

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR**

ACTION REFERRAL

TO <i>Roberts/FOIA</i>	DATE <i>1-2-13</i>
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DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>000200</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>cc: Sing letter, Cox Cleared 1/21/13, letter attached!</i>	<input type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____ <input checked="" type="checkbox"/> FOIA DATE DUE <i>1-17-13</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.			

Rick Hepfer

From: Tony R. Megna <tmegna@gmail.com>
Sent: Sunday, December 30, 2012 12:17 PM
To: Rick Hepfer
Subject: [REDACTED] request

RECEIVED

JAN 02 2013

Department of Health & Human Services
OFFICE OF THE DIRECTOR

Rick-

1. Pursuant to the SC Freedom of Information Act, I respectfully request the Department to provide the following:

- a. all documents submitted to CMS regarding SC Medicaid State Plan SC 11-005 that was received by the CMS Regional Office on March 29, 2011.
- b. Attachment 4.19A of the SC state plan.
- c. The signed CMS-179 approving SPA 11-012, including the attachments thereto.

I searched the Department's website for Freedom of Information. One link appears indicating a link to the text of the FOIA. However, that page is blank. There appears to be no other information containing a contact person or division for making a FOIA request. So I make the FOIA request of you and ask you forward the request to the proper person or division if the Office of General Counsel is unable to comply with the FOIA request.

Would you also please advise me as to whether the schedule I suggested for completion of the administrative hearing in regard to Genesis Health Care, Inc. is satisfactory to you. If you recall, I suggested the following schedule:

As to dates for the hearing, there are 5 Tuesdays in April [2, 9, 16, 23, 30]. I suggest we use one of these dates for the hearing if you agree. I also suggest we agree on the language for further defining the issues for the HO by the end of January, 2013. If we are unable to agree by the end of January, then I suggest we schedule depositions for February 12, 19 or 16, 2013 [all Tuesdays]. I would think we could them all complete in one day - perhaps 1.5 days if necessary.

Finally, as to the issue of discovery, the Hearing Officer stated in an email to both of us dated August 30, 2012 which stated as follows:

Mr. Megna,

I am not denying your request for discovery. I have not yet ruled on it. It appears that the discovery Mr. Hepfer agrees to is encompassed within your Motion of Discovery. I propose that the discovery that both parties are in agreement to be allowed at this juncture.

I look forward to hearing from you so we can these matters determined. I am copying this to the Hearing Officer so she can kept in the loop for scheduling purposes.

Thanks, Tony

Please send all written correspondence to:

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203
tmegna@gmail.com
Office telephone: 803.254.3676

This message is intended for the use of the person or entity to which it is addressed and may contain information, including legal and/or 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.



TO:

FROM:

SUBJECT: Cost of Processing FOIA Request #

The South Carolina Department of Health and Human Services has received and processed your FOIA request. The cost for processing this information is as follows:

Staff processing time at \$10.00 per hour	_____ Hours	\$ _____
Pages copied at \$.10 per page	_____ Pages	\$ _____
Pages faxed at \$.20 per page	_____ Pages	\$ _____
Shipping and Handling Costs		\$ _____
Other costs associated with the FOIA request:	_____	\$ _____
Total Amount Due SCDHHS:		\$ _____

Please remit the above amount to the following address:

Bureau of Fiscal Affairs
South Carolina Department of Health and Human Services
Post Office Box 8297
Columbia, South Carolina 29202-8297

Please contact _____ should you have any questions.

Signature

Date:



January 21, 2012

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203

Re: Recent FOIA

Dear Mr. Megna:

Enclosed at the first Tab is the documentation sent to CMS on State Plan Amendment 11-005. The Attachment (4.19-A) of the State Plan is available at: http://www1.scdhhs.gov/openpublic/stateplan/Attachment_4.19-A.pdf. If you have any difficulty accessing that site, let me know, and I can print a copy for you. Finally, the second Tab consists of the approval for SPA 11-012, including the attachments.

Our expense for preparing and reproducing the enclosed information is twenty eight and ten hundredths dollars (\$28.10). The documents are true and correct copies of information kept in the regular course of the Department's business. Please make the check payable to the Department of Health and Human Services and send it to:

Department of Health and Human Services
Department of Receivables
Post Office Box 8297
Columbia, SC 29202-8297

I hope this information is helpful to you. Please contact me if there are any questions. My direct is (803) 898-2791.

Sincerely,

Richard G. Hepfer
Deputy General Counsel

Enclosures

cc: Lynette Wilson, Receivables (w/o enclosures)