

IN THE SOUTH CAROLINA COURT OF APPEALS

APPEAL FROM THE OFFICE OF APPEALS
S.C. DEPARTMENT OF HEALTH AND HUMAN SERVICES
COUNTY OF RICHLAND

172037

GENESIS HEALTHCARE, INC.,
APPELLANT,

V.

SC DEPARTMENT OF HEALTH AND HUMAN SERVICES,
RESPONDENT.



NOTICE OF APPEAL

Case Numbers:

- 11-MISC-048
- 11-MISC-213
- 11-MISC-239
- 11-MISC-249
- 11-MISC-275
- 11-MISC-019
- 12-MISC-020
- 12-MISC-021
- 12-MISC-022
- 12-MISC-023

RECEIVED

APR 28 2014

SC Court of Appeals

The undersigned, on behalf of Appellant Genesis Healthcare, Inc. appeals the preliminary, procedural, and intermediate agency actions and rulings noted below of the Hearing Officer of the Respondent Department of Health And Human Services. This appeal is made pursuant to Section 1-23-380 of the SC Code of Laws requiring the immediate review of:

A preliminary, procedural, or intermediate agency action or ruling is immediately reviewable if review of the final agency decision would not provide an adequate remedy. Except as otherwise provided by law, an appeal is to the court of appeals.

Appellant certifies that review of the final agency decision would not otherwise provide Appellant an adequate remedy. Copies of the orders being appealed dated April 11, 2014 and April 23, 2014 are attached hereto.

The rulings of the Hearing Officer which Appellant requests this Court to review are as follows:

I

ORDER DATED APRIL 11, 2014

1. The Hearing Officer's denial of Appellant's request to transcribe the administrative hearing oral proceedings. (Order of April 11, 2014 - item 2). Section 1-23-32(H) of the SC Code of Laws ["Oral proceedings or any part of the oral proceedings must be transcribed on request of a party."] requires that any part of the oral proceedings must be transcribed on request of a party. Appellant agrees to pay the costs of transcription.
2. The Hearing Officer's denial of Appellant's right to subpoena Mr. Anthony Keck, Director of the Department, to testify at the hearing. (Order of April 11, 2014 - item 3).

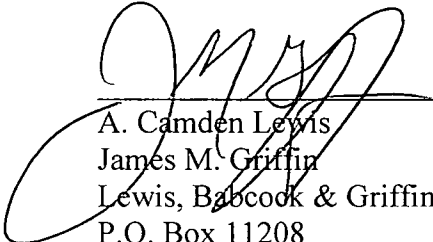
II

ORDER OF APRIL 23, 2014

3. The Department Hearing Officer's denial of Appellant's request to stay the proceedings until proper discovery has been allowed and conducted. (Order April 23, 2014 - item 2).

Respectfully submitted,

LEWIS, BABCOCK & GRIFFIN LLP



A. Camden Lewis
James M. Griffin
Lewis, Babcock & Griffin, L.L.P.
P.O. Box 11208
Columbia, South Carolina 29211
(803) 771-8000

John M. Milling
Milling Law Office, LLC
P.O. Box 519
Darlington, SC 29540
(843) 393-4083

Tony R. Megna, Esquire
3400 West Avenue
Columbia, SC 29203
(803) 254-3676
tmegna@ginail.com

Attorneys for Appellant

Attorneys for Respondent:

Rick Hepfer, Esquire
SC Department of Health
And Human Services
PO Box 8206
Columbia, SC 29202-8205
803.898.2791
Hepfer@scdhhs.gov

IN THE SOUTH CAROLINA COURT OF APPEALS

**APPEAL FROM THE OFFICE OF APPEALS
S.C. DEPARTMENT OF HEALTH AND HUMAN SERVICES
COUNTY OF RICHLAND**

**GENESIS HEALTHCARE, INC.,
APPELLANT,**

V.

**SC DEPARTMENT OF HEALTH AND HUMAN SERVICES,
RESPONDENT.**

NOTICE OF APPEAL

Case Numbers:

11-MISC-048
11-MISC-213
11-MISC-239
11-MISC-249
11-MISC-275
11-MISC-019
12-MISC-020
12-MISC-021
12-MISC-022
12-MISC-023

RECEIVED

APR 28 2014

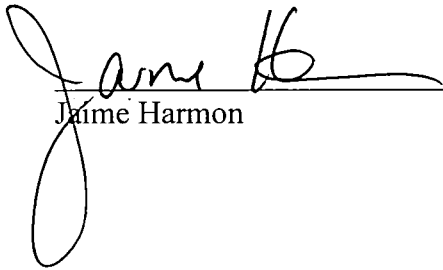
SC Court of Appeals

PROOF OF SERVICE

I, Jaime Harmon, the undersigned employee of Lewis, Babcock & Griffin L.L.P, attorney for Appellant Genesis Healthcare, Inc., do hereby certify that I have served a copy of the foregoing **Notice of Appeal**, in connection with the above-referenced case by mailing a copy of the same by United States Mail, postage prepaid, to the following addresses on April 28, 2014:

Rick Hepfer, Esquire
SC Department of Health
And Human Services
PO Box 8206
Columbia, SC 29202

Thomas R. Smith
Hearing Officer
Division of Appeals and Hearings
SC Department of Health
And Human Services
P.O. Box 8206
Columbia, SC 29202


Jaime Harmon

Columbia, South Carolina
April 28, 2014

A. CAMDEN LEWIS
KEITH M. BABCOCK
JAMES M. GRIFFIN
ARIAIL E. KING
J. RYAN HEISKELL*
MARGARET N. FOX**

* ALSO ADMITTED IN D.C.
** ALSO ADMITTED IN N.C.



LEWIS, BABCOCK & GRIFFIN L.L.P.

1513 HAMPTON STREET
P.O. BOX 11208 (29211)
COLUMBIA, S.C. 29201
FACSIMILE: 803-733-3541
TELEPHONE: 803-771-8000

WEBSITE: WWW.LBGLEGAL.COM

EMAIL: JLH@LBGLEGAL.COM

April 28, 2014

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

Re: Genesis Healthcare Inc., v. SC Department of Health and Human Services

**Case Numbers: 11-MISC-048, 11-MISC-213, 11-MISC-239,
11-MISC-249, 11-MISC-275, 11-MISC-019,
12-MISC-020, 12-MISC-021, 12-MISC-022,
12-MISC-023**

Dear Ms. Abbott Kitchings:

Enclosed please find the original and three copies of Appellant's Notice of Appeal along with a filing fee of \$100.00 in the above-referenced case. Please file these documents and return the clocked copies to this office via our courier.

By copy of this letter and as evidenced on the Proof of Service, I am serving counsel of record and Thomas Smith, the Hearing Officer.

If you have any questions, please do not hesitate to contact this office.

With kind regards, I am

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jaime Harmon', is written over the typed name and title. The signature is fluid and cursive.

Jaime Harmon
Assistant to James M. Griffin

/jh
Enclosures

cc: Rick Hepfer
Thomas R. Smith

RECEIVED

APR 28 2014

SC Court of Appeals