



Case No. 2010-0090SS

February 23, 2010

Mr. Matthew McCoy  
Foundation for Vertebral Subluxation  
4390 Bells Ferry Road  
Kennesaw GA 30144

Dear Mr. McCoy:

This is in response to the November 20, 2009, Freedom of Information Act (FOIA) request you filed with the Department of Health and Human Services, Office of the Inspector General (OIG), requesting records produced by the OIG relating to Inappropriate Medicare Payments for Chiropractic Services, May 2009.

This office located 902 pages of records responsive to your request. I have determined to withhold thirteen (13) pages in their entirety under FOIA exemptions (b)(5) and (b)(6) and partially release 889 pages with portions withheld under FOIA exemptions (b)(4), (b)(5) and (b)(6). The OIG did not have a structured methodology for a literature review. The reference to industry literature in the methodology was purely to determine whether the main professional organization for the industry offered any information/education on the topic.

Exemption (b)(4) permits the withholding of commercial or financial information that was obtained from a person or organization outside the government and that is privileged or confidential.

Exemption (b)(5) permits the withholding of internal government records which are pre-decisional and contain staff advice, opinion and recommendation. This exemption is intended to preserve free and candid internal dialogue leading to decision-making.

Exemption (b)(6) permits the withholding of information that if release would constitute a clearly unwarranted invasion of personal privacy.

There is no charge for FOIA services in this instance because billable fees are under the Department's \$25 cost effective threshold.

If you have reason to believe that any denied portions should not be exempt from disclosure, you may appeal. Your appeal should be mailed within thirty (30) days from the date of receipt of this letter, to the Deputy Assistant Secretary for Public Affairs (Media), Freedom of Information/Privacy Acts Division, U.S. Department of Health and Human Services, 330 C. Street, S.W., Room 2221, Mary E. Switzer Building, Washington, DC 20201. Clearly mark both the envelope and your letter of appeal "FOIA APPEAL".

Sincerely,



Robin R. Brooks  
FOIA Officer  
Office of the Inspector  
General