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C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment

BOARD:
R. Kenyon Wells
L. Clarence Batts, Jr.
Ann B. Kirol, DDS
John O. Hutto, Sr., MD

Minutes of

S.C. Board of Health and Environmental Control Meeting

October 13, 2011

The S.C. Board of Health and Environmental Control met on Thursday, October 13, 2011, at 10:00 a.m. in the S.C. Department of Health and Environmental Control Board Room, 2600 Bull Street, Columbia, S.C. (Attachment 0-1)

The following members were in attendance:

Allen Amsler, Chairman
Member-at-large

Mark S. Lutz, Vice-Chairman
1st District

R. Kenyon Wells
2nd District

L. Clarence Batts
4th District

Ann B. Kirol, DDS
5th District

John O. Hutto, Sr., MD
6th District

Also in attendance were C. Earl Hunter, Commissioner, Carlisle Roberts, General Counsel, Lisa Longshore, Clerk, department staff and guests. (Attachment 0-2)

Mr. Amsler stated notice of this meeting has been provided to all persons, organizations and news media, which have requested notification, as required by Section 30-4-80(e) of the South Carolina Code of Laws.

Item 1: Consideration of Board Minutes – September 8 meeting and September 13 conference call meeting minutes - For Approval (Attachment 1-1)

Mr. Batts moved, seconded by Mr. Lutz, to approve the minutes as submitted for the September 8 and September 13 meetings. Approved.

Item 2: Monthly Award for Excellence for October 2011 (Attachment 2-1)

Commissioner Hunter recognized the following recipients:

Environmental Quality Control – Jasper County Environmental Health Team: The Jasper County Environmental Health Team (Kimberly Crouse, Tamela Stanfield and Wendy Garcia [now deceased]) has been selected as the recipient of the Monthly Award for Excellence for Environmental Quality Control. On July 12th, this EH team was informed, along with the rest of the Jasper County Health Department staff, that due to serious structural problems with the facility, the health department was going to be closed and staff temporarily relocated in other counties for approximately 8 months to a year while repairs are being made by the County. In order to maintain the necessary services, the EH team was told by the County that arrangements were being made to relocate them into two offices in the building next door to the Health Department. The EH team began packing in preparation of a move next door on July 25th. However, they were told at the last minute by the County that the space they were supposed to move into had been committed to another department. This left the EH team all packed up and no where to go, while clients were waiting for their services. During this interim period, Mrs. Garcia traveled to the Bluffton Office and assisted with EH administrative duties there for not only Jasper County, but the Bluffton EH Office as well. Mrs. Stanfield began reporting to the Hampton County EH Office, where in addition to carrying out her Food and Rabies Program inspections in Jasper, she assisted the Regional Food Program Supervisor with new facilities plan reviews and reporting reconciliations in Hampton. Mrs. Crouse began working out of the Walterboro Office to assist in maintaining communication of the team with the necessary offices in Jasper County they work with on a routine basis, such as the Building Department, Animal Control, and Law Enforcement Offices that may report animal bites. At the August 8th Jasper County Council meeting, council approved the temporary use of two offices in the Mary Gordon Ellis County Building, several miles from the health department site. The team then transitioned to this new site, assisted in testing and setting up the internet VPN Network connections to the DHEC network and arranged for relocation of the necessary office equipment. During all the upheaval and uncertainty about how or where they would be able to provide the necessary services to their clients, this team maintained a positive attitude. They made extra efforts to ensure that their customer service focus remained high and continued to provide services in a timely and effective manner, often at their own inconvenience. As these three were settling into this temporary space and trying to get fully focused on the services they provide, Mrs. Garcia and her family were in an auto accident on September 9th, in which Mrs. Garcia, and two of her 3 young sons were tragically killed. The loss of Mrs. Garcia was felt throughout the community and all of the Region 8 DHEC staff.

Health Services Central Office – Holley Taggart: Holley Taggart, Bureau of Laboratories' TB Laboratory, has been selected as the recipient of the Monthly Award for Excellence for Health Services Central Office. Ms. Taggart started with the Agency seven years ago as an Administrative Assistant for the TB Laboratory of the Microbiology Division. Over the past six months or more, the TB Laboratory has been working with a skeleton crew. During this great hardship Holley stepped up to help the team. She is the first to arrive in the morning in the TB Laboratory. When she comes in she assists in the BOL Mailroom with sorting and distributing samples for the appropriate laboratory testing area. From the mailroom she reports to the TB Laboratory to accession the samples received for Mycobacteria testing. After accessioning the samples, she enters the patient demographics into the Laboratory Information Management System (LIMS). The LIMS was implemented only one year ago. Holley has been very helpful in alerting database administrators of concerns needing immediate attention to ensure the continuity of the system's operation. Holley is instrumental in helping the TB Laboratory meet its established turnaround times, which are critical to maintaining certain funding by the CDC. She also

independently oversees the electronic transfer of information to the CDC for genotyping. Holly is punctual, conscientious and dependable. In addition to her duties as the Administrative Assistant in the TB Laboratory, Holley also assists the Support Division's Specimen Management Staff in entering their patient demographics into the LIMS. She also assists the Administrative Services Section with phone coverage and laboratory report processing when needed. These support functions are critical to the BOL operations. It is a great pleasure to work with Holley. She never complains about how busy she is and goes about her work each day with a smile on her face. Holly is highly regarded by her peers and coworkers and the above demonstrates her commitment to internal and external customer service.

Region 1 Public Health Office – Peggy Medlock: Peggy Medlock, DPO for Region I, has been selected as the recipient of the Monthly Award for Excellence for Region I. Peggy is always very customer oriented and reflects a positive attitude in her daily activities/job duties. She is a joy to work with and is constantly looking for ways to save the region money when it comes to purchasing. Recently, Peggy took the lead in coordinating with a local communications vendor in assessment of our telephone package costs, and ways to improve efficiency. Through her diligent work, she was able to reduce our communication costs by \$10,906.68/year! This could not have come at a better time! With years of budget reductions, we were simply running out of options to provide a quality communications service to our internal customers.

Region 2 Public Health Office – Region 2 Fast Track Core Team: The Region 2 Fast Track Core Team (Donna Cook; Gale Davis; Kendra Douglas; Mary Haywood; Charlotte Leonard; Michelle McKinzie, LMSW; Roslyn McReynolds, RN; Virginia Painter; Kevin Poole; Angela Rice; Caroline Snow; Phyllis Thomas, RN; Maxine Williams, RN; Tonya Woodard) has been selected as the recipient of the Monthly Award for Excellence for Region 2. The individuals listed on this team began our journey January 2011 when Region 2 was offered the opportunity to participate in a CDC grant through the Public Health Foundation (PHF) to pilot a new way to deliver fast track STD services (FTS). Originally, FTS started out as a concept to test asymptomatic clients using nursing clinicians to evaluate the client, necessitating a complete assessment and counseling requirements. These elements took up valuable nursing time/appointments that could be done in another approach. Region 2 volunteered to test a new model of FTS delivery using non-nursing staff to conduct testing only for asymptomatic clients that did not require an examination with counseling provided via educational materials. With the expertise of the PHF facilitator, Grace Duffy, our team processed through the development of a draft policy, documentation form, telephonic screening tool, training plan and went "live" with a pilot clinic 3/23/11. After extensive data collection/evaluation/customer service feedback, the pilot clinic was highly successful! Our developed tools were shared with Regions 3 & 5 so that they could proceed with their pilot clinics. Our Region 2 team remained focused and committed to improving the clinic model/delivery, working through multiple "PDSA" (Plan/Do/Study/Act) cycles, resulting in several excellent outcomes/recommendations for future clinic operations. We should be very proud of the work this team did and continues to do as we move forward to implement FTS region-wide.

Region 3 Public Health Office – Lexington County TB Program: The Lexington County TB Program (Elizabeth Clark, RN; Jean Yelton, RN; Margaret (Dayle) Workman, RN; Veronica Cerda; Lenora Craps; Eva Glover) has been selected as the recipient of the Monthly Award for Excellence for Region 3. Throughout the years, the LCHD TB team has demonstrated professionalism, commitment, knowledge, skills and dedication to both clients and community. This team has excelled time after time in serving the community by preventing, containing and treating Tuberculosis. In recent months this team of professionals has been challenged with many TB cases and a majority of them appearing at the same time. Several months ago while one of the nurses from this unique and competent team was assigned to the Immunization Clinic during a Flu inoculation, she identified a TB case that created many challenges and opportunities. Working as an alert team of professionals, they made a difference by containing what could have been a serious problem. Mrs. Clark, while applying her knowledge and skills, identified a high school student who was very ill and presented with several symptoms. With the assistance of one of our administrative staff who was a Spanish interpreter, they realized that this student had a previous positive TB test through a private provider several weeks earlier. Immediately, she asked the proper questions and

realized that the patient was most likely infected with TB. She then immediately proceeded to put the appropriate protocol measures in place and took him to the TB clinic next door. Also, they immediately started further testing and contact investigation. This investigation was very tedious and challenging because of the language barrier and the extensive exposure to others throughout the community. The result was that they got together as a team and after much communication, consultation and coordination with the TB division, schools, church, and community members made a decision to use a new and more effective method for testing for TB. A team was put in place and received training and carried out the appropriate task related to this incident. After testing over 135 contacts, we can say that due to the prompt response of this professional team the TB disease was contained to a minimum of six patients previously exposed to the index case. TB is an ongoing program requiring 24/7 vigilance at all times. Moreover, it takes a lot of commitment and dedication; and this dedicated staff continues to meet their clients on their terms at their home, workplace, and on a daily basis. Many times, these meetings occur before and after normal work hours, on weekends and holidays, and during inclement weather. This team of professionals constantly faces many challenges, but their commitment and dedication to the clients and the program are to be commended! Yes, they make a difference in many lives and also develop close, professional relations with their clients. Often they go the extra mile to achieve their ultimate goal, which is returning that patient to a healthy body, free of disease, and enjoying a sense of well being. Finally, their keen sense of humor and positive attitude undoubtedly make a huge difference and promote a wholesome work environment for all.

Region 4 Public Health Office – Linda Vann, RN: Linda Vann, RN has been selected as the recipient of the Monthly Award for Excellence for Region 4. For the past year, Ms. Vann has performed her duties of Home Health Team Manager for the Chesterfield HHS site in addition to her duties as the Region 4 HHS Program Manager. She has driven to the Chesterfield site on a daily basis and has ensured that she arrives at 8:30 a.m. so that she is available to staff as they begin their day. During this time, she has oriented two new Chesterfield nurses to Home Health. It is an understatement that the role of the HHS Program Manager is challenging and requires attention to detail in regards to program standards and regulations, fiscal viability, staffing and employee issues, patient satisfaction and providing leadership for the program. The role of the HHS Team Manager is also challenging and very demanding on a daily basis. Ms. Vann continues to meet the demands of both roles, demonstrating professionalism, competency, kindness and a calm demeanor. Ms. Vann has demonstrated outstanding commitment and dedication to the HHS Program. She is most deserving of recognition for her tireless efforts on behalf of our patients and staff.

Region 5 Public Health Office – Denise Cone: Denise Cone, Allendale/Barnwell Team Leader, has been selected as the recipient of the Monthly Award for Excellence for Region 5. Denise has taken over TB for Region 5. She is very knowledgeable about multiple programs, and she also supervises Allendale and Barnwell. She is always pleasant, and even with her busy schedule she always makes time for her clients and employees. Denise is definitely our problem solver. She works with our schedule to always make sure that our clinics are covered. She will step in to help in clinics when necessary. She is always pleasant and supportive of staff and clients alike. She works well with outside agencies, also. She is always willing to help decipher e-mails and help others understand them. She conducts our monthly meetings and always provides good and necessary information. She works hard to keep us all up to date.

Region 6 Public Health Office – Jody Mishoe: Jody Mishoe has been selected as the recipient of the Monthly Award for Excellence for Region 6. Jody has been with Region 6 for twenty-five years. She has worked in almost every program in the Region. Since her hire, she has consistently demonstrated leadership, common sense, and a hard working nature. Her personal and work ethic are admirable. She has gone from being a front line nurse to interim Regional Nursing Director. Jody manages to do a good job of whatever is required of her with what outwardly appears as ease and confidence. She is no-nonsense but enjoys a good laugh as well. Jody looks to address needs for our clients and ensures that the quality component is included. Her analytical skills ensure that she sees the scope from all angles, which will yield a positive outcome for all involved. Presently her plate is overflowing but she is moving ahead through verve, energy, hard work, and initiative for the good of the Region. Jody has done an excellent

job of managing all of the programs that were assigned to her over the years and each has excelled under her direction. She always accepts new assignments with a can-do attitude. It is hard to ruffle her. Such cool headedness is but one of her strong points.

Region 7 Public Health Office – Team Awesome: Team Awesome (Amanda Cameron, Adam Graves, Jennifer Reynolds, Jason Zwiker) has been selected as the recipient of the Monthly Award for Excellence for Region 7. Providing HIV/syphilis testing and counseling may not be the first activity we associate with late Saturday nights at the club, but Team Awesome has discovered that it can be a valuable public health outreach activity. Jennifer “The Leader” Reynolds, RN, Jason “The Blood Guy” Zwiker, Adam “The Negotiator” Graves, and Amanda “The Closer” Cameron identified several nightspots frequented by high risk individuals and successfully arranged late night testing events at these locations. The team typically sets up for an event around 9 pm and may work until well after midnight. The effort has already resulted in a new case of syphilis being identified (and subsequently brought to treatment during a daytime clinic), but the greatest success seems to be in the positive response from the community. Team Awesome consistently provides testing or counseling to dozens of at-risk individuals at each event and the resulting “word on the street” from Team Awesome making the extra effort to literally “meet the clients where they are” in the clubs is that DHEC truly cares.

Region 8 Public Health Office – Rhonda Kinard: Rhonda Kinard, Home Health Administrative Assistant/Community Health Aide, has been selected as the recipient of the Monthly Award for Excellence for Region 8. Rhonda Kinard stepped into double duty action during June/July/August when she assumed responsibility for an additional office site to cover absence of a peer. Rhonda first trained an hourly assistant to help with day to day administrative operations in one site while she floated between locations to assure program operations were successfully maintained. Rhonda’s ability to multi-task, trouble shoot office issues and respond to many requests and questions posed by staff/contractors coming in and out of the offices were all assets to the team. While performing administrative duties, overseeing work of the hourly assistant and keeping billing current, she also willingly provided some home health aide visits to assure patients received a much needed service. During a time when program administrative staff was having to track new CMS documentation requirements for therapists to assure appropriate billing, Rhonda was enthusiastic about testing different processes. She displayed an eagerness to learn and offer constructive recommendations to improve office efficiency. Rhonda was willing to meet Home Health program needs by temporarily covering two site locations while providing excellent customer service. Referral sources have commented on her positive attitude and helpfulness in processing requests for agency services. Home Health staff is grateful to Rhonda for her high energy, efficiency and most importantly, her ability to find humor in spite of the stress level sometimes encountered in day to day office activities. Region 8 is proud to have Rhonda Kinard as part of the Team.

The Board extended its thanks to all recipients.

Item 3: Handling of Requests for Final Review (RFR) requiring action by November 10, 2011 (RFR Docket No. 11-RFR-46 through 11-RFR-52) (Attachment 3-1)

Mr. Lutz recused himself from action on Docket Nos, 11-RFR-47, -48, -49 and -51. (Attachment 3-2)

Dr. Kirol moved, seconded by Mr. Wells, to go into Executive Session for the purpose of obtaining legal advice on the matter under discussion. Approved

While in Executive Session, no actions were taken.

Mr. Amsler stated the Board would consider each pending Request for Review individually.

After discussion, *Mr. Lutz moved, seconded by Mr. Batts, not to conduct a review conference on Docket No. 11-RFR-46, Charleston County Bees Ferry Landfill. Approved.*

After discussion, *Dr. Kirol moved, seconded by Mr. Batts, not to conduct a review conference on Docket Nos. 11-RFR-47, -48 and -49, Fort Mill Hospital CON decisions. Motion carried by a vote of 3-2, (For – Kirol, Batts, and Amsler; Against – Hutto, Wells)*

After discussion, *Mr. Batts moved, seconded by Dr. Kirol, not to conduct a review conference on Docket No. 11-RFR-50, Jonathan Weitz. Approved.*

After discussion, *Mr. Batts moved, seconded by Dr. Kirol, not to conduct a review conference on Docket No. 11-RFR-51, Summerville Medical Center. Approved.*

After discussion, *Mr. Batts moved, seconded by Dr. Kirol, to conduct a review conference on Docket No. 11-RFR-52, Savannah Harbor Expansion Project. Approved.*

Item 4: Administrative and Consent Orders issued by Environmental Quality Control
(Attachment 4-1)

Ms. Robin Stephens, Assistant to the Deputy Commissioner, Environmental Quality Control, stated seventeen (17) actions had been taken with penalties of \$138,111.

The Board accepted this item as information.

Item 5: Orders issued by Office of Ocean and Coastal Resource Management (Attachment 5-1)

Mr. Sean Briggs, Acting Manager, Enforcement Section, stated one (1) action had been taken with a penalty of \$2,000.

The Board accepted this item as information.

Item 6: Administrative Orders, Consent Orders and Sanctions Letters issued by Health Regulation (Attachment 6-1)

Ms. Melinda Bradshaw, Health Regulation Liaison, stated two (2) actions had been taken with penalties of \$9,250.

The Board accepted this item as information.

Item 7: Proposed Revision of Regulation 61-24, Licensed Midwives, Legislative review is required (Attachment 7-1)

Ms. Gwen Thompson, Gwen Thompson, Acting Division Director, Division of Health Licensing, presented this item to the Board. The regulation was last amended in July 1993 and included a comprehensive revision. Since that date, numerous changes in the practice of midwifery to improve standards of care have been adopted by the regulated community. The regulation must be updated to reflect those improvements. Standards have been established for the practice of midwifery and have been accepted nationwide. The North American Registry of Midwives (NARM), has established minimum standards including education, skills testing and written examination for evaluating candidates. Candidates who have met the credentialing standards earn the designation of Certified Professional Midwife (CPM). The process used to create and administer the Certified Professional Midwife examination has been evaluated and accredited by the National Commission for Certifying Agencies, the same organization that credentials Certified Nurse Midwives and many other advanced practice nursing credentials. The process used to evaluate the midwife candidates' education and skills verification is more comprehensive than the oral examination currently in use. Adoption of nationally recognized standards will provide reciprocity for CPMs that seek to be licensed in South Carolina. The Department seeks also to incorporate significant changes to policy on requirements for licensure, educational requirements, revocation criteria, provision of intrapartum care, record keeping and reporting, prenatal care, care of the newborn, incident reporting, tuberculosis testing, and to prohibit licensed midwives from assisting in vaginal births after caesarian section.

Mr. Wells moved, seconded by Mr. Batts, to grant approval to publish a Notice of Proposed Regulation in the State Register, to provide opportunity for public comment, to conduct a Staff Informational Forum, to receive and consider comments, and allow staff to proceed with a public hearing before the Board. Approved.

Item 8: Proposed Amendment of Regulation 61-68, Water Classifications and Standards and Regulation 61-69, Classified Waters, Legislative review is required (Attachment 8-1)

Ms. Heather Preston, Director, Division of Water Quality, presented this item to the Board. R.61-68 and R.61-69 were promulgated pursuant to Section 48-1-10 of the 1976 Code. R.61-68 establishes appropriate goals and water uses to be achieved, maintained, and protected; general rules and water quality criteria to protect classified and existing water uses; and an antidegradation policy to protect and maintain the levels of water quality necessary to support and maintain those existing and classified uses. Section 303(c)(2)(B) of the Federal Clean Water Act (CWA) requires that the Department review, and amend as necessary, this regulation in order to incorporate the most recently published Federal criterion recommendations and guidance. R.61-68 was last amended April 25, 2008. R.61-69 provides a compilation of the State's named waterbodies, their specific classifications and designations, counties of their location and a description of the waters, and any site-specific water quality standards or designations that may apply to the waterbody. R.61-69 was last amended on June 23, 2006. R.61-68 was last proposed for amendment and submitted to the S.C. Legislature for approval on February 17, 2011 as Document No. 4161, where it was referred to House Committee on February 22, 2011 and referred to the Senate Committee on February 23, 2011. Document No. 4161 now awaits an automatic approval date of January 24, 2012. In the promulgation process for Document No. 4161, the Department had originally included a change of the indicator species used for protection of recreational uses in freshwaters. After several meetings and

discussions with multiple stakeholders, the Department decided to withdraw this issue for further deliberation with the understanding that we would continue the proposal in the coming year. Hence, the Department has continued with the process this year and now is proposing the amendment to the freshwater bacterial indicator species for protection of recreational uses. The Department also included the issue of amendment to sections of R.61-68 that specify how bacterial indicators will be used in Department activities such as, but not limited to, permitting and assessments. To ensure consistency throughout the State, this issue was inclusive of marine waters. The Department is seeking to amend R.61-69 in order to improve the regulation overall by making several corrections, adding waterbodies and sections of waterbodies that were previously not listed or missing through error or oversight, reformatting from tabbed columns to a table format, adding consistent language throughout the text, adding any missing codification, and amending other language to make it consistent with other State regulations, specifically R.61-68. We are proposing to remove and replace the regulation in its entirety.

Mr. Batts moved, seconded by Dr. Kirol, to grant approval to publish a Notice of Proposed Regulation in the State Register, to provide opportunity for public comment, to conduct a Staff Informational Forum, to receive and consider comments, and allow staff to proceed with a public hearing before the Board. Approved.

Item 9: Selection of individuals for the Certificate of Need (CON ad hoc review committee (Attachment 9-1)

Ms. Pam Dukes, Deputy Commissioner for Health Regulation, presented this item. On September 8, 2011, the SC DHEC Board granted approval for the formation of an ad hoc committee for the purpose of evaluating whether additional changes to the CON statute, regulations, or processes are warranted. The Department has asked for nominations to be submitted from a wide range of associations, individuals, facilities, academia, and business perspectives. The Department has compiled this list of names for review and selection by the SC DHEC Board. (Attachment 9-2)

Mr. Batts moved, seconded by Dr. Hutto, to appoint Dr. Kirol to represent the Board on the ad hoc committee and ask her to work with staff and come back at a future meeting with recommended members. Approved.

Agenda Item 10 was withdrawn from the agenda

Item 11: Agency Affairs

Commissioner Hunter reported on the following:

At the Southern Health Association annual meeting held September 21-23, 2011 in Charlotte, Dr. Lisa Waddell was presented the Howell Special Meritorious Service to Public Health Award. This award is to be presented to an individual, a group of individuals or organization to honor outstanding and continuous service to, involvement with and support of public health particularly in the field of prevention. This award is named in memory of a past president of SHA. Pat Thomas received the Ficquett-Holley Award. This Ficquett-Holley Award honors the memory of two nurses who were past

presidents of the SHA. To be eligible for this award, the nominee must be a nurse and have made outstanding contributions in the field of public health.

2012-13 Budget Request (Attachment 11-1) and a Re-cap of State Increases requested for 2013. (Attachment 11-2)

Item 12: Legal Report

Mr. Roberts reported on the settlement of three Final Review Conferences that were scheduled before the Board for today's meeting. (Attachment 12-1)

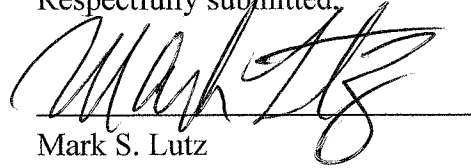
Dr. Hutto moved, seconded by Mr. Batts, to go into Executive Session for the purpose of legal advice and communication within the attorney-client privilege concerning Federal and State Legal Authority and the State Ethics Act. Approved.

While in Executive Session, no actions were taken.

There being no further business, Chairman Amsler declared the meeting adjourned.

All referenced attachments are made a permanent part of these minutes.

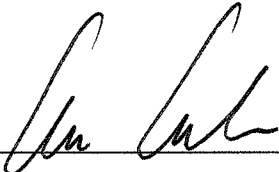
Respectfully submitted,



Mark S. Lutz
Vice-Chairman

Minutes approved this 10th day of November 2011.

ATTEST:



Allen Amsler
Chairman

Attachments

- 0-1 Agenda
- 0-2 Sign-in Sheet
- 1-1 September 8 and September 13 minutes
- 2-1 Monthly Award for Excellence Recipients for October 2011
- 3-1 Handling of Request for Final Review requiring action by November 10, 2011
- 3-2 Statement of Recusal (Lutz)
- 4-1 Administrative and Consent Orders issued by Environmental Quality Control
- 5-1 Orders issued by Office of Ocean and Coastal Resource Management
- 6-1 Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation
- 7-1 Proposed Revision of R.61-24, Licensed Midwives
- 8-1 Proposed Amendment of R.61-68, Water Classifications and Standards and R.61-69, Classified Waters
- 9-1 Selection of individuals for the CON ad hoc review committee
- 11-1 2012-13 Budget Request
- 11-2 Recap of State Increases requested for 2013
- 12-1 Final Review Conference Settlement Documents