

STATE OF NORTH CAROLINA

SWAIN COUNTY

DISTRICT COURT DIVISION

CONTINUATION IN THE MATTER OF:
Swain County Department of Social Services
80 Academy Street
Bryson City, North Carolina

The documents provided by DSS and examined by Detective Posey consisted of computer-generated forms and typed narratives, as well as documents completed by hand. An examination of the documentation provided to Detective Posey by the Department revealed that the documentation was incomplete: documents were missing and forms with sequential page numbers were not complete.

In reviewing the Swain County Department of Social Services' documentation, Detective Posey identified a narrative on a document dated September 24, 2010 documenting that Swain County Department of Social Services' Social Worker Craig Smith placed a telephone call to Cherokee Indian Hospital in which he spoke to Dr. Toadt (Actual spelling: Toedt). The narrative read as follows:

"On this date SW Smith contacted the Cherokee Indian Hospital to speak with the doctor that Ms. Ladybird Powell took the child to. Upon Calling the hospital SW Smith was directed to Dr. Toadt. Speaking with Dr. Toadt, SW Smith introduced himself and asked her if she seen a patient by the name of Aubrey Littlejohn and explained that he has an open CPS case on the family. Dr. Toadt stated that she did and that her aunt/caregiver Ms. Ladybird Murphy had brought her in for a fall that child had a few days ago. SW Smith asked her how the visit went and she stated that checked the child out and didn't find anything wrong with the child and stated the child appeared to be normal to her. SW Smith asked her if she could send him something stating what she had just told him. Dr. Toadt stated that it wouldn't be a problem and that she would type something up for him and fax it to him. SW Smith thanked her for her time."

Detective Posey is currently certified as a Licensed Practical Nurse (L.P.N.) and she has been so since October 17, 2006. Detective Posey has kept her license current since October 17, 2006 and she currently works part-time at PRN Nursing Service located in Dillsboro, North Carolina as a License Practical Nurse (L.P.N.) therefore she is familiar with the Health Insurance Portability and Accountability Act (HIPAA) regulations regarding the release of personal protected health information by healthcare providers.

Detective Posey found the aforementioned narrative documenting the release of personal protected health information by Dr. Toedt via a telephone call questionable. Detective Posey then requested and received ALL medical records from Cherokee Indian Hospital regarding Aubrey. Detective Posey found that there was no medical record documenting that Dr. Toedt had ever seen Aubrey Littlejohn. In fact, the only record of a visit to the Cherokee Indian Hospital by Aubrey Littlejohn occurred on January 10, 2011.

On Wednesday, February 16, 2011, Detective Posey and Private Investigator Daniel Cheatham formally interviewed Dr. Dominique Toedt, M.D. who told Detective Posey that she had never had a phone

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 21st DAY OF FEBRUARY, 2010.

R. B. Letts


Signature of Applicant