



Mark R. Elam, Chairman  
Jim P. Creel, Jr., Vice-Chairman  
Charles M. Joye, II, P.E., Secretary  
J.B. (Sonny) Kinney

**Board:**  
Seema Shrivastava-Patel  
Richard V. Lee, Jr.  
Alex A. Singleton

## **Minutes of the March 12, 2020, meeting of the South Carolina Board of Health and Environmental Control**

The South Carolina Board of Health and Environmental Control met on Thursday, March 12, 2020, at 10:00 a.m. in the Boardroom (#3420) at the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. (Attachment 0-1)

The following members were in attendance:

Mark Elam, Chairman  
Jim P. Creel, Jr., Vice-Chairman  
J.B. (Sonny) Kinney, 1<sup>st</sup> District  
Seema Shrivastava-Patel, 2<sup>nd</sup> District  
Charles M. Joye, II, P.E., 3<sup>rd</sup> District  
Richard V. Lee, Jr., 5<sup>th</sup> District  
Alex A. Singleton, 6<sup>th</sup> District

The 4<sup>th</sup> Congressional District seat is currently vacant.

Also, in attendance were Richard K. Toomey, Director, W. Marshall Taylor, Jr., Legal Counsel; M. Denise Crawford, Clerk; Department staff, and members of the public.

Chairman Elam 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: Minutes of February 13, 2020 meeting** (Attachment 1-1)

**Mr. Kinney moved, seconded by Mr. Lee, to approve the minutes as presented. The Board voted and Motion carried.**

### **Item 2: Administrative and Consent Orders issued by Health Regulation** (Attachment 2-1)

Ms. Bentley White, Director, Health Regulation Policy and Communications, stated for this reporting period, six (6) Consent Orders had been issued with assessed penalties totaling \$51,350.00.

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

**Item 3: Administrative Orders and Consent Orders issued by Environmental Affairs**  
(Attachment 3-1)

Ms. Fran Marshall, Director of Office of Applied Science and Community Engagement, Environmental Affairs, stated that for this reporting period, sixty-six (66) Consent Orders with assessed civil penalties totaling \$105,960.00 and ten (10) Administrative Orders with assessed civil penalties totaling \$34,600.00 had been issued.

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

**Item 4: South Carolina Health Plan**

***Mr. Lee made a motion that the Board go into Executive Session pursuant to SC Code Section 30-4-70(A)(1) and (A)(2) to obtain legal advice concerning the South Carolina Health Plan. Mr. Kinney seconded the motion and the motion carried unanimously.***

Chairman Elam stated the Board was back in public session and while in Executive Session no actions were taken.

Ms. Maggie Murdock, Director, Certificate of Need Program, Health Regulations, presented this item to the Board.

The Draft 2020 South Carolina Health Plan was developed by the South Carolina State Health Planning Committee (Committee). It was released for public comment on November 1, 2019, and four regional public hearings were held in November 2019 to solicit comments. The Committee met on three occasions to review the Plan, review public comments, revise the Plan, and submit a final version to the Board for approval.

The Committee recommended the Board adopt the Draft 2020 South Carolina Health Plan. Proposed changes to sections of the Plan were presented by Board Member Rick Lee, Chairman of the Committee, by chapter of the South Carolina Health Plan. Mr. Lee advised that the Board had received multiple comment letters concerning the draft South Carolina Health Plan.

Chapter 1 had no significant changes.

After discussion, **Mr. Joye moved, seconded by Ms. Shrivastava-Patel, to adopt Chapter 1 of the 2020 South Carolina Health Plan as presented by the State Health Planning Committee. The Board voted and Motion carried.**

Chapter 2 had no significant changes.

After discussion, **Mr. Kinney moved, seconded by Ms. Shrivastava-Patel, to adopt Chapter 2 of the 2020 South Carolina Health Plan as presented by the State Health Planning Committee. The Board voted and Motion carried.**

In Chapter 3, the language regarding the general bed need projections and standards was updated for grammatical changes. General bed standards were revised to provide the methodology for calculating bed need in counties without existing hospitals. Subsequent standards were renumbered for continuity.

Neonatal services standards were revised to allow Level II neonatal facilities to add up to 8 intensive care bassinets, even in the absence of a projected need in the Plan, provided that the facility can demonstrate that it has met certain threshold requirements.

After discussion, **Mr. Creel moved, seconded by Mr. Kinney, to return Chapter 3 of the 2020 South Carolina Health Plan back to the State Health Planning Committee for further public comment and consideration by the Committee and resubmission to the Board. The Board voted and Motion carried.**

In Chapter 4, changes were made to the Psychiatric Service standards to expand opportunities for facilities to add beds based on high occupancy, even in the absence of a projected bed need in the Plan. The general statement outlining the project review criteria considered most important for evaluating Certificate of Need applications for this service was streamlined.

After discussion, **Ms. Shrivastava-Patel moved, seconded by Mr. Creel, to adopt Chapter 4 of the 2020 South Carolina Health Plan as presented by the State Health Planning Committee. The Board voted and Motion carried.**

In Chapter 5, changes were made to the Rehabilitation Facilities standards to expand opportunities for facilities to add beds based on high occupancy, even in the absence of a projected bed need in the Plan. The general statement outlining the project review criteria considered most important for evaluating Certificate of Need applications for this service were streamlined.

After discussion, **Mr. Kinney moved, seconded by Ms. Shrivastava-Patel, to adopt Chapter 5 of the 2020 South Carolina Health Plan as presented by the State Health Planning Committee. The Board voted and Motion carried.**

In Chapter 6, because Freestanding Medical Detoxification Facilities are not included in the applicable statutory definition of "Healthcare Facilities" and, therefore, are not subject to regulation under the Plan, the standards and inventory chart for Freestanding Medical Detoxification Facilities were removed. The general statement outlining the project review criteria considered most important for evaluating Certificate of Need applications for this service was streamlined.

After discussion, **Ms. Shrivastava-Patel moved, seconded by Mr. Singleton to adopt Chapter 6 of the 2020 South Carolina Health Plan as presented by the State Health Planning Committee. The Board voted and Motion carried.**

In Chapter 7, the service areas for Residential Treatment Facilities for Children and Adolescents were combined into a single, statewide service area, and the need methodology was revised to expand the projected bed need for this service from to 41.4 to 70 beds per 100,000 children ages 5-21. This change was recommended, in part, because of the substantial increase in out-of-state children being placed in South Carolina facilities.

Standards were added to expand opportunities for facilities to add beds based on either high occupancy or a documented need for a specialty unit to address certain patient population needs, even in the absence of a projected bed need in the Plan.

After discussion, **Mr. Kinney moved, seconded by Mr. Creel to adopt Chapter 7 of the 2020 South Carolina Health Plan as presented by the State Health Planning Committee. The Board voted and Motion carried.**

In Chapter 8, updates included a definition and service area designation for Comprehensive Catheterization Laboratory. Language regarding equivalents and procedure thresholds were clarified and updated to reflect the most current SCAI/ACC/AHA guidelines.

Standards were added to provide guidance for facilities seeking to provide Transcatheter Aortic Valve Replacement (TAVR) procedure, and to specify that hospitals with diagnostic laboratories may develop primary PCI and elective PCI simultaneously.

Standard 9.m. was revised to require, rather than recommend, that every PCI program participate in a regional or national PCI registry.

The general statement outlining the project review criteria considered most important for evaluating Certificate of Need applications for this service was streamlined.

After discussion, **Mr. Creel moved, seconded by Mr. Singleton to adopt Chapter 8 of the 2020 South Carolina Health Plan as presented by the State Health Planning Committee with typographical corrections. The Board voted and Motion carried.**

In Chapter 9, Radiation Oncology Relevant Definitions were updated to meet industry standards. The Proton Beam Therapy Unit was added to the Types of Radiation Equipment descriptions. The general statement outlining the project review criteria considered most important for evaluating Certificate of Need applications for this service was streamlined. The Megavoltage Visits chart added the column of "Total Capacity".

After discussion, **Mr. Joye moved, seconded by Mr. Kinney, to adopt Chapter 9 of the 2020 South Carolina Health Plan as presented by the State Health Planning Committee. The Board voted and Motion carried.**

In Chapter 10, the general statement outlining the project review criteria considered most important for evaluating Certificate of Need applications for this service was streamlined.

After discussion, **Mr. Joye moved, seconded by Mr. Creel, to adopt Chapter 10 of the 2020 South Carolina Health Plan as presented by the State Health Planning Committee. The Board voted and Motion carried.**

In Chapter 11, the skilled nursing facility bed need methodology was updated to a graduated bed need based on a ratio of beds to specific population age groups. The general statement outlining the project review criteria considered most important for evaluating Certificate of Need applications for this service was streamlined. The Long-Term Care Bed Need chart was updated to include the various age group populations.

After discussion, **Mr. Kinney moved, seconded by Mr. Shrivastava-Patel, to adopt Chapter 11 of the 2020 South Carolina Health Plan as presented by the State Health Planning Committee. The Board voted and Motion carried.**

In the Glossary, definitions were updated for consistency with recommended changes to the Plan.

After discussion, **Mr. Singleton moved, seconded by Mr. Joye, to adopt the Glossary of the 2020 South Carolina Health Plan as presented by the State Health Planning Committee. The Board voted and Motion carried.**

**Item 5: Revisions to Office of Internal Audits Policy** (Attachment 5-1)

Mr. W. Marshall Taylor, Jr., General Counsel, presented this item to the Board.

Changes were made to the Office of Internal Audits to modify the reporting structure. The Director will now report administratively to the General Counsel directly. The revised policy provides for staff briefings on internal audit activity at least twice a year to Agency Management and two Board Members designated by the Board Chair. The policy was revised to reflect the Office of Internal Audit's practices in accordance with Generally Accepted Government Accounting Standards and the Institute of Internal Auditors Code of Ethics and Standards.

After discussion, **Mr. Lee moved, seconded by Mr. Kinney, to approve the revisions to the Office of Internal Audits Policy. The Board voted and Motion carried.**

**Item 6: Agency Affairs**

Dr. Linda Bell, State Epidemiologist, Bureau of Communicable Disease Prevention and Control, Public Health, provided an update on the COVID 19 (Coronavirus).

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

Dr. Kobra Eghtedary, Director of Bureau of Health Improvement and Equity, Public Health, provided information on Health Equity in South Carolina.

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

Dr. Kobra Eghtedary, Director of Bureau of Health Improvement and Equity, Public Health, along with the staff of the Bureau of Health Improvement and Equity provided a data walk for the Board members.

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

Being no further business, the Chairman adjourned the meeting.

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

Respectfully submitted,

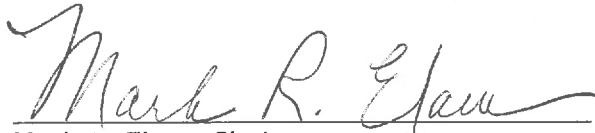


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Charles M. Joye, II, PE

Minutes approved this 9<sup>th</sup> day of April 2020.

ATTEST:



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Mark R. Elam, Chairman

Attachments

- 0-1 Agenda
- 0-2 Sign in Sheet
- 1-1 February 13, 2020 minutes
- 2-1 Administrative and Consent Orders issued by Health Regulation
- 3-1 Administrative Orders and Consent Orders issued by Environmental Affairs
- 4-1 South Carolina Health Plan
- 5-1 Revisions to Office of Internal Audits Policy