

SUMMARY SHEET
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

May 7, 2015

_____ ACTION/DECISION
 X INFORMATION

- I. TITLE: Administrative and Consent Orders issued by Health Regulation.
- II. SUBJECT: Administrative and Consent Orders issued by Health Regulation for the period of March 1, 2015 through March 31, 2015.
- III. FACTS: For the period of March 1, 2015 through March 31, 2015, Health Regulation issued four (4) Administrative Orders and one (1) Consent Order with a total of two thousand seven hundred dollars (\$2,700) in assessed penalties.

Program Area	Consent Orders	Administrative Orders	Assessed Penalties
Bureau of Health Facilities Licensing	0	3	\$2,200
Division of EMS & Trauma	1	1	\$500
TOTAL	1	4	\$2,700

Approved By:



Shelly Bezanson Kelly, J.D.
Deputy Director of Health Regulation

HEALTH REGULATION ENFORCEMENT REPORT
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

May 7, 2015

BUREAU OF HEALTH FACILITIES LICENSING

1. Pelion Eldercare (CRCF) - Pelion, SC

Investigation: The Department conducted general inspections on February 1, 2011, and February 23, 2012. The Department conducted resident care focused inspections on August 6, 2010, December 3, 2010, July 27, 2011, September 14, 2011, and June 13, 2012. The Department also conducted an investigation on September 14, 2011.

Code Violations: The Department's above-mentioned inspections and investigation resulted in multiple and repeated citations involving medication, resident physical exams, staff training, maintenance, and housekeeping. These citations were in violation of Regulation 61-84.

Pelion Eldercare repeatedly violated Regulation 61-84, and a previous Consent Order (CO-HL-04-2012) executed on November 5, 2012. In addition, Pelion Eldercare failed to pay the \$17,000 of the previously assessed \$23,000 monetary penalty being held in abeyance pursuant to the 2012 Consent Order.

Prior Enforcement Action: On November 5, 2012, the parties executed a Consent Order with a \$23,000 monetary penalty. Pelion Eldercare was required to pay the first \$6,000 in twelve (12) monthly installments and the remaining \$17,000 would be held in abeyance pending substantial compliance.

On December 12, 2013, the Department notified Pelion Eldercare that it had not substantially complied based on inspections and investigations during the previous twelve (12) months. Accordingly, the Department called in the remaining \$17,000 balance of the assessed monetary penalty.

On July 2, 2014, Pelion Eldercare proposed to make payment of the remaining \$17,000 in twelve (12) monthly installments. On July 9, 2014, the Department notified Pelion Eldercare it accepted the proposed monthly payment plan but Pelion Eldercare did not make any payment. As a result, the Department determined to issue the present Administrative Order.

Enforcement Action: On February 12, 2015, the Department issued an Administrative Order and revoked the license of Tomaco, Inc., to operate Pelion Eldercare as a CRCF.

Prior Sanctions: None.

2. McMillian's Community Care Home (CRCF) - Columbia, SC

Investigation: The Department conducted general inspections on March 25, 2011, and March 2, 2012. The Department conducted resident care focused inspections on October 22, 2010, July 15, 2011, and July 3, 2012. The Department conducted food and sanitation inspections on March 25, 2011, and July 3, 2012. Lastly, the Department conducted a complaint investigation on October 22, 2010.

Code Violations: The Department's above-mentioned inspections and investigation resulted in multiple and repeated citations involving resident individual care plans, resident written assessments, physical

examination records, resident notes of observation, and kitchen maintenance. These citations were in violation Regulation 61-84.

Prior Enforcement Action: On October 5, 2012, the Department notified McMillian's that it was considering an enforcement action. On December 6, 2012, the parties met but were unable to reach an agreement. On January 31, 2013, the Department executed an Administrative Order assessing a \$14,500 monetary penalty against McMillian's. On February 13, 2013, the Department's Board received McMillian's request for final review and the Board made the decision not to conduct a final review conference and notified McMillian's of this decision on March 18, 2013. On April 6, 2013, McMillian's filed a request for a contested case hearing with the ALC and on February 4, 2014, Judge Anderson issued an order requiring McMillian's to submit the \$14,500 monetary penalty to the Department within thirty (30) days. On February 19, 2014, McMillian's appealed Judge Anderson's order with the SC Court of Appeals. On April 1, 2014, the SC Court of Appeals dismissed McMillian's appeal for failure to provide the Court with any transcript information and for failure to timely serve and file the appellant's initial brief and designation of matter.

Enforcement Action: Since McMillian's still had not paid the \$14,500 as ordered by the ALC as of February 4, 2015, the Department determined to issue an Administrative Order. On February 12, 2015, the Department issued an Administrative Order and revoked the license of Karen B. McMillian to operate McMillian's Community Care Home.

Prior Sanctions: None.

3. Blessed Births Family Wellness and Birth Center (Birthing Center) - Greenville, SC

Investigation: The Department conducted a routine inspection and complaint investigation on July 16, 2014. The Department's citations during that visit resulted in the present enforcement action.

Code Violations: The Department found Blessed Births had multiple violations of Regulation 61-102. The facility did not have an individual appointed to act in the absence of the facility's administrator, in violation of Regulation 61-102, Section C(3). The facility's policies and procedures did not address receiving, transcribing, and implementing orders for the administration of drugs, in violation of Regulation 61-102, Section D(3)(b). The facility did not have signed, written prescriptions for all drugs administered to mother and infant in the birth center, in violation of Regulation 61-102, Section D(3)(b). The facility had medications on a table in a birthing room such that the medications were unsecured and accessible, in violation of Regulation 61-102, Section D(3)(f). The facility performed a delivery without the appropriate staff members present, in violation of Regulation 61-102, Section D(6)(d). Finally, the facility had biological samples in the facility bathroom, in violation of Regulation 61-102, Section F.5(a).

Enforcement Action: On February 12, 2015, the Department issued an Administrative Order imposing a \$2,200 monetary penalty on Blessed Births, with the assessed monetary penalty due to the Department within thirty (30) days of the execution of the Administrative Order.

Prior Sanctions: None.

DIVISION OF EMS & TRAUMA

1. Ambu1 (SC EMS Provider License No. 331)

Investigation: Based on patient care reports submitted by Ambul, the Department determined that on two (2) separate occasions on January 10, 2015, Ambul allowed uncertified personnel perform patient care.

Code Violations: Ambul violated S.C. Code Section 44-61-70(B)(1) by allowing uncertified personnel perform patient care.

Enforcement Action: Pursuant to the Consent Order executed March 27, 2015, Ambul agreed to pay five hundred dollars (\$500) within ninety (90) days of execution of the Consent Order.

Prior Sanctions: None.

2. Billy James Hayes (SC EMT Certificate No. SC020750)

Investigation: On March 30, 2015, the Department was notified of an update to Mr. Hayes's criminal record. The Department initiated an investigation into this matter and found that the Laurens County Sheriff's Office arrested and charged Mr. Hayes with pointing and presenting a firearm at a coworker at their place of employment, a criminal offense defined by S.C. Code Section 16-23-410.

Code Violations: Mr. Hayes committed "misconduct" as defined by S.C. Code Section 44-61-80(F)(2) and -(14), and Regulation 61-7, Section 1100(B)(2) and -(15) by being charged with pointing and presenting a firearm, which is a Class F felony, and a crime involving moral turpitude or gross immorality.

Enforcement Action: Pursuant to the Consent Order executed March 31, 2015, the Department suspended Mr. Hayes's EMT Certificate immediately on an emergency basis.

Prior Sanctions: None.