


DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO	DATE
<i>Single tan/FOIA</i>	<i>4-9-09</i>

DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>101565</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>cc: Stensland</i> <i>Cleared 4/16/09, letter</i> <i>attached.</i> 	<input checked="" type="checkbox"/> FOIA DATE DUE <i>4-23-09</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.			

KELAHHER, CONNELL & CONNOR, P.C.

ATTORNEYS AT LAW
SUITE 209

THE COURTYARD

1500 U.S. HIGHWAY 17 NORTH

P.O. DRAWER 14547

SUNNYSIDE BEACH, SOUTH CAROLINA 29587

EDWARD T. KELAHER*
GENE M. CONNELL, JR.
L. SIDNEY CONNOR, IV
LISA POE DAVIS
* OF COUNSEL

FACSIMILE TRANSMITTAL

AREA CODE 843
238-5648
FAX: 238-5050

CONFIDENTIAL

RECEIVED

APR 09 2009

DATE: April 9, 2009

TO: FOIA Request/DHEC

Department of Health & Human Services
OFFICE OF THE DIRECTOR

FROM: Donna M. Budner/Gene M. Connell, Jr., Esquire

FAX: 1-803-255-8235

RE: Myrtle Beach Estates

NUMBER OF PAGES (INCLUDING COVER SHEET): Two (2)

COMMENTS:

**IF YOU DO NOT RECEIVE ALL PAGES OF THIS TRANSMISSION, PLEASE
CONTACT DONNA BUDNER AT (843) 238-5648.**

The information contained in this facsimile is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this telefax is strictly prohibited. If you have received this telefax in error, please notify me immediately by telephone and return the original message to me at the address above via United States Postal Service. Thank You!

KELAHER, CONNELL & CONNOR, P.C.

ATTORNEYS AT LAW

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April 9, 2009

FREEDOM OF INFORMATION ACT REQUEST

RECEIVED

APR 09 2009

State of South Carolina
Department of Health and Human Services
P.O. Box 8206
Columbia, SC 29202

Department of Health & Human Services
OFFICE OF THE DIRECTOR

Re: My Client: Robin M. Egarter as Personal Representative of the
Estate of Elizabeth M. Egarter
Facility: Myrtle Beach Estates
Our File No. 2008-0115C

Dear Sir or Madam:

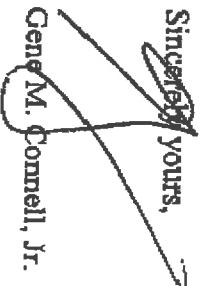
Please be advised that I have been retained to represent Robin M. Egarter as Personal Representative of the Estate of Elizabeth M. Egarter.

Pursuant to the Freedom of Information Act, I would appreciate your providing me with a copy of the following:

1. All annual surveys, plans of correction, follow-up surveys, fines issued secondary to citations and any complaint investigations with regard to Myrtle Beach Estates from 2004 through 2007; and
2. Any complaint investigations regarding Myrtle Beach Estates made to ombudsman, including any that pertain specifically to Elizabeth M. Egarter.

Thank you for your attention to this matter. Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,


Gene M. Connell, Jr.

GMC,Jr.:dmb
Via fax only



State of South Carolina
Department of Health and Human Services

Mark Sanford
Governor

Emma Fortner
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: _____

088 #000565 ✓



State of South Carolina
Department of Health and Human Services

Mark Sanford
Governor

Emma Forkner
Director

April 16, 2009

Gene M. Connell, Jr., Esquire
Kelaher, Connell & Connor, P. C.
Suite 209, The Courtyard
1500 U.S. Highway 17 North
Post Office Drawer 14547
Surfside Beach, South Carolina 29587

Re: Freedom of Information Act Request – Robin M. Egerter as Personal
Representative of the Estate of Elizabeth M. Egerter

Dear Mr. Connell:

This agency, the Department of Health and Human Services, administers the South Carolina Medicaid Program and several other federal grants. The South Carolina Department of Health and Environmental Control (DHEC) is the state licensing agency and the state survey agency for facilities participating in the Medicaid and other programs. This agency receives reports from DHEC when the facility's compliance is in jeopardy, so that this agency can take appropriate steps with respect to participation in the Medicaid Program. After a check of the file in the relevant unit of the agency, we do not have any documents that are responsive to your request for the time period in question. Obviously, the primary source for all survey and complaint follow-up would be DHEC.

The State Long Term Care Ombudsman (SLTCO) investigates complaints made to her office regarding abuse, neglect, or exploitation of vulnerable adults occurring in facilities. If necessary and appropriate, this agency would receive a report of the Ombudsman's findings. However, we have no documents responsive to your request. The primary source for such complaints and investigations would, of course, be the Ombudsman's Office, which is located in the Lt. Governor's Office.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard G. Hepfer".

Richard G. Hepfer
Deputy General Counsel

RGH/h

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