

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO	DATE
Single copy FOIA	3-26-10

DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER 0011404	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR cc: Stenslund Cleared 4/16/10 letters attached	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____ <input checked="" type="checkbox"/> FOIA DATE DUE 4-9-10 <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.			


Parker Poe

David B. Summer, Jr.

Partner

Telephone: 803.253.8910

Direct Fax: 803.255-8017

davidsummer@parkerpoe.com

Charleston, SC

Charlotte, NC

Columbia, SC

Myrtle Beach, SC

Raleigh, NC

Spartanburg, SC

March 26, 2010

RECEIVED

MAR 26 2010

Department of Health & Human Services
OFFICE OF THE DIRECTOR

Via Hand Delivery

Emma Forkner, Director

South Carolina Department of Health and Human Services

1801 Main Street, 6th Floor

Columbia, SC 29201

Re: Freedom of Information Act Request

Dear Ms. Forkner:

Pursuant to S.C. Code Ann. § 30-4-10, *et. seq.*, the South Carolina Freedom of Information Act, I hereby request that your Department provide the following information:

Please provide copies of the Department's final and/or proposed Medicaid Disproportionate Share summary schedule that reflect provider specific distribution of the State's disproportionate share funds. Please provide the schedules which reflect data from Disproportionate Share Hospital Surveys for years FY2009-10, FY2008-09, and FY2007-08.

We agree to pay the Department's usual and customary charges for this information. However, should you anticipate the charges will exceed \$200, I ask that you have your staff contact me to discuss the request.

With best regards, I am

Sincerely,


David B. Summer, Jr.

DBSjr/suj

cc : Deirdra T. Singleton, Deputy Director

PPAB 1670735v1

DP

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DBSjr/suj

cc: ✓ Deirdra T. Singleton, Deputy Director



0808404 ✓

April 16, 2010

Mr. David B Summer, Jr.
PARKER POE
P. O. Box 1509
Columbia, SC 29202-1509

Re: Freedom of Information Act Request

Dear Mr. Summer:

Your FOIA Request to Ms. Forkner was forwarded to this Office for a response. Enclosed, as you requested, are the FY 2007-08 and FY 2008-09 Disproportionate Share distribution schedules.

As to the FY 2009-10 schedule, we have neither a final nor a proposed schedule. As you probably know, the Department has made two (2) quarterly DHS payments this fiscal year. Those, however, were just based upon the FY 2008-09 aggregate hospital-specific DSH limits reduced proportionately in order to stay within the total available FY 2009-10 base DSH funds. Our original intent was to implement the provisions of the December 19, 2008 final regulations into the calculation of the FY 2009-10 DSH payments. However, due to the recently discovered financial impact of the final regulations on state owned and operated hospitals, the agency must now re-determine the FY 2009-10 DSH payments using the FY 2008-09 definitions of uninsured as well as limiting the eligible classes to uninsured and Medicaid managed care enrollees.

Thank you for your inquiry, and please do not hesitate to contact me if you have any questions. My direct is (803) 898-2791.

Sincerely,

Richard G. Hepfer
Deputy General Counsel

Enclosure