

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF DIRECTOR

ACTION REFERRAL

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

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, 23<sup>rd</sup> Floor  
New York, NY 10006  
Phone: 917-512-0209  
Fax: 212-785-2634  
Email: [robin.fields@propublica.org](mailto:robin.fields@propublica.org)

One Exchange Plaza 23rd Floor New York, New York 10006 212-514-5250 [propublica.org](http://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 Stensland

Bryan Kost  
DHHS Public Information  
803.898.2865  
cell- 429.3201  
kostbr@scdhs.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, 23<sup>rd</sup> 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

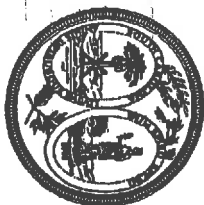
FM/gvb

TRANSMISSION VERIFICATION REPORT

TIME : 06/16/2009 16:57

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

06/16 16:57  
912127862634  
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:

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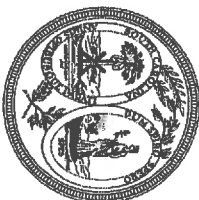
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Confidentiality Note

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 Fax 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.



*State of South Carolina*  
 Department of Health and Human Services

Mark Sanford  
 Governor

Bruce Fortner  
 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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**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.spb.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