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Vice Chairman  
  
Ann B. Kirol, DDS  
Secretary



Catherine E. Heigel, Director

*Promoting and protecting the health of the public and the environment*

BOARD:  
R. Kenyon Wells  
Charles M. Joye II, P.E.  
L. Clarence Batts, Jr.  
John O. Hurto, Sr., MD  
William Lee Hewitt, III

*South Carolina Board of Health and Environmental Control*

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## **South Carolina Board of Health and Environmental Control January 7, 2016**

South Carolina Board of Health and Environmental Control met on Thursday, January 7, 2016, at 10:00 a.m. in the Board Room of the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. (Attachment 0-1)

The following members were in attendance:

Allen Amsler, Chairman  
Member-at-Large

Mark Lutz, Vice-Chairman (by phone)  
1st District

Ann B. Kirol, DDS, Secretary  
5th District

R. Kenyon Wells  
2nd District

Charles M. Joye, II, P.E. (by phone)  
3rd District

L. Clarence Batts  
4th District

John O. Hutto, Sr., MD  
6th District

Also in attendance were; Catherine E. Heigel, Director; W. Marshall Taylor, Jr., General Counsel; Lisa L. Longshore, Clerk; Department staff and members of the public. (Attachment 0-2)

Chairman Amsler called the meeting to order and stated notice of this meeting had been provided to all persons, organizations and news media, which have requested notification, as required by Section 30-4-80(e) of the South Carolina Code of Laws.

**Item 1: Minutes of December 10, 2015 meeting** (Attachment 1-1)

*Mr. Batts moved, seconded by Mr. Lutz, to approve the minutes as presented for the December 10, 2015 meeting. The Board voted and Motion carried.*

**Item 2: Administrative and Consent Orders issued by Environmental Affairs** (Attachment 2-1)

Ms. Robin Stephens, Assistant to the Deputy Director, Environmental Affairs, stated six (6) Administrative Orders and forty (40) Consent Orders had been issued with total penalties of \$75,867.

After discussion, *the Board accepted this item as information.*

**Item 3: Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation** (Attachment 3-1)

Ms. Bentley White, Health Regulation Program Manager, stated three (3) Consent Orders had been issued with total penalties of \$2,000.

*The Board accepted this item as information.*

**Item 4: Approval of two new members for Hospital Infection Disclosure Act (HIDA) Advisory Committee** (Attachment 4-1)

Ms. Nijika Shrivastwa, Healthcare Associated Infections Coordinator, Bureau of Disease Control, presented this item to the Board.

S.C. Code § 44-7-2430(C)(1) states “The Board of Health and Environmental Control shall appoint an advisory committee that must have an equal number of members representing all involved parties. The board shall seek recommendations for appointments to the advisory committee from organizations that represent the interests of hospitals, consumers, businesses, purchasers of health care services, physicians, and other professionals involved in the research and control of infections.”

The Board of the Palmetto Chapter of the Association for Professionals in Infection Control, APIC Palmetto, nominated Ms. Gwen Usry and Ms. Kyle Puckett as two new HIDA members representing APIC Palmetto, which provides five infection preventionist to the HIDA Advisory Committee.

After discussion, *Mr. Batts moved, seconded by Dr. Kirol, to appoint Gwen Usry and Kyle Puckett to the Hospital Infection Disclosure Act Advisory Committee. The Board voted and Motion carried.*

**Item 5: Public Hearing and Request for Final Approval – Proposed Amendment of Regulation 61-7, Emergency Medical Services, State Register Document No. 4610, Legislative Review is required** (Attachment 5-1)

Mr. Robert Wronski, Director, Division of EMS and Trauma Services, presented this item to the Board.

The Department proposed amending Regulation 61-7, Emergency Medical Services, to incorporate changes in the Emergency Medical Services Act of South Carolina. The proposed amendments incorporate statutory requirements for EMT certification and training, update the vehicle equipment list to current accepted industry standards, modify the ground ambulance requirements to reflect the most current standards, change the air ambulance requirements to reflect the latest statutory amendments, incorporate requirements for ambulance drivers, modify the name of first responder agencies to rapid response vehicles, add and amend definitions, and rewrite the certification and training requirements. The Department also intends to make corrections for clarity and readability, grammar, punctuation, codification, and overall improvement to the text of the regulation.

A public hearing was conducted with members of the public speaking. (Attachment 5-2)

After discussion, *Dr. Hutto moved, seconded by Dr. Kirol, to find for the need and reasonableness of the Proposed Amendment of Regulation 61-7, Emergency Medical Services, and approve it for submission to the Legislature for review. The Board voted and Motion carried.*

A verbatim transcript of this proceeding is included as part of the permanent record. (Attachment 5-3)

**Item 6: Public Hearing and Request for Final Approval – Proposed Amendment of Coastal Division Regulations: 30-1, Statement of Policy; 30-5, Exceptions; 30-9, Other Provisions; 30-13, Specific Project Standards for Beaches and Beach/Dune System; 30-15, Activities Allowed Seaward of the Baseline, State Register Document No. 4615, Legislative Review is required** (Attachment 6-1)

Ms. Elizabeth Vonkolnitz, Interim Director, Office of Ocean and Coastal Resource Management, presented this item to the Board.

These proposed regulatory changes will amend the Department's Coastal Division regulations related to permitting in the beaches and beach/dune critical areas of the coastal zone. These proposed changes would amend definitions, provide clarity and specific standards to be utilized in the evaluation of beachfront permit applications and notifications, and provide specific standards, conditions, and administrative procedures for issuance of emergency orders within the State's beachfront jurisdiction. Proposed amendments will also modify specific procedures for the issuance of emergency orders for golf courses to comply with Act No. 147 of 2014, codified as 1976 Code Section 48-39-135.

A public hearing was conducted with a member of the public speaking. (Attachment 6-2)

After discussion, *Mr. Lutz moved, seconded by Mr. Batts, to find for the need and reasonableness of the Proposed Amendment of Coastal Division Regulations: 30-1, Statement of Policy; 30-5, Exceptions; 30-9, Other Provisions; 30-13, Specific Project Standards for Beaches and Beach/Dune System; 30-15, Activities Allowed Seaward of the Baseline, and approve it for submission to the Legislature for review. The Board voted and Motion carried.*

A verbatim transcript of this proceeding is included as part of the permanent record. (Attachment 6-3)

**Item 7: Public Hearing and Request for Final Approval – Proposed Amendment of Regulation 61-107.279, Solid Waste Management: Used Oil, State Register Document No. 4613, Legislative Review is required** (Attachment 7-1)

Mr. Kent Coleman, Director, Division of Mining and Solid Waste Management, presented this item to the Board.

The Department proposed amendment removes the requirement for used oil fuel marketers to obtain a Department permit; revises existing language for clarity; and clarifies when used oil contaminated with polychlorinated biphenyls (PCBs) is regulated under the RCRA used oil standards, to conform to federal regulations. The revision clarifies violations and penalties.

A public hearing was conducted and no one requested the opportunity to speak. (Attachment 7-2)

After discussion, *Mr. Batts moved, seconded by Mr. Joye, to find for the need and reasonableness of the Proposed Amendment of Regulation 61-107.279, Solid Waste Management: Used Oil, and approve it for submission to the Legislature for review. The Board voted and Motion carried.*

A verbatim transcript of this proceeding is included as part of the permanent record. (Attachment 7-3)

**Item 8: Public Hearing and Request for Final Approval – Proposed Amendment of Regulation 61-107.12, Solid Waste Management: Solid Waste Incineration and Solid Waste Pyrolysis Facilities, State Register Document No. 4614, Legislative Review is required** (Attachment 8-1)

Mr. Kent Coleman, Director, Division of Mining and Solid Waste Management, presented this item to the Board.

This proposed amendment provides exemptions from R.61-107.12 for law enforcement, customs and agricultural import inspection agencies that use incinerators for the destruction of prohibited and illegal contraband; and conditional exemptions for small air curtain incinerators that store less than 400 cubic yards of land-clearing debris or yard trimmings. The amendment makes the requirements for air curtain incineration facilities easier to understand by creating a new section

in the regulation specifically for air curtain incineration facilities. Some of the requirements for air curtain incineration facilities have also been reduced. This amendment adds the procedures for notifying the public about new permit applications and Department decisions concerning permits. It also clarifies the financial assurance requirements for these facilities and updates the mechanisms available to use for financial assurance. The amendment updates the regulation with the correct statutory reference for the issuance of a Department order, a civil enforcement action or a criminal enforcement action.

A public hearing was conducted with a member of the public speaking. (Attachment 8-2)

After discussion, *Mr. Wells moved, seconded by Mr. Lutz, to find for the need and reasonableness of the Proposed Amendment of Regulation 61-107.12, Solid Waste Management: Solid Waste Incineration and Solid Waste Pyrolysis Facilities, and approve it for submission to the Legislature for review. The Board voted and Motion carried.*

A verbatim transcript of this proceeding is included as part of the permanent record. (Attachment 8-3)

**Item 9: Public Hearing and Request for Final Approval – Proposed Amendment of Regulation 61-20, Communicable Diseases, State Register Document No. 4609, Legislative Review is required** (Attachment 9-1)

Dr. Ponce DeLeon Bullard, Division of Acute Disease Epidemiology Medical Consultant, presented this item to the Board.

The Department proposed to amend regulations related to the investigation and study of the causes of all diseases, epidemic and otherwise, in this State, the means for the prevention of contagious disease, the publication and distribution of such information as may contribute to the preservation of the public health and the prevention of disease, and for the care, segregation and isolation of persons having or suspected of having any communicable, contagious or infectious disease, as specifically codified in Regulation 61-20 of the South Carolina Code of Regulations.

The purpose of the proposed amendments is to incorporate recommended changes identified by staff during internal review. The proposed amendments incorporate stylistic changes, which include corrections for clarity, readability, grammar, punctuation and overall improvement of the text; the addition of definitions for improving precision; and reference changes necessitated by changes in related statutes as well as Department organization and structure. The proposed changes also align the Department with advancements and best practices in disease investigation and prevention.

A public hearing was conducted and no one requested the opportunity to speak. (Attachment 9-2)

After discussion, *Dr. Hutto moved, seconded by Mr. Batts, to find for the need and reasonableness of the Proposed Amendment of Regulation 61-20, Communicable Diseases, and approve it for submission to the Legislature for review. The Board voted and Motion carried.*

A verbatim transcript of this proceeding is included as part of the permanent record. (Attachment 9-3)

**Item 10: Public Hearing and Request for Final Approval – Proposed Amendment of Regulation 61-21, Sexually Transmitted Diseases, State Register Document No. 4612, Legislative Review is required** (Attachment 10-1)

Mr. Tony Price, Program Manager, HIV and Viral Hepatitis Prevention Services, presented this item to the Board.

The Department proposed amending Regulation 61-21 to update the language to reflect currently used terms and disease prevention methods.

A public hearing was conducted and no one requested the opportunity to speak. (Attachment 10-2)

After discussion, *Mr. Joye moved, seconded by Dr. Kirol, to find for the need and reasonableness of the Proposed Amendment of Regulation 61-21, Sexually Transmitted Diseases, and approve it for submission to the Legislature for review. The Board voted and Motion carried.*

A verbatim transcript of this proceeding is included as part of the permanent record. (Attachment 10-3)

**Item 11: Public Hearing and Request for Final Approval – Proposed Amendment of Regulation 61-22, The Evaluation of School Employees for Tuberculosis, State Register Document No. 4616, Legislative Review is required** (Attachment 11-1)

Dr. Rick Erwin, TB Consultant, Bureau of Disease Control, presented this item to the Board.

Regulation 61-22, Evaluation of School Employees for Tuberculosis, is governed by S.C. Code Sections 44-29-150 through -170. Section 44-29-150 states that “no person will be initially hired to work in any public or private school, kindergarten, nursery or child care center for infants and children until appropriately evaluated for tuberculosis according to guidelines approved by the Board of the Department of Health and Environmental Control.” S.C. Code Section 44-29-160 requires any person “applying for a position” in the above-referenced school settings “shall, as a prerequisite to employment, secure a health certificate from a licensed physician certifying that such person does not have tuberculosis in an active stage.”

The Department proposed revisions to sections of the current Regulation 61-22 that will address several items, including incorporation of current tuberculosis evaluation and preventive treatment guidelines, updating the screening/evaluation requirements for school employees, clarifying language relating to issuing of certificates, and providing for consistency with applicable state and federal laws.

A public hearing was conducted and no one requested the opportunity to speak. (Attachment 11-2)

After discussion, *Mr. Lutz moved, seconded by Mr. Batts, to find for the need and reasonableness of the Proposed Amendment of Regulation 61-22, The Evaluation of School Employees for Tuberculosis, and approve it for submission to the Legislature for review. The Board voted and Motion carried.*

A verbatim transcript of this proceeding is included as part of the permanent record. (Attachment 11-3)

**Item 12: Public Hearing and Request for Final Approval – Proposed Repeal of Regulation 61-52, Psittacine Birds, State Register Document No. 4611, Legislative Review is required**  
(Attachment 12-1)

Rachel Radcliffe, DVM, MPH, Division of Acute Disease Epidemiology, presented this item to the Board.

Promulgated pursuant to S.C. Code Section 44-1-140, this regulation defines psittacine birds as a family of birds, including, but not limited to parrots, cockatoos, macaws, parakeets, and others commonly kept as pets. This regulation restricts individuals and businesses from selling birds known to be ill with Avian Chlamydiosis (also called Psittacosis, in humans) in South Carolina.

DHEC proposed repealing Regulation 61-52 for a number of substantive reasons. Most psittacine birds infected with *Chlamydia psittaci* are asymptomatic; thus, laboratory testing is required to determine if birds are colonized with this bacterial organism. It would place a substantial financial burden on owners of psittacine aviaries and pet stores to be required to test every psittacine bird for *C.psittaci*, in order to determine the carrier status of all pet birds sold in this State. It would also present an inordinate burden on individuals and businesses in the private sector to keep transaction records for every purchase, sale, trade, and exchange of psittacine birds in this State. Regulation 61-52 requires these transaction records to be kept and available for inspection by the Board of Health; while, no Bureau of the Department is currently charged with performing this task.

Additionally, the incidence of known severe disease in humans due to *C.psittaci* infection is very low; since 1996, the CDC has received reports of fewer than 50 cases of Psittacosis in the United States each year. In South Carolina, only 2 cases have been reported in the previous 5 year period. Psittacosis symptoms may be mild, consisting of influenza-like illness; therefore, actual Psittacosis disease burden is unknown, as most people are unlikely to pursue testing for milder illness. Also, routine antibiotic therapy is available to effectively treat most cases of Psittacosis, which was not the case in earlier years.

Regulation 61-52 is also recommended to be repealed because S.C. Code Section 44-1-80 grants DHEC broad powers to protect the public health. Emergency powers could be utilized to institute the protections currently addressed in Regulation 61-52, if needed.

A public hearing was conducted and no one requested the opportunity to speak. (Attachment 12-2)

After discussion, *Dr. Kirol moved, seconded by Mr. Well, to find for the need and reasonableness of the Proposed Repeal of Regulation 61-52, Psittacine Birds, and approve it for submission to the Legislature for review. The Board voted and Motion carried.*

A verbatim transcript of this proceeding is included as part of the permanent record. (Attachment 12-3)

**Item 13: Public Hearing and Request for Final Approval – Proposed Repeal of Regulation 61-88, Charges for Maternal and Child Health Services, State Register Document No. 4608, Legislative Review is required** (Attachment 13-1)

Ms. Lucy Gibson, MSW, LMSW, Director, Division of Children’s Health, presented this item to the Board.

The proposed repeal would provide for consistency with state and federal laws. Regulation 61-88 incorporates, by reference, S.C. Code Section 44-1-180, which permits the Department to establish charges for health care. The regulation also incorporates Sections 502(2)(D) and 501(b)(2) of the Social Security Act (Act), as amended, effective October 1, 1981, which set forth requirements for states imposing charges for the provision of health services under Title V of the Act. Regulation 61-88 is not necessary because its subject matter is currently governed by state statute and federal regulation. Moreover, the Department no longer provides maternity services.

A public hearing was conducted and no one requested the opportunity to speak. (Attachment 13-2)

After discussion, *Mr. Batts moved, seconded by Dr. Kirol, to find for the need and reasonableness of the Proposed Repeal of Regulation 61-88, Charges for Maternal and Child Health Services, and approve it for submission to the Legislature for review. The Board voted and Motion carried.*

A verbatim transcript of this proceeding is included as part of the permanent record. (Attachment 13-3)

**Item 14: Public Hearing and Request for Final Approval – Proposed Repeal of Regulation 61-89, Charges for Family Planning Services, State Register Document No. 4607, Legislative Review is required** (Attachment 14-1)

Ms. Stephanie Derr, MSN, RN, Director, Division of Women’s Health and Family Planning Program, presented this item to the Board.

Regulation 61-89 incorporates, by reference, S.C. Code Section 44-1-180, which permits the Department to establish charges for health care. The regulation also incorporates Sections

505(2)(D) and Section 501(b)(2) of the Social Security Act (Act), as amended, effective October 1, 1981, which set forth requirements for states imposing charges for the provision of health services under Title V of the Act. In addition, Regulation 61-89 is not necessary because, as a condition of receiving funds under Title X of the Public Health Service Act, the Department follows federal regulations with respect to the subject matter covered by Regulation 61-89.

A public hearing was conducted and no one requested the opportunity to speak. (Attachment 14-2)

*After discussion, Mr. Wells moved, seconded by Mr. Lutz, to find for the need and reasonableness of the Proposed Repeal of Regulation 61-89, Charges for Family Planning Services, and approve it for submission to the Legislature for review. The Board voted and Motion carried.*

A verbatim transcript of this proceeding is included as part of the permanent record. (Attachment 14-3)

## **Item 2: Agency Affairs**

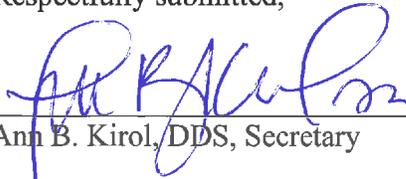
Director Catherine Heigel reported on the following:

- All DHEC locations will be Tobacco Free by March 1;
- Retiree Recognition and Employee Appreciation Initiatives;
- Flood/dams update;
- Budget;
- Home Health License Transfer closed.

Meeting adjourned.

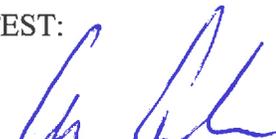
All referenced attachments are made a permanent part of these minutes.

Respectfully submitted,

  
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Ann B. Kirol, DDS, Secretary

Minutes approved this 10<sup>th</sup> day of March 2016.

ATTEST:

  
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Allen Amsler, Chairman

#### Attachments

- 0-1 Agenda
- 0-2 Attendance Roster
- 1-1 December 10, 2015 minutes
- 2-1 Administrative and Consent Orders issued by Environmental Affairs
- 3-1 Administrative Orders, Consent Orders and Sanctions issued by Health Regulation
- 4-1 Approval of two new members for Hospital Infection Disclosure Act (HIDA) Advisory Committee
- 5-1 Public Hearing and Request for Final Approval – Proposed Amendment of R. 61-7, Emergency Medical Services
- 5-2 Sign-in Sheet for Public Hearing
- 5-3 Verbatim Transcript of Public Hearing
- 6-1 Public Hearing and Request for Final Approval – Proposed Amendment of Coastal Division Regulations: R.30-1, Statement of Policy; R.30-5, Exceptions; R.30-9, Other Provisions; R.30-13, Specific Project Standards for Beaches and Beach/Dune System; R.30-15, Activities Allowed Seaward of the Baseline
- 6-2 Sign-in Sheet for Public Hearing
- 6-3 Verbatim Transcript of Public Hearing
- 7-1 Public Hearing and Request for Final Approval – Proposed Amendment of R.61-107.279, SWM: Used Oil
- 7-2 Sign-in Sheet for Public Hearing
- 7-3 Verbatim Transcript of Public Hearing
- 8-1 Public Hearing and Request for Final Approval – Proposed Amendment of R.61-107.12, SWM: Solid Waste Incineration and Solid Waste Pyrolysis Facilities
- 8-2 Sign-in Sheet for Public Hearing
- 8-3 Verbatim Transcript of Public Hearing
- 9-1 Public Hearing and Request for Final Approval – Proposed Amendment of R.61-20, Communicable Diseases
- 9-2 Sign-in Sheet for Public Hearing
- 9-3 Verbatim Transcript of Public Hearing

- 10-1 Public Hearing and Request for Final Approval – Proposed Amendment of R.61-21, Sexually Transmitted Diseases
- 10-2 Sign-in Sheet for Public Hearing
- 10-3 Verbatim Transcript of Public Hearing
- 11-1 Public Hearing and Request for Final Approval – Proposed Amendment of R.61-22, The Evaluation of School Employees for Tuberculosis
- 11-2 Sign-in Sheet for Public Hearing
- 11-3 Verbatim Transcript of Public Hearing
- 12-1 Public Hearing and Request for Final Approval – Proposed Amendment of R.61-52, Psittacine Birds
- 12-2 Sign-in Sheet for Public Hearing
- 12-3 Verbatim Transcript of Public Hearing<sup>1</sup>
- 13-1 Public Hearing and Request for Final Approval – Proposed Amendment of R.61-88, Charges for Maternal and Child Health Services
- 13-2 Sign-in Sheet for Public Hearing
- 13-3 Verbatim Transcript of Public Hearing
- 14-1 Public Hearing and Request for Final Approval – Proposed Amendment of R.61-89, Charges for Family Planning Services
- 14-2 Sign-in Sheet for Public Hearing
- 14-3 Verbatim Transcript of Public Hearing