

BOARD:
Allen Amsler
Chairman
Mark S. Lutz
Vice Chairman
Ann B. Kirol, DDS
Secretary



Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

BOARD:
R. Kenyon Wells
Charles M. Joye II, P.E.
L. Clarence Batts, Jr.
John O. Hutto, Sr., MD

Minutes of the November 4, 2013, meeting of the South Carolina Board of Health and Environmental Control

The South Carolina Board of Health and Environmental Control met on Monday, November 4, 2013, at 10:00 a.m. in the Board Room at the South Carolina Department of Health and Environmental Control building, 2600 Bull Street, Columbia, South Carolina. (Attachment 0-1)

The following members were in attendance:

Allen Amsler, Chairman
Member-At-Large

Mark Lutz, Vice-Chairman (via telephone)
1st District

Ann B. Kirol, DDS, Secretary
5th District

R. Kenyon Wells
2nd District

Charles M. Joye, II, P.E. (via telephone)
3rd District

L. Clarence Batts
4th District

John O. Hutto, Sr., MD (via telephone)
6th District

Also in attendance were Catherine B. Templeton, Director; W. Marshall Taylor, Jr., General Counsel; Lisa L. Longshore, Clerk; Department staff and members of the public. (Attachment 0-2)

Chairman Amsler called the meeting to order and stated notice of this meeting had 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: Board Minutes of the October 10 meeting (Attachment 1-1)

Mr. Batts moved, seconded by Dr. Kirol, to approve the minutes as submitted for the October 10 meeting. The Board voted and Motion carried.

Item 2: Administrative and Consent Orders issued by Environmental Affairs (Attachment 2-1)

Ms. Robin Stephens, Assistant to the Deputy Director, EQC, stated thirty-two (32) Consent Orders and one (1) Administrative Order had been issued with total penalties of \$71,290.

After discussion, *the Board accepted this item as information.*

Item 3: Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation (Attachment 3-1)

Ms. Melinda Bradshaw, Health Regulation Liaison, stated one (1) Administrative Order had been issued with a penalty of \$5,000.

After discussion, *the Board accepted this item as information.*

Item 4: Proposed Amendment of R.61-107.4, Solid Waste Management: Yard Trash and land-clearing Debris; and Compost, Legislative Review is required (Attachment 4-1)

Mr. Kent Coleman, Director, Division of Mining and Solid Waste Management, presented this item to the Board.

Pursuant to South Carolina Code Ann. Section 44-96-10 et seq., the Department proposes to amend Regulation Section 61-107.4 Solid Waste Management: Yard Trash and Land-clearing Debris; and Compost. This regulation section became effective April 23, 1993, and has never been amended.

This proposed amendment updates the regulation to promote the production of mulch and compost, to clarify permitting requirements and to establish exemptions from the regulation. The proposed amendment promotes the production of compost by expanding the types of materials that may be used to produce compost. It is estimated that nearly 21% of the material in landfills is food waste. Encouraging the use of food waste in compost both reduces the material being landfill, and improves the quality of the compost produced. The amendment exempts certain activities and proposes conditions for exempting others. It establishes the process for seeking a permit to operate and outlines location, design and operating criteria for permitted facilities to ensure that mulch and compost are produced in a manner that is protective of the environment. It establishes testing standards for compost to ensure that it can be applied in a manner that is protective of public health and the environment. The amendment clarifies that violations subject a violator to the issuance of a Department order, to a civil enforcement action or to a criminal enforcement action.

After discussion, *Dr. Kirol 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 receive and consider comments, and allow staff to proceed with a public hearing before the Board. The Board voted and Motion carried.*

Item 5: Proposed New Regulation 61- , Critical Congenital Heart Defects Screening on Newborns, Legislative Review is required (Attachment 5-1)

Ms. Gwen Thompson, Director, Division of Health Licensing, presented this item to the Board.

The Emerson Rose Act, S.C. Code Section 44-37-70 et seq., directed the Department, with advisement from the South Carolina Birth Outcome Initiative Leadership Team, to promulgate regulations necessary to require each birthing facility licensed by the Department to perform on every newborn in its care a pulse oximetry screening test. To satisfy the requirements of Section 44-37-70 of the Act, the Department proposes a new regulation entitled, “Critical Congenital Heart Defects Screening on Newborns.” The proposed regulation includes purpose and scope, definitions, screening criteria, procedures and religious objections.

After discussion, *Mr. Batts moved, seconded by Mr. Lutz, to grant approval to publish a Notice of Proposed Regulation in the State Register, to provide opportunity for public comment, to receive and consider comments, and allow staff to proceed with a public hearing before the Board. The Board voted and Motion carried.*

Item 6: Proposed New Regulation 61- , Standards for Licensing In-Home Care Providers, Legislative Review is required (Attachment 6-1)

Ms. Thompson, Director, Division of Health Licensing, presented this item to the Board.

The Licensure of In-Home Care Providers Act, S.C. Code Section 44-70-10 et seq. directs the Department to promulgate regulations for the licensure of in-home care providers. To satisfy the requirements of Section 44-70-40 of the Act, the Department is proposing a new regulation entitled, “Standards for Licensing In-Home Care Providers.” The regulation will provide standards and procedures including license application and renewal procedures; criminal records checks for licensure applicants, which may include criminal offenses that may preclude licensure; drug testing of licensure applicants; responsibilities and duties of a licensee, including the requirements for bonding; fees the Department may charge to process an application for a license, the issuance of a license, the renewal of a license, and the reinstatement of a revoked or suspended license; and criteria that a licensee’s employee, agent, independent contractor, or referral must satisfy before providing in-home care service. Pursuant to the Act, these criteria include personal information, completion of a minimum education requirement, completion of minimum training and continuing education requirements and screening for communicable diseases; standards for liability and other appropriate insurance coverage; and sanctions the Department may impose for violation of the Act, including the suspension or revocation of a license or the imposition of a monetary penalty.

After discussion, *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 receive and consider comments, and allow staff to proceed with a public hearing before the Board. The Board voted and Motion carried.*

Item 7: Proposed Amendment of R.61-8, Vaccination, screening and Immunization Regarding Contagious Diseases, Legislative Review is Required (Attachment 7-1)

Ms. Leann Bailey, Director, Immunization Division, presented this item to the Board.

The Department proposes to amend R.61-8, Vaccination, Screening and Immunization Regarding Contagious Diseases to implement S.C. Code Sections 44-29-40(A) and 44-29-180. Regulation 61-8 was last amended in 1992. The Department is considering amendments to the regulation to update language regarding religious exemption criteria; clarify compliance of the reporting requirements with the federal Family Educational Rights and Privacy Act (FERPA); facilitate compliance with the McKinney-Vento Homeless Assistance Act; reflect the use of electronic forms in addition to paper copies provided by the Department; make general editorial revisions to clarify and improve the language; and amend the title of the regulation to more accurately reflect the subject matter.

After discussion, *Mr. Batts moved, seconded by Mr. Wells, to grant approval to publish a Notice of Proposed Regulation in the State Register, to provide opportunity for public comment, to receive and consider comments, and allow staff to proceed with a public hearing before the Board. The Board voted and Motion carried.*

Item 8: Proposed Amendment of 61-16, Minimum Standards for Licensing Hospitals and Institutional General Infirmaries, Legislative Review is required (Attachment 8-1)

Ms. Thompson, Director, Division of Health Licensing, presented this item to the Board.

Statutory authority for Regulation 61-16, Minimum Standards for Licensing Hospitals and Institutional General Infirmaries resides in S.C. Code Sections 44-7-110 through 44-7-394 and 44-41-10(d). The Department amended the regulation in April 2002 to address perinatal services. The entire regulation was last amended in April 1992. Since then, numerous improvements in health care practices have arisen. The proposed new amendments herein include the Department's Bureau of Health Facilities Licensing's effort to incorporate those improvements. S.C. Code Section 1-23-120(J) requires state agencies to perform a review of its regulations every five years and update them if necessary. Subsequently, the feedback on the five year review indicated that Regulation 61-16 is outdated and needs substantial revision. The regulation revision has substantial changes including the codification of sections.

After discussion, *Mr. Lutz moved, seconded by Dr. Hutto, to grant approval to publish a Notice of Proposed Regulation in the State Register, to provide opportunity for public comment, to receive and consider comments, and allow staff to proceed with a public hearing before the Board. The Board voted and Motion carried.*

Item 9: Proposed Amendment of 61-51, Public Swimming Pools, Legislative Review is required (Attachment 9-1)

Mr. Doug Kinard, Director, Division of Drinking Water Protection, presented this item.

R.61-51, Public Swimming Pool Regulations, was promulgated to provide consistently safe and healthy recreation for our citizens and visitors when they choose to swim in public pools throughout the State. In order to keep abreast of current industry standards for design, construction, operations, and maintenance of public swimming pools, Department staff review and update the Public Swimming Pool Regulation every five years. The proposed changes include: Incorporation of lifeguard requirement changes adopted into the Recreational Waters Act, SC Code Section 44-55-2390 amended June 2012 and Clarification of the Public Swimming Pool definition and other design requirements.

After discussion, *Mr. Joye moved, seconded by Mr. Lutz, to grant approval to publish a Notice of Proposed Regulation in the State Register, to provide opportunity for public comment, to receive and consider comments, and allow staff to proceed with a public hearing before the Board. The Board voted and Motion carried.*

Item 10: Agency Affairs

Director Templeton briefed the Board on the following issues: Prescription Monitoring and her decision to start conversation with agency staff and agency customers/stakeholder groups about restructuring the agency.

After discussions, *the Board accepted this as information.*

Item 11: Legal Report

Mr. Taylor reminded the Board members that the January 9, 2014, meeting agenda currently has numerous public hearings scheduled and will most likely be a full day.

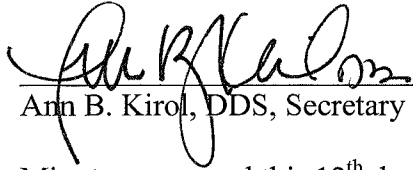
Mr. Wells moved, seconded by Dr. Hutto, to go into Executive Session for the purpose of receiving legal advice relating to the RFR Committees under the attorney-client privilege. The Board voted and the Motion carried.

Chairman Amsler announced the Board was back in session and while in Executive Session no actions were taken.

Chairman Amsler adjourned the meeting.

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

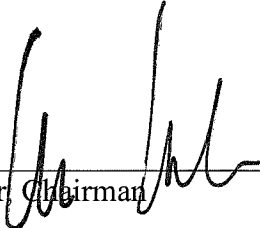
Respectfully submitted,



Ann B. Kirol, DDS, Secretary

Minutes approved this 12th day of December 2013.

ATTEST:



Allen Amsler, Chairman

Attachments

- 0-1 Agenda
- 0-2 Attendance Roster
- 1-1 Minutes of October 10 meeting
- 2-1 Administrative Orders, Consent Orders issued by Environmental Affairs
- 3-1 Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation
- 4-1 Proposed Amendment of R.61-107.4, Solid Waste Management: Yard Trash and Land-clearing Debris; and Compost
- 5-1 Proposed New Regulation 61-___, Critical Congenital Heart Defects Screening on Newborns
- 6-1 Proposed New Regulation 61-___, Standards for Licensing In-Home Care Providers
- 7-1 Proposed Amendment of R.61-8, Vaccination, Screening and Immunization Regarding Contagious Diseases
- 8-1 Proposed Amendment of 61-16, Minimum Standards for Licensing Hospitals and Institutional General Infirmaries
- 9-1 Proposed Amendment of 61-51, Public Swimming Pools