

**RESPONSE TO REQUEST FOR PUBLIC RECORDS -
FREEDOM OF INFORMATION ACT**

Michigan Department of Community Health

Date of Response
1/11/2006

FOIA Request
2005/984

Request Type:

Original

Additional Info.

Dear Mr. Hansen,

This letter is in response to your request dated **12/14/2005**, received in this office on **12/14/2005** for **COPIES** **INSPECTION** of the following record(s):

Under the Freedom of Information Act, I request that a copy of the following documents be provided to me:

* Minutes of all Michigan Mental Health Advisory Committee (MHAC) meetings after September 14, 2005.

* Minutes and other records of all Pharmacy Quality Improvement Project (PQIP Workgroup) meetings after July 26, 2005.

* Records of any discussions or correspondence with Ms. Molly Bodenschatz (Eli Lilly and Company) by any MHAC member or any PQIP Workgroup member after June 2005.

* Any material related to PQIP which may have been omitted or overlooked by your office in response to my initial FOIA request of November 14, 2005.

Your request for public records has been reviewed and the following action(s) has been taken in compliance with the provisions of the State of Michigan's Freedom of Information Act.

1. **REQUEST GRANTED:**

This request involves too many documents to be processed within standard time frames. Your request will be processed as soon as staff have completed the copying. *MDCH STAFF: If this box is checked, you must provide another copy of this form when the documents are forwarded to the requestor. Also, check either box 2 or 3.*

2. **REQUEST GRANTED AS TO EXISTING NON-EXEMPT RECORDS:** Your requested documents are enclosed.

3. **REQUEST GRANTED IN PART and DENIED IN PART:** *(See comments on next page).*

4. **REQUEST DENIED:**

This agency has determined that the record(s) you have requested are exempt from disclosure based on the provisions of the Freedom of Information Act. *(See comments on next page).*

5. **REQUEST DENIED:**

The record(s) you have requested do NOT exist within the records of this agency.

6. **REQUEST DENIED:**

Your request does NOT describe the record(s) sufficiently to enable us to determine what record(s) you are seeking. Please submit a new request describing the record(s) in greater detail.

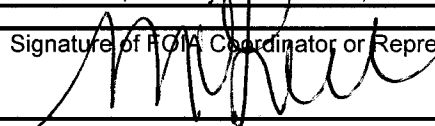
7. The specific nature of your request involves a circumstance which requires an additional **10 business days** to properly process your request as provided by Sec. 6(5) of the Freedom of Information Act.

The extension due date is . The reason for this extension is:

UNDER SECTION 10 OF THE FREEDOM OF INFORMATION ACT, IF A PUBLIC BODY MAKES A FINAL DETERMINATION TO DENY ALL OR A PORTION OF YOUR REQUEST, YOU MAY DO ONE OF THE FOLLOWING:

- (1) Submit to the head of the public body, a written letter that states the word "APPEAL" and identifies the reason or reasons for reversal of denial.
- (2) Commence an action in the circuit court to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.
- (3) Pursuant to MCL 15.235(5)(4)(e) this serves as notice of the right to receive attorneys' fees and damages as provided in Section 10, if after judicial review, the circuit court were to order disclosure of all or a portion of the document(s) requested.

Signature of FOIA Coordinator or Representative



Name of Responding Office
HPRP Administration/Mary Greco
Office of Legal Affairs

See Reverse Side for Non-discrimination Information

DENIAL OF RECORDS:

Denial is based on the following provision(s) of the Freedom of Information Act. MCL 15.243, Sec. 13(1). (Check ALL that apply)

- (a) Information of a personal nature where the public disclosure of the information would constitute unwarranted invasion of an individual's privacy.
- (c) A public record that, if disclosed, would prejudice a public body's ability to maintain the physical security of custodial or penal institutions occupied by persons arrested or convicted of a crime or admitted because of mental disability, unless the public interest in disclosure under this act outweighs the public interest in disclosure.
- (d) Records or information specifically described and exempted from disclosure by statute.
[Cite: **MCL 331.533**] Explain in comments below.
- (e) A public record described in this section that is furnished by the public body originally compiling, preparing, or receiving the record or information to a public officer or public body in connection with the performance of the duties of that public officer or public body, if the considerations originally given rise to the exempt nature of the public record remain applicable.
- (g) Information or records subject to attorney-client privilege.
- (h) Information or records subject to the physician-patient privilege, psychologist-patient privilege, the minister, priest or Christian Science practitioner privilege, or other privilege recognized by statute or court rule.
- (i) A bid or proposal by a person to enter into a contract or agreement, until the time for the public opening of bids or proposals, or if a public opening is not to be conducted, until the deadline for submission of bids or proposals has expired.
- (l) Medical, counseling, or psychological facts or evaluations concerning an individual if the individual's identity would be revealed by disclosure of those facts or evaluation.
- (m) Communications and notes within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to a final agency determination of policy or action. This exemption does not apply unless the public body shows that in a particular instance the public interest in encouraging frank communications between officials and employees of public bodies clearly outweighs the public interest in disclosure. This exemption does not constitute an exemption under the state law for purposes of section 8(h) of the open meetings act, 1976 PA 267, MCL 15.268. As used in this subdivision, "determination of policy or action" includes a determination relating to collective bargaining, unless the public record is otherwise required to be made available under 1947 PA 336, MCL 423.201 to 423.217.
- (p) Testing data developed by a public body in determining whether bidders' products meet the specifications for purchase of those products by the public body, if disclosure of the data would reveal that only one bidder has met the specifications. This subdivision does not apply after 1 year has elapsed from the time the public body completes the testing.
- (t) Except as otherwise provided in this subdivision, records and information to an investigation or a compliance conference conducted by the department of labor and economic growth under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, before a complaint is issued. This subdivision does not apply to records and information pertaining to 1 or more of the following:
 - (i) The fact that an allegation has been received and an investigation is being conducted, and the date the allegation was received.
 - (ii) The fact that an allegation was received by the department of labor and economic growth; the fact that the department of labor and economic growth did not issue a complaint for the allegation; and the fact that the allegation was dismissed.
- (u) Records of a public body's security measures, including security plans, security codes and combinations, passwords, passes, keys, and security procedures, to the extent that the records relate to the ongoing security of the public body.
- (v) Records or information relating to a civil action in which the requesting party and the public body are parties.
- (w) Information or records that would disclose the social security number of any individual.

Comments:

See attached for list of documents exempt pursuant to FOIA.

Description of Information Deleted or Separated from the Public Record Requested:

Exemption Not Listed Above:

The Department of Community Health will not discriminate against any individual or group because of race, sex, religion, age, national origin, marital status, political beliefs, or disability.

Pharmacy Quality Improvement Project (PQIP) Reports Exempted Pursuant to the Freedom of Information Act (FOIA)

CNS Report	Description	Dates	Exemption
1. Executive Management Report (EMR)	Graphical displays demonstrating #s of Medicaid eligible members with behavioral pharmacy claims & costs since initiation of project.	Quarterly - 02/18/05, 07/05, 11/05	13(1)(m)
2. Pharmacy Errors Summary Report	List of pharmacies where prescriptions were filled with patient and prescriber identifiers.	09/05, 10/05, 11/05	13(1)(d) MCL 331.533 and 13(1)(a)
3. Michigan Behavioral Pharmacy Report	A collection of summary reports by age distribution displaying number of patients, number of claims, & pharmacy costs by behavioral drug class and quality indicators.	monthly	13(1)(m)
4. Prescriber Detail (part of Summary Report)	Listing of prescribers ranked by total behavioral pharmacy cost	monthly	13(1)(d) MCL 331.533
5. Michigan Providers to Filter from Load	Pharmacies listed as prescribers.	07/05	13(1)(d) MCL 331.533
6. Michigan Under 5 Detail by Drug and Quality Indicator	Children under age 5 prescribed behavioral drugs listed by drug name and quality indicator(s).	monthly	13(1)(d) MCL 331.533 and 13(1)(a)
7. Top 25 Patients on Concurrent Behavioral Drugs	Top 25 Patients ranked by number of concurrent behavioral drugs.	monthly	13(1)(d) MCL 331.533 and 13(1)(a)
8. Patients on 5 or More Concurrent Behavioral Drugs	Listing of patients on 5 or more concurrent behavioral drugs for 90 or more consecutive days during the quarter 8/1/05-10/31/05.	11/05	13(1)(d) MCL 331.533 and 13(1)(a)
9. MI Targeted Prescriber Report from Mailing Data	Prescriber's ranking based on total outlier dollars with number of patients prescribed behavioral health drugs per prescriber.	monthly	13(1)(d) MCL 331.533
10. Michigan Targeted Patients	Listing of Medicaid beneficiaries on behavioral drugs by ID#.	05/05	13(1)(a)
11. Michigan Targeted Patient Change Report by Quality Indicator	Summary information which may demonstrate change in patient's behavior when prescriber was targeted for mailing.	08/05, 9/05, 10/05, 11/05, 12/05	13(1)(m)
12. Michigan Targeted Prescriber Change Report by Quality Indicator	Summary information which may demonstrate change in the prescribing practice of targeted prescribers.	08/05, 09/05, 11/05, 12/05	13(1)(m)

* data accuracy under review & may be subject to change pending review outcome

CNS Report	Description	Dates	Exemption
Quality Indicator			
13. Prescriber Selection Detail	Summary and listings of providers excluded from mailings.	monthly	13(1)(d) MCL 331.533
14. MH Copy of Final Results_MHinfo	DCH modification of Top 25 Pts on Concurrent Behavioral Drugs with CMH, MHP information added.	10/05	13(1)(a)
15. Pts on Concurrent Drugs List	DCH modification of Top 25 Pts on Concurrent Behavioral Drugs with PIHP, MHP, county, coverage, & program information added	09/05	13(1)(a)
16. Patient Detail Report	Included in prescriber mailings. Contains prescriber name, patient identifiers, and drugs prescribed.	monthly	13(1)(d) MCL 331.533 and 13(1)(a)
17. Returned PQIP Interventions Feedback Form	Returned by prescribers to DCH and/or CNS with comments regarding the mailing such as claims discrepancy, patient specific comments, or request for Peer Consultation. At minimum these forms contain the prescriber's name & address, and patients' names with Medicaid ID#s.	ongoing w/ each mailing	13(1)(d) MCL 331.533 and 13(1)(a)
18. Letters from prescribers receiving mailings	Written by prescribers in response to mailings. Writings include justification of practice, claims discrepancy, comments regarding project, request for Peer Consultation.	ongoing w/ each mailing	13(1)(d) MCL 331.533 and 13(1)(a)
19. Physician Letters	Letters of reply from DCH to physicians requesting additional information, follow-up, or investigation into their claims history.	ongoing as needed	13(1)(d) MCL 331.533
20. Michigan Prescriber Block Report	List of prescribers who have requested to be blocked from mailing regarding specific patient(s).	monthly	13(1)(d) MCL 331.533 and 13(1)(a)
21. Michigan Patient Block Report	List of prescribers who have requested to be blocked from mailing regarding specific patient(s) including reason for block.	monthly	13(1)(d) MCL 331.533 and 13(1)(a)
22. Michigan Comprehensive Report	List of prescribers who have responded to mailings. Includes patient ID#s.	monthly	13(1)(d) MCL 331.533 and 13(1)(a)
23. Michigan Overall Counts by Reason Report	Prescriber list with categories of fax comments	monthly	13(1)(d) MCL 331.533
24. Michigan Updated Addresses Report	Prescriber list of updated addresses	monthly	13(1)(d) MCL 331.533

CNS Report	Description	Dates	Exemption
25. Returned Mail Report	List of prescribers whose mail has been returned.	monthly	13(1)(d) MCL 331.533
26. Michigan Physician Response Report	Cumulative report listing prescriber fax responses, e.g., "covering for colleague", "not my patient", "prescriber will change practice", "justified practice", etc.	monthly	13(1)(m)
27. Michigan Physician Specialty and Response Report	Cumulative report listing prescriber specialty including "No Specialty Specified" along with Physician Response and number of responses.	monthly	13(1)(m)
28. PQIP Mailing Log	List of monthly mailings by quarter, mailing date, total prescribers, # of unique prescribers lettered, # prescribers responding, prescriber specialty, total claims, total \$, total patients, and total Medicaid enrollment.	ongoing	13(1)(m)