



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

May 12, 2011

Mr. Kiran Mehta  
FOIA Officer  
Illinois Department of Healthcare and Family Services  
401 S. Clinton, 7<sup>th</sup> Floor  
Chicago, IL 60607

RE: FOIA Pre-Authorization Request - 2011 PAC 14006

Dear Mr. Mehta:

We have received and reviewed the written notice from the Illinois Department of Healthcare and Family Services (IDHFS) of its intention to deny the disclosure of certain information pursuant to section 7(1)(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(f) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010). Section 7(1)(f) of FOIA exempts from inspection and copying “[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.”

On April 15, 2011, Mr. Kirk Riva of the Life Services Network (LSN) submitted a FOIA request for:

1. Any emails or other records concerning the letter provided to LSN via FOIA 11-206. \* \* \* [S]pecifically \* \* \* the email or emails associated with the letter transmittal and any other emails concerning this letter.
2. The transmittal numbers(s) of any State Plan Amendments (SPA) submitted to CMS concerning the three nursing home rate methodologies created by P.A. 96-1530 and a brief description of the SPA.
3. The dates that the SPAs referred to above were submitted to CMS for approval.
4. Full copies of the SPAs referred to in number 2 above.

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5. Any emails or other documents created, delivered, or received between January 1, 2011 and the date of this letter that are related to the implementation of P.A. 96-1530 specifically, the nursing home provider tax, MDS rate methodology, exceptional care methodology, and socio-developmental rate methodology.

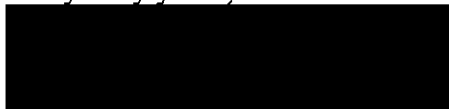
In its written notice, IDHFS asserts that documents responsive to items 1, 4, and 5 of Mr. Riva's FOIA request are "preliminary recommendations to other staff members and/or opinions expressed by [ID]HFS employees and do not serve as a final determination or disposition." Therefore, IDHFS argues that these records are exempt from disclosure under section 7(1)(f) of FOIA.

#### DETERMINATION

IDHFS' use of the exemption in section 7(1)(f) is **approved**. After reviewing the information provided, this office has determined that the withheld records are documents in which opinions were expressed and policies or actions were formulated. Further, IDHFS asserts that these documents have not been publicly cited by the head of the public body. Accordingly, IDHFS has met its initial burden of demonstrating that the withheld information is exempt from disclosure under section 7(1)(f) of FOIA and may issue a partial denial letter and release the remaining documents, if it has not already done so.

If you have any questions, please contact our office at (877) 299-3642. This correspondence shall serve to close this matter.

Very truly yours,



REBECCA RIDDICK  
Assistant Attorney General  
Public Access Bureau

cc: Mr. Kirk Riva  
Vice President of Public Policy  
Life Services Network (LSN)  
2 Lawrence Square  
Springfield, IL 62704