

**Minutes of
S.C. Board of Health and Environmental Control
Meeting**

March 8, 2012

The S.C. Board of Health and Environmental Control met on Thursday, March 8, 2012, at 10:00 a.m. via conference call in the S.C. Department of Health and Environmental Control Board Room, 2600 Bull Street, Columbia, S.C. (Attachment 0-1)

The following members were in attendance:

Allen Amsler, Chairman
Member-at-large

Mark S. Lutz, Vice-Chairman
1st District

R. Kenyon Wells
2nd District
In person

L. Clarence Batts
4th District

Ann B. Kirol, DDs
5th District
In person

Also in attendance were Robert W. King, Jr., Acting Commissioner, Carlisle Roberts, Jr., General Counsel, Lisa Longshore, Clerk, department staff and guests. (Attachment 0-2)

Mr. Amsler stated notice of this meeting has 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: Board Minutes for January 25 meeting, February 9 meeting and February conference call (Attachment 1-1)

Mr. Batts moved, seconded by Mr. Lutz, to approve all minutes. Approved.

Item 2: Monthly Award for Excellence – March 2012

Acting Commissioner King recognized the following:

Commissioner's Office – Becky Wilkerson: Becky Wilkerson, Data Manager for SC's Environmental Public Health Tracking Program, has been selected as the recipient of the Monthly Award for Excellence for the Commissioner's Office. When the Program lost its Web Developer, Becky picked up both responsibility and oversight of contractual work, not only without complaint, but with enthusiasm. Last spring, while she was out on maternity leave, she provided support to a national (CDC) data call from home. She provided an incredible example of planning prior to being on maternity leave. To give you an idea of how important Becky is to the EPHT Program, there were over ten (10) people who had to assume some part of her work load while she was out! Becky has taken on every new task without hesitation and has learned so many new technologies, software packages, and program area-specific information regarding: systems, data, and processes that she has become an essential liaison between many program areas and the PHSIS EPHT team. She has taken time to not only understand grant requirements, but to also understand program area operations. Her efforts have resulted in the SC EPHT program becoming nationally one of the most successful grantees. It has lead to the EPHT portal (and DHEC) being featured many items by the CDC as well as in both national and international publications and websites. In addition to working enthusiastically, Becky is just a pleasure to have around. She has repeatedly caught mistakes made at the federal level with regard to the environmental and health data with which she works.

Environmental Quality Control – Matthew Brewer: Matthew Brewer, Environmental Health Manager for the Bureau of Air Quality, has been selected as the recipient of the Monthly Award for Excellence for Environmental Quality Control. Matt has worked in the Enforcement Section of the Bureau of Air Quality since April 2008. Since Matt has been in the Enforcement Section, he has steadily developed skills as an enforcement project manager that allow him to handle any level of project that is assigned to him. Matt consistently exceeds the federal and state standards that have been established for initiating, addressing, and resolving enforcement actions. He understands that violations that have the potential to harm the public and/or the environment need to be a priority and he ensures that the enforcement response is timely and appropriate. Matt always conducts detailed reviews and research into applicable state/federal statutes and regulations in order to ensure enforcement actions are legally defensible. He also ensures that his research includes any potential precedents that may have been set around the country in similar cases. He always pays close attention to details – details which can make or break an enforcement case. Matt has also assisted other staff with enforcement projects when backlogs have developed due to unfilled vacancies in the Enforcement Section. He willingly takes on the additional work and has never complained about assisting others. He also has become a resource for newer staff to consult regarding their projects. Because the enforcement process can be adversarial, Matt's calm demeanor serves him well in resolving enforcement issues; however, he understands how to be firm when situations require it. Matt is a very valuable asset to the Bureau of Air Quality and the Department in achieving its compliance and enforcement goals. Matt understands that violations that have the potential to harm the public and/or the environment need to be a priority and he ensures that the enforcement response is timely and appropriate in those cases. As stated above, Matt reflects the value of Teamwork by consistently assisting other staff with enforcement projects. He also has become a resource for newer staff to consult regarding their projects. Matt also reflects the agency's value of Use of Applied Scientific Knowledge by ensuring that research into all applicable rules, statutes, and regulations is a priority when addressing non-compliance. He also ensures that his research includes any potential precedents that may have been set around the country in similar cases.

Health Regulation – Chrissy Chavis: Chrissy Chavis, Bureau of Radiological Health, has been selected as the recipient of the Monthly Award for Excellence for Health Regulation. Chrissy truly

embodies the values adopted by the Agency. She exemplifies customer service by constantly going above and beyond the call of duty to assist and educate our registrants. Chrissy is the Section Manager for the Inspection, Compliance, Enforcement, and Tanning Section in the Division of Electronic Products, or the ICE-T section, as her staff has so affectionately coined it. Chrissy has been with the Agency for over 10 years and her commitment to her duties and the citizens of South Carolina has never wavered. Specifically, Chrissy should be recognized for her tireless efforts with one of our largest registrants. Chrissy efficiently and effectively lead a team of inspectors on a site review. Since that time, Chrissy has spent many hours meeting with, e-mailing, and talking on the phone with this site to clearly explain the requirements of the regulations. She single handedly scanned the file for this registrant, which contained well over 2000 pages. Even through all this, Chrissy maintained her professionalism and friendliness. She is always willing and available to answer questions from our registrants and other employees, even if they are not under her directly. Chrissy is the epitome of a team player and therefore should be recognized as the Employee of the Month for Health Regulation.

Health Services Central Office - Bernard Gilliard: Bernard Gilliard, DIS Consultant, STD Prevention, Division of STD/HIV, Bureau of Disease Control, has been selected as the recipient of the Monthly Award for Excellence for Health Services Central Office. For over 24 years, Bernard has worked tirelessly to implement the Agency's mission of healthy people living in healthy communities. In his role as a regional Disease Intervention Specialist (DIS) for DHEC in his early years, and for the past 10 years as a state level DIS consultant, Bernard has shown that he will work "until the job is done". The DIS staff has a very unique and very difficult job function. Bernard performs his job duties with the utmost pride, providing partner notification services to individuals, while working superbly as a leader and team member to carry out our Division's mission to reduce STD and HIV. Bernard is well respected by staff in the Division, in the Agency and in the community. He readily responds to requests for information, technical assistance and consultation in a timely manner, with insightful and thorough responses, demonstrating his depth and breadth of knowledge about the intricacies of Partner Services. It is rare that he works only 7.5 hours per day; he often arrives early in the morning, handling administrative matters, then attending meetings or assisting front line staff in the DHEC regions during the day, and then returning to the office after most staff have gone home to conduct follow up phone consultations or direct client communications that can only be handled sensitively and privately in the evenings. He has been willing to work whenever and wherever he is needed: Saturdays, Sundays, or nights; at special events, targeted outreach settings, wherever. Bernard strives for excellence in his work and serves as a role model and coach to Disease Intervention Specialists, stressing persistence, quality and completeness – all done without ever losing sight of the human and very sensitive nature of the work being done. His willingness to partner at the local and state level with all other disciplines – social workers, nurses, health educators, community partners, surveillance program staff and many others – is a testament to his desire to make the STD/HIV prevention efforts work beyond his "silo" of partner services; he demonstrates truly that he wants to be part of an interdisciplinary team that collaborates on all program and service levels. Even with the past temporary elimination of CDC funds for syphilis elimination, the loss of DIS positions and state DIS management positions, he went beyond the challenges and creatively carried out the important work of STD/HIV partner services while fulfilling demanding administrative duties. Last year, he was instrumental in the planning and piloting of Field Delivered Therapy, a service that helps clients to complete their treatment. Bernard is an extremely hard working leader who is to be commended and recognized for strongly supporting DHEC's mission to promote and protect the health of South Carolinians.

Region 1 Public Health Office – Anne Ashley, RN: Anne Ashley RN has been selected as the recipient of the Monthly Award for Excellence for Region 1. Anne has proven herself through her abilities to perform professionally in all facets of her job. She is the Lead TB nurse for Abbeville and McCormick Counties as well as, working in the Preventive Health Clinic arena at these Health Departments. She is well received by all who meet her. During the last six months when Anderson Health Department did not have a TB nurse, Ms. Ashley provided TB services for this area while continuing to maintain her job

functions in her other assigned areas. She meets every challenge with enthusiasm and is always very considerate and understanding in addressing our internal and external customer needs. She has a cheerful attitude and is willing to give of herself when clinical issues are presented to her. There are many examples that can be cited to validate her performance, but to give one example; she spent many hours assisting a client to get a sterilization technique done in the private sector. This included consultations with Central Office personnel, local physicians' offices and the client. The end result of her endeavor was a very satisfied customer who was extremely grateful to Anne and her endless attempts to assist the client, which resulted in a positive outcome. She sees her job as a challenge and is focused on getting the job done. She devotes time to her job, both inside and outside the office setting, which demonstrates a commitment to the various services she provides to all our customers. Once again, this was demonstrated while doing the TB duties at the Anderson Health Department until a new TB nurse was hired. She has also assisted during the orientation phase of the new TB nurse for Anderson County. Her pleasant attitude, her expertise in TB and in Preventive Health provides a positive role model to others and demonstrates what the meaning of working as a team player is all about. She is well liked and respected by others. She is compassionate about her job and is focused on meeting the needs of our customers, which goes above and beyond customer expectations. Ms. Ashley is highly efficient in her position and Region 1 is truly fortunate to have such an outstanding employee. She is truly deserving of this award.

Region 2 Public Health Office – Diane Youngblood: Diane Youngblood, Greenville County Health Department Vital Records Office, has been selected as the recipient of the Monthly Award for Excellence for Region 2. The Greenville County Health Department Vital Records Office recently experienced a staffing crisis and loss of a supervisor. Diane Youngblood was temporarily relocated from the Spartanburg County Health Department to provide service and leadership in Greenville. She was tasked with training a new employee and will also train the next supervisor for the department. She keeps a smile on her face no matter how challenging a day she encounters and works well with her coworkers. The department was able to continue to provide excellent customer service to a large volume of clients. Her devotion to the Vital Records clients, her coworkers and the agency is greatly appreciated.

Region 3 Public Health Office – Suzanne Sanders: Suzanne Sanders, Health Education Director, has been selected as the recipient of the Monthly Award for Excellence for Region 3. Ms. Sanders serves in many capacities in Region 3 with one being Regional Health Education Director. Due to multiple budget cuts, the Health Education staff for the Region has been reduced greatly, but with Ms. Sanders' leadership the group has continued to make remarkable progress in developing, fostering and coordinating health education initiatives in all seven counties. Ms. Sanders was instrumental in supporting the development of Eat Smart Move More chapters in six of our counties and she has worked with numerous community groups to foster the development of tobacco free work place ordinances in the counties and municipalities of Region 3. Her efforts in this area largely contributed to Region 3 receiving the National Award for the Local Public Health Agency that did the most in addressing tobacco free workplaces. Ms. Sanders is an energetic public health professional with an infectious enthusiasm for the mission of the Agency and the citizens we serve. She is appreciated by the staff, and always demonstrates a positive attitude. We are fortunate to have her in the Region, and she is fully deserving of the Award for Excellence.

Region 4 Public Health Office – Debra Croft: Debra Croft has been selected as the recipient of the Monthly Award for Excellence for Region 4. Debra is always willing to help with any task and does an excellent job with any task assigned or asked of her. She is a dependable employee and takes pride in her work. Debra assisted with two special projects with the completion of the archiving process for 2007 medical records, which includes checking all records for Immunization completion forms, boxing the records and completing the transmittal process. Also, she compiled and boxed all the remaining CRS records for preparation for the archiving process. In addition to maintaining her regular supply and procurement responsibilities of receiving, receipting and stocking incoming shipments; filling supply

requests timely for four counties; placing regular orders for clinics and Home Health sites; assisting clinic staff in identifying supply needs and often communicating with supply vendors; and maintaining asset accountability for four counties in Region 4, Debra assists in the records room, covering for staff who are on leave. She also assists at the switchboard and in General Clinic, as needed. Debra is a team player and is consistently willing to assist wherever needed and is open to learn and help in any way possible. Her efforts are above and beyond on a daily basis. Debra's assistance and enthusiasm are appreciated in her regular duties and in those areas she assists with outside her responsibility. She is most deserving of this recognition.

Region 5 Public Health Office – Lou Johnson, RN: Lou Johnson, RN, Preventive Health/Adult Health nurse at the Aiken County Health Department, has been selected as the recipient of the Monthly Award for Excellence for Region 5. Lou has been with DHEC for 14 years. She sees patients in clinics as well as being responsible for Aiken County Health Department's pap follow-up. She is committed to her patient's needs. She will fit patients into her already busy schedule if needed. She is committed to patient care. When she talks to patients she is very patient and willing to explain in terms the patient can comprehend. One day in December 2011 Lou called back a patient that had questions. The patient was very confused and upset about an STD condition and understanding it. Lou was very patient, explaining kindly despite many interruptions and questions from the upset patient. Lou was very skilled in how she discussed issues with the patient yet very patient and soothing. This call is just an example of Lou's daily commitment to her work.

Region 6 Public Health Office – Parez L. Riley: Parez L. Riley has been selected as the recipient of the Monthly Award for Excellence for Region 6. Beginning his career in Region 6 in 2006, Parez is a Nutrition Education Specialist with the WIC Program at Conway Health Department. He provides WIC certifications and nutrition classes at Conway HD and when needed at other sites. Mr. Riley has great rapport with the clients while teaching about healthy nutrition, lifestyle and physical activity. The children are fascinated with his football helmets and trophies in his office. Parez was a football player in high school and college. He now coaches part-time at a local area high school. Parez practices what he teaches, eating healthy and working out daily which he does before he comes to work. He is known for one of his "passions", physical fitness. He has advised several co-workers on different exercises to do in order for them to reach their goals. Mr. Riley is an exceptional employee who continues to have a positive impact on Region 6. He is quiet but gets the job done, is willing to help when needed, is also known as "dependable" and "he can be counted on". Parez is a great asset to Region 6 and DHEC.

Region 7 Public Health Office – Cansas Deitz, RN, MSN; Julie Barker, RPH; Robert Ball, Jr., MD, MPH:

Cansas Deitz, RN, MSN, Region 7 Nursing Director; Julie Barker, RPH, Region 7 Pharmacist; and Robert Ball, Jr., MD, MPH, Region 7 Physician have been selected as the recipients of the Monthly Award for Excellence for Region 7. On 12/26/11 an insulin needle pen stuck a home health nurse. All the health departments were closed. The nurse notified Cansas Deitz, Nursing Director, and within 3 hours the nurse was on PEP meds due to the serious condition of the patient. The nurse went to Dr. Ball's home, where he assessed the situation and determined medicine was necessary. Cansas Deitz obtained extra information from the VA on the patient. Julie Barker went to CCHC, obtained the medicine and needle stick kit and brought it to Cansas at Perimeter. This team worked throughout the week on the situation because the health departments were closed and more medicine was needed. Endless calls were made to doctors, pharmacies, and various other places. Great Team Work!

Region 8 Public Health Office – Evelyn Ginn: Evelyn Ginn, Hampton County Health Department's Administrative Supervisor and community advocate, has been selected as the recipient of the Monthly Award for Excellence for Region 8. Over the course of the last two years the Hampton County Council has worked diligently to create revenue for new projects for their constituents. The Hampton County Health department facility is in serious need of replacement and has been an ongoing issue for the Council. Evelyn has worked closely with the County on the needs for this site that was built in 1964 and

has diminishing capacity to serve our clients effectively in that community. This year the County established a Tax Commission to work on brining a referendum to the voters that would fund major projects in the area. In the past the health department had been included in planning but the referendum was not put on the ballot for consideration by the voters for technical reasons. The process has begun again and Evelyn is leading the way as she mobilizes staff and community members on behalf of the clinic needs. She has been in attendance at all public forums and council meetings and is the visual reminder and voice to the community that we are a vital provider and partner the Hampton and the surrounding areas. She is our “Hampton Champion” and Region 8 recognizes and appreciates her dedication and passion for our mission and this critical project.

The Board extended their thanks and congratulations to those recognized.

Item 3: Request for a first Board extension of Certificate of Need SC-10-15 issued to Sunnyside Healthcare Commons on Hilton Head, LLC d/b/a Beacon Harbor Subacute Care (“Sunnyside/Beacon Harbor”), Bluffton, SC for the construction of a one hundred-twenty (120) bed nursing home that will not participate in the Medicaid (Title XIX) Program (Attachment 3-1)

Paula Bracey, Health Facilities and Services Development, presented this item to the Board. Sunnyside Healthcare Commons of Hilton Head is requesting additional time for implementation of this CON, which expires on May 7, 2012. The applicant was issued CON SC-10-15 on May 7, 2010. Staff has granted two nine-month extensions. South Carolina Act No. 278 of 2010 amended S.C. Code Ann. Section 44-7-230(D), which took effect July 1, 2010, states that the Board of Health and Environmental Control can grant additional nine-month extensions if it determines that the applicant has made substantial progress. Mr. Brian Cain, CFO and Ms. Elizabeth Lamkin, CEO, answered questions of the Board.

Dr. Kirol moved, seconded by Mr. Batts, to find that Sunnyside/Beacon Harbor has demonstrated substantial progress and approve an additional nine-month extension to implement Certificate of Need SC-10-15. Approved

Item 4: Administrative and Consent Orders issued by Environmental Quality Control (Attachment 4-1)

Ms. Robin Stephens, Assistant to the Deputy Commissioner, stated twenty (20) actions had been taken with penalties of \$156,959.

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

Item 5: Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation (Attachment 5-1)

Ms. Melinda Bradshaw, Health Regulation Liaison, stated four (4) actions had been taken with penalties of \$1,500.

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

Item 6: Handling of Requests for Final Review requiring action by April 12, 2012

(Attachment 6-1)

After discussion, ***Mr. Batts moved, seconded by Mr. Wells, to accept the request of staff and requestor of Docket No. 12-RFR-14, Hilton Head Health System, LP, to remand the matter to staff. Approved.*** Signed Order of Remand (Attachment 6-2)

After discussion, ***Mr. Wells moved, seconded by Mr. Lutz, not to conduct a final review conference on Docket No. 12-RFR-15, Kenneth McKenzie, but asked staff to work with requestor on this matter and report back to Board. Approved.***

Mr. Lutz recused himself from participation of Docket No. 12-RFR-16. (Attachment 6-3)
After discussion, ***Dr. Kirol moved, seconded by Mr. Batts, not to conduct a final review conference on Docket No. 12-RFR-16, Dorothy Ayers Family Trust. Approved.***

After discussion, ***Mr. Batts moved, seconded by Dr. Kirol, not to conduct a final review conference on Docket No. 12-RFR-17, Ray and Linda Leone. Approved.***

Item 7: Agency Affairs

Ms. Catherine Templeton was welcomed as the new Agency Director by Mr. King and the Board. Mr. Amsler and the Board thanked Mr. King for serving as Interim Commissioner.

Dr. Kirol provided the Board with a brief update on the first meeting of the CON Review Panel and stated the next meeting would be held March 27. (Attachment 7-1)

Item 8: Legal Report

Ms. Nancy Edmunds, Director, Office of Internal Audits, presented the Board with revisions to the Board Internal Audit Policy. (Attachment 8-1)

Mr. Wells moved, seconded by Dr. Kirol, to approve the revisions of the Internal Audit Policy. Approved.

Mr. Amsler asked for an Executive Session for the purpose of obtaining legal advice on pending litigation and an employment issue.

Mr. Lutz moved, seconded by Dr. Kirol, to go into Executive Session for the purpose of obtaining legal advice on pending litigation under the attorney-client privilege on the following matters: SHEP, KPD and Chapin High School and an employment issue. Approved.

While in Executive Session, no actions were taken.

Boardroom was opened to continue the meeting in public session, **Mr. Batts moved, seconded by Dr. Kirol, to seek approval for a salary of \$180,000 for Ms. Templeton. Approved.**

There being no further business, Chairman Amsler declared the meeting adjourned.

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

Respectfully submitted,

Mark S. Lutz
Vice-Chairman

Minutes approved this 12th day of April 2012.

ATTEST:

Allen Amsler, Chairman

Attachments

- 0-1 Agenda
- 0-2 Sign-in Sheet
- 1-1 Minutes from January 25, February 9 and February 21 conference call
- 2-1 Monthly Award for Excellence for March
- 3-1 Request for first board extension of Certificate of Need SC-10-15
- 4-1 Administrative and Consent for EQC
- 5-1 Administrative and Consent Orders and Sanction Letters
- 6-1 Handling of Requests for Final Review requiring action by April 12, 2012
- 6-2 Order of Remand, Docket No. 12-RFR-14, Hilton Head Health System, LP
- 6-3 Lutz statement of recusal
- 7-1 CON Review Panel Update
- 8-1 Internal Audit Policy