

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>Myers / Hamilton</i>	DATE <i>4-27-10</i>
-------------------------------	------------------------

DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>001432</i>	1. Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>CC: Ms. Furkner, Post</i>	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <i>5/10/10</i> <i>5/27/10</i>
	DATE DUE _____
	my Action

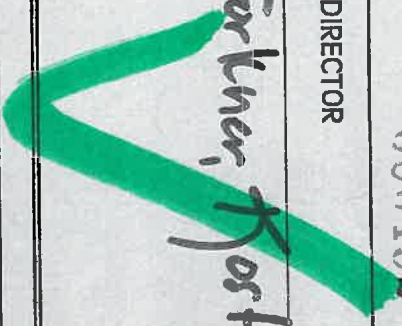
APPROV. (Only when pref. for director's sign.)	COMMENT
1.	<i>Per - I am very good & I turned desk to my desk to change</i>
2.	
3.	<i>Cleared 5/25/10, letter attainted.</i>
4.	

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

04/27/10
David Foxworth

TO <i>Myers</i>	DATE <i>4-27-10</i>
--------------------	------------------------

DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOC NUMBER <i>1011432</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>cc: Ms. Foxworth</i> 	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <i>5/6/10</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.			

FAX COVER SHEET



S. C. SENATE

PHONE: 803-212-6008

FAX # (803) 212-6011

DATE:

April 26, 2010

TO:

Director Emma Forkner

FROM:

Senator Kent Williams

Pages:

6

Fax Number:

803-255-8235

MESSAGE:

Debbie Barthe

Office of Senator Kent Williams

803-212-6008

FAX COVER SHEET

Bruce

Log: Myers

C: EF, BK



S. C. SENATE
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FAX # (803) 212-6011

DATE: April 26, 2010

TO: Director Emma Forkner

FROM: Senator Kent Williams

Pages: 6

Fax Number: 803-255-8235

MESSAGE:

Debbie Barthe
Office of Senator Kent Williams
803-212-6008

KENT M. WILLIAMS
SENATOR, MARION, DILLON, MARLBORO
AND FLORENCE COUNTIES
SENATORIAL DISTRICT 30

COMMITTEES:
AGRICULTURE AND NATURAL RESOURCES
CORRECTIONS AND PENOLOGY
FISH, GAME AND FORESTRY
JUDICIARY
LABOR, COMMERCE AND INDUSTRY



COLUMBIA ADDRESS:
802 GRESSETT SENATE BLDG
POST OFFICE BOX 142
COLUMBIA, SC 29202
TEL: (803) 212-6008
FAX: (803) 212-6299
EMAIL: KENTWILLIAMS@SCSENATE.GOV

HOME ADDRESS:
POST OFFICE BOX 1614
MARION, SC 29671
TELEPHONE: (843) 423-8237

April 26, 2010

Ms. Emma Forkner, Director
SC Dept. of Health and Human Services
P.O. Box 8206
Columbia, SC 29202-8206

Dear Director Forkner,

Earlier this spring, I was contacted by Bo McMillan, a valued constituent and successful business owner in Senate District 30. Mr. McMillan contacted me after repeated attempts to clarify a billing situation for his client Sainclairmore Davis, Jr.


Attached are the most recent e-mails and information we have received from Mr. McMillan and from SC HHS as a result of our initial inquiry. This is a complicated situation, that appears to have many conflicting statements of fact from the involved parties.

Bomac, Inc. is a small business in our rural community. The non-payment for these services that were provided to Mr. Davis is placing a large financial burden on this valued business. As you can see from the attached e-mails, it appears that Bomac, Inc. tried to comply numerous times with the instructions they received from Absolute Total Care, however, at the end of the day, the decision was made not to reimburse the company for the services.

I know this situation has been carefully and objectively reviewed. I appreciate the timely information we have previously received from your staff. While this is a particularly busy time of year for you, as you grapple with many new federal programs and mandates that are managed through your agency and as you prepare the HHS budget for the upcoming year. However, I respectfully ask that you take a moment to personally review this case.

It appears that Bomac, Inc. has made every reasonable effort to try to provide the requested information for this claim. I always strive to support and protect the small businesses in my Senate district and I just want to be certain that no stone has been left unturned for Bomac, Inc. Any assistance that can be provided would be greatly appreciated.

Please feel free to call me if you have any questions or need additional information.

Sincerely,

Kent Williams
Senate District 30

cc: Bryan Kost, HHS
Bo McMillan, Bomac, Inc.

Debbie Barthe

Subject: FW: Response**Importance:** High

From: WMcmil2033@aol.com [mailto:WMcmil2033@aol.com]
Sent: Monday, April 19, 2010 4:32 PM
To: Kent M. Williams
Cc: wmcml2033@aol.com; momenturnmed@aol.com
Subject: Response

Responses to letter from Betsy Schindler of SCDHHS:

1. The reason we did not request prior authorization is because patient handed us a Medicaid id card and was unaware that he had been signed via phone to Absolute Total Care. While we were verifying and gathering all pertinent information from the doctor and hospital (see discharge notes and surgical pathology notes), we contacted Jan at Total Carolina Care (1-800-218-4219) for an authorization number and was given the following number(1963911.) Due to the cost of the prosthesis Medical Director denied the request base upon not meeting necessary medical criteria. 1. The cost for this type of prosthesis is standard and the diagnosis and surgical pathology reports support the necessity. **Note: We have always been told that the reason for denial is because the services did not meet medical necessity. Absolute Total Care later claimed that there were no records (claim) on file for the date of service. Kristen with Care Centrix (1-888-999-2422 x2202) called our office on 1//22/2009 and negotiated rates for a below knee prosthesis, diabetic shoe, and inserts**

4. We did, indeed , call to request peer to peer because there was no reason for denial. We did, at that point, file a formal appeal request dated February 20, 2009. Case reviewed by a different physician who upheld the original decision to deny services for an active thirty-two year old black male who has the motivation to be an upright ambulatory and cognitive skills to ambulate and care for the prosthesis and residual limb. They stated that we may request an appeal for ninety calendar days from the date of the letter dated February 2, 2009. **Note: Contrary to their claim, ATC has always maintained that failure to meet medical necessity is the reason for denial.**

6. We never received an appeal resolution letter from ATC nor did the member.

7. We received a letter(4-17-2009) from ATC stating that they had received our request to reconsider charges for services rendered and that we could expect a reply in 30 days. **We never received a reply.** Contacted Cathy Barber at ATC and was told that the file had been closed on February 2, 2009 because we were non compliant in sending medical documentation, which is untrue. **Note see item #4.**

***** **If the case was closed on February 2, 2009, why do we have documents stating that they received on February 20, 2009 our appeal, moreover, why did they continue to correspond and instruct us on the appeals process.*******

Conclusion: In a letter to us dated April 17, 2009 their records showed that the billed amount was \$105,806.37 for services dated September16, 2008 at Carolina Hospital Systems. It is our belief that the

services we provided are all mixed up with the hospital's billing and they are trying to avoid paying for the services we rendered. Please understand that we have all supporting documents and appropriate medical information in our files to support our claims for appropriate services and products.

From: Debbie Barthe

Sent: Monday, April 12, 2010 10:16 AM

To: 'WMcmil2033@aol.com'

Subject: Information from Senator Kent Williams

Mr. McMillan, Here is the information that was shared with Senator Williams from the SC Medicaid office. He asked me to forward this to you.

Debbie Barthe

Office of Senator Kent Williams

Gresselte Building 602

P.O. Box 142

Columbia, SC 29202

Phone: 803-212-6008

Fax: 803-212-6011

E-Mail: debbiebarthe@ssenate.gov



Hello, I wanted to share the information ATC has sent on problem pertaining to the lack of payment for the below knee prosthetic for ATC member Saintelmore Davis to William "Bo" McMillan. This issue was faxed from Debbie Barthe of Senator Kent Williams office. ATC says:

1. Provider did not request prior authorization for this service rendered 1/15/09 2. The provider contacted our vendor, CareCentrix 1/20/09 and was given a case reference number. Due to cost of prosthesis the case was referred to ATC 1/22/09 3. 1/29/09 the ATC Medical Director denied the request based upon not meeting medical necessity criteria. Denial letter with appeal rights sent to member and provider.
 4. Provider called to request peer to peer and told process after decision has been made is must file a formal appeal request.
 5. Provider appealed decision on 2/20/09. Case was again reviewed by a different physician who upheld the original decision as did not meet medical necessity criteria.
 6. Appeal resolution letter sent to provider and member 3/23/09 with State Fair Hearing rights explained.
 7. This provider exhausted the appeal process at the health plan. I have no records to indicate if a state fair hearing was filed timely.
- ATC has received no notification that a request was ever made.

I checked with Vastine to see if Mr. McMillan ever filed an appeal with DHHS and he has no record of one. Please let me know if I need to obtain more information from ATC or if I need to take any action to respond to Debbie Barthe.

Betsy Schindler
Department of Managed Care
SCDHHS
P.O. Box 8206
Columbia, SC 29202

(803) 898-2818

From: Kent M. Williams
Sent: Tuesday, March 23, 2010 3:32 PM
To: 'WMcmil2033@aol.com'
Subject: RE: Denial of services provided January 15,2009

We will have a look and see what we can do to help. Please rescan and resend the attachment as it appears to have been scanned in as a mirror image and is unreadable.

Thanks.

Kent Williams

From: WMcmil2033@aol.com [mailto:WMcmil2033@aol.com]
Sent: Tuesday, March 23, 2010 3:13 PM
To: Kent M. Williams
Cc: MomentumMed@aol.com; WMcmil2033@aol.com
Subject: Denial of services provided January 15,2009

Dear Senator Williams:

Per our conversation, I am forwarding the pertinent facts regarding Total Carolina Care's refusal to reimburse Bomac, Inc. for services rendered patient Saintelmore Davis, Jr. on or about January 15, 2009.

Patient: Saintelmore Davis, Jr.
DOB: 05/29/1976
RX Date: 12/15/2008
DOS: 01/15/2009
ID Number: 00077967701
DX: 250.9;897.0;V49.75;443.9
Billed amt: \$10,860.87
Medicaid allowable: \$8874.82

Narrative: Total Carolina Care (Jan) gave Bomac, Inc. dba Momentum Medical Brace and Limb an authorization reference number of 1963911 January 20, 2009 via phone call to telephone number 800-218-4219.

Received a denial letter on February 2, 2009 stating service (below knee prosthetic) was not medically necessary according to medical director.

Spoke to Melissa (877-725-6525 x2321) on February 3, 2009 regarding the denial and was informed that we could not speak with the medical director, just the provider resolution team. Called back and spoke to Melissa and Taylor trying to get an explanation as to why the services were denied and how we should appeal the denial.

Sent a request to appeal to Total Carolina Care on February 20, 2009 per instructions from Lorenzo(866-433-6041), as follows:denial of prosthesis for a 32 year old male due to complications of diabetes, renal disease, gangrene and osteomyelitis. He instructed us to file a request for appeal and to re-file our claim with medical records.

*****See discharge summary attached

Received more appeal info on April 23, 2009,...sent appealpaperwork and medical records twice.

William McMillan, President of Bomac, Inc. spoke with Cathy Barber (provider relations, Absolute Total Care) in August 2009 and we forwarded the same medical information as requested previously. She emailed her bosses and they denied coverage.

We have in the past several months provided the following services for the same patient through Medicaid: diabetic shoes, inserts, and prosthetic socket change and they have approved payment of services. If these services were not medically necessary, Medicaid would not have approved payment.

We are a small medical service provider and can not sustain or grow our business when companies like Total Carolina Care arbitrarily refuses to pay us for legitimate services that were prescribed by a physician.

Senator Williams, I am seeking your help in trying to bring a resolution to this issue in a timely manner. Quite frankly, we have allowed this to drag on way too long. I eagerly look forward to hearing from you. Until then, I am

Sincerely yours,

William. L. "Bo" McMillan
President
Momentum Medical Brace and Limb
Po Box 407
Mullins, South Carolina 29574

KENT M. WILLIAMS
SENATOR, MARION, DILLON, MARLBORO
AND FLORENCE COUNTIES
SENATORIAL DISTRICT 30

COMMITTEES:
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EMAIL: KENTWILLIAMS@SCSENATE.GOV

HOME ADDRESS:
POST OFFICE BOX 1514
MARION, SC 29571
TELEPHONE: (843) 423-8237

April 26, 2010

RECEIVED

Ms. Emma Forkner, Director

SC Dept. of Health and Human Services

P.O. Box 8206

Columbia, SC 29202-8206

Department of Health & Human Services
OFFICE OF THE DIRECTOR

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Please feel free to call me if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Kent Williams", is written over the word "Sincerely,".

Kent Williams
Senate District 30

cc: Bryan Kost, HHS
Bo McMillan, Bomac, Inc.

Debbie Barthe

Subject: FW: Response

Importance: High

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Department of Managed Care

SCDHHS

P.O. Box 8206

Columbia, SC 29202

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Sincerely yours,

William. L. "Bo" McMillan
President
Momentum Medical Brace and Limb
Po Box 407
Mullins, South Carolina 29574

From: Felicity Myers
To: Annmarie McCanne; Brenda James
Date: 5/13/2010 8:32 AM
Subject: log432

Brenda,
log 432 got buried on my messy desk! please change due date to 5/27 as I just got it to Bev today!

To	<u>Brenda</u>		
Date	<u>5/14</u>	Time	<u>11:10</u>
While You Were Out			
M	<u>Jan 10</u>		
of			
Phone	<u>Bobbie</u>	Extension	<u>213-6008</u>
	Area Number		
Fax	<u>213-6008</u>	Extension	
	Area Number		
<input type="checkbox"/> TELEPHONED <input type="checkbox"/> PLEASE CALL			
<input type="checkbox"/> CALLED TO SEE YOU <input type="checkbox"/> WILL CALL AGAIN			
<input type="checkbox"/> WANTS TO SEE YOU <input type="checkbox"/> RETURNED CALL			
<input type="checkbox"/> URGENT			
Message	<u>Please ck status of</u>		
	<u>LA - would be from</u>		
	<u>Seaton Kent Williams regarding</u>		
	<u>Bohmiller + clients -</u>		
	Operator _____		

11/11
ebbie
w/ her on 5/19/10
9:55. Would like
better to be
fayed.
@

The Honorable Kent M. Williams
Post Office Box 142
802 Gressette Senate Office Building
Columbia, South Carolina 29202

May 27, 2010

Dear Senator Williams:

Thank you for your letter of April 26th regarding your follow-up to the issues encountered by one of your constituents. I appreciate you bringing your concerns to my attention.

This is a very complex case and one which has been under review here at the agency. As you are aware, all services provided and billed to Managed Care Organizations (MCOs) are contingent upon medical necessity. The MCOs reserve the right to request documentation to substantiate medical necessity at any time. Certain procedures are always subject to medical review on a prepayment basis. If a claim is denied for reasons of "Not Medically Necessary," the provider may request reconsideration. The request should be in writing and sent to the MCO in question.

If the claim is denied a second time, the provider has the right to request an appeal within 30 days of the notice of denial. The request for an appeal and a state fair hearing should be in writing and sent to the Division of Appeals and Hearings at the following address:

SCDHHS
Division of Appeals and Hearings
Post Office Box 8206
Columbia, SC 29202-8206

It appears that there are several questionable facts in doubt by both parties involved and it is my recommendation to waive the deadlines for an appeal and allow the Division of Appeals and Hearings to hear both sides and render a decision based on their findings. I feel that this is the most fair and equitable way to resolve this situation. I will copy both parties of my decision and once a request for an appeal and a state fair hearing is received in writing, I will have the Division of Appeals and Hearings schedule a date to hear both arguments.

Again, thank you for your involvement in attempting to assist in resolving this ongoing dispute. If I can be of further assistance to you, do not hesitate to contact me directly.

Sincerely,

Emma Forkner
Director

cc: Absolute Total Care
Bomac, Inc.

Log # 432 ✓



State of South Carolina
Department of Health and Human Services

Mark Sanford
Governor

May 25, 2010

Emma Fortner
Director


The Honorable Kent M. Williams
Post Office Box 142
802 Gressette Senate Office Building
Columbia, South Carolina 29202

Dear Senator Williams:

Thank you for your letter dated April 26th regarding the issues encountered by one of your constituents. I appreciate your bringing these concerns to my attention.

This has been a very complex case and one which has been under review at the agency for quite some time. It appears that several oversights resulting in continued problems were committed by both the provider of service and the Managed Care Organization. After exhaustive research, it has been concluded that Absolute Total Care will accept responsibility for the negotiated rate (\$7,553.79) for the prosthetic device. My staff has communicated with both parties regarding the facts, timelines and procedural guidelines to be followed in future episodes. Additionally, they will communicate this final decision to each.

Again, thank you for your patience and assistance in bringing resolution to this ongoing dispute. Given all of the circumstances, I feel that this decision is the most fair and reasonable way to resolve this situation. If I can be of further assistance, please contact me directly.

Sincerely,

Emma Fortner
Director

EF/hmc

cc: Mr. Aaron Brace, CEO
Absolute Total Care

Mr. William L. McMillan, President
Momentum Medical Brace and Limb

7909, 51m, 2010

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>Myers / Hamilton</i>	DATE <i>4-27-10</i>
DIRECTOR'S USE ONLY	
1. LOG NUMBER <i>1001432</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>cc: Ms. Farkner, Post</i>	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <i>5/14/10</i> <i>5/27/10</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. <i>James Braden</i> <i>Deot. Head</i>	<i>gob</i> <i>5/24/10</i>		
2. <i>Ray Hess</i> <i>Division Director</i>	<i>Ref. 10</i> <i>5/24/10</i>		
3. <i>Revolvy 6.1thund</i>	<i>5/24/10</i>		
4.			

Rec'd
5-14-2010
7909