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May 8, 2014

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MAY 12 2014

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Genesis Health Care v. SCDHHS
Appellate Case No. 2014-000927
Our file 14-515

Dear Ms. Kitchings:

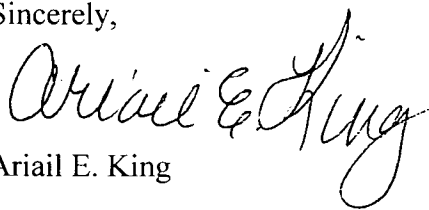
I am in receipt of your letter of April 29, 2014 indicating that the Notice of Appeal was not accompanied by a final order of the lower court challenged on appeal. Please be advised that the two orders being appealed are the April 11, 2014 Pre-Hearing Order of SCDHHS Division of Appeals and Hearings and the April 23, 2014 Order of the SCDHHS Hearing Officer. These Orders, while not final agency decisions under the Administrative Procedures Act, are being appealed pursuant to S.C. Code 1-23-380, which states:

A party who has exhausted all administrative remedies available within the agency and who is aggrieved by a final decision in a contested case is entitled to judicial review pursuant to this article and Article 1. This section does not limit utilization of or the scope of judicial review available under other means of review, redress, relief, or trial de novo provided by law. **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.**

(Emphasis added). The two orders at issue were attached to the Notice of Appeal.

I hope this resolves the issue of a deficiency. If I can provide you with any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Ariail E. King". The signature is written in black ink and is positioned to the right of the typed name.

Ariail E. King

cc: Richard G. Hepfer, Esquire
Tony R. Megna, Esquire

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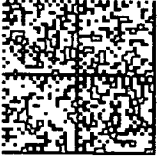
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