

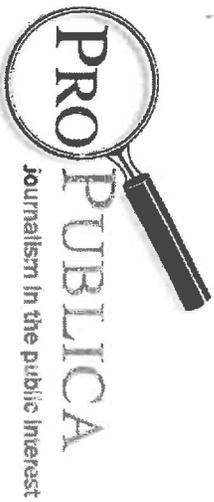
DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO	DATE
Myers/FOIA	6-1-09

DIRECTOR'S USE ONLY		ACTION REQUESTED	
1. LOG NUMBER	000564	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____	
2. DATE SIGNED BY DIRECTOR	cc: Stoveland, Singleton, Ms. Forthner Cleared 6/16/09, letter attached.	<input type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____ <input checked="" type="checkbox"/> FOIA DATE DUE 6-16-09 <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

JUN 01 2009

Department of Health & Human Services
OFFICE OF THE DIRECTOR

June 1, 2009

Bryan Kost
Public Information Officer
South Carolina Department of Health and Human Services

Dear Mr. Kost:

Pursuant to South Carolina's public records law, I am requesting copies of the Dialysis Facility Reports for dialysis facilities in the state of South Carolina and the state Outcomes Lists for 2002 through 2008.

The Department of Health and Human Services receives these records annually from the Southeastern Kidney Council Inc. (ESRD Network 6), which provides them under its contract with the Centers for Medicare & Medicaid Services.

Please feel free to provide this information either as paper documents or electronically.

If you determine that a portion of the information I have requested is exempt from disclosure, please segregate that material so that the remainder can be released. Also, please notify me if any requested information is withheld and explain what specific provision of law makes this material exempt from disclosure.

Thanks for your attention.

Sincerely,

Robin Fields
Senior Reporter
ProPublica
One Exchange Plaza, 23rd Floor
New York, NY 10006
Phone: 917-512-0209
Fax: 212-785-2634
Email: robin.fields@propublica.org

One Exchange Plaza 23rd Floor New York, New York 10006 212-514-5250 propublica.org

RECEIVED

JUN 01 2009

Department of Health & Human Services
OFFICE OF THE DIRECTOR

From: Bryan Kost
To: Brenda James
Date: 6/1/2009 3:53 pm
Subject: FOIA - please log - ProPublica public records request
CC: Jeff Stenstand

Bryan Kost
DHHS Public Information
803.898.2865
cell- 429.3201
kostbr@scdhhs.gov

>>> Robin Fields <Robin.Fields@propublica.org> 6/1/2009 3:42 PM >>>



Log 000664

State of South Carolina
Department of Health and Human Services

Mark Sanford
Governor

Emma Forkner
Director

June 16, 2009

Ms. Robin Fields
Senior Reporter, ProPublica
One Exchange Plaza, 23rd Floor
New York, New York 10006

Dear Ms. Fields:

Thank you for your Freedom of Information Act request, which we received on June 1, 2009. After a thorough review, we believe that we are not a recipient of the Dialysis Facility Report (DFR), and, therefore, cannot provide you with copies.

We think that a public source of the DFR would be the unit at the South Carolina Department of Health and Environmental Control that certifies dialysis facilities for participation in public programs. By copy of this letter, we have taken the liberty of forwarding your request by fax to Ms. Shara Merritt at (803) 545-4212, in hopes that they can assist you.

If we have misunderstood your request, or if you have additional information that can help us locate the information, please contact Ms. Zenovia Vaughn, Division Director for Hospital Services, at (803) 898-2665.

Sincerely,


Felicity Myers, Ph.D.
Deputy Director

FM/gvb

TRANSMISSION VERIFICATION REPORT

TIME : 06/16/2009 16:57

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

06/16 16:57
912127852634
00:00:36
02
OK
STANDARD



State of South Carolina
Department of Health and Human Services

Mark Sanford
Governor

Emma Forkner
Director

FAX COVER SHEET

~~“CONFIDENTIAL INFORMATION ENCLOSED”~~

DATE: 4/16/09

TO: Robin Fields

Telephone #: _____

Fax #: 212-785-2634

FROM: _____

Total Number of Pages Transmitted: 2 (Including Cover Sheet)

COMMENTS:

Confidentiality Note

This message is intended for the use of the person or entity to which it is addressed and may contain information, including health information, that is privileged, confidential, and the disclosure of which is governed by applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is STRICTLY PROHIBITED. If you have received this in error, please notify us immediately and destroy the related message. Thank you.



State of South Carolina
Department of Health and Human Services

Mark Sanford
Governor

Emma Forkner
Director

FAX COVER SHEET

“CONFIDENTIAL INFORMATION ENCLOSED”

DATE: 6/16/09

TO: Shara Merritt

Telephone #: _____

Fax #: (803) 545-4212

FROM: _____

Total Number of Pages Transmitted: 4 (Including Cover Sheet)

COMMENTS:

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Bureau Name

P. O. Box 8206 Columbia South Carolina 29202-8206
Enter Telephone Number Enter Fax Number

TX Report

P 1
 06/16/2009 10:36
 Serial No. 420E14208
 TC: 78018

Destination	Start Time	Time	Prints	Result	Note
95454212	06-16 10:36	00:00:40	004/004	OK	

Note

TMR: Timer, POL: Poll, ORG: Original, FME: Frame Erase TX,
 MIX: Mixed Original, CALL: Manual Communication, CSRC: CSRC, FWD: Forward, PC: PC-FAX,
 BND: Bind, SP: Special Original, FCODE: F-Code, RTX: Re-Tx, RLY: Relay, MBX: Confidential,
 BUL: Bulletin, SIP:SIP-Fax, IPADR: IP Address Fax, I-FAK: Internet Fax

Result

OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
 TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,
 Refuse: Receipt Refused, Busy: Busy, M-Full:Memory Full,
 LWR:Receiving Length Over, POWER:Receiving page Over, FIL:File Error,
 DC:Decode Error, MDN:MDN Response Error, DSN:DSN Response Error.



Mark Sanford
 Governor

Bruce Fortaker
 Director

FAX COVER SHEET
"CONFIDENTIAL INFORMATION ENCLOSED"

DATE: 6/16/09

TO: Shara Merritt

Telephone #: _____

Fax #: (803) 545-4212

FROM: _____

Total Number of Pages Transmitted: 4 (Including Cover Sheet)

COMMENTS:

Confidentiality Note

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From: Zenovia Vaughn
To: Rick Hepfer
Date: 6/16/2009 11:00 AM
Subject: Re: Dialysis Facility Report-Log 000664

Thanks Rick. We'll take your suggested response and complete the Log. Also we will fax a copy of the letter and this document to Ms. Merritt at DHEC. I appreciate your looking into this. Zenovia

>>> Rick Hepfer 6/16/2009 10:48 AM >>>

Z. I think this is a report that is compiled every year by private organizations under contract with the USDHHS (CMS). Since ESRD is in your area, and you all haven't seen the report, this agency probably does not get a copy. (Surely if the 11th got it, it would be forwarded to you.) You can read about the report at <http://www.sph.umich.edu/kecc/html/dfrs.html>. I believe that copies are sent back to the facilities, which provide the raw data and to the certifying agency, which I think would be DHEC.

I did call Shara Merritt with DHEC's ESRD program, and she did not know about the report, but volunteered to try to respond to the request through their certification unit, if we would fax to her at 545-4212. I don't know if you want to do that. If you know someone in the certification unit, they may be a better source. You could respond to the FOIA with something like this:

Thank you for your Freedom of Information Act request, which we received on June 1, 2009. After inquiring, we believe that we are not a recipient of the Dialysis Facility Report, and, therefore, cannot provide you with copies.

[If you want to, you can also say:] We believe that a public source of this Report would be the unit at the SC Department of Health and Environmental Control that certifies dialysis facilities for participation in public programs. By copy of this letter, we have, therefore, taken the liberty of forwarding your request by fax to Shara Merritt at (803) 545-4212, in hope that they can assist you.

If we have misunderstood your request, or if you have additional information that can help us locate the information, please contact me at _____

CC: Melanie Giese; Nancy Rabert; Tiffany Brown