



C. Earl Hunter, Commissioner

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

December 1, 2011

MEMORANDUM

TO: Health Care Facility and Program Administrators
FROM: Gwendolyn Thompson, Director, Division of Health Licensing
SUBJECT: Department Access to Records and Information

The Department of Health and Environmental Control (“Department”) is the state agency charged with the duty to ensure that South Carolina’s health care facilities are operating in a fashion which promotes the health, safety, and well being of citizens served at those facilities. In furtherance of this mandate, the Department establishes and enforces standards for licensure of all health care facilities. S.C. Code Ann. §§ 44-7-120, -150, -250 (2002 & Supp. 2010). The Department may not issue or renew licenses for the operation of a facility unless a facility is in compliance with standards promulgated by law. § 44-7-290 (2002).

The Department monitors health care facilities, in part, through inspections and complaint investigations. S.C. Code Ann. § 44-7-150(A) (2002). During inspections and complaint investigations Department Health Licensing inspectors may examine not only a health care facility’s physical areas but also facility records pertaining to the operation of the licensed or unlicensed facility or service to determine compliance with standards established by law. S.C. Code Ann. § 44-7-295 (Supp. 2010).

Records pertaining to operation may include documents such as, but not limited to:

- Patient medical files;
- Accident and incident reports;
- Pharmacy and Medication Administration Records (MAR);
- Reports and statistical analysis;
- Employment records;
- Medical record case review;
- Committee minutes; and,
- Medical staff credentialing records.

State law requires health care facilities to retain records relating to patient care. The law compels health care facilities to make these records available to Department inspectors upon the inspector’s request. S.C. Code Ann. §44-7-295 (Supp. 2010). Persons who deny a properly authorized Department inspector access to facility records are subjecting themselves and their health care facility to the possible imposition of civil and criminal penalties. S.C. Code Ann. § 44-7-320(A)(1)(a) (Supp. 2010). The Department will protect all information which identifies individuals within facilities to the extent permitted by law. S.C. Code Ann. §44-7-315 (Supp. 2010).

The Department appreciates your assistance in providing inspectors with unobstructed access to your health care facility’s records.