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THE STATE OF SOUTH CAROLINA
IN THE COURT APPEALS

Appeal from the Administrative Law Court
Honorable Shirley C. Robinson, S.C. Administrative Law Court Judge

RECEIVED
AUG 08 2019
SC Court of Appeals

Docket No.: 18-ALJ-08-0446-AP

SELECT HEALTH OF SOUTH CAROLINA, INC.; AND SOUTH CAROLINA
DEPARTMENT OF HEALTH AND HUMAN SERVICES APPELLANTS,

VS.

[MINOR CHILD], RESPONDENT.

NOTICE OF APPEAL

Select Health of South Carolina Inc., (hereinafter referred to as "**Select Health**"), by and through undersigned counsel, respectfully submits to the South Carolina Court of Appeals this Notice of Appeal from the Administrative Law Court's June 14, 2019 Order Affirming the Final Administrative Decision of the hearing officer at the Division of Appeals and Hearings and subsequent Order Denying Appellant's Motion to Reconsider filed on July 9, 2019. A copy of said Orders are attached.

The Appellant South Carolina Department of Health and Human Services (hereinafter referred to as "**SCDHHS**") utilizes a Managed Care Organization (hereinafter referred to as "**MCO**") for beneficiaries in South Carolina. First Choice by Select Health is the MCO covering the Respondent, [Minor child], who was represented by her mother in this matter.

The basis for the appeal is Appellant believes the Administrative Law Court's June 14, 2019 Order Affirming the Final Administrative Decision of the hearing officer at the Division of Appeals and Hearings and subsequent Order Denying Appellant's Motion to Reconsider (dated July 9, 2019) were in error and based on erroneous conclusions from the administrative findings,

inferences, conclusions and decision of the hearing officer at the Division of Appeals and Hearings in view of the reliable, probative, and substantial evidence on the whole record. S.C. Code Sec. 1-23-380(5)(e).

Furthermore, Appellant believes the Administrative Law Court's decisions to deny Oral Arguments and affirm the findings of the hearing officer from the Final Administrative Decision was erroneous in light of the arbitrary and capricious result and unwarranted exercise of discretion in the hearing officer limiting and/or denying Select Health's request for certain evidence and testimony thus leading to erroneous findings and conclusions of law. S.C. Code Sec. 1-23-380(5)(f).

These grounds for appeal may be amended, supplemented or modified in the statement of issues on Appeal.

Respectfully submitted,

Young, Clement, Rivers, LLP

By: 

Joseph J. Tierney, Jr.

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843-577-4000

Attorney for Select Health of South Carolina Inc.

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I, Joseph J. Tierney, Jr., of Young Clement Rivers, LLP, counsel for Appellant Select Health of South Carolina, Inc.; do hereby certify that I have served the **NOTICE OF APPEAL** on all parties to this matter by depositing a copy of the same in the United States Mail, postage prepaid, on August 7, 2019, addressed as follows:

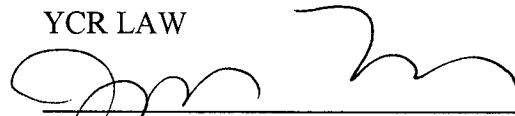
SC DHHS Office of General Counsel
PO Box 8206
Columbia, SC 29202-8206

Thornwell Simons, Esquire
3710 Landmark Drive
Columbia, SC 29204
Attorney for Respondent, Jasmine May

Respectfully submitted,

YCR LAW

By:



Joseph J. Tierney, Jr.

P.O. Box 993

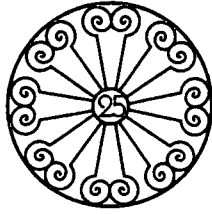
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jtierney@ycrlaw.com

843-577-4000

Attorney for Appellant Select Health of South
Carolina Inc.

Charleston, SC
Dated: 8/7/19



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Joseph J. Tierney, Jr.
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August 7, 2019

RECEIVED
AUG 08 2019
SC Court of Appeals

Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Select Health of South Carolina, Inc; and South Carolina Department of Health
and Human Services v. Minor Child
Docket No.: 18-ALJ-08-0446-AP
YCR File: 9644-20180574

Dear Ms. Kitchings:

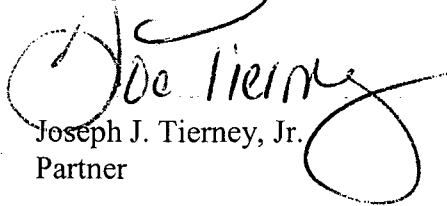
Enclosed please find an original and (7) copies of the Notice of Appeal in reference to the above captioned matter. I also enclose a check for \$250.00 for the filing fee and a prepaid self-addressed stamped envelope for return of the filed copies.

If you have any questions regarding same, please do not hesitate to contact me.

With kindest regards, I am

Sincerely,

Young Clement Rivers, LLP


Joseph J. Tierney, Jr.
Partner

JJT/tlm
Enclosure(s)

cc: Nicole Thomas Wetherton, Esquire
Thornwell Simons, Esquire.

Hasler

PRIORITY-MAIL

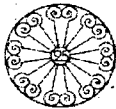
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