

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

ACTION REFERRAL

TO <i>Singley</i>	DATE <i>1-9-09</i>
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DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>000374</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>ce. Myers Cleared 1/16/09, letter attached.</i>	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <i>1-21-09</i> DATE DUE _____
	<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.			

PARKER POE

PARKER POE ADAMS & BERNSTEIN LLP

Attorneys and Counselors at Law

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Associate

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January 6, 2009

RECEIVED

Via Certified Mail

JAN 09 2009

South Carolina Department of Health and Human Services

1801 Main Street

6th Floor

Columbia, SC 29201

Department of Health & Human Services
OFFICE OF THE DIRECTOR

Re: In re: License No. 3982; OGC 08-0002; OIE 2006-110)

Dear Sir or Madam:

We represent a licensed practitioner in a licensure proceeding in front of the South Carolina Board of Dentistry ("Board") regarding services rendered to Matthew H. Dixon. Enclosed please find a subpoena duces tecum issued by the Board for the release of documents concerning medical and dental treatment received by Mr. Dixon. Please be advised that Health Insurance Health Insurance Portability and Accountability Act ("HIPAA") regulations permit disclosure of protected health information in: (1) response to an order of an administrative tribunal such as the Board, 42 C.F.R. §164.512(e)(1)(i); (2) licensure and disciplinary actions such as the above referenced matter, 42 C.F.R. §164.512(d)(1); and (3) administrative investigations such as the above referenced matter, 42 C.F.R. §164.512(d)(1).

Please mail any and all responsive documents to the following address by January 21, 2009.

Jeremy R. Jessen, Esquire
Parker Poe Adams & Bernstein LLP
200 Meeting Street, Suite 301
Charleston, SC 29401

Should you need any additional information or if you have any questions, please do not hesitate to call me at (843) 727-2672. Thank you in advance for your cooperation.

Very truly yours,
Jeremy R. Jessen
Jeremy R. Jessen

DRGSC
LOS

1/16/09 - marks,
Anne

Enclosures

cc: Veronica Reynolds (w/ enclosures) (via e-mail at reynoldsv@lhr.sc.gov)
Patrick Hanks, Esq. (w/ enclosures) (via e-mail at HANKSP@lhr.sc.gov)

PPAB 1505462v1

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING & REGULATION
BEFORE THE BOARD OF DENTISTRY**

IN THE MATTER OF:

**NONA ANDREA NURSE-GILLIARD,
D.M.D.,
License No. 3982**

OGC #08-0002
OIE #2006-110

Respondent.

**SUBPOENA DUCES TECUM TO
SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**To: South Carolina Department of Health and Human Services
1801 Main Street
6th Floor
Columbia, SC 29201**

YOU ARE COMMANDED TO (check all applicable):

- Appear and testify in the above-captioned case at the place, date and time shown below; and/or
- Produce the following items, at the place, date and time shown below:
- Please see Exhibit A attached hereto.**

<p>Date and Location for document production: January 5, 2009 Parker, Poe, Adams & Bernstein L.L.P. 200 Meeting Street, Suite 301 Charleston, SC 29401</p>	<p>Party Requesting Subpoena: Andrea H. Brisbin, Esquire Parker, Poe, Adams & Bernstein L.L.P. 200 Meeting Street, Suite 301 Charleston, SC 29401 (843) 727-2687</p>
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ISSUING ATTORNEY'S NAME, ADDRESS, AND PHONE NUMBER:

Andrea H. Brisbin, Esq., 200 Meeting Street, Ste. 301, Charleston, SC 29401, 843.727.2687.

SOUTH CAROLINA BOARD OF DENTISTRY:

Donna Keyser D

Name:

Title: *Administrative*

Date of Issuance: December 18, 2008

EXHIBIT A

1. Any and all documents (whether stored in paper or electronic form) related to **Matthew H. Dixon's (D.O.B.: 4/9/04; SSN: 657-18-0448)** receipt of dental treatment and/or dental services by any health care provider including but not limited to a South Carolina Medicaid certified health care provider.
2. Any and all of the following documents (whether stored in paper or electronic form) referencing, evidencing, concerning, or related to dental treatment and/or services received by **Matthew H. Dixon** including by not limited to the following: medical records, reports, documents, interdepartmental notes or records, patient reports, outpatient and emergency medical reports, medical reports, test results, lab test results, x-rays, x-ray reports, physician's reports, progress notes, consultation reports, office notes, nurses notes, health care questionnaires, correspondence, bills for services rendered, evaluations, interviews, charts, diagrams, treatment plans, medical flow sheets, telephone call reports, medical logs, and any other information contained in your file or control.
3. Any and all documents or records (whether stored in paper or electronic form) referencing, evidencing, concerning, or related to any healthcare providers' billing of, receipt of reimbursement, and/or attempt to bill or seek reimbursement from the South Carolina Department of Health and Human Services for dental treatment and/or services received by **Matthew H. Dixon**.
4. Any and all documents (whether stored in paper or electronic form) referencing, concerning, or related to the South Carolina Department's reimbursement of any health care provider for dental treatment and/or services received by **Matthew H. Dixon**.
5. Any and all documents (whether stored in paper or electronic form) referencing, evidencing, concerning, or related to correspondence between or among the South Carolina Department of Health and Human Services and any health care providers related to dental treatment and/or services received by **Matthew H. Dixon**.
6. Any and all documents (whether stored in paper or electronic form) referencing, evidencing, concerning, or related to correspondence between or among the South Carolina Department of Health and Human Services and Mathew H. Dixon, his legal guardian, or any other person acting on his behalf related to dental treatment and/or services received by **Matthew H. Dixon**.



State of South Carolina
Department of Health and Human Services

Mark Sanford
Governor

Emma Forkner
Director

January 16, 2009

Dr. C. Timothy Assey
President
Board of Dentistry
PO Box 11329
Columbia, S.C. 29211-1329

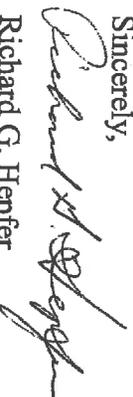
Re: Motion to Quash Subpoena

Dear Dr. Assey:

Enclosed is the original Certificate of Service of the attached Motion to Quash the referenced Subpoena Duces Tecum.

Please contact me if there are any questions. My direct is (803) 898-2791.

Sincerely,


Richard G. Hepfer
Deputy General Counsel

Enclosure

cc: Andrea H. Brisbin

Log # 000374