

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>Singleton/Hamilton</i>	DATE <i>1-27-11</i>
---------------------------------	------------------------

DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>100326</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>Claude 1/27/11, letter attached.</i>	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <i>2-7-11</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.			

*Deirdra,  
Per Jan, your Ben can work on this if need be. I will pull all old logs if you need them, let me know. Thanks, bj*

*1/27/11*

Log # 314

Glen K. LaConey  
9401 Wilson Boulevard, #68  
Columbia, SC 29203

RECEIVED

January 26, 2011

JAN 27 2011

Re: Civil Rights Action  
Juanita A. Butler

Department of Health & Human Services  
OFFICE OF THE DIRECTOR

To: Catherine Sala  
Quality Assurance Manager - SC  
LogisticCare Solutions, LLC

In response to your specious reply, from our mutual faxes on **January 26, 2011**, I maintain my complaints therein, which were issued within a reasonable time after the **offending incidents** occurred.

Be advised that whether LogisticCare has notice of any specific medical issues of Juanita A. Butler (Butler), LogisticCare has certain **fiduciary duties** to provide "reasonable" service for elderly clients, and all clients, who suffer from **some** form of illness. We are prepared to present facts at trial that the level of care provided by LogisticCare was "**unreasonable**".

Be further advised that we are prepared to seek additional damages, if retaliatory action is taken against Butler, which denies her **equal protection**, causes her **undue hardship and injury**, or otherwise deprives her of her **civil rights**, notwithstanding any "programs" available.

Excerpts from these and other materials concerning Ms. Butler's complaints are being widely disseminated to the **public domain**.

s/ Glen K. LaConey

Log # 702 5/7/07  
Log # 783 6/13/07  
Log # 278 12/22/10  
Log # 314 1/18/11 - response due 1/31/11

----- Original Message -----

**Sent:** Wednesday, January 26, 2011 5:50 PM

**Subject:** Re: Civil Rights Action

mhtml:mid://00000004/

01/26/2011 05:53PM



South Carolina Department of  
Health & Human Services

Anthony E. Keck, Director  
Nikki R. Haley, Governor

Log #326 9  
314

January 27, 2011

Mr. Glen K. LaConey  
9401 Wilson Blvd.  
Columbia, South Carolina 29203

Dear Mr. LaConey:

Thank you for your letter dated January 18, 2011, regarding Medicaid transportation services for your mother, Mrs. Juanita Butler. We are sorry to hear about the difficulties your mother experienced as you reported to us.

Upon receipt of your letter, the South Carolina Department of Health and Human Services (SCDHHS) contacted LogistiCare to review and address the concerns you reported. LogistiCare, as regional transportation broker, is responsible for assigning transportation providers in a manner to insure that member's transportation needs are met in a timely and efficient manner.

The circumstance around the incident of January 17, 2010 indicates that your mother made it to her appointment without incident, which is our goal. The appointment pickup time was left open, creating what is commonly called a "Will Call" return trip. Our goal for a will call return trip, per the Broker's contract, is one hour. It appears your mother's return ride took longer than one hour to arrive for pick-up; however, given the scope of services provided across the state, we just cannot guarantee that there will not be some delays. We regret that it happened to her and apologize for the delay.

Since our response to your letter received December 23, 2010, Ms. Catherine Sala, LogistiCare's Quality Assurance Manager, indicated she has made repeated attempts to contact you to discuss the matter further. She has left her name and toll free contact number to simplify the communication process. Adherence to HIPAA guidelines prevents Ms. Sala from offering any further information on the answering machine. To date, she has had no response from you.

As was stated in the previous letter, Ms. Sala would very much like to discuss the experiences your mother has had with transportation and looks forward to hearing from you. In researching all contacts concerning your mother, Ms. Sala has not found a record of her Oxygen (O<sub>2</sub>) dependency. This information is important in any situation, but critical in circumstances where extra O<sub>2</sub> containers must be securely transported.

You can expect the Broker to take the necessary corrective action if and when issues are brought to their attention. If you experience any further difficulty with your mother's Medicaid benefit for transportation services, please contact SCDHHS Transportation Manager, David Giesen at (803) 898-0271 or Division Director, Sheila Platts at (803) 898-2613.

Sincerely,

*Beverly G. Hamilton*

Beverly G. Hamilton  
Bureau Director

BGH/pw

## Brenda James - Log #000326

---

**From:** Marie Brown  
**To:** Brenda James  
**Date:** 2/4/2011 4:08 PM  
**Subject:** Log #000326

---

Hi Brenda,

Per our conversation, log #000326 was addressed to LogistiCare, and sent to us FYI. However, Beverly responded to Log # 000314 to Mr. LaConey dated 01/27/11, so we assume his letter and Beverly's letter may have cross each other in the mail. Therefore, we believe no response is necessary from us at this time regarding log #000326.. Thanks.

*Log #314 also answers #326*

Marie A. Brown  
Administrative Coordinator  
Office of General Counsel  
1801 Main Street, 6th Floor  
P.O. Box 8206  
Columbia, SC 29202-8206  
Phone: (803) 898-2795  
Fax: (803) 255-8210