


DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>Singlehan</i>	DATE <i>12-10-07</i>
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DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>000283</i>	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <i>12-19-07</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.			

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*Law Office of Patricia L. Harrison*

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

**RECEIVED**

DEC 10 2007

FAX TRANSMISSION COVER SHEET

Department of Health & Human Services  
OFFICE OF THE DIRECTOR

Date: December 10, 2007

To: Tana Vanderbilt, Esquire, DDSN, 898-9656  
Emma Forkner, DDSN.255-8210  
Jane Thesing, LAC 253-7639

Re: Thomas Garrett

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

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*YOU SHOULD RECEIVE 4 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO  
NOT RECEIVE ALL THE PAGES, PLEASE CALL (803) 256-2017.*

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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  
611 HOLLY STREET  
COLUMBIA, SOUTH CAROLINA 29205

TELEPHONE (803) 256-2017

FAX (803) 256-2213

December 10, 2007

VIA FAX

Tana Vanderbilt, Esq.  
South Carolina Department of Disabilities and Special Needs  
3440 Harden Street Extension  
Columbia, South Carolina 29203

RE: Thomas Garrett

Dear Tana:

This is to confirm our telephone conversation of last Friday (December 7, 2007) in which you indicated that Dr. Butkus will not meet with me to discuss the problems Mrs. Garrett is having obtaining needed services for her son, Tommy, from the Charles Lea Center. I shared with you that no one from DDSN or the Charles Lea Center has responded to my letter dated November 6, 2007 and that the Charles Lea Center attorney has not returned my telephone calls. My November 6, 2007 letter is attached.

More than a month ago, I requested copies of records of Thomas Garrett and incident reports for his Charles Lea Center residence. You indicated that DDSN would not require the Charles Lea Center to provide the requested documents. I am requesting that you make available for my review all documents in the possession, custody or control of DDSN related to Thomas Garrett. This includes all electronic documents, including but not limited to e mails or other electronic correspondence. Please advise any DDSN employee who has access to such records of the importance of preserving evidence.

By copy of this letter to Emma Forkner, I am advising HHS of these problems and requesting their assistance in obtaining these records and needed services, since Tommy is a MR/RD Medicaid waiver participant. Thank you for your attention to this letter.

Sincerely,



Patricia L. Harrison

cc: Emma Forkner  
Jane Thesing

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

TELEPHONE (803) 256-2017

FAX (803) 256-2213

November 6, 2007

VIA FAX

Mr. David Kiely  
195 Burdette Street  
Spartanburg, South Carolina 29307

Fax (864) 562-2118

Dr. Stan Butkus  
South Carolina Department of Disabilities and Special Needs  
3440 Harden Street Extension  
Columbia, South Carolina 29203

Fax (803) 898-9653

RE: Thomas Austin Garrett

Dear Mr. Kiely and Dr. Butkus:

This letter is to appeal the proposed termination of DDSN services which are being provided to Thomas Austin Garrett. I am requesting a meeting to discuss this appeal and the services being provided to Thomas.

During this appeal, Thomas' periodic visits home will continue as before. We are, however, requesting that a body audit be performed when he is picked up at the group home by Mrs. Garrett and upon Thomas' return to the facility or day program. We are asking that you document any injury or illness immediately in writing to Mrs. Garrett and to me.

We expect that the Charles Lea Center and DDSN will protect the health and welfare of Thomas during this appeal. Specifically, adequate staff must be provided in the facility, at the day program and when transporting Thomas as is necessary to protect him from falls or other injuries. Thomas is on a pureed diet. It is critical that his food be properly prepared and that all staff at the day program and the group home be trained to assure compliance with Thomas' diet. Please confirm for me in writing that staff has been so trained and that choking precautions will be followed.

I am requesting that you provide me with a copy of Thomas' current plan of care and all incident reports involving Thomas or his facility for the past three years. This requests includes

reports of any incident in which Thomas may have been the victim of a consumer on consumer incident. I am requesting copies of any reports, investigations and/or inquiries which have been provided to or received from DSS, DDSN, the Ombudsman or SLED which in any way relate to Thomas or his residential facility and/or day program.

We are requesting that your clients not destroy, conceal or alter any paper or electronic information related to Thomas, including, but not limited to information contained in your computers and storage media (e.g., hard disks, floppy discs, backup tapes, etc.). All electronic data, such as voice mail, should also be preserved.

Thank you for your immediate attention to this request, along with your written assurance that Thomas' health and welfare will be protected during and after this appeal.

Sincerely,



Patricia L. Harrison

cc: Susan Garrett

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

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DEC 11 2007

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Sincerely,



Patricia L. Harrison

cc: Emma Forkner  
Jane Thesing

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Thank you for your immediate attention to this request, along with your written assurance that Thomas' health and welfare will be protected during and after this appeal.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Patricia L. Harrison', written over a horizontal line.

Patricia L. Harrison

cc: Susan Garrett