

SUMMARY SHEET
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

November 10, 2016

() ACTION/DECISION

(X) INFORMATION

I. TITLE: Health Regulation Administrative and Consent Orders.

II. SUBJECT: Health Regulation Administrative Orders, Consent Orders, and Emergency Suspension Orders for the period of September 1, 2016, through September 30, 2016.

III. FACTS: For the period of September 1, 2016, through September 30, 2016, Health Regulation reports one (1) Emergency Suspension Order, and four (4) Consent Orders with a total of eleven thousand dollars (\$11,000) in assessed monetary penalties.

Health Regulation Bureau	Health Care Facility, Provider or Equipment	Administrative Orders	Consent Orders	Emergency Suspension Orders	Assessed Penalties
Health Facilities Licensing	Community Residential Care Facilities	0	1	0	\$8,000
EMS & Trauma	Ambulance Services Provider	0	1	0	\$3,000
	Paramedics	0	1	0	\$0
	EMTs	0	1	1	\$0
TOTAL		0	4	1	\$11,000

Approved By:

Shelly Bezanson Kelly
Director of Health Regulation

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

November 10, 2016

Bureau of Health Facilities Licensing

Facility Type	Total # of Beds or Participants	Total # of Licensed Facilities in South Carolina
Community Residential Care Facilities	17,245	459

1. Oakleaf Village of Lexington (CRCF) – Lexington, SC

Investigation: Department representatives visited Oakleaf Village of Lexington (“Oakleaf”) on March 29, 2016, to conduct a complaint investigation, and again on April 21, 2016, to conduct a general inspection.

Violations: In conducting the complaint investigation and general inspection, the Department found a total of twelve (12) violations of Regulation 61-84, two (2) of which were repeat violations. Specifically, Oakleaf was cited one (1) time for violating Section 401, by failing to implement policies and procedures regarding resident care and facility operation; one (1) time for violating Section 504.A.4, by failing to have documentation of current annual training in medication management and administration for a staff member available for review and failing to have documentation of initial training in medication management and administration for a newly-hired staff member; one (1) time for violating Section 601.B, by failing to report confirmed or suspected cases of neglect involving diversion of a resident’s controlled medications; two (2) times for violating Section 901.C, by failing to render care and services in accordance with orders from physicians or other authorized healthcare providers; two (2) times for violating Section 1201.A, by failing to ensure that a resident’s controlled medications were properly managed in accordance with local, state, and federal laws and regulations, and by failing to ensure that a resident’s medication was available for administration; one (1) time for violating Section 1203.F, by failing to ensure that outgoing staff members and incoming staff members documented reviews of residents’ medication administration records; one (1) time for violating Section 1205.B, by failing to ensure that a resident’s medications were kept in the original containers and no transference between containers; one (1) time for violating Section 1206.C.1, by failing to maintain records of receipt, administration, and disposition of a resident’s controlled medication in sufficient detail to enable an accurate reconciliation; one (1) time for violating Section 1206.C.2, by failing to ensure that outgoing and incoming staff members documented reviews at each shift change of the control sheets for controlled substances prescribed to residents and managed by the facility; and one (1) time for violating Section 1207.D, by failing to ensure that the destruction of controlled substances was witnessed by the Administrator or his or her designee, and a staff member trained by individuals licensed to administer medications.

Enforcement Action: By Consent Order executed September 7, 2016, the Department assessed an eight thousand dollar (\$8,000) monetary penalty against Oakleaf. Oakleaf is required to make payment of five thousand dollars (\$5,000) of the assessed monetary penalty within forty-five (45) days of execution of the Consent Order. The remaining three thousand dollars (\$3,000) of the assessed monetary penalty will be stayed upon a six (6) month period of substantial compliance with the requirements of Regulation 61-84 and the terms of the Consent Order. Additionally, the terms of the Consent Order require Oakleaf to

initiate action to correct the violations that initiated this enforcement action and to ensure that all violations of Regulation 61-84 are not repeated. Finally, Oakleaf is required to schedule and attend a compliance assistance meeting with Department representatives within forty-five (45) days of execution of the Consent Order. Oakleaf has paid the required five thousand dollars (\$5,000) of the assessed monetary penalty.

Prior Sanctions: None.

Bureau of EMS & Trauma

EMS Provider Type	Total # of Providers in South Carolina
EMT	5,164
EMT – Intermediate	442
Advanced EMT	305
Paramedic	3,641
Athletic Trainers	875
Ambulance Services Provider	256
First Responder Services Provider	2

2. Billy Scott Childress (Paramedic)

Investigation: The Department was notified on January 19, 2016, of alleged actions of Mr. Childress that occurred on January 15, 2016. After loading a patient into the ambulance, but prior to initiation of transport to the hospital, Mr. Childress’s EMT partner attempted intravenous (“IV”) therapy on the patient. On the required patient care report, Mr. Childress documented that he personally performed the IV therapy attempt, when it was actually his EMT partner that made the attempt.

Violations: Mr. Childress committed misconduct, as defined by S.C. Code Section 44-61-80(F)(16) and Regulation 61-7, Section 1100(B)(17), by falsifying documentation required by the Department. Specifically, Mr. Childress failed to properly record who attempted the IV therapy on the patient care report.

Enforcement Action: The parties met and were able to resolve this matter pursuant to a Consent Order executed September 6, 2016. Pursuant to the terms of the Consent Order, Mr. Childress agreed to a one (1) year suspension of his Paramedic certificate. The suspension shall be held in abeyance for one (1) year, pursuant to the terms of the Consent Order. During the period of abeyance, if Mr. Childress fails to comply with the EMS Act, Regulation 61-7, or the terms of the Consent Order, the Department may call in all or a portion of the agreed upon one (1) year suspension and/or pursue other enforcement action in accordance with the EMS Act and Regulation 61-7. Should the Department call in all or part of the suspension based upon Mr. Childress failing to comply with the terms herein, the Department will notify Mr. Childress via certified mail, and Mr. Childress will return his certificate to the Department.

Prior Sanctions: None.

3. Kathleen Durst Talbert (EMT)

Investigation: The Department was notified on January 19, 2016, of alleged actions of Ms. Talbert that occurred on January 15, 2016. After loading a patient into the ambulance, but prior to initiation of transport to the hospital, Ms. Talbert attempted intravenous (“IV”) therapy on the patient, an advanced skill that is outside the scope of practice of an EMT.

Violations: Ms. Talbert committed misconduct, as defined by S.C. Code Section 44-61-80(F)(12) and Regulation 61-7, Section 1100(B)(13), by performing skills above the level for which she was certified. Specifically, Ms. Talbert attempted IV therapy on a patient, a skill beyond the scope of practice for a certified EMT.

Enforcement Action: The parties met and were able to resolve this matter pursuant to a Consent Order executed September 23, 2016. Pursuant to the terms of the Consent Order, Ms. Talbert agreed to a one (1) year suspension of her EMT certificate. The suspension shall be held in abeyance for one (1) year, pursuant to the terms of the Consent Order. During the period of abeyance, if Ms. Talbert fails to comply with the EMS Act, Regulation 61-7, or the terms of the Consent Order, the Department may call in all or a portion of the agreed upon one (1) year suspension and/or pursue other enforcement action in accordance with the EMS Act and Regulation 61-7. Should the Department call in all or part of the suspension based upon Ms. Talbert failing to comply with the terms herein, the Department will notify Ms. Talbert via certified mail, and Ms. Talbert will return her certificate to the Department.

Prior Sanctions: None.

4. Wesley Forquer (EMT)

Investigation: On August 22, 2016, the Department was notified of Mr. Forquer’s arrest in Rock Hill, SC. Upon notification, the Department initiated an investigation into the matter. The Department discovered that Mr. Forquer was arrested on August 11, 2016, and charged with domestic violence in the first degree.

Violations: The charge against Mr. Forquer, specifically domestic violence in the first degree, is a felony and a crime involving moral turpitude or gross immorality. Mr. Forquer’s alleged conduct is in violation of the EMS Act and Regulation 61-7. The Department found that Mr. Forquer’s arrest demonstrated a capacity for inappropriate and criminal behavior towards individuals placed within his trust. The Department further determined that a clear and present danger would exist to the public health, safety, and welfare if Mr. Forquer’s EMT certificate was not immediately suspended pending further investigation.

Enforcement Action: Mr. Forquer’s EMT certificate was immediately suspended on an emergency basis pursuant to the Emergency Suspension Order executed August 26, 2016. The Department will continue to monitor the investigation.

Prior Sanctions: None.

5. Riverside Ambulance Service (Ambulance Services Provider)

Investigation: On February 23, 2016, the Department was notified by Riverside Ambulance Service (“Riverside”) that one of its employees had a valid National Registry of Emergency Medical Technicians (“NREMT”) certification, but did not have a South Carolina Emergency Medical Technician (“EMT”) certification. As a result of its investigation, the Department determined the employee performed patient

care within the scope of an EMT on at least thirty-four (34) ambulance runs from January 18, 2016, to February 22, 2016, a time in which she was uncertified as a South Carolina EMT.

Violations: The Department found that Riverside violated S.C. Code Section 44-61-70(B)(1) by allowing an uncertified person to provide patient care that is within the scope of an EMT without proper certification.

Enforcement Action: The parties agreed to resolve this matter by Consent Order. Pursuant to the Consent Order executed on September 22, 2016, Riverside agreed to the assessment of a three thousand dollar (\$3,000) monetary penalty. Riverside is required to remit payment of five hundred dollars (\$500) of the assessed monetary penalty within ninety (90) days of execution of the Consent Order. The remaining two thousand five hundred dollars (\$2,500) of the assessed monetary penalty shall be held in abeyance for twenty-four (24) months following execution of the Consent Order. If at any time during the twenty-four (24) month period the Department finds Riverside in violation of the EMS Act or Regulation 61-7, the Department may call in all or part of the three thousand dollar (\$3,000) monetary penalty. Any monies called in by the Department shall be due and payable to the Department within thirty (30) calendar days of the date the Department mails written notice that payment is due. Additionally, pursuant to the terms of the Consent Order, Riverside shall have its Training Officer present to all EMT-credentialed personnel currently employed by Riverside a one (1) hour training presentation covering the process, procedure, and paperwork for a candidate to obtain his or her NREMT and South Carolina EMT certifications. The presentation shall detail both the initial and recertification processes. Riverside is required to submit a copy of its rosters of personnel trained with this presentation to the Department within one hundred twenty (120) days of execution of the Consent Order.

Prior Sanctions: None.