

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

| | |
|----------------------|-------------------------|
| TO <i>Roberts</i> | DATE <i>12-28-12</i> |
|----------------------|-------------------------|

| DIRECTOR'S USE ONLY | ACTION REQUESTED |
|--|--|
| 1. LOG NUMBER <i>000185</i> | <input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____ |
| 2. DATE SIGNED BY DIRECTOR <i>C: COS, Waldrep Cleared 2/7/13, letter attached</i> | <input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <i>1-11-13</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. | | | <i>Brenda's copy</i> |
| 2. | | | |
| 3. | | | |
| 4. | | | |

Alan and Susan Lait

Log: Roberts
c: Singleton,
Wardrop

From: "Alan and Susan Lait" <asiscusa@directv.net>
To: "Jan Polatty" <POLATTYJ@scdhhs.gov>
Sent: Friday, December 14, 2012 3:50 PM
Attach: m.advisory committee - Supports Intensity Scale (SIS).pdf
Subject: Fw: 4nd Request - Supports Intensity Scale (SIS)

Dear Ms. Polatty:

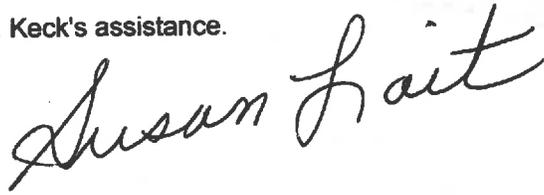
We sent Anthony Keck three written requests (attached below) asking for assistance in reference to the Supports Intensity Scale (SIS).

We have been unsuccessful in our attempts to obtain information from DDSN. We requested assistance from Dr. Beverly Buscemi, Executive Director, and the DDSN Commission. Upon her invitation we attended Dr. Buscemi's October 15, 2012 advisory group meeting. The DDSN Advisory Group consists primarily of providers and/or organizations that receive funding from DDSN. Our representatives spent all day traveling to Columbia to attend the meeting, yet did not receive information about SIS. We sent a FOIA Request, and did not receive complete information.

The majority of our membership supports a resource allocation tool. Please request Mr. Keck to advise us if he is able to assist us in receiving information? If he is unable to assist, please refer us to an appropriate source. This week we learned that there is an Legislative Audit Council (LAC) Audit underway. It appears DDSN and USC are both included in the audit. DDSN has contracted with the University of South Carolina (USC) to complete SIS evaluations. With a pending audit, please advise if it's more appropriate that we contact the LAC?

We would appreciate yours and Mr. Keck's assistance.

Mrs. Susan Lait
308 Turkey Run
Pickens, SC 29671
(864)878-4567



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

From: Alan and Susan Lait
To: Jan Polatty
Cc: Byron Roberts
Sent: Monday, November 12, 2012 4:52 PM
Subject: Fw: 3rd Request - Supports Intensity Scale (SIS)

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

From: Alan and Susan Lait
To: Jan Polatty
Sent: Wednesday, October 31, 2012 12:59 PM
Subject: 2nd Request - Supports Intensity Scale (SIS)

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

From: Alan and Susan Lait
To: Jan Polatty
Cc: Byron Roberts
Sent: Tuesday, October 23, 2012 12:26 PM
Subject: Fw: Supports Intensity Scale (SIS)

Date: October 23, 2012

RECEIVED

DEC 20 2012

Department of Health & Human Services
OFFICE OF THE DIRECTOR

12/20/2012

To: Anthony Keck, Director
Department of Health and Human Services (DHHS)

From: Susan Lait
308 Turkey Run
Pickens, SC 29671
(864)878-4567

REF: Supports Intensity Scale (SIS)

I would like to ask for your help. You were employed by Louisiana Medicaid before coming to South Carolina. Louisiana was one of the first states to implement the Supports Intensity Scale (SIS) as a Resource Allocation Model (RAM). SIS has the potential of being an effective assessment tool. The creators of SIS establish that stakeholders must be involved from the beginning. The Department of Disabilities and Special Needs (DDSN) has entered into a June contact to implement SIS. Rather than involve consumers from the beginning, DDSN has chosen to limit and continues to limit the involvement of primary stakeholders.

Attached is a September 25, 2012 memo from Dr. Beverly Buscemi, Director of DDSN. The memo was sent to an advisory group she created. Her group is made up primarily of providers who receive funding from DDSN. According to Dr. Buscemi's memo, DDSN entered into a contract in June 2012 to implement SIS. SIS interviews with consumers are underway. Dr. Buscemi's memo was the first we heard of SIS. In her memo, Dr. Buscemi asks that information not be shared with our advocacy group or the general stakeholder community. A meeting is set for six weeks in the future, but only the limited, select group that is her advisory group may know about the meeting, and attend.

Two e-mails from independent disability advocacy groups were sent to Dr. Buscemi requesting information about SIS. She declined. Advocacy groups requested DDSN Commissioners to place SIS on their October agenda. On October 18, 2012 SIS appeared for the first time on the DDSN Commission Agenda under "New Business". Only one commissioner, Ms. Deborah McPherson, appeared to have an understanding of SIS. Commissioner McPherson represented SIS as a resource allocation model which had the potential to be an effective assessment tool.

Unable to obtain information from DDSN, we have turned to the SIS Web Page, the manual from American Association of Intellectual Disabilities, and information from other states. Louisiana has a Power Point and report available on-line.

As the creators of SIS envisioned, we would have liked to have been a part of the process from the beginning. Limited information prevents us from seeing the big picture. Limited information also makes people afraid. Especially when you are being asked to complete the evaluation scale, and you don't know what it is. Based on your experience in Louisiana, may we request your help in learning about SIS, and how it can benefit families. We're hoping DHHS is promoting the use of SIS, and will assist us by providing access to information.

Susan Lait
308 Turkey Run
Pickens, SC 29671
(864)878-4567

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

From: Honey, Colleen
To: 'Alvena Chapman'; 'Barry Coats'; 'Carolyn Myers'; 'Carolyn O'Connell'; 'Derrick Howle'; 'Diane Epperly'; 'Jackie Richards'; 'Janice Stewart (jstewart@scdsnb.org)'; 'Joyce Davis'; 'Kim Thomas SC Autism Society'; 'Kimberly Maple'; 'Linda Lee'; 'LUCAS Network Derrick Howle'; 'Margie Moore-Williamson'; 'Mary Eaddy'; 'Phil Clarkson'; 'Robert Kearns'; 'Ruth Ann Forrester'; 'SC Autism Society'; 'Susan Lait'; 'Suzanne Yankowitz'; 'Tanya Inabinet'; 'Terry Ellege'; 'Valarie Bishop'; 'Yvette Hering'
Sent: Wednesday, September 26, 2012 10:21 AM
Subject: Supports Intensity Scale (SIS)

12/20/2012

Please see the attached memo from Dr. Buscemi.

Colleen Honey
Admin. Asst.
Executive Suite
S.C. Dept. of Disabilities & Special Needs
P.O. Box 4706
Columbia, SC 29240
Phone: (803) 898-9756
Fax: (803) 898-9656

This email may contain information that is protected from disclosure to anyone other than the intended recipient(s). Use or dissemination of this information by other persons is prohibited. If this communication was received in error, notify the sender immediately by return email, then delete original message.

12/20/2012



Beverly A. H. Buscemi, Ph.D.
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David A. Goodell
Associate State Director
Operations
Kathi K. Lacy, Ph.D.
Associate State Director
Policy
Thomas P. Waring
Associate State Director
Administration

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3440 Harden Street Ext (29203)
 PO Box 4706, Columbia, South Carolina 29240
 803/898-9600
 Toll Free: 888/DSN-INFO
 Website: www.dds.sc.gov

MEMORANDUM

TO: Advisory Committee
FROM: Beverly A.H. Buscemi, Ph.D., State Director
RE: Supports Intensity Scale (SIS)
DATE: September 25, 2012

Beverly A. H. Buscemi PWD

The Supports Intensity Scale (SIS) is a standardized assessment tool used to determine the amount of supports needed by persons with Intellectual Disability and Related Disability (ID/RD). It has strong empirical validity and reliability and is used in 14 states and 14 countries. It measures the intensity of support a person needs along several dimensions of everyday living and assesses whether a person has extraordinary medical or behavioral support needs.

The SIS is published by the American Association of Intellectual and Developmental Disabilities (AAIDD). The Department of Disabilities and Special Needs (DDSN) entered into a contractual arrangement with AAIDD in June 2012 to begin implementation soon thereafter. The interviewers have been hired by the USC-Center for Disability Resources and are currently undergoing interviewer reliability. Their reliability reviews will occur in late October and it is expected they will begin their first formal interviews in November 2012.

The four target populations and number of interviews expected are:

1. People in DDSN's Regional Centers (50).
2. People in Community ICFs/ID (50).
3. Adults Approved for Critical List (220).
4. People in Residential Programs with Outlier Funding (80).

P.O. Box 239
 Clinton, SC 29325-5328
 Phone: (864) 938-3497

DISTRICT I
 Midlands Center - Phone: 803/935-7500
 Whitten Center - Phone: 864/833-2733

9995 Miles Jamison Road
 Summerville, SC 29485
 Phone: 843/832-5576

DISTRICT II

Coastal Center - Phone: 843/873-5750
 Pee Dee Center - Phone: 843/664-2600
 Salceby Center - Phone: 843/332-4104

DDSN has asked AAIDD to give you and one or two others from your organization an overview of the SIS, how it works, and to answer any questions. Please do not send out notification of this meeting to entire email lists or invite your entire advocacy network to this meeting. We want to keep the group to a manageable size and we have space limitations. This overview is targeted at a smaller representative groups of consumers, families, and advocates in the early stage of implementation of the SIS. Again, please send up to three people to this meeting from your advocacy group. DDSN intends to hold larger meetings at a future date.

This will take place on November 7 from 10:00 a.m. to 11:30 a.m. at the DDSN Central Office in Room 251. Please let me know if you have any questions.

As a reminder, our next Advisory Committee meeting is on October 15, 2012 at 1:30 in Room 180.



February 7, 2013

Ms. Susan Lait
Voices for the Vulnerable of South Carolina
308 Turkey Run
Pickens, SC 29671

Re: FOIA Request

Dear Ms. Lait:

This is in response to your request for information from the South Carolina Department of Health and Human Services (DHHS), pursuant to the South Carolina Freedom of Information Act (FOIA) via e-mail dated January 27, 2013.

Your email included nine numbered requests. We have searched the areas within the Department most likely to have such documents. Regarding requests 1, 2, 4, and 6 the Department does not have any documents that are responsive to your request. Regarding the remaining requests (3, 5, 7, 8, and 9), you have not requested the production of any public records, but have instead asked questions of the Department. The Department does not have any documents that are responsive to the questions asked in 3, 5, 7, 8, and 9.

Thank you for your request. If you have any questions, you may reach me directly at 803-898-0218.

Sincerely,

Byron R. Roberts
General Counsel

BRR/b

Log # 000185

Byron Roberts

From: Alan and Susan Lait <aslscusa@directv.net>
Sent: Sunday, January 27, 2013 1:53 PM
To: Jan Polatty
Cc: Sam Waldrep; Byron Roberts
Subject: Freedom of Information Act Request - Supports Intensity Scale (SIS)
Attachments: m.advisory committee - Supports Intensity Scale (SIS).pdf

to close.

Date: January 27, 2013

To: Anthony Keck, Executive Director
Department of Health & Human Services

C/O Jan Polatty, Executive Assistant to Mr. Keck

REF: Freedom of Information Act (FOIA) Request (FOIA) ref. Supports Intensity Scale (SIS)

For three months, we have been attempting to obtain information from the Department of Health & Human Services (DHHS) in reference to the Supports Intensity Scale (SIS). Attached are four e-mails from October 23, 2012 through December 14, 2012. The fourth e-mail was also sent by certified mail. On January 7, 2013, Mr. Sam Waldrep and Byron Roberts left a voice mail asking what information we were requesting. We sent the below January 14, 2013 e-mail. It was resent 10 days later on January 24, 2013.

We would like to submit our January 14, 2013 request as a Freedom of Information Act (FOIA) Request. We request the following:

1. Copy of the Supports Intensity Scale (SIS) Evaluation.
2. SIS Standard Operating Procedures.
3. How many hours of training, type and who is providing training for SIS? What are the qualifications to be an evaluator?
4. Copy of the SIS Appeals Process and conditions for appeal.
5. May SIS Providers direct bill to Medicaid for training and/or completing the scale?
6. Does SCDHHS have contracts with USC, Center for Disability Resources, now Byron Building Program, in reference to the Supports Intensity Scale? May we be provided a copy of the contracts?
7. Will the LAC Audit and a DDSN/USC conflict of interest impact the validity of SIS? How will DDSN and DHHS implement SIS while the audit is underway? Is it possible for DHHS to implement SIS independent of DDSN or USC?
8. Is DHHS currently implementing SIS? What is the current stage of implementation?
9. Will full scale implementation begin with the funding requested in the 2013-14 budget prior to the outcome of the pending LAC Audit?

Since this request primarily benefits the general public, I request that any search or copying fees be waived. If there is a charge for providing me access, please provide me an estimate and the basis for the charge.

We appreciate your assistance.

Susan Lait
Voices for the Vulnerable of South Carolina
308 Turkey Run
Pickens, SC 29671
(864)878-4567

— Original Message —
From: Alan and Susan Lait
To: Byron Roberts ; Sam Waldrep

Sent: Monday, January 14, 2013 11:14 AM

Subject: Response to phone message - Supports Intensity Scale

Date: January 14, 2013

To: Sam Waldrep, Assistant Director for SCDHHS
Byron Roberts, General Counsel for SCDHHS

From: Susan Lait

I received your voice message. Thank you for responding to our efforts to contact Anthony Keck, Director, in reference to the Supports Intensity Scale (SIS). Your message asked that we let you know what information we were requesting.

Initially, our interest was who, what, when, where and how? What is SIS? Why choose SIS? How will SIS be funded? Who will do the evaluations? When will implementation begin? Where will implementation begin? The majority of our network welcomes a consistent, standardized assessment tool used by trained interviewers to provide a clear picture of an individual's needs. Therefore, we really want to learn about SIS. We also welcome Direct Billing and Targeted Case Management (TCM). We want to learn how SIS, TCM and Direct Billing will work together.

There have been two occurrences since our initial effort to contact Mr. Keck .

First, there's new Legislative Audit Council (LAC) Audit underway which involves "conflict of interest" between the Department of Disabilities and Special Needs (DDSN), the University of South Carolina (USC), Center for Disabilities Resources (CDR), now called Bryant Building Program, and it's director, David Rotholz. SIS is included in a bundled contract between DDSN and USC. Since the bundled contract may be included in the LAC Audit, we're hoping protocol will not prohibit you from providing us information.

Second, the proposed Executive Budget was released on-line just before Christmas. In the 2013-14 budget, \$600,000.00 is included for SIS as a Resource Allocation Tool. The Executive Budget states, *"This instrument is critical to the development of valid treatment plans, but also, the equitable allocation of the state's funds for those with special needs."*

DHHS is the "sole authority" for all Medicaid Home & Community Based Waivers. DHHS contracts with DDSN to administer waivers. DHHS also administers waivers. An example is the Community Choices Waiver. DHHS maintains responsibly of care for all waivers. We're assuming that DHHS is also implementing SIS. At this point, we're interested in the mechanics of SIS, conflicts of interest, standard operating procedures, and the appeals process. We are hoping you can assist with the following:

1. Copy of the Supports Intensity Scale (SIS) Evaluation.
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Thank you in advance for your assistance.

Susan Lait
308 Turkey Run
Pickens, SC 29671
(864)878-4567

----- Original Message -----
From: Alan and Susan Lait

To: Jan Polatty
Sent: Friday, December 14, 2012 3:50 PM
Subject: Fw: 4nd Request - Supports Intensity Scale (SIS)

Dear Ms. Polatty:

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Sent: Wednesday, October 31, 2012 12:59 PM
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Cc: Byron Roberts
Sent: Tuesday, October 23, 2012 12:26 PM
Subject: Fw: Supports Intensity Scale (SIS)

Date: October 23, 2012

To: Anthony Keck, Director
Department of Health and Human Services (DHHS)

From: Susan Lait

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Pickens, SC 29671
(864)878-4567

REF: Supports Intensity Scale (SIS)

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To: 'Alvena Chapman' ; 'Barry Coats' ; 'Carolyn Myers' ; 'Carolyn O'Connell' ; 'Derrick Howle' ; 'Diane Epperly' ; 'Jackie Richards' ; 'Janice Stewart (jstewart@scdsnb.org)' ; 'Joyce Davis' ; 'Kim Thomas SC Autism Society' ; 'Kimberly Maple' ; 'Linda Lee' ; 'LUCAS Network Derrick Howle' ; 'Margie Moore-Williamson' ; 'Mary Eaddy' ; 'Phil Clarkson' ; 'Robert Kearns' ; 'Ruth Ann Forrester' ; 'SC Autism Society' ; 'Susan Lait' ; 'Suzanne Yankowitz' ; 'Tanya Inabinet' ; 'Terry Ellege' ; 'Valarie Bishop' ; 'Yvette Hering'

Sent: Wednesday, September 26, 2012 10:21 AM

Subject: Supports Intensity Scale (SIS)

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Colleen Honey
Admin. Asst.
Executive Suite
S.C. Dept. of Disabilities & Special Needs
P.O. Box 4706

Columbia, SC 29240
Phone: (803) 898-9756
Fax: (803) 898-9656

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