

# STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES  
OFFICE OF THE COMMISSIONER

SARAH PALIN, GOVERNOR

P.O. BOX 110601  
JUNEAU, ALASKA 99811-0601  
PHONE: (907) 465-3030  
FAX: (907) 465-3068

October 2, 2007

Mr. James Gottstein  
PsychRights  
406 G Street, Ste 206  
Anchorage, AK 99501

RECEIVED  
OCT 04 2007

Dear Mr. Gottstein:

The Department of Health and Social Services, received your FOIA request letter dated September 17, 2007, in which you requested the following information:

All Behavioral Pharmacy Reports and other reports or documents submitted to the State of Alaska by Comprehensive NeuroScience Inc. (CNS) within the last five years.

The Department can accommodate your request for Comprehensive NeuroScience Inc. materials that we have on hand since contracting with CNS in 2004. The Department has most of the presentations the CNS made at Stakeholder meetings and placed those on the enclosed CD. I regret to inform you, however, that we don't have all the other reports or documents that specifically comply with the balance of your requests.

In order for the department to supply the information you have requested, State staff must research email and hardcopy files to obtain and verify there are no HIPAA issues on the other report items from CNS. The charge for this research is \$ 75.00 per hour and the job is estimated to require more than twenty hours. Therefore, the charge will exceed \$ 1,500.

2 AAC 96.210 specifically provides as follows:

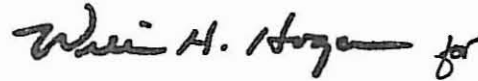
- (b) A public agency is not required to compile or summarize its public records in response to a request for public records.
- (c) A public agency is not required to manipulate its data to create new records in response to a request for public records. A public agency may manipulate its data to create electronic services and products if (1) the public agency can do so without impairing its functioning; (2) the data is protected from intentional or accidental modification or destruction; and (3) the requestor pays the cost of developing the requested electronic service or product, based on fees established by the public agency under 2 AAC 96.460.

In considering your request, the department must comply with HIPAA privacy standards for protection of patient health information. To assure compliance with privacy standards, we would need to verify the CNS reports do not contain personal health information.

Mr. James Gottstein  
PsychRights  
October 2, 2007  
Page 2

If you are willing to pay for the research service, and could provide us your written acknowledgement of your obligation to pay for the reports, department staff will be happy to discuss how we can further accommodate your request.

Sincerely,

A handwritten signature in black ink, appearing to read "Karleen K. Jackson for". The signature is written in a cursive style with a small "for" at the end.

Karleen K. Jackson, Ph.D.  
Commissioner

Enclosure

cc: Dave Campana, Medicaid Pharmacy Program Manager, Division of  
Health Care Services

Enclosure to letter to  
James Gottstein Oct 2 2007