

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>Singleton</i>	DATE <i>12-7-07</i>
------------------------	------------------------


DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER  <i>000280</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR  <i>cc: Myers, Ms. Forbner cleared 2/29/08 E-mail Attached</i>	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <i>12-18-07</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.			

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>Singleton</i>	DATE <i>12-7-07</i>
------------------------	------------------------

DIRECTOR'S USE ONLY		ACTION REQUESTED	
1. LOG NUMBER  <i>000280</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <i>12-18-07</i>	
2. DATE SIGNED BY DIRECTOR  <i>cc: Myers, Ms Fortner</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.			

*Law Office of Patricia L. Harrison*

611 Holly Street  
Columbia SC 29205  
(803) 256-2017  
Fax: (803) 256-2213

FAX TRANSMISSION COVER SHEET

*LOH: Smith  
C: Myers,  
EF  
"app. div"*

Date: December 7, 2007

To: Helicity Meyers  
Emma Forkner  
Sam Waldrep

Fax: 255-8210

Re:

Sender: Nancy C. Law, Assistant to Patricia L. Harrison

*YOU SHOULD RECEIVE 3 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO  
NOT RECEIVE ALL THE PAGES, PLEASE CALL (803) 256-2017.*

**RECEIVED**

DEC 07 2007

Department of Health & Human Services  
OFFICE OF THE DIRECTOR

The information contained in this facsimile message is confidential, protected by the attorney client privilege and intended for the use of only the individual or entity named above. If the reader of this message or information is not the intended recipient of the message or information transmitted herewith, you are hereby notified that any discrimination, distribution, or copying of this message or information is strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone and return the original message to us at the above address via U. S. Postal Service. Thank you.

## PATRICIA L. HARRISON

ATTORNEY AT LAW

811 HOLLY STREET

COLUMBIA, SOUTH CAROLINA 29205

TELEPHONE (803) 256-2017

FAX (803) 256-2213

December 7, 2007

## URGENT

Mrs. Felicity Meyers  
South Carolina Department of Health and Human Service  
PO Box 8206  
Columbia, South Carolina

Re: Thomas Garrett  
248 46 8938

Dear Felicity:

I am writing to request your assistance in a matter related to a MR/RD waiver participant, Thomas Garrett. I would very much appreciate your assistance in getting me in touch with the person on your staff who might help. Tommy has been a resident of the Charles Lea Center for a number of years. Tommy was dropped by a staff member at the CTH II in early October and suffered injury to his hip. He also has a decubitus ulcer. Tommy's condition has declined dramatically since the injury. When Mrs. Garrett complained about the treatment, or lack thereof, the Charles Lea Center threatened to discharge Tommy. That is when I became involved to file an appeal of that threatened discharge.

We provided Charles Lea Center with a HIPAA release and have been asking for Tommy's records for a month. These records have not been provided. We have requested a meeting with Charles Lea Center management. Charles Lea Center management has refused to return my phone calls. I have attempted to call Charles Lea Center's lawyer unsuccessfully. My office received one call from Tana Vanderbilt, but she has not returned my calls.

Mrs. Garrett has been taking Tommy to the wound center for treatment of the decubitus ulcer. The doctor at the wound center ordered a specialized hospital bed and Mrs. Garrett asked for the bed to be delivered to her home. The Charles Lea Center has somehow intervened and directed them to send the bed to the group home instead of to Mrs. Garrett's residence. Mrs. Garrett, at this point, is not comfortable with Tommy returning to the group home until we have reviewed the records and have the meeting with Charles Lea Center management we have requested.

We are requesting assistance with the following:

1. We need to obtain all records from the Charles Lea Center related to Tommy;
2. The bed needs to be delivered promptly to the Garrett residence without interference from DDSN or the Charles Lea Center.
3. While his wound is healing and we are determining whether it is safe for Tommy to return to the CTH II, Mrs. Garrett needs some services in the home.
4. We are requesting a meeting with Charles Lea Center management, DDSN and a representative from your office.
5. Copies of all incident reports involving Tommy and all reports to/from SLED or the Ombudsman related to St. James CTH II.

Since HHS, as the State Medicaid Agency, is responsible for assuring the federal government that the health and welfare of waiver participants is being protected, I am hopeful that you can intervene to help us reach a prompt resolution of Tommy's immediate needs. Given the significant number of incidents at Charles Lea Center recently (two wrongful death lawsuits settled in past few months and at least three other personal injury lawsuits filed this year), we believe that our concerns for Tommy's safety are legitimate.

I would appreciate your giving me a call to discuss these concerns and to come up with a plan that will assure Tommy's safety while these issues are being addressed. My office number is 256-2017 and my cell number is 360-5555. Thank you very much for your assistance. I look forward to talking with you.

Cordially,



Patricia L. Harrison

cc: Sue Garrett  
Emma Forkner  
Sam Waldrep

PATRICIA L. HARRISON  
ATTORNEY AT LAW  
611 HOLLY STREET  
COLUMBIA, SOUTH CAROLINA 29205

TELEPHONE (803) 256-2017

FAX (803) 256-2213

December 7, 2007

RECEIVED

URGENT

DEC 10 2007

Ms. Felicity Meyers  
South Carolina Department of Health and Human Services  
PO Box 8206  
Columbia, South Carolina

Re: Thomas Garrett  
248 46 8938

Dear Felicity:

I am writing to request your assistance in a matter related to a MR/RD waiver participant, Thomas Garrett. I would very much appreciate your assistance in getting me in touch with the person on your staff who might help. Tommy has been a resident of the Charles Lea Center for a number of years. Tommy was dropped by a staff member at the CTH II in early October and suffered injury to his hip. He also has a decubitus ulcer. Tommy's condition has declined dramatically since the injury. When Mrs. Garrett complained about the treatment, or lack thereof, the Charles Lea Center threatened to discharge Tommy. That is when I became involved to file an appeal of that threatened discharge.

We provided Charles Lea Center with a HIPAA release and have been asking for Tommy's records for a month. These records have not been provided. We have requested a meeting with Charles Lea Center management. Charles Lea Center management has refused to return my phone calls. I have attempted to call Charles Lea Center's lawyer unsuccessfully. My office received one call from Tana Vanderbilt, but she has not returned my calls.

Mrs. Garrett has been taking Tommy to the wound center for treatment of the decubitus ulcer. The doctor at the wound center ordered a specialized hospital bed and Mrs. Garrett asked for the bed to be delivered to her home. The Charles Lea Center has somehow intervened and directed them to send the bed to the group home instead of to Mrs. Garrett's residence. Mrs. Garrett, at this point, is not comfortable with Tommy returning to the group home until we have reviewed the records and have the meeting with Charles Lea Center management we have requested.

We are requesting assistance with the following:

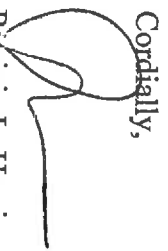
Department of Health & Human Services  
DIRECTOR  
Pur-  
Check as I think  
we logged track  
copy that will put it  
OK! Jon

1. We need to obtain all records from the Charles Lea Center related to Tommy;
2. The bed needs to be delivered promptly to the Garrett residence without interference from DDSN or the Charles Lea Center.
3. While his wound is healing and we are determining whether it is safe for Tommy to return to the CTH II, Mrs. Garrett needs some services in the home.
4. We are requesting a meeting with Charles Lea Center management, DDSN and a representative from your office.
5. Copies of all incident reports involving Tommy and all reports to/from SLED or the Ombudsman related to St. James CTH II.

Since HHS, as the State Medicaid Agency, is responsible for assuring the federal government that the health and welfare of waiver participants is being protected, I am hopeful that you can intervene to help us reach a prompt resolution of Tommy's immediate needs. Given the significant number of incidents at Charles Lea Center recently (two wrongful death lawsuits settled in past few months and at least three other personal injury lawsuits filed this year), we believe that our concerns for Tommy's safety are legitimate.

I would appreciate your giving me a call to discuss these concerns and to come up with a plan that will assure Tommy's safety while these issues are being addressed. My office number is 256-2017 and my cell number is 360-5555. Thank you very much for your assistance. I look forward to talking with you.

Cordially,



Patricia L. Harrison

cc: Sue Garrett  
Emma Forkner  
Sam Waldrep

Log #280

**From:** Bruce Carter  
**To:** Marie Brown  
**Date:** 2/29/2008 4:00 PM  
**Subject:** Log Letter # 280

Marie:

This letter to Felicity Myers from Patricia Harrison was in reference to Thomas Garrett. It came in at roughly the same time as Log Letter 283 and dealt with the same issue.

The underlying matter, DDSN's provision of the information requested by Ms. Harrison, was handled by Tana Vanderbilt at DDSN. Ms. Harrison was made aware of our knowledge of her request and our discussions with DDSN through conversations with Tana and with me.

In hindsight, probably should have sent her a short letter confirming the above actions, but this was basically a DDSN matter that was being handled when the letter came to Felicity.

Let me know if you need more information. Thanks.

Bruce