hess Cleared 2/13/13, letter attached.</i>	<input type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____
	<input checked="" type="checkbox"/> FOIA DATE DUE <i>2-19-13</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.			
2.			
3.			
4.			

Brenda James

From: Byron Roberts
Sent: Monday, January 28, 2013 9:03 AM
To: Brenda James
Subject: FW: Direct billing for TCM services

Importance: High

Brenda,

This is a FOIA from an attorney, Patricia Harrison. Please log to Legal. Thanks.

Byron

From: Patricia L Harrison [<mailto:plh.cola@att.net>]
Sent: Sunday, January 27, 2013 7:14 PM
To: Byron Roberts; Roy Laney; Rick Hepfer
Cc: Jackie L. (CMS/CMCHO) Glaze; Shantrina D. (CMS/CMCHO) Roberts; Chris.Lott@oig.hhs.gov; dcmcperson@bellsouth.net; prevost@pandasc.org; Sarah St. Onge; McCormick@pandasc.org; danielunumb@sclegal.org; Kirby; Emily Jackson; ayoung@lac.sc.gov; Maribeth Werts; carolyn myers
Subject: Direct billing for TCM services
Importance: High

Byron, Rick and Roy:

I was reading over CMS technical assistance tool re TCM tonight. It says that CMS expects that States will “need to do public notice because of the changes to the reimbursement methodologies necessary to come into compliance with the provisions of this regulation.” (Referring to change requiring billing in 15 min. increment or less.) As we’ve discussed before, SCDHHS has been out of compliance with this reg. for years, because DDSN has been billing Medicaid \$250 per month for targeted case management and paying private providers less than half that amount. As LAC, another disincentive for private providers of TCM has been that DDSN paid local DSN Boards and the Charles Lea Center prospectively for TCM services, while private providers have to provide the service, then wait for payment.

For years, I asked Emma if private providers could not bill HHS directly (federal law says they can) and how much DHHS would pay if they exercised this right. The service coordinators all knew that if they did, DDSN would come after them, as they did with JW.

Here’s my current questions, which I am asking pursuant to FOIA:

(1) Is HHS going to notify private providers of TCM that they have the right, pursuant to federal law, to bill DHHS directly?

(2) When is DHHS going to “do public notice” to consumers on the change in TCM payments, since the change in reimbursement methodologies being implemented by DHHS is a significant change in methods and standards of setting payment rates?

(3) What is the rate that will be paid to private providers of TCM for persons receiving DDSN services when they exercise their right to bill HHS directly?

Also, please send me the policies that DHHS is using to implement this change and I'd like to know when DHHS intends to promulgate this change as a regulation.

Thanks.

Trisha Harrison
611 Holly Street
Columbia, South Carolina 29205
plh.cola@att.net

PS As you can see on the cc, I'm sending a copy of this email to the DDSN Commissioner for my district and I'm asking her, via this email, to send this request on to other DDSN Commissioners. I've also cc'd CMS in hopes that they might shed some light on these questions.



TO:

FROM:

SUBJECT: Cost of Processing FOIA Request #

The South Carolina Department of Health and Human Services has received and processed your FOIA request. The cost for processing this information is as follows:

Staff processing time at \$10.00 per hour	_____ Hours	\$_____
Pages copied at \$.10 per page	_____ Pages	\$_____
Pages faxed at \$.20 per page	_____ Pages	\$_____
Shipping and Handling Costs		\$_____
Other costs associated with the FOIA request:	_____	\$_____
Total Amount Due SCDHHS:		\$_____

Please remit the above amount to the following address:

Bureau of Fiscal Affairs
South Carolina Department of Health and Human Services
Post Office Box 8297
Columbia, South Carolina 29202-8297

Please contact _____ should you have any questions.

Signature

Date:



February 13, 2013

Patricia L. Harrison
Attorney at Law
611 Holly Street
Columbia, SC 29205

Re: FOIA Requests – January 7, 2013 & January 28, 2013

Dear Ms. Harrison:

First a correction: My February 7, 2013, letter to you was to finalize the response to your January 7, 2013, FOIA request, not, as I stated, in response to your January 28, 2013, request. This letter is in response to your Freedom of Information Request sent by e-mail on January 28, 2013.

As to your January 28, 2013, request, enclosed is a copy of the public notice that was posted on 12/4/2012, in three major state newspapers and the county offices. Also, enclosed are copies of the State Plan amendments that have been submitted to CMS, but not yet approved.

Insofar as the disclosure, as required by the statute, of public records held by the agency can answer your questions of January 28, 2013, we believe these are the most responsive documents. Additional notices of meetings and other information about the process can be obtained by typing "targeted case management" in the search window at the Department's website: <https://www.scdhhs.gov/>.

Our expense for extracting and reproducing the enclosed information is twelve and sixty hundredths dollars (\$12.60). The documents are true and correct copies of information kept in the regular course of the Department's business. Please make the check payable to the Department of Health and Human Services and send it to:

Department of Health and Human Services
Department of Receivables
Post Office Box 8297
Columbia, SC 29202-8297

Please feel free to contact me if you have any questions or if we have misunderstood your request. My direct is 898-2791.

Sincerely,

Richard G. Hepfer
Deputy General Counsel

Enclosure

cc: Lynette Wilson (w/o enclosure)