

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO	DATE
Singleton / FOIA	4-21-09

DIRECTOR'S USE ONLY		ACTION REQUESTED	
1. LOG NUMBER	100594	[] Prepare reply for the Director's signature DATE DUE _____	
2. DATE SIGNED BY DIRECTOR		[] Prepare reply for appropriate signature DATE DUE _____	
cc: <i>Stensland</i>		<input checked="" type="checkbox"/> FOIA DATE DUE <u>5-6-09</u>	
<i>Cleared 5/18/09, letter attached</i>		[] 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.			

KELAHER, CONNELL & CONNOR, P.C.

ATTORNEYS AT LAW

SUITE 209

THE COURTYARD

1500 U.S. HIGHWAY 17 NORTH

P.O. DRAWER 14547

SURSIDE BRAGG, SOUTH CAROLINA 29587



APR 21 2009

Department of Health & Human Services
OFFICE OF THE DIRECTOR

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

DATE: APRIL 21, 2009

TO: ROLA Request
State of South Carolina
Department of Health and Human Services

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

FAX: 1-803-255-8235

RE: Name of Patient: Veda Noreen Miller Hatton
Facility: Agape Assisted Living at Garden City, Inc.
Our File No. 2007-0518C

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.

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

April 21, 2009

FREEDOM OF INFORMATION ACT REQUEST

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

Re: Name of Patient: Veda Noreen Miller Hatton
Facility: Agape Assisted Living at Garden City, Inc.
Our File No. 2007-0518C

Dear Sir or Madam:

Please be advised that Gene M. Connell, Jr., Esquire of this office has been retained to represent Aywer Lloyd Hatton, Jr. as Personal Representative of the Estate of Veda Noreen Miller Hatton.

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 Agape Assisted Living at Garden City, Inc.; and
2. Any complaint investigations regarding Agape Assisted Living at Garden City, Inc. made to ombudsman, including any that pertain specifically to Veda Noreen Miller Hatton.

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

Sincerely yours,



Gene M. Connell, Jr.

GMC,Jr.:dmb
Via fax only



State of South Carolina
Department of Health and Human Services

Mark Sanford
Governor

Emma Forkner
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

Log # 000594 ✓



State of South Carolina
Department of Health and Human Services

Mark Sanford
Governor

Emma Fortner
Director

May 18, 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 – Awyer Lloyd Hatton, Jr. as Personal
Representative of the Estate of Veda Noreen Miller Hatton

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,

Handwritten signature of Richard G. Hepfer in blue ink.

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

To Bruce
Date 6-3 Time _____

While You Were Out

M Donna
of Joa Connell
Phone 843-238-5648
Area Number Extension

FOX Area Number Extension

<input checked="" 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 Shirley FOIA
April 21 Appeal -
Burden City
Operator



South Carolina
Health and Human Services

Emma Forkner
Director

COVER SHEET

"INFORMATION ENCLOSED"

Telephone #: _____
Fax #: (843) 238-5050

FROM: Brenda

Total Number of Pages Transmitted: 2 (Including Cover Sheet)

COMMENTS: Per your request. Thanks, Brenda

Confidentiality Note

This message is intended for the use of the person or entity to which it is addressed and may contain information, including health information, that is privileged, confidential, and the disclosure of which is governed by applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is STRICTLY PROHIBITED. If you have received this in error, please notify us immediately and destroy the related message. Thank you.



State of South Carolina
Department of Health and Human Services

Mark Sanford
Governor

Emma Forkner
Director

May 18, 2009

Gene M. Connell, Jr., Esquire
Kelaher, Connell & Connor, P. C.
Suite 209, The Courtyard
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Please contact me if there are any questions. My direct is (803) 898-2791.

Sincerely,

A handwritten signature in black 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

TRANSMISSION VERIFICATION REPORT

TIME : 06/03/2009 13:02

DATE, TIME
FAX NO./NAME
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PAGE(S)
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06/03 13:01
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