

SUMMARY SHEET
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

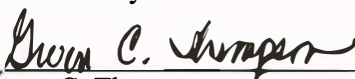
August 8, 2019

- () ACTION/DECISION
(X) INFORMATION

- I. TITLE:** Health Regulation Administrative and Consent Orders.
- II. SUBJECT:** Health Regulation Administrative Orders and Consent Orders for the period of April 1, 2019 through June 30, 2019.
- III. FACTS:** For the period of April 1, 2019 through June 30, 2019, Health Regulation reports 14 Consent Orders and 1 Emergency Suspension Order totaling \$132,725 in assessed monetary penalties. No Administrative Orders were issued during the reporting period.

| Health Regulation Bureau | Facility, Service, Provider, or Equipment Type | Administrative Orders | Consent Orders | Emergency Suspension Orders | Assessed Penalties |
|------------------------------------|---|-----------------------|----------------|-----------------------------|--------------------|
| Health Facilities Licensing | Hospital | 0 | 2 | 0 | 47,700 |
| | Nursing Home | 0 | 1 | 0 | 6,200 |
| | Renal Dialysis | 0 | 1 | 0 | 500 |
| | Residential Treatment Facility for Children & Adolescents | 0 | 1 | 0 | 15,800 |
| | Community Residential Care Facility | 0 | 4 | 0 | 43,200 |
| | Tattoo | 0 | 1 | 0 | 12,200 |
| EMS & Trauma | Paramedic | 0 | 0 | 1 | 0 |
| Radiological Health | Chiropractic | 0 | 2 | 0 | 3,400 |
| | Podiatry | 0 | 1 | 0 | 1,885 |
| | Dental | 0 | 1 | 0 | 1,840 |
| TOTAL | | 0 | 14 | 1 | \$132,725 |

Submitted By:



Gwen C. Thompson
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HEALTH REGULATION ENFORCEMENT REPORT
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

August 8, 2019

Bureau of Health Facilities Licensing

| Facility Type | Total # of Licensed Facilities | Total # of Licensed Beds |
|---------------|--------------------------------|--------------------------|
| Hospital | 104 | 15,130 |

1. Trident Medical Center – North Charleston, SC

Inspections and Investigations: The Department conducted a complaint investigation in September 2017 and a routine inspection in December 2018, and found regulatory violations, including violations that the facility had not corrected between the two visits. The facility had prior approval from the Department to use a unit on the fourth floor as an overflow area of the emergency department to address an increased population of behavioral health patients in the emergency department. However, during both visits, the Department observed the beds being used for admitted inpatients.

Violations: The Department cited the facility during the 2017 investigation for having beds set up in the fourth floor unit that were in use and occupied by patients who had been admitted to the hospital as patients and who were receiving psychiatric care. During the December 2018 inspection, the Department found that the beds remained set up and in use for admitted inpatients of the hospital receiving psychiatric care in the fourth floor unit. The Department cited the facility for not applying for an amended license, for continuing to utilize the emergency department holding area and overflow beds located on the fourth floor as beds for inpatient psychiatric patients, and for failing to ensure patients had access to hot water.

Enforcement Action: The parties conducted an enforcement conference and the parties agreed to resolve the matter by consent order. In April 2019, the parties executed a consent order imposing a civil monetary penalty of \$40,000 against the facility. The facility was required to pay \$20,000 within 30 days of executing the Consent Order. The remaining \$20,000 will be held in abeyance for six months. The facility has made the required payment. The facility has since applied for and received an amended license for the addition of eight psychiatric beds effective June 17, 2019.

Prior Actions: None.

2. Regional Medical Center of Orangeburg and Calhoun Counties – Orangeburg, SC

Inspections and Investigations: The Department conducted routine inspections, food and sanitation inspections, and complaint investigations in 2016 and 2017, and found several regulatory violations.

Violations: The Department found that during the 2016 and 2017 inspections and investigations, the facility failed to give Department inspectors access to records, failed to staff nursing services, failed to properly administer and dispose of medication, failed to comply with kitchen regulations, and failed to establish policies and procedures to prevent waterborne microbial contamination with the water distribution system.

Enforcement Action: The parties conducted an enforcement conference and the parties agreed to resolve the matter by consent order. In April 2019, the parties executed a consent order imposing a civil monetary penalty of \$7,700 against the facility. The facility was required to pay the \$7,700 within 30 days of executing the Consent Order. The facility has made the required payment.

Prior Actions: None.

| Facility Type | Total # of Licensed Facilities | Total # of Licensed Beds |
|---------------|--------------------------------|--------------------------|
| Nursing Home | 193 | 20,422 |

3. Riverside Health and Rehabilitation – North Charleston, SC

Inspections and Investigations: The Department conducted complaint investigations in January and November 2018 and an inspection in August 2018, and found several regulatory violations.

Violations: The Department found that during the 2018 investigations and inspection, the facility had 14 violations, related to, among other things, documentation and record keeping, medication administration, the Bill of Rights for Residents of Long-Term Care Facilities, and pest control.

Enforcement Action: The parties conducted an enforcement conference and the parties agreed to resolve the matter by consent order. In June 2019, the parties executed a consent order imposing a civil monetary penalty of \$6,200 against the facility. The facility was required to pay \$3,200 within 30 days of executing the Consent Order. The remaining \$3,000 will be held in abeyance for six months. The facility has made the required payment. As a term of the Consent Order, the facility agreed to schedule and attend a compliance assistance meeting with the Department within 45 days of executing the Consent Order. The compliance assistance meeting has been scheduled to be conducted within the required timeframe.

Prior Actions: None.

| Facility Type | Total # of Licensed Facilities | Total # of Licensed Stations |
|----------------|--------------------------------|------------------------------|
| Renal Dialysis | 159 | 3,086 |

4. FMC Dialysis Services/Low Country Dialysis – Port Royal, SC

Inspections and Investigations: The Department conducted an investigation in July 2018 and a routine follow-up inspection in October 2018, and found several regulatory violations.

Violations: The Department cited the facility for two violations during the July 2018 investigation and October 2018 inspection. One violation was the failure to ensure that equipment used in dialysis-related water procedures was in good repair. The other violation was the failure to notify the Department of the replacement of the reverse osmosis system, including all equipment and piping.

Enforcement Action: The parties conducted an enforcement conferences and the parties agreed to resolve the matter by consent order. In May 2019, the parties executed a consent order imposing a civil monetary

penalty of \$500 against the facility. The facility was required to pay \$500 within 30 days of executing the Consent Order. The facility has made the required payment.

Prior Actions: None.

| Facility Type | Total # of Licensed Facilities | Total # of Licensed Beds |
|---|--------------------------------|--------------------------|
| Residential Treatment Facility for Children and Adolescents | 11 | 624 |

5. Palmetto Pee Dee Residential Treatment Center – Florence, SC

Inspections and Investigations: The Department conducted several routine inspections, follow-up inspections, food and sanitation inspections, fire and life safety inspections, and investigations in 2018 and 2019, and found that the facility had a lot of regulatory violations, some of which were repeated violations.

Violations: The Department found that between 2018 and 2019, the facility had 17 violations, some of which were repeat violations, related to, among other things, policies and procedures, individual treatment plans, staffing, residents’ rights, medication management and administration, and housekeeping.

Enforcement Action: The parties conducted an enforcement conference and the parties agreed to resolve the matter by consent order. In June 2019, the parties executed a consent order imposing a civil monetary penalty of \$15,800 against the facility. The facility was required to pay \$10,000 within 30 days of executing the Consent Order. The facility has made the required payment. As a term of the Consent Order, the facility agreed to not have a census greater than 40 residents for a period not to exceed six months from executing the Consent Order at the Department’s discretion. According to the facility’s website, the facility announced its intent to close effective June 30, 2019.

Prior Actions: In January 2018, the parties executed a consent order imposing a civil monetary penalty of \$19,700 against the facility, which they paid. As a term of the Consent Order, the facility participated in a compliance assistance meeting with the Department. The Department continued to closely monitor the facility and as a result, determined to take the June 2019 action.

| Facility Type | Total # of Licensed Facilities | Total # of Licensed Beds |
|-------------------------------------|--------------------------------|--------------------------|
| Community Residential Care Facility | 499 | 21,195 |

6. Dorch Community Residential Care Facility – Manning, SC

Inspections and Investigations: The Department conducted several routine inspections, follow-up inspections, and fire and life safety inspections in 2017 and 2018, and found that the facility had many regulatory violations, some of which were repeated violations.

Violations: The Department found that between 2017 and 2018, the facility had 43 violations, some of which were repeat violations, related to, among other things, staff training and documentation, resident record documentation, the kitchen, housekeeping, and fire and life safety.

Enforcement Action: The parties conducted an enforcement conference and the parties agreed to resolve the matter by consent order. In April 2019, the parties executed a consent order imposing a civil monetary penalty of \$18,200 against the facility. The facility was required to pay \$6,000 of the assessed monetary penalty in four monthly installments of \$1,500 starting with the first payment due within 30 days of executing the Consent Order. The remaining \$12,200 will be held in abeyance for six months. The facility has made three of the four monthly installment payments. As a term of the Consent Order, the facility agreed to schedule and attend a compliance assistance meeting with the Department within 45 of executing the Consent Order. The facility has participated in the required compliance assistance meeting.

Prior Actions: None.

7. Dalton's CMC Residential Care Facility – Orangeburg, SC

Inspections and Investigations: The Department conducted several routine inspections, follow-up inspections, food and sanitation inspections, and complaint investigations in 2017 and 2018. During that same timeframe, the Department issued five citations by mail to the facility.

Violations: The Department found that between 2017 and 2018, the facility had 33 violations, some of which were repeat violations, related to, among other things, renewal applications, plans of correction, residents' finances, medications, the kitchen, staff health assessments, and patient physical examinations.

Enforcement Action: The parties conducted an enforcement conference and the parties agreed to resolve the matter by consent order. In May 2019, the parties executed a consent order imposing a civil monetary penalty of \$10,800 against the facility. The facility was required to pay \$6,000 of the assessed monetary penalty in four monthly installments of \$1,500 starting with the first payment due within 30 days of executing the Consent Order. The remaining \$4,800 will be held in abeyance for six months. The facility has made the first of the four monthly installment payments. As a term of the Consent Order, the facility agreed to schedule and attend a compliance assistance meeting with the Department within 45 days of executing the Consent Order. The facility has participated in the required compliance assistance meeting.

Prior Actions: None.

8. Care with Love – North Charleston, SC

Inspections and Investigations: The Department conducted several routine inspections and food and sanitation inspections from 2017 to 2019. During that same timeframe, the Department issued a citation by mail to the facility.

Violations: The Department found that from 2017 and 2019, the facility had 9 violations, all of which were repeat violations, related to, the failure to have a licensed administrator, the failure to ensure initial and annual resident exams, the failure to properly store medication, and the failure to ensure food safety.

Enforcement Action: The parties conducted an enforcement conference and the parties agreed to resolve the matter by consent order. In May 2019, the parties executed a consent order imposing a civil monetary penalty of \$3,500 against the facility. The facility was required to pay \$1,400 of the assessed monetary penalty in four monthly installments of \$350 starting with the first payment due within 30 days of executing the Consent Order. The remaining \$2,100 will be held in abeyance for six months. The facility has made the first of the four monthly installment payments. As a term of the Consent Order, the facility agreed to suspend admissions of new residents until the facility provides documentation that the facility's administrator is licensed as a community residential care facility administrator. Additionally, the facility

agreed to schedule and attend a compliance assistance meeting with the Department within 45 days of executing the Consent Order. The facility has participated in the required compliance assistance meeting.

Prior Actions: None.

9. Care With Love II – North Charleston, SC

Inspections and Investigations: The Department conducted several routine inspections and investigations in 2017 and 2018. During that same timeframe, the Department issued a citation by mail to the facility.

Violations: The Department found that between 2017 and 2018, the facility had 24 violations, some of which were repeat violations, related to, among other things, documentation and record keeping, licensed bed capacity, medication, evacuation plans, and chemical storage.

Enforcement Action: The parties conducted an enforcement conference and the parties agreed to resolve the matter by consent order. In May 2019, the parties executed a consent order imposing a civil monetary penalty of \$10,700 against the facility. The facility was required to pay \$4,100 of the assessed monetary penalty in four monthly installments of \$1,025 starting with the first payment due within 30 days of executing the Consent Order. The remaining \$6,600 will be held in abeyance for six months. The facility has made the first of the four monthly installment payments. As a term of the Consent Order, the facility agreed to suspend admissions of new residents until the facility provides documentation that the facility’s administrator is licensed as a community residential care facility administrator. Additionally, the facility agreed to schedule and attend a compliance assistance meeting with the Department within 45 days of executing the Consent Order. The facility has participated in the required compliance assistance meeting.

Prior Actions: None.

| Facility Type | Total # of Licensed Facilities | Total # of Stations |
|----------------------|---------------------------------------|----------------------------|
| Tattoo Facility | 116 | 471 |

10. Lucky Dice Tattoo II – Tattoo Facility

Inspections and Investigations: The Department conducted inspections in November 2017 and August 2018 and found several violations. In addition, the Department offered a consultation in May 2018, and issued citations by mail in April 2018 and September 2018.

Violations: The Department found that between 2017 and 2018, the facility had 34 violations related to, among other things, documentation and record keeping, access to facility, plans of correction, staff records and training, client records, and sterilization records.

Enforcement Action: The parties conducted an enforcement conference and the parties agreed to resolve the matter by consent order. In May 2019, the parties executed a consent order imposing a civil monetary penalty of \$12,200 against the facility. The facility was required to pay \$5,000 of the assessed monetary penalty in three monthly installments with the first payment of \$1,666.66 due within 30 days of executing the Consent Order. The remaining \$7,200 will be held in abeyance for six months. The Department has received two of the three monthly installments. As a term of the Consent Order, the facility agreed to

schedule and attend a compliance assistance meeting with the Department within 45 days of executing the Consent Order. The facility has participated in the required compliance assistance meeting.

Prior Actions: None.

Bureau of Emergency Medical Services and Trauma

| Provider Type | Total # of Certified Paramedics |
|----------------------|--|
| Paramedic | 3,858 |

11. Chip Seagle – Paramedic

Inspections and Investigations: The Department was notified of Mr. Seagle’s arrest in March 2019 and initiated an investigation. DHEC found that Mr. Seagle was arrested in March 2019 for possessing less than one gram of methamphetamine or cocaine base, and it was a first offense.

Violations: The Department is authorized by state law to take enforcement action against the holder of a (paramedic) certificate at any time it is determined that the (paramedic certificate) holder is guilty of misconduct. Misconduct is defined, in part, to include while holding a (paramedic) certificate, the (paramedic certificate) holder was convicted of or currently under indictment for a felony or another crime involving moral turpitude, drugs, or gross immorality. The Department is further authorized to suspend a (paramedic) certificate pending the investigation of any complaint or allegation regarding the commission of an offense, including but not limited to, those described above.

Enforcement Action: The Department is authorized by state law to issue orders whenever it finds that an emergency requires immediate action to protect the public life and health. Based on Mr. Seagle’s arrest for the abovementioned crime involving drugs, and pursuant to state law, the Department determined the paramedic certificate issued to Mr. Seagle must be immediately suspended on an emergency basis pending further investigation of Mr. Seagle’s criminal matters. The Department is continuing to monitor Mr. Seagle’s criminal matter.

Prior Actions: None.

Bureau of Radiological Health

| Facility Type | Total # of Registered Facilities |
|----------------------|---|
| Chiropractic | 482 |

12. Ed Boren, DC – Easley, SC

Inspections and Investigations: The Department conducted several routine inspections, including August 2010, October 2013, February 2017, and most recently in September 2018, and found that the registrant repeatedly violated the same regulatory requirement.

Violations: The Department found that the registrant violated the X-Rays Regulation by failing to show records of equipment performance testing during the most recent inspection and had been cited for the same violation on three previous inspections. Specifically, the registrant failed to show that their medical x-ray equipment had been tested annually. The registrant submitted a record of equipment performance testing to DHEC the day after the most recent inspection.

Enforcement Action: The parties conducted an enforcement conference and the registrant submitted a corrective action plan in preparation for the conference. The parties agreed to resolve the matter by consent order. In April 2019, the parties executed a consent order imposing a civil monetary penalty of \$1,700 against the registrant. The registrant was required to pay \$425 within 30 days of executing the Consent Order with the remaining \$1,275 held in abeyance for 24 months. The registrant has made the required payment.

Prior Actions: None.

13. Marone Family Chiropractic, P.A. – Simpsonville, SC

Inspections and Investigations: The Department conducted several routine inspections, including October 2012, October 2015, and most recently in April 2018, and found that the registrant repeatedly violated the same regulatory requirement.

Violations: The Department found that the registrant violated the X-Rays Regulation by failing to show records of equipment performance testing during the most recent inspection and had been cited for the same violation on two previous inspections. Specifically, the registrant failed to show that their medical x-ray equipment had been tested annually. The registrant submitted a corrective action plan to DHEC subsequent to the most recent inspection.

Enforcement Action: The parties conducted an enforcement conference and the parties agreed to resolve the matter by consent order. In April 2019, the parties executed a consent order imposing a civil monetary penalty of \$1,700 against the registrant. The registrant was required to pay \$425 within 30 days of executing the consent order with the remaining \$1,275 held in abeyance for 24 months. The registrant has made the required payment.

Prior Actions: None.

| Facility Type | Total # of Registered Facilities |
|---------------|----------------------------------|
| Podiatry | 63 |

14. Bruce H. Wellmon, DPM – Gaffney, SC

Inspections and Investigations: The Department conducted several routine inspections, including November 2001, April 2005, August 2008, July 2013, and most recently in November 2018, and found that the registrant repeatedly violated the same regulatory requirement and had an additional regulatory violation.

Violations: The Department found that the registrant violated the same X-Rays Regulation requirement by failing to show records of equipment performance testing during the most recent inspection and had been

cited for the same violation on four previous inspections. Specifically, the registrant failed to show their medical x-ray equipment was tested annually. A few days after the most recent inspection, the registrant submitted a record of equipment performance testing by a Department-registered vendor that had been conducted prior to the inspection. However, the Department determined that the submitted testing was noncompliant and required the registrant to submit a written corrective action plan. The registrant submitted a corrected equipment performance test in December 2018. The registrant also violated the X-Rays Regulation by failing to produce documentation of an established repeat analysis program. The X-Rays Regulation requires the analysis of repeats to be done at least quarterly and include the overall repeat rate and the causes of the repeats.

Enforcement Action: The parties conducted an enforcement conference and the parties agreed to resolve the matter by consent order. In May 2019, the parties executed a consent order imposing a \$1,885 civil monetary penalty against the registrant. The registrant was required to pay \$471.25 within 30 days of executing the consent order with the remaining \$1,413.75 held in abeyance for 24 months. The registrant has made the required payment.

Prior Actions: None.

| Facility Type | Total # of Registered Facilities |
|---------------|----------------------------------|
| Dental | 1,746 |

15. Giles Family Dentistry – Camden, SC

Inspections and Investigations: The Department conducted several routine inspections, including August 2004, February 2009, June 2014, and most recently in October 2018, and found that the registrant repeatedly violated the same regulatory requirement.

Violations: The Department found that the registrant violated the X-Rays Regulation by failing to show records of equipment performance testing during the most recent inspection and had been cited for the same violation on three previous inspections. Specifically, the registrant failed to show their dental units had been tested every two years. The registrant submitted a record of equipment performance testing by a Department-approved vendor and subsequent to the most recent inspection.

Enforcement Action: The parties conducted an enforcement conference and the parties agreed to resolve the matter by consent order. In May 2019, the parties executed a consent order imposing a \$1,840 civil monetary penalty against the registrant. The registrant was required to pay \$460 within 30 days of executing the consent order with the remaining \$1,380 held in abeyance for 36 months. The registrant has made the required payment.

Prior Actions: None.