

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF DIRECTOR

ACTION REFERRAL

|                    |                        |
|--------------------|------------------------|
| TO<br><i>Supra</i> | DATE<br><i>1-23-13</i> |
|--------------------|------------------------|

| DIRECTOR'S USE ONLY  | ACTION REQUESTED   |
|--|--|
| 1. LOG NUMBER<br><i>100-222</i>  | <input checked="" type="checkbox"/> Prepare reply for the Director's signature<br>DATE DUE <i>1-31-13</i>  |
| 2. DATE SIGNED BY DIRECTOR<br><i>CC: Mr. Beck, Singleton, Post<br/>Cleared 1/31/13, letter<br/>attached.</i> | <input type="checkbox"/> Prepare reply for appropriate signature<br>DATE DUE _____<br><input type="checkbox"/> FOIA<br>DATE DUE _____<br><input type="checkbox"/> Necessary Action |

| APPROVALS<br>(Only when prepared<br>for director's signature) | APPROVE | * DISAPPROVE<br>(Note reason for<br>disapproval and<br>return to<br>preparer.) | COMMENT |
|---|---------|--|---------|
| 1.  |         |  |         |
| 2.  |         |  |         |
| 3.  |         |  |         |
| 4.  |         |  |         |

**RECEIVED**

**JAN 23 2013**

Department of Health & Human Services  
**OFFICE OF THE DIRECTOR**

January 19, 2013

The Honorable Nikki Haley  
Office of the Governor  
1205 Pendleton Street  
Columbia, SC 29201

Cc: Anthony Keck, Director of Department of Health and Human Services  
Representative Nathan Ballentine  
Senator John Courson

Re: DHHS Breach

Governor Haley:

On January 11<sup>th</sup>, I received my continuing disability review form for my son Dakota, so that he can participate in Katie Beckett Tefra program. Every few years, I have to re-apply for the much-needed insurance services that are available to him as a child with Autism.

After opening the packet, I realized that the cover letter was addressed to my son and I, but all of the information inside contained another child's information. As I looked further, I realized that the information contained social security numbers, birthdate and other private data.

On January 17, 2013, I contacted DHHS and spoke with the supervisor Tammy Douglas. Ms. Douglas pulled my son's information as well as the other child's information and informed me that they do not make copies of the packets they send out. She stated she would have to contact the other family to see if they received our son's information. At that time, Ms. Douglas gave me the option of destroying what I received or mailing the packet back.

After the initial breach by an employee of DHHS, and then a second time with the Department of Revenue, I feel extremely frustrated. I voiced my concern to Ms. Douglas. I inquired about the steps that would be taken to rectify the situation to ensure that it would not happen again and to another family. Ms. Douglas stated that a HIPAA violation would be reported to her supervisor, Mr. Hampton, but did not offer any follow-up or concern about this additional breach. She informed me that I would need to go online, reprint the application, and submit it all before the deadline date of January 27<sup>th</sup>. Due to this error, I am going to have to ask for an extension so that I have plenty of time to fill out the tedious forms that the department requires on all new applications.

Governor Haley, as a citizen of South Carolina, I entrust that this will be a top priority as you assured us in your recent State of the State address. What actions can be taken so that this does not happen again? I am requesting to be updated on the status of my son's application. I also need assurance that your staff at DHHS will do there very best to rectify this situation.

As a parent of a child with a diagnosis of Autism, it is difficult enough to get the services he needs to ensure his progression in life, let alone, have to fight DHHS to ensure that he receives TEFRA Medicaid coverage based on his disability every few years. I do not have the time to continuously check your agency to make sure they are protecting my child. Dakota has a lifelong disability that will not be cured. He needs this service to ensure that he can continue to make small steps to becoming more independent in his daily life in order maximize his skills and, ultimately, make life easier for him.

What is your plan of action? I need reassurance from our Governor.

Sincerely,

Tracie Zuniga  
Dakota Zuniga's mother  
312 Glen Rose Circle  
Irmo, SC 29063

[Tzuniga1@att.net](mailto:Tzuniga1@att.net)

803-407-0222

Tracie Zuniga  
312 Glen Rose Circle  
Irmo, SC 29063

**RECEIVED**

JAN 23 2013

Department of Health & Human Services  
OFFICE OF THE DIRECTOR



Anthony Keck, Director  
Department of Health and Human Services  
PO Box 8206  
Columbia, SC 29202

25202820605



**Brenda James**

Ref Log # 222

**From:** Jennifer Lynch  
**Sent:** Thursday, January 24, 2013 3:07 PM  
**To:** Brenda James  
**Subject:** FW: Zuniga\_Tracie.PDF - Log Letter from Gov's office  
**Attachments:** Zuniga\_Tracie.PDF

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**From:** Peters, Hal [<mailto:HalPeters@gov.sc.gov>]  
**Sent:** Thursday, January 24, 2013 10:12 AM  
**To:** Jennifer Lynch  
**Subject:** Zuniga\_Tracie.PDF

Hey Jenny!

How's everything? This letter was forwarded to us from Senator Courson's office yesterday. The correspondence office here has no record of this constituent/piece of correspondence as of now.

Tony was CC'd on this letter and was wondering if you had received it yet. Also, I was wondering if you could call me directly at some point today to discuss her case, the matter she addresses in her letter, and any similar concerns—later this afternoon after session is adjourned would be fine.

Thanks for your help, Jenny!

Sincerely,

Hal Peters  
Policy Analyst | Office of Governor Nikki Haley  
O: 803.734.4062 | [halpeters@gov.sc.gov](mailto:halpeters@gov.sc.gov)

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Dakota Zuniga's mother  
312 Glen Rose Circle  
Irmo, SC 29063

[Tzuniga1@att.net](mailto:Tzuniga1@att.net)

803-407-0222



January 31, 2013

Ms. Tracie Zuniga  
312 Glen Rose Circle  
Irmo, SC 29063

Dear Ms. Zungia:

Thank you for contacting us regarding the DHHS Form 921, Authorization to Disclose Health Information, you received with another child's name and social security number. First, let me personally apologize for this error on behalf of the Department of Health and Human Services.

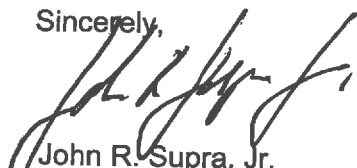
We understand that our Department is entrusted with your son, Dakota's, health information and it is our responsibility and duty to secure that information. We take that responsibility very seriously and have started an internal review of the processes. At this time, it appears that this issue was an isolated event that was the result of a staff member's error. We are completing a full investigation and will take appropriate action based on the outcome of the investigation. Furthermore, we will work to ensure that we have appropriate checks in our processes to prevent such an issue from happening in the future.

You had also requested additional time to complete the necessary paperwork to determine continued TEFRA eligibility for Dakota. Given the error in providing you the correct paperwork, we are allowing you an additional ten (10) business days. Please complete and return the information to the TEFRA supervisor, Ms. Tamara Douglas, by February 15, 2013. If additional time is required, please contact Ms. Douglas at (803) 741-1165. Her mailing address is Region IV Medicaid Office, P. O. Box 128; State Park, SC 29147.

Additionally, I have asked our Member Relations leader, Ms. Carolyn Roach, to monitor Dakota's redetermination process for the TEFRA Program and assist you further if you have any questions or follow-up.

Again, I apologize for the error and we deeply appreciate you bringing this matter to our attention. If you have any other questions, please contact Ms. Carolyn Roach at (803) 898-3967, and she will be happy to assist you.

Sincerely,

  
John R. Supra, Jr.  
Deputy Director and CIO

JRS:j