



EIN NO: 55-0819817

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February 29, 2009

Hon. John Rasheed
Clerk of Court
Georgia Office of State Administrative Hearings
230 Peachtree Street NW
Suite 850
Atlanta, Georgia 30303

Re: Open Records Act Request.

Dear Mr. Rasheed:

I am writing as Chair of the Elder Law Section for the State Bar of Georgia. This is an Open Records Act request, O.C.G.A. 50-18-70 et seq., and our section is interested in securing copies of decisions rendered in fair hearings relating to Nursing Home Medicaid. Nursing Home Medicaid is a specific class of assistance described in Section 2141 of the Department of Community Health's Medicaid eligibility Manual, which appears at http://www.odis.dhr.state.ga.us/3000_fam/3480_medicaid/MAN3480.doc. Applicants for Medicaid whose applications are denied, or that are not acted upon with reasonable promptness, have a right to a hearing consistent with O.C.G.A. § 49-4-153(b)(1). That code section provides:

A final decision shall include findings of fact and conclusions of law, separately stated, and the effective date of the decision or order. Findings of fact shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. Each agency shall maintain a properly indexed file of all decisions in contested cases, which file shall be open for public inspection except those expressly made confidential or privileged by statute

If your agency does not have these decisions, then we are requesting that you identify the specific agency and persons who have custody of the indexed file of all decisions regarding Nursing Home Medicaid.

We are only interested in decisions of the Administrative Law Judges. We are limiting our request to decisions rendered from January 1, 2008 through the present time. We anticipate that we will make additional requests for decisions rendered in the future. In making this request, we note that decisions of the Office of State Administrative

Hearings are public records unless they contain information that is subject to a confidentiality provision. 1999 Op. Att'y Gen No. 99-13.

We specifically request that the decisions include all facts underlying the decision in each case. If these decisions can be provided in electronic form (e.g., Microsoft Word, Adobe PDF), then we prefer that format.

Pursuant to O.C.G.A. § 50-18-71.2, we request an estimate of the cost of copying, searching for, retrieval and other administrative fees associated with this request prior to fulfilling the request.

If you have questions regarding this matter, please do not hesitate to contact me.

Sincerely,

David L. McGuffey

CC: File