

SUMMARY SHEET
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

March 10, 2016

() ACTION/DECISION

(X) INFORMATION

I. TITLE: Health Regulation Administrative and Consent Orders.

II. SUBJECT: Health Regulation Administrative and Consent Orders for the period of December 1, 2015, through January 31, 2016.

III. FACTS: For the period of December 1, 2015, through January 31, 2016, Health Regulation issued six (6) Consent Orders and one (1) Emergency Suspension Order with a total of three thousand five hundred dollars (\$3,500) in assessed monetary penalties.

Program Area	Health Care Facility or Provider	Administrative Orders	Consent Orders	Emergency Suspension Orders	Assessed Penalties
Bureau of EMS	Ambulance Services Provider	0	2	0	\$3,500
	Paramedic	0	3	0	\$0
	Emergency Medical Technician	0	1	1	\$0
TOTAL		0	6	1	\$3,500

Approved By:



 Shelly Bezanson Kelly
 Director of Health Regulation

HEALTH REGULATION ENFORCEMENT REPORT
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

March 10, 2016

Bureau of EMS

1. Milton Andrew Ferrell (Paramedic)

Investigation: DHEC investigated Mr. Ferrell while he was working for MedOne and found that Mr. Ferrell responded to Carolina Pines Emergency Department for a patient transfer to McLeod Regional Medical Center.

Violations: DHEC found that Mr. Ferrell violated the EMS Act by administering Propofol, a medication that is not listed on the State Approved EMS Drug Formulary or the approved drug list of MedOne's medical control physician. Mr. Ferrell did not receive an order from a licensed South Carolina physician to administer the Propofol. Mr. Ferrell did not have training by the State or MedOne in the use of Propofol. Mr. Ferrell further violated the EMS Act by falsifying documentation required by DHEC and not including his administration of Propofol on the patient care report.

Enforcement Action: The parties agreed to resolve this matter by consent order. Pursuant to the Consent Order executed in December 2015, Mr. Ferrell agreed to surrender his South Carolina Paramedic card to DHEC. In exchange, DHEC issued Mr. Ferrell an EMT-Basic card that is valid until April 15, 2017. Mr. Ferrell may apply for certification as a Paramedic after April 15, 2017. Mr. Ferrell further agreed to complete a State-approved Paramedic refresher course in order to regain Paramedic certification after April 15, 2017. In addition, Mr. Ferrell agreed to complete a National Association of EMTs Principles of Ethics and Personal Leadership course within twelve (12) months of execution of the consent order.

Prior Sanctions: None.

2. Joey Arthur Price (Paramedic)

Investigation: DHEC conducted a complaint investigation into Marion County EMS's in-service training ("IST") program. DHEC found that Mr. Price attested that all persons on IST program rosters had attended all hours on nineteen (19) separate occasions from September 12, 2013, to May 8, 2015. DHEC determined that on those nineteen (19) rosters, Mr. Price had given absent personnel full credit for entire time listed on the roster. DHEC also found that these hours were entered into the National Registry of Emergency Medical Technicians (NREMT) recertification website and the personnel were given full credit for the entire training sessions.

Violations: DHEC found that Mr. Price committed misconduct, as defined by S.C. Code Sections 44-61-80(F)(1) and (16) and 3 S.C. Code Regs. 61-7 Sections 1100(B)(1) and (17), by attesting to falsified IST program rosters for Marion County EMS that were submitted to the Department and the NREMT.

Enforcement Action: The parties agreed to resolve this matter by consent order. Pursuant to the Consent Order executed in January 2016, Mr. Price agreed not to serve as an IST officer for any licensed ambulance or first responder service in South Carolina for a period of one (1) year from the date of the Consent Order.

Prior Sanctions: None.

3. Marion County EMS (Ambulance Service Provider)

Investigation: Pursuant to the complaint investigation into Marion County EMS, DHEC found that the IST officer attested all personnel on IST program rosters had attended all hours on nineteen (19) separate occasions. DHEC determined that on those nineteen (19) rosters, the IST officer had given absent personnel full credit for entire time listed on the roster. DHEC also found that these hours were entered into the National Registry of Emergency Medical Technicians (NREMT) recertification website and the personnel were given full credit for the entire training sessions.

Violations: DHEC found that Marion County EMS violated the S.C. Code Section 44-61-70(B)(2) by submitting falsified IST records to DHEC on nineteen (19) separate occasions.

Enforcement Action: The parties agreed to resolve this matter by consent order. Pursuant to the Consent Order executed in January 2016, Marion County EMS agreed to contact the National Registry of Emergency Medical Technicians (NREMT) and correct any inaccuracies regarding the IST records of its personnel. Marion County EMS also agreed to and paid the assessed two thousand five hundred dollar (\$2,500) monetary penalty.

Prior Sanctions: None.

4. Kimberly Sue Oldham (EMT)

Investigation: DHEC investigated Ms. Oldham after receiving a self-reported violation by her former employer Capital City Ambulance (Capital City). Capital City reported that Ms. Oldham failed to submit fifty-five (55) patient care reports prior to her departure from the agency. Ms. Oldham had refused to complete and submit the patient care reports for Capital City.

Violations: DHEC found that Ms. Oldham committed misconduct as defined by S.C. Code Section 44-61-80(F)(1) and 3 S.C. Code Regs. 61-7 Section 1100(B)(1) by practicing a dishonest act in connection with official documents required by DHEC. Specifically, Ms. Oldham did not complete and submit fifty-five (55) patient care reports, official documents that are required to be completed, submitted, and maintained by licensed ambulance services.

Enforcement Action: The parties agreed to resolve this matter by consent order. Pursuant to the Consent Order executed in January 2016, Ms. Oldham is required to take and complete a National Association of Emergency Medical Technicians "Principles of Ethics and Personal Leadership" course within twelve (12) months from execution of the Consent Order. Ms. Oldham also agrees to a twelve (12) month suspension of her current SC EMT Certification, No. SC027783. This suspension will be held in abeyance pending Ms. Oldham remaining in compliance with the EMS Act and Regulation for 12 months following execution of the consent order.

Prior Sanctions: None.

5. Anthony Eugene Wallace (Paramedic)

Investigation: On May 29, 2015, while working for MedOne Medical Transport, LLC (MedOne), Mr. Wallace responded to Carolina Pines Regional Medical Center (Carolina Pines) to transfer a burn patient to the J.M. Still Burn Center in Augusta, Georgia. The patient had already been administered hydromorphone, a Schedule II Controlled Substance and potent analgesic, in preparation for transport. The emergency room physician from Carolina Pines gave Mr. Wallace an additional ampule of hydromorphone for administration to the patient in case the patient needed additional pain control. Hydromorphone is not

approved for EMT possession or administration by MedOne's medical control physician, nor is hydromorphone among the drugs approved for EMT possession or administration by the State Approved EMS Drug Formulary. Further, the emergency room physician did not provide Mr. Wallace with a written order for hydromorphone. Mr. Wallace also did not complete an interfacility transport drug report. The patient remained pain free during transport, thereby not requiring Mr. Wallace to administer the hydromorphone.

Violations: DHEC found that Mr. Wallace committed misconduct as defined by S.C. Code Section 44-61-80(F)(17) and 3 S.C. Code Regs. 61-7 Section 1100(B)(12) by violating Section 44-61-130 of the EMS Act. Specifically, Mr. Wallace took possession of hydromorphone, a controlled substance that is not on the State Approved EMS Drug Formulary or approved by MedOne's medical control physician. Further, Mr. Wallace did not obtain a written order for this medication from a physician possessing a valid license to practice medicine in South Carolina or complete an interfacility transport drug report.

Enforcement Action: The parties agreed to resolve this matter by consent order. Pursuant to the Consent Order executed in January 2016, Mr. Wallace agreed surrender his South Carolina Paramedic card to DHEC. Upon receipt of the Paramedic card, DHEC will issue Mr. Wallace an EMT card with an expiration date of six (6) months from the execution of the Consent Order. Mr. Wallace further agreed to attend and successfully complete a National Association of Emergency Medical Technicians Advanced Medical Life Support class. Upon receipt by DHEC of Mr. Wallace's completion of the class, his EMT Paramedic Certificate will be reissued with the original expiration date of July 15, 2016. Should Mr. Wallace not complete the class prior to the end of his suspension, his EMT Paramedic Certificate will be reissued with the original expiration date of July 15, 2016, at the completion of the six (6) month suspension period.

Prior Sanctions: None.

6. Michael Alton Smart, Sr. (EMT)

Investigation: On November 12, 2015, Mr. Smart was arrested by the Berkeley County Sheriff's Office and charged with criminal sexual conduct with a minor in the first degree, a criminal offense defined by S.C. Code Section 16-3-655(A)(1).

Violations: DHEC is actively monitoring Mr. Smart's arrest for criminal sexual conduct with a minor in the first degree. Criminal sexual conduct with a minor in the first degree is a felony and a crime involving moral turpitude or gross immorality. The alleged conduct of Mr. Smart may be misconduct as defined by S.C. Code Section 44-61-80(F)(2) and S.C. Code Regs. 61-7 Section 1100(B)(2). DHEC believes Mr. Smart's arrest demonstrates a capacity for inappropriate and criminal behavior towards individuals placed within his trust. Moreover, DHEC determined that a clear and present danger would exist to the public health, safety, or welfare if Mr. Smart's EMT Certificate is not immediately suspended, pending further investigation.

Enforcement Action: Under an Emergency Suspension Order executed November 24, 2015, Mr. Smart's EMT Certificate was immediately suspended on an emergency basis.

Prior Sanctions: None.

7. Capital City Ambulance (Ambulance Service Provider)

Investigation: DHEC investigated Capital City Ambulance ("Capital City") in regards to their self-reported violation that its former employee failed to enter one hundred thirty-six (136) patient care reports prior to

her departure from the service. Licensed services are to maintain records that include approved patient care reports. Patient care reports shall reflect services, treatment, and care provided by the provider.

Violations: DHEC found that Capital City violated S.C. Code Section 44-61-90 and 3 S.C. Code Regs. 61-7 Section 1303.B by failing to maintain one hundred thirty-six (136) patient care reports. DHEC further found that Capital City violated 3 S.C. Code Regs 61-7 Section 1301 by failing to report all of its patient care reports to DHEC on a monthly basis.

Enforcement Action: The parties agreed to resolve this matter by consent order. Pursuant to the Consent Order executed in January 2016, Capital City is required to pay one thousand dollars (\$1,000) in assessed monetary penalties within ninety (90) days of execution of the Consent Order.

Prior Sanctions: None.