

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>File</i>	DATE <i>2-23-12</i>
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DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>00331</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>cc: Mr. Fack Closed 2/10/12, letter attached.</i>	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <i>3-5-12</i>
	<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.			

Brenda James - RECORDS REQUEST - South Carolina

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From: "Project" <Project@PsychSearch.net>  
To: <info@scdhhs.gov>  
Date: 02/22/2012 8:51 PM  
Subject: RECORDS REQUEST - South Carolina  
Attachments: South Carolina.pdf

**RECEIVED**

**FEB 23 2012**

Department of Health & Human Services  
OFFICE OF THE DIRECTOR

Dear Anthony,

This is a request for public records.

Please provide an electronic copy via email of your entire response to the attached U.S. Senator Grassley letter sent to you.

Sincerely,

Trish O'Hara

**From:** Bryan Kost  
**To:** Brenda James  
**Date:** 02/22/2012 9:45 PM  
**Subject:** Please log - Fw: Fwd: RECORDS REQUEST - South Carolina (Forward from Info ID)  
**Attachments:** Fwd: RECORDS REQUEST - South Carolina (Forward from Info ID)

Thanks

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## United States Senate

COMMITTEE ON THE JUDICIARY  
WASHINGTON, DC 20510-6275

Bruce A. Cook, Chief Counsel and Staff Director  
Kulani L. Davis, Republican Chief Counsel and Staff Director

January 23, 2012

### VIA ELECTRONIC TRANSMISSION

Anthony E. Keck

Director

South Carolina Department of Health and Human Services

P. O. Box 8206

Columbia, SC 29202-8206

Dear Mr. Keck:

In May 2010, your state provided my office with data regarding the top ten prescribers of several pain management and mental health drugs in your state. These types of drugs have addictive properties, and the potential for fraud and abuse by prescribers and patients is extremely high. Mental health drugs continue to be prescribed at astounding rates and pain management clinics are turning into a hotbed for black market painkillers. When these drugs are prescribed to Medicaid patients, it is the American people who pay the price for over-prescription, abuse, and fraud.

After an extensive review of prescribing habits of the serial prescribers of pain and mental health drugs in South Carolina, I have concerns about the oversight and enforcement of Medicaid abuse in your state. While I am sensitive to the concerns of misinterpretation of the data you provided, the numbers themselves are quite shocking.

For example, prescriber number 1720019607 wrote 494 scripts for Roxycodone in 2009, while the second highest prescriber wrote 197 prescriptions. The majority of the top ten prescribers for this drug wrote under a hundred scripts.

It is my intention to ensure that each of the states is adequately monitoring, investigating, and stopping fraud and over-prescription of these types of drugs. Therefore, please provide answers to the following questions:

1. What action, if any, has your agency taken with respect to the prescribers identified to the Committee?
2. If there has been no action taken with respect to these prescribers, please explain why not.
3. Please identify which of the providers identified to the Committee remain eligible to bill the Medicaid Program.
4. Please provide the 2010 and 2011 numbers for the top prescribers of these same drugs.
5. Has each of these prescribers been cross-checked for complaints or misconduct with the state medical board or the National Practitioner Data Bank? If not, do you plan to do so?
6. Have any of the prescribers identified to this Committee been referred to your state medical board?
7. Is there any system set up in your state to identify and monitor excessive prescription writing? If not, why not?
8. Have you received any training or guidance from the Centers for Medicare and Medicaid Studies to help identify potential issues with prescription drugs?
9. Does your state maintain a database of all prescribed controlled-substances? If so, what entities have access to it?
10. Does your state have any point-of-sale restrictions related to maximum units, prior authorization, therapeutic duplication, or early refill? If not, why not?
11. Were any of these top ten prescribers identified in the federal-mandated Drug Utilization Review or CMS-base retrospective reviews?
12. Does your state have any programs in place to educate providers about the prescription of antipsychotics to children and adolescents?

Thank you in advance for your cooperation and attention in this matter. When responding to this letter, please number your answers in accordance with my questions. I would appreciate a response by February 13, 2012. If you have any questions, please do not hesitate to contact Erika Smith of my staff at (202) 224-5225.

Sincerely,

A handwritten signature in dark ink, reading "Chuck Grassley". The signature is written in a cursive, flowing style with a small flourish at the end.

Charles E. Grassley  
Ranking Member  
Committee on the Judiciary

000331

## Kathleen Snider - Records Request

**From:** Kathleen Snider  
**To:** Project@PsychSearch.net  
**Date:** 3/5/2012 5:29 PM  
**Subject:** Records Request  
**CC:** Anthony Keck; Bryan Kost; Deirdra Singleton; Jan Polatty  
**Attachments:** SCDHHS Response to Sen. Grassley request.pdf

Per your request for public records sent to the South Carolina Department of Health and Human Services dated 02/22/2012, attached is the entire response to the letter from U.S. Senator Charles Grassley. Please call me at the number below if you have any questions. Thank you!

Kathleen C. Snider, Bureau Chief  
 Compliance and Performance Review  
 SC Department of Health and Human Services  
 1801 Main Street, Columbia SC 29202-8206  
 (803) 898-1050

February 10, 2012

The Honorable Charles E. Grassley  
United States Senate  
Committee of the Judiciary

Dear Senator Grassley:

Thank you for the opportunity to address your concerns about prescription drug abuse in the Medicaid program. The State of South Carolina, as well as the South Carolina Department of Health and Human Services (SCDHHS), does have programs in place to monitor and identify inappropriate use of anti-psychotic and controlled drugs.

In addition, please be aware that SCDHHS conducts on-going data mining to identify fraud and abuse in the Medicaid program that takes into account many factors besides the number of prescriptions written by an individual physician. Because it would be difficult to build a fraud case solely on the limited data sent to you in 2010, we take into account multiple types and sources of information in evaluating the potential for fraud or abuse associated with a Medicaid provider.

SCDHHS is committed to proactive and robust efforts to combat provider over-prescribing and beneficiary drug abuse, and I appreciate your support in combating waste, fraud, and abuse in the Medicaid program.

Our answers to your questions are provided in the following pages. Please do not hesitate to contact us if you need any other information. For questions about the information provided to you in this letter or the attachments, please contact Kathleen Snider in our Compliance and Performance Review Bureau at 803-898-1050.

Sincerely,



Anthony E. Keck  
Director

AEK/ssb

Enclosure

cc: Patrick Bailey