

SUMMARY SHEET
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

June 8, 2017

() 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 April 1, 2017, through April 30, 2017.

III. FACTS: For the period of April 1, 2017, through April 30, 2017, Health Regulation reports five (5) Consent Orders with a total of one hundred two thousand one hundred seventy-five dollars and seventy cents (\$102,175.70) in assessed monetary penalties.

Health Regulation Bureau	Health Care Facility, Provider or Equipment	Administrative Orders	Consent Orders	Emergency Suspension Orders	Assessed Penalties
Certificate of Need	Hospital	0	1	0	\$99,175.70
EMS & Trauma	Paramedic	0	2	0	\$1,500
	EMT	0	2	0	\$1,500
TOTAL		0	5	0	\$102,175.70

Approved By:

Shelly Bezanson Kelly
Director of Health Regulation

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

June 8, 2017

Certificate of Need Program

1. Bon Secours St. Francis Xavier Hospital, Inc. – Charleston, SC

Investigation: On January 9, 2017, Bon Secours St. Francis Xavier Hospital (“Bon Secours”) filed a Certificate of Need (“CON”) application for the purchase of a radiosurgery technology package, with a total cost of nine hundred ninety-one thousand seven hundred fifty-seven dollars (\$991,757). The CON application stated that the technology package was already purchased and installed. Upon inquiry, Bon Secours stated that the equipment was purchased September 9, 2015, and delivered to Bon Secours February 11, 2016. During an enforcement conference thereafter, Bon Secours presented evidence that the equipment had yet to be commissioned or installed. Bon Secours further stated to the Department that the equipment presently resides in a treatment room at the facility and that the equipment has not been utilized to date. The Department has not issued a CON for this equipment purchase nor rendered a decision on the pending CON application.

Violations: Pursuant to S.C. Code Section 44-7-160(6), a health care facility is required to obtain a CON from the Department prior to the acquisition of medical equipment if the total project cost exceeds the regulatory threshold. S.C. Code of Regulations 61-15, Section 102(1)(f), requires a CON from the Department for the acquisition of medical equipment if the total project cost is in excess of six hundred thousand dollars (\$600,000). Therefore, Bon Secours was not authorized by the Department to acquire the technology package prior to written approval from the Department

Enforcement Action: The Department finds that public interest would be served by the assessment of a monetary penalty in the amount of ninety-nine thousand one hundred seventy-five dollars and seventy cents (\$99,175.70), representing ten percent (10%) of the total project cost. However, the Department further finds that public interest would be served by requiring payment of one percent (1%) (\$9,917.57) of the monetary penalty at this time, with the remainder to be held in abeyance for a period of one (1) year. Therefore, pursuant to the Consent Order executed April 21, 2017, Bon Secours agreed to pay the assessed monetary penalty of nine thousand nine hundred seventeen dollars and fifty-seven cents (\$9,917.57) within thirty (30) days of execution of the Consent Order. Bon Secours further agreed to not utilize the medical equipment absent written approval from the Department. Finally, Bon Secours agreed to return the equipment if the Department determines that a CON should not be granted for this equipment. The assessed monetary penalty has been paid by Bon Secours.

Prior Sanctions: None.

Bureau of EMS & Trauma

EMS Provider Type	Total # of Providers in South Carolina
EMT	5,647
EMT – Intermediate	196
Advanced EMT	366
Paramedic	3,645

Athletic Trainers	889
Ambulance Services Provider	257
First Responder Services Provider	2

2. Susan M. Baker (Paramedic)

Investigation: On October 27, 2016, the Department received notification regarding an October 22, 2016, incident involving alleged inappropriate actions by Ms. Baker. The Department initiated an investigation and made the following findings. On October 22, 2016, Ms. Baker attended a party at a friend’s residence. During the party, another attendee appeared to be under the influence of some intoxicant and nearly passed out. The host of the party, a certified EMT, assisted the individual to the couch in the living room of the residence. The host then retrieved some intravenous (“IV”) supplies from a box at her residence. At this time, Ms. Baker entered the room and attempted to start the IV on the individual, but was unsuccessful. Subsequently, the host was successful in starting the IV line and administered fluids to the individual. After the host started the IV, Ms. Baker left the room and returned to the party outside. Neither Ms. Baker nor the host performed an assessment on the individual prior to starting the IV, which would have assisted in determining whether the individual was merely intoxicated or was suffering from some form of head injury. Administration of IV fluid to a patient with a head injury can exacerbate the injury with the potential of being fatal.

Violations: As a result of its investigation, the Department found Ms. Baker committed “misconduct,” as defined by S.C. Code Section 44-61-80(F)(8) and Section 1100(B)(8) of Regulation 61-7, by discontinuing care and abandoning a patient without the patient’s consent and without providing for the further administration of care by an equal or higher medical authority. Specifically, after initiating care, Ms. Baker discontinued care, abandoned the patient, and returned to the party without providing for the continuation of care by an equal or higher medical authority. Ms. Baker further committed “misconduct,” as defined by S.C. Code Section 44-61-80(F)(14) and Section 1100(B)(14) of Regulation 61-7, by creating a substantial possibility that serious physical harm could result from her inactions. Specifically, Ms. Baker failed to perform a complete initial assessment of the patient, unsuccessfully attempted to start an IV line, and observed an off-duty EMT successfully start the IV line and administer fluids to the individual.

Enforcement Action: The parties met and were able to resolve this matter pursuant to a Consent Order executed April 4, 2017. Pursuant to the terms of the Consent Order, Ms. Baker agreed to a one thousand five hundred dollar (\$1,500) assessed monetary penalty, due within one hundred eighty (180) days after execution of the Consent Order. Ms. Baker further agreed to a one (1) year suspension of her Paramedic certificate. The suspension will be held in abeyance for a period of one (1) year, pending compliance with the EMS Act, Regulation 61-7, and the terms of the Consent Order. Finally, Ms. Baker agreed to successfully complete a National Association of Emergency Medical Technicians Principles of Ethics and Personal Leadership course within six (6) months of execution of the Consent Order and provide proof of completion to the Department.

Prior Sanctions: None.

3. Kathleen M. Gumaer (EMT)

Investigation: On October 27, 2016, the Department received notification regarding an October 22, 2016, incident involving alleged inappropriate actions by Ms. Gumaer. The Department initiated an

investigation and made the following findings. On October 22, 2016, Ms. Gumaer hosted a party at her residence. During the party, another attendee appeared to be under the influence of some intoxicant and nearly passed out. Ms. Gumaer assisted the individual to the couch in the living room of her residence. Ms. Gumaer then retrieved some intravenous (“IV”) supplies from a box at her residence. At this time, another attendee who is a certified paramedic entered the room and attempted to start the IV on the individual, but was unsuccessful. Subsequently, Ms. Gumaer was successful in starting the IV line and administered fluids to the individual. After she started the IV, Ms. Gumaer left the room and returned to the party outside. Neither Ms. Gumaer nor the paramedic performed an assessment on the individual prior to starting the IV, which would have assisted in determining whether the individual was merely intoxicated or was suffering from some form of head injury. Administration of IV fluid to a patient with a head injury can exacerbate the injury with the potential of being fatal.

Violations: As a result of its investigation, the Department found Ms. Gumaer committed “misconduct,” as defined by S.C. Code Section 44-61-80(F)(12) and Section 1100(B)(12) of Regulation 61-7, by performing skills above the level for which she was certified. Specifically, establishing an IV and administering IV fluids to a patient is an advanced skill that only certified advanced EMTs and paramedics may perform. Ms. Gumaer further committed “misconduct,” as defined by S.C. Code Section 44-61-80(F)(14) and Section 1100(B)(14) of Regulation 61-7, by creating a substantial possibility that serious physical harm could result from her inactions. Specifically, Ms. Gumaer failed to perform a complete initial assessment of the patient, and started IV fluids believing that the individual was only intoxicated and possibly dehydrated due to vomiting. Finally, Ms. Gumaer committed “misconduct,” as defined by S.C. Code Section 44-61-80(F)(17) and Section 1100(B)(15) of Regulation 61-7, by breaching a section of the EMS Act. Specifically, Ms. Gumaer violated S.C. Code Section 44-61-130 by possessing and administering IV fluid while not on duty with a licensed service and without an order of a physician possessing a license to practice medicine in South Carolina.

Enforcement Action: The parties met and were able to resolve this matter pursuant to a Consent Order executed April 17, 2017. Pursuant to the terms of the Consent Order, Ms. Gumaer agreed to a one thousand five hundred dollar (\$1,500) assessed monetary penalty, due within one hundred eighty (180) days after execution of the Consent Order. Ms. Gumaer further agreed to a one (1) year suspension of her EMT certificate. The suspension will be held in abeyance for a period of one (1) year, pending compliance with the EMS Act, Regulation 61-7, and the terms of the Consent Order. Finally, Ms. Gumaer agreed to successfully complete a National Association of Emergency Medical Technicians Principles of Ethics and Personal Leadership course within six (6) months of execution of the Consent Order and provide proof of completion to the Department.

Prior Sanctions: None.

4. Courtney L. Clements (Paramedic)

Investigation: On April 28, 2016, the Department received a complaint regarding patient care provided by Aiken County Emergency Medical Services (“Aiken EMS”) EMTs on April 27, 2016. The Department initiated an investigation into the matter and made the following findings. On April 27, 2016, while working for Aiken EMS, Ms. Clements responded to a patient complaining of severe pain. After loading the patient into the ambulance, Ms. Clements and her EMT partner began providing patient care. Ms. Clements allowed her EMT partner, who at the time was in advanced EMT school, to attempt to start an intravenous (“IV”) line on the patient. Ms. Clements’ EMT partner was unsuccessful in starting the IV which resulted in extreme pain for the patient and bruising and swelling on the patient’s hand due to the EMT partner repeatedly attempting to find the vein.

Violations: As a result of its investigation, the Department found Ms. Clements committed “misconduct,” as defined by S.C. Code Section 44-61-80(F)(13) and Section 1100(B)(14) of Regulation 61-7, by

observing the administration of substandard care by another EMT without documenting the event and notifying a supervisor. Specifically, Ms. Clements allowed her EMT partner to attempt an IV on a patient, a skill that is outside the scope of practice for an EMT. The IV attempt was unsuccessful and painful for the patient. Ms. Clements failed to document the event and notify a supervisor.

Enforcement Action: Pursuant to the Consent Order executed April 3, 2017, Ms. Clements agreed to a one (1) year suspension of her Paramedic certificate. The suspension will be held in abeyance for one (1) year. Should Ms. Clements fail 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 suspension.

Prior Sanctions: None.

5. Courtney L. White (EMT)

Investigation: On April 28, 2016, the Department received a complaint regarding patient care provided by Aiken County Emergency Medical Services (“Aiken EMS”) EMTs on April 27, 2016. The Department initiated an investigation into the matter and made the following findings. On April 27, 2016, while working for Aiken EMS, Ms. White responded to a patient complaining of severe pain. After loading the patient into the ambulance, Ms. White and her paramedic partner began providing patient care. Ms. White, who at the time was in advanced EMT school, attempted to start an intravenous (“IV”) line on the patient. Ms. White was unsuccessful in starting the IV which resulted in extreme pain for the patient and bruising and swelling on the patient’s hand due to Ms. White repeatedly attempting to find the vein.

Violations: As a result of its investigation, the Department found Ms. White committed “misconduct,” as defined by S.C. Code Section 44-61-80(F)(12) and Section 1100(B)(13) of Regulation 61-7, by performing a skill above the level for which she was certified. Specifically, Ms. White attempted an IV on a patient, which is an advanced level skill and can only be performed by either an AEMT or a paramedic in South Carolina.

Enforcement Action: Pursuant to the Consent Order executed April 10, 2017, Ms. White agreed to a one (1) year suspension of her EMT certificate. The suspension will be held in abeyance for one (1) year. Should Ms. White fail 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 suspension.

Prior Sanctions: None.