

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>Singletta/FOIA</i>	DATE <i>5-18-11</i>
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DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>000515</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>cc: Mr. Tech, Stensland</i> <i>Cleared 6/29/11, letter</i> <i>attached.</i>	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____ <input checked="" type="checkbox"/> FOIA DATE DUE <i>6-2-11</i> <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.			

**RECEIVED**

MAY 18 2011

Department of Health & Human Services  
OFFICE OF THE DIRECTOR

**From:** Jeff Stensland  
**To:** Polatty, Jan  
**Date:** 5/17/2011 3:40 PM  
**Subject:** Fwd: Freedom of Information Request  
**Attachments:** Freedom of Information Request  
FOIA

Jeff Stensland  
SC DHHS  
(803) 898-2584

*Fun,*

*Pls log to it/*

*Singleton*

*C: Kell  
Stensland.*

**From:** "Harris, Deborah" <DHarris@mcnair.net>  
**To:** "hepfer@scdhts.gov" <hepfer@scdhts.gov>, "stensland@scdhts.gov" <ste...  
**CC:** "Kirk, Ariail" <AKirk@MCNAIR.NET>  
**Date:** 5/17/2011 3:37 PM  
**Subject:** Freedom of Information Request  
**Attachments:** 20110517153049453.pdf

Gentlemen:  
Please see the attached letter from Ariail Burnside Kirk, Esquire.  
Best regards,  
Deborah Harris  
[cid:image001.png@01CC14A8.40CBA190]

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MAY 18 2011  
Department of Health & Human Services  
OFFICE OF THE DIRECTOR

Deborah Harris  
Legal Assistant  
dharris@mcnair.net <mailto:dharris@mcnair.net> | 803 753 3404 Direct

McNair Law Firm, P.A.  
Columbia Office 1221 Main Street | Suite 1800 | Columbia, SC 29201  
803 799 9800 Main | 803 933 1424 Fax  
Mailing Post Office Box 11390 | Columbia, SC 29211  
VCard <http://ecard.mcnair.net/ContactCards/Dharris.vcf> | Web site <http://www.mcnair.net>

**CIRCULAR 230 DISCLOSURE:** To ensure compliance with requirements imposed by the IRS, we inform you that any US Federal Tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the internal revenue code or (1i) promoting, marketing or recommending to another party any transaction or matter addressed herein. This advice may not be forwarded (other than within the taxpayer to which it has been sent) without our express written consent. To read more about this disclosure, please see [http://www.mcnair.net/D1D330/portaIresource/IRS\\_Circular\\_230.pdf](http://www.mcnair.net/D1D330/portaIresource/IRS_Circular_230.pdf)

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M C N A I R  
A T T O R N E Y S

May 17, 2011

Ariell Burnside Kirk

akirk@mcnair.net  
T (803) 789-9800  
F (803) 753-3278

Via E-mail: [stensland@scdhhs.gov](mailto:stensland@scdhhs.gov) and [hepfer@scdhhs.gov](mailto:hepfer@scdhhs.gov)

Richard G. Hepfer, Esquire  
Deputy General Counsel  
SC DHHS  
1801 Main Street, 6th Floor  
Columbia, SC 29201

Jeff Stensland  
Office of Public Information  
SC DHHS  
PO Box 8206  
Columbia, SC 29202-8206

RECEIVED  
MAY 18 2011

Department of Health & Human Services  
OFFICE OF THE DIRECTOR

Re: Freedom of Information Request

Dear Messrs. Hepfer and Stensland:

I am writing pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §§ 30-4-10, et seq. (1976), to request copies of the following documents:

1. Unredacted copies of the following emails previously provided:
  - a) The chain beginning with the October 14, 2010 email to Tresa Martin from Jim Beall bates numbered DHHS\_FOIA\_0085 – 0087;
  - b) The chain beginning with the January 19, 2011 email to Tresa Martin from Jim Beall bates numbered DHHS\_FOIA\_0088;
  - c) The chain beginning with the January 18, 2011 email to Tresa Martin from Jim Beall bates numbered DHHS\_FOIA\_0089;
  - d) The chain beginning with the January 19, 2011 email to Tresa Martin from Jim Beall bates numbered DHHS\_FOIA\_0090;
  - e) The chain beginning with the August 23, 2010 email to Tresa Martin from Jim Beall bates numbered DHHS\_FOIA\_0091;

McNair Law Firm, P. A.  
1221 Main Street  
Suite 1600  
Columbia, SC 29201

Mailing Address  
Post Office Box 11390  
Columbia, SC 29211

mcnair.net

Richard G. Hepfer, Esquire  
Jeff Stensland  
May 17, 2011  
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**M C N A I R**  
ATTORNEYS

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- f) The chain beginning with the March 15, 2011 email to Tresa Martin and Shirley Carrington from Jim Beall bates numbered DHHS\_FOIA\_0092 – 0093;
  - g) The chain beginning with the January 25, 2011 email from Tresa Martin to Jim Beall bates numbered DHHS\_FOIA\_0138; and
  - h) The chain beginning with the February 17, 2011 email from Tresa Martin to Jim Beall bates numbered DHHS\_FOIA\_0139.
2. Unredacted copies of the November 19, 2010 handwritten notes on bates pages DHHS\_FOIA\_0141, 183, 187, 191, 194, 197, 200, 206, and 209;
  3. An unredacted copy of the November 21, 2010 handwritten notes bates numbered DHHS\_FOIA\_0197;
  4. An unredacted copy of the February 23, 2010 handwritten notes on bates page DHHS\_FOIA\_0189;
  5. The November 25, 2008 “NOTE TO FILE FOR MEETING WITH BILL GAMBRELL” referenced on bates page DHHS\_FOIA\_0784;
  6. The fax referenced in the July 21, 2010 email from Ms. Martin to Mr. Evans related to Dr. Curtis on bates page DHHS\_FOIA\_1996;
  7. The MFCU letter referenced on bates page DHHS\_FOIA\_0263;
  8. Any response or other documents related to the August 6, 2010 email on bates page DHHS\_FOIA\_0263;
  9. Any watch list provided to DentaQuest, including but not limited to the “list” referred to on bates page DHHS\_FOIA\_0382;
  10. The attachment referenced in the January 27, 2010 email on bates page DHHS\_FOIA\_0624;
  11. The attachment referenced in the February 10, 2010 email on bates page DHHS\_FOIA\_0632;
  12. Any response or other documents related to the November 7, 2008 email on bates page DHHS\_FOIA\_2101;
  13. The attachment referenced in the August 3, 2009 email on bates page DHHS\_FOIA\_2230;

Richard G. Hefter, Esquire  
Jeff Stensland  
May 17, 2011  
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MCNAIR  
ATTORNEYS

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14. Any response or other documents related to the September 28, 2009 email on bates page DHHS\_FOIA\_2312;
  15. The attachment referenced in the September 3, 2008 email on bates page DHHS\_FOIA\_2396;
  16. Any response or other documents related to the questions posed in Ms. Guthrie's September 3, 2008 email to Ms. Martin on bates pages DHHS\_FOIA\_2401-2404;
  17. Any documents sent to or received from Jim Beall via fax from 2006 to date, including but not limited to those faxes referenced in the emails produced on April 20, 2011;
  18. All invoices or bills paid by DHHS for services rendered by Jim Beall from January 1, 2006 to date;
  19. All correspondence between SCDHHS and any person employed by the South Carolina Attorney General's office from January 1, 2006 to date related in any way to John E. Reese;
  20. Any documents sent to or received from Jim Beall via mail or federal express from 2006 to date, including but not limited to those faxes referenced in the emails produced on April 20, 2011;
  21. Any documents from January 1, 2006 to date related generally to mobile dental clinics;
  22. Any documents sent to or received from Jim Beall from April 8, 2011 to date;
  23. All documents provided to Dr. Curtis related to John E. Reese, DMD, Dental Access Carolina, and/or Mobile Dental Care from January 1, 2006 to date;
  24. All correspondence, to include emails, between Dr. Curtis and SC DHHS from January 1, 2006 to date;
  25. The attachment referenced on bates page DHHS\_FOIA\_0371;
  26. All email correspondence since January 1, 2010 between Kathleen Snider and Tricia L. Flowers and/or Monet S. Pincus, including, but not limited to the email referenced on bates page DHHS\_FOIA\_0371;
  27. All documents provided to Dr. Napier related to John E. Reese, DMD, Dental Access Carolina, and/or Mobile Dental Care from January 1, 2006 to date;
  28. All documents created from January 1, 2002 to present evidencing "the 'glitch' in the system" referenced on bates page DHHS\_FOIA\_0714;

Richard G. Hepfer, Esquire  
Jeff Stensland  
May 17, 2011  
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ATTORNEYS

29. A copy of all reports submitted pursuant to 42 C.F.R. § 455.17 from January 1, 2008 to date;  
and

30. Unredacted copies of the following bates numbered pages:

0282	1998	2103	2363
0283	1999	2140	2381
0287	2002	2193	2383
0325	2005	2207	2386
0327	2008	2211	2394
0474	2018	2229	2396
0475	2063	2251	2457
0476	2085	2266	2477
0719	2087	2310	2478
0757-0758	2089	2317	2490
0782	2091	2318	2494
1949-1952	2092	2322	2548
1978	2094	2324	2552
1986	2096-2097	2328	2557

I will have my office email you both a link so that you can access Bates numbered copies of the FOIA documents provided by DHHS on April 20, 2011, May 6, 2011, and May 13, 2011 so that you have access to the above-referenced documents for your convenience. Let me know if you have any trouble accessing the files.

To the extent that this request may seek any documents containing Protected Health Information ("PHI"), we request that any PHI be redacted. Upon my review, it does not appear that the redacted items listed above involve PHI. I will be pleased to reimburse the Department for the cost of copies of newly requested documents. I do not believe there should be any additional cost associated with providing unredacted copies of previously provided materials. Please call my office when the documents are ready, and I will send a courier to retrieve them.

Very truly yours,

*Arial B Kirk*

Arial Burnside Kirk

ABK: dh

Jan Polatty - McNair File Transfer ...

**From:** <files@sendthisfile.com>  
**To:** <stensland@scdhhs.gov>  
**Date:** 5/17/2011 4:39 PM  
**Subject:** McNair File Transfer ...

X SendThisFile Logo

**Sender:** dharris@mcnair.net  
**Recipient:** hepler@scdhhs.gov stensland@scdhhs.gov bKirk@mcnair.net  
**Upload Date:** 2011-05-17 15:36:27.0

**Subject:** McNair File Transfer ...

**Message:** Attached please find a link to access the Bates numbered copies of the FOIA documents provided by DHHS on April 20, 2011, May 6, 2011, and May 13, 2011 as referenced in Ms. Kirk's May 17, 2011 letter to you. PLEASE NOTE: Link expires in 14 days.

Use the following links to download your file(s).

[Click to Retrieve File\(s\)](#)

FOIA DOCS 0001-2588.zip

Note: These files will expire in 14.0 days from the time this email was generated.

Powered by [www.SendThisFile.com](http://www.SendThisFile.com)

5/17  
didn't print  
this file  
Jan



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: \_\_\_\_\_

*805 # 000515*

June 29, 2011

Ms. Ariail Burnside Kirk  
McNair Law Firm, P.A.  
Post Office Box 11390  
Columbia, SC 29211

Re: FOIA Regarding John E. Reese, DMD and Others

Dear Ms. Kirk:

This is a follow-up to our April 20, 2011, May 6, 2011, and May 13, 2011 responses to your FOIA request of March 30, 2011. I again apologize for the delay in getting this information to you. The CD entitled "FOIA Docs for Appeal" includes items 4-6 or your original (first) request. I believe that this information completes our initial response to the original, March 30, 2011, request. As to item #10, Ms. Carrington has no memory or record of such a presentation. It is possible that someone else made the presentation. We would be happy to look further if you have any more specific information.

With respect to your follow-up (second request) of May 17, 2011:

- Item #1: enclosed are the unredacted copies of the documents.
- Items #2 and #3: we believe these were properly redacted of PHI.
- Item #4 through Item #11: copies of the documents responsive are enclosed.
- Item #12: we are researching this request, and may need to supplement.
- Item #13: is on the CD so designated.
- Item #14: the writer of this document does not remember that there was a follow-up.
- Item #15 and #16: are enclosed.
- Item #17: we are looking for documents that may have been overlooked.
- Item #18: there are none.
- Item #19: documents are enclosed, but may be duplicative of documents previously submitted.
- Item #20: we are looking for documents that may have been overlooked.
- Items #21 through #24: are enclosed, and some may be duplicative of documents previously submitted.
- Items # 25 and #26: are enclosed.
- Item # 27: there are none.
- Item # 28: the speaker was referring to the absence of system edits for automatically stopping payment of "unbundled" services had not yet been activated.
- Item #29: there are none.
- Item # 30: is enclosed, with the exception of bates #s 0474, 0475, 0782, 2383, and 2557, all of which reveal the identity of complainants about specific providers.

There are no documents responsive to your latest (third) FOIA request on documents related to the referenced disallowance.

Ms. Ariail Burnside Kirk

June 29, 2011

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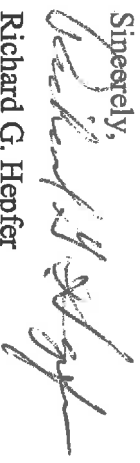
Our cost for producing this information is Two hundred twelve dollars (\$212.00). These documents are true and accurate copies of information kept in the normal course of Department business. Please make the check payable to the Department of Health and Human Services and send it to:

Department of Health and Human Services  
Department of Receivables  
Post Office Box 8297  
Columbia, SC 29202-8297

We estimate that the cost for the additional/remaining items requested will be less than \$100.

I hope this information is helpful. Please contact me if there are any questions.  
My direct is (803) 898-2791.

Sincerely,



Richard G. Hefner  
Deputy General Counsel

Enclosure

cc: Bruce Carter, Office of General Counsel  
Lynette Wilson, Receivables (w/o enclosure)