

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>Singleton / FOIA</i>	DATE <i>3/3/08</i>
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DIRECTOR'S USE ONLY		ACTION REQUESTED	
1. LOG NUMBER  <i>000447</i>	<input checked="" type="checkbox"/> Prepare reply for the Director's signature DATE DUE <i>3/14/08</i>		
2. DATE SIGNED BY DIRECTOR  <i>C: ET F. Myers J. Stansland</i>	<input type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____  <input type="checkbox"/> FOIA DATE DUE _____  <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. <i>Cleand 3/14/08 letter attached</i>			
2.			
3.			
4.			

PATRICIA L. HARRISON  
ATTORNEY AT LAW  
611 HOLLY STREET  
COLUMBIA, SOUTH CAROLINA 29205

TELEPHONE (803) 256-2017

FAX (803) 256-2213

February 28, 2008  
VIA FAX AND MAIL

Ms. Emma Forkner  
SC Department of HHS  
PO Box 8206  
Columbia, SC 29202

Dear Emma:

I spoke with Jean Close at the Baltimore office of CMS this week and she confirmed that CMS expects the state to implement the new targeted case management regulations by March 3, 2008. As I have discussed with your staff in the past, DDSN bills targeted case management services at a bundled rate of about \$235.00 per month. However, DDSN pays less than one-half of this amount to the providers of the services. According to the Federal Register, this is the type financial abuse CMS is attempting to eliminate.

I would appreciate confirmation that MR/RD Waiver participants will be able to choose a service coordinator from any provider of MR/RD targeted case management services in the state as required by this regulation. Also, please confirm that service coordination providers will be allowed to bill HHS directly and be paid the rate established in the waiver document schedule.

In my discussions with local boards, it appears that DDSN does not intend to comply with this new regulation by March 3, 2008. Please provide me with copies of all policy directives and guidance that HHS has provided to DDSN related to this regulation. I would also appreciate your providing me with correspondence between HHS and DDSN related to this new regulation. This request is made pursuant to FOIA.

As always, thank you very much for your assistance.

Cordially,  


Patricia L. Harrison

cc: Gov. Mark Sanford  
Dr. Stan Butkus  
Rep. James Harrison  
Sen. Joel Lourie  
Jane Thesing  
Robert Harrell, DDSN Commission  
Gloria Prevost  
Steve Hamm, Esquire

**RECEIVED**

MAR 03 2008

Department of Health & Human Services  
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*Log # 447*

State of South Carolina  
Department of Health and Human Services

Mark Sanford  
Governor

Emma Forkner  
Director

March 14, 2008

Ms. Patricia L. Harrison  
Attorney at Law  
611 Holly St.  
Columbia, SC 29205

Re: Request for Information

Dear Mr. Harrison:

Your February 28, 2008, Freedom of Information Act request was forwarded to this Office for a response. Thank you for your continued interest in these issues. As you might expect CMS will continue to publish guidance to the States on the various provisions of the recent Federal Register issuance you reference. Their website is [www.cms.hhs.gov](http://www.cms.hhs.gov). We are currently evaluating the need for changes in our policies.

We are not certain that the assumptions you make in your second paragraph are necessarily correct. As you may know, both the current rules and the interim final rules allow the States to limit provider participation for these beneficiary populations. Accordingly, we will not be able to confirm or deny the propositions regarding choice and billing that you set forth in your correspondence.

Enclosed are the agenda and handouts that were distributed at a January 25, 2008, interagency meeting that was held on this issue. Besides the extensive discussions at the meeting, these are the only communications that have occurred between DHHS and DDSN on these interim final rules.

If I misunderstood your request, please contact me. My direct is (803) 898-2791.

Sincerely,  
*Richard G. Hepfer*  
Richard G. Hepfer  
Deputy General Counsel

Enclosure

Office of General Counsel  
P. O. Box 8206 Columbia South Carolina 29202-8206  
(803) 898-2795 Fax (803) 255-8210