

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO	DATE
Singh/FOIA	5-8-07

DIRECTOR'S USE ONLY		ACTION REQUESTED	
1. LOG NUMBER	000710	<input type="checkbox"/> Prepare reply for the Director's signature	
2. DATE SIGNED BY DIRECTOR		DATE DUE	DATE DUE
CC: Bowling, Stensland		<input checked="" type="checkbox"/> FOIA	DATE DUE 5-23-07
Cleared 5/30/07, letter attached.		<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: Rick Hepler
To: Jeff Stensland
Date: 5/7/2007 12:24:01 PM
Subject: Request for Medicaid Claims Data: FOIA Request

Logan Smigelton
"FOIA"
cc: *Bowling*
Stensland

Here's a little data request, under the FOIA, by Ernst and Young. I've never heard of any of these individuals, but somehow they got my e-mail. (I debated about junk mail for a while) Jeff, I guess you can log the request back to us. Rhonda, can you provide a time and cost estimate? Or would you like to get ORS to do this through Kevin's committee (market as opposed to scientific research)? I'd like to get an idea of what this will look like to see if there are exceptions to the FOIA we should raise. Does anyone know if Ernst and Young has any other data from us?

>>> <Dipinder.Keer@ey.com> 5/7/2007 10:28 AM >>>
Dear Rick,

Hope you are well. I am writing with respect to a data request related to some client related analysis that we are performing. Specifically, we are requesting:

All Medicaid claims data related to provider care. For example, each record would give the date of the visit, the reason for the visit, the diagnoses, the provider name/number and any other data that you have available related to the individual claim. We do not expect to receive any PHI, but if there are any type of codes assigned to the de-identified information, then we would like that data as well.

All Medicaid claims data related to prescription drugs. For example, each record would give the date the prescription is filled, the prescriber information, the name of the Drug prescribed, the name of the Drug dispensed, the quantity dispensed and any other data that you have available related to the individual claim. Again, we do not expect to receive any PHI, but if there are any type of codes assigned to the de-identified information, then we would like that data as well.

We would like to request all available data for all periods of time for all Medicaid participants. I realize that this will be a large amount of data. In regards to form, we prefer the data electronically and in a format that can easily be imported into MS Access or SQL. If the data must be packaged in another format, please do let me know. In regards to the end product, we would prefer the data to be exported to a text file that is tab delimited and has quotes that recognize text fields (ie "text"). If the files can be stored on DVD, that would be great, if not then please let us know the media type that you will be using so that we can confirm our ability to extract the data from it. Also, if you have a data dictionary or some type of reference guide for the layout and data fields, that would also be very helpful.

I realize that there might be a cost associated with this request. Please provide us with a cost estimate and any other relevant details prior to beginning work on the request.

Please conduct further correspondence on this matter with John Knighton. His contact information is as follows:

John B. Knighton
Ernst & Young LLP
55 Ivan Allen Jr. Boulevard

Suite 1000
Atlanta, Georgia 30308
john.knighton@ey.com
Fax: 866-304-3867
O: 404-817-4668
C: 678-361-7264

I greatly appreciate your assistance.

Thanks.

—
Dipinder S. Keer
Ernst & Young LLP
55 Ivan Allen Jr. Boulevard
Suite 1000
Atlanta, GA 30308
+1 (404) 518-1987 (mobile)
+1 (404) 817-4816 (office) (GMT-5)
+1 (866) 211-8934 (fax) (mobile)

Any U.S. tax advice contained in the body of this e-mail was not intended or written to be used, and cannot be used, by the recipient for the purpose of avoiding penalties that may be imposed under the Internal Revenue Code or applicable state or local tax law provisions.

The information contained in this message may be privileged and confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified 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 replying to the message and deleting it from your computer.

Notice required by law: This e-mail may constitute an advertisement or solicitation under U.S. law, if its primary purpose is to advertise or promote a commercial product or service. You may choose not to receive advertising and promotional messages from Ernst & Young LLP (except for Ernst & Young Online and the ey.com website, which track e-mail preferences through a separate process) at this e-mail address by forwarding this message to no-more-mail@ey.com. If you do so, the sender of this message will be notified promptly. Our principal postal address is 5 Times Square, New York, NY 10036. Thank you. Ernst & Young LLP

CC: Deirdra Singleton; James Assey; Kevin Rogers; Rhonda Morrison



State of South Carolina
Department of Health and Human Services

Mark Sanford
Governor

Robert M. Kerr
Director

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: _____

Finance and Administration
P. O. Box 8206 Columbia South Carolina 29202-8206
(803) 898-2503 Fax (803) 255-8235



State of South Carolina
Department of Health and Human Services

Reg # 719

Mark Sanford
Governor

Susan B. Bowling
Acting Director

May 30, 2007

John B. Knighton
Ernst & Young LLP
55 Ivan Allen Jr. Boulevard
Suite 1000
Atlanta, GA 30308

Re: FOIA Request

Dear Mr. Knighton:

Thank you for your request, which was sent via e-mail from Dipinder S. Keer of your firm. Please send future correspondence in this matter by regular mail.

We must decline to honor your request, under S.C. Code Ann. §30-4-40(15) (from South Carolina's Freedom of Information Act). That subparagraph allows state agencies to exempt from disclosure information of a personal nature. We believe that we should decline to release the information as you request because of the potential for associating particular individuals with the multiple fields of detailed claims data you request. Although South Carolina's version of the FOIA is discretionary for agencies, as a covered entity under the HIPAA, and as the State agency administering the Medicaid Program and subject to its rules, we believe we must decline.

Aggregate data from the claim fields is available, but the volume of that data is considerable. A local university, under contract with us, stores the information on a dedicated mainframe. We estimate that it will cost approximately \$50,000 to provide all available aggregate data. A deposit of \$5,000 will be required before we can begin extracting the information. Less comprehensive information from different data warehouses can possibly be produced for less cost.

Again, thank you for your interest in this data, and please contact me if I may answer any questions about this letter. My direct is (803) 898-2791.

Sincerely,
Richard G. Hepler
Richard G. Hepler
Deputy General Counsel

Office of General Counsel
P. O. Box 8206 Columbia South Carolina 29202-8206
(803) 898-2795 Fax (803) 255-8210