

SUMMARY SHEET
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

November 7, 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 August 1, 2019 through September 30, 2019.
- III. **FACTS:** For the period of August 1, 2019 through September 30, 2019, Health Regulation reports 1 Administrative Order and 13 Consent Orders totaling \$29,770 in assessed monetary penalties. There were no Emergency Suspension Orders 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	1	0	\$10,000
	Nursing Home	0	1	0	\$3,600
EMS & Trauma	Paramedic	0	1	0	\$500
	Advanced EMT	0	2	0	\$0
	EMT	1	0	0	\$0
Radiological Health	Chiropractic Facility	0	1	0	\$1,885
	Dental Facility	0	5	0	\$8,685
	Medical Facility	0	2	0	\$5,100
TOTAL		1	13	0	\$29,770

Submitted By:

Gwen C. Thompson

Gwen C. Thompson
 Interim Director
 Health Regulation

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

November 7, 2019

Bureau of Health Facilities Licensing

Facility Type	Total # of Licensed Facilities	Total # of Licensed Beds
Hospital	105	15,130

1. McLeod Seacoast – Little River, SC

Inspections and Investigations: The Department conducted a complaint investigation in April 2019 when the facility was licensed for 50 general hospital beds, and found that the facility violated regulatory requirements related to exceeding its licensed bed capacity.

Violations: The Department found that the facility had an additional 55 general hospital beds set up in preparation for an inspection by the Department. The Department further found, upon review of census records, that the facility exceeded its licensed bed capacity of 50 general hospital beds in October 2018, November 2018, December 2018, and January 2019. The Department had issued the facility a Certificate of Need (CON) for expansion of the facility to include the transfer of the 55 general hospital beds from McLeod Loris Hospital, and the Department had issued the facility a construction notice of completion related to the 55-bed expansion. However, the Department had not approved the amended licensing application nor conducted the licensing inspection to increase the number of beds as required by the hospital regulation. The facility also exceeded the number of licensed general hospital beds that were stated on the face of its license in violation of the hospital regulation.

Enforcement Action: The parties conducted an enforcement conference and agreed to resolve the matter with a consent order. In September 2019, the parties executed a consent order imposing a civil monetary penalty of \$10,000 against the facility. The facility was required to pay the full \$10,000 assessed monetary penalty within 30 days of executing the Consent Order. The facility has made the required payment. The facility is now properly licensed for a total of 105 general hospital beds.

Prior Actions: None.

Facility Type	Total # of Licensed Facilities	Total # of Licensed Beds
Nursing Home	195	20,557

2. Veterans Victory House – Walterboro, SC

Inspections and Investigations: The Department conducted several investigations, including March 2018, May 2018, November 2018, and January 2019, along with a general inspection in February 2019, and found that the facility repeatedly violated the same regulatory requirements.

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2. Veterans Victory House – Walterboro, SC

Inspections and Investigations: The Department conducted several investigations, including March 2018, May 2018, November 2018, and January 2019, along with a general inspection in February 2019, and found that the facility repeatedly violated the same regulatory requirements.

Violations: The Department cited the facility for 13 violations, several of which were repeated during the March 2018, May 2018, November 2018, and February 2019 visits, involving improper actions regarding policies and procedures, staff training, resident records, resident care, and medication administration.

Enforcement Action: The parties conducted an enforcement conference and agreed to resolve the matter with a consent order. In August 2019, the parties executed a consent order imposing a civil monetary penalty of \$3,600 against the facility. The facility was required to pay \$1,800 within 30 days of executing the Consent Order. The remaining \$1,800 will be held in abeyance for six months. The facility has made the required payment. The facility was also required to attend a compliance assistance meeting with the Department, which was completed in October 2019.

Prior Actions: None.

Bureau of Emergency Medical Services and Trauma

Provider Type	Total # of Certified Paramedics
Paramedic	3,824

3. Scott C. Schafer – Paramedic

Inspections and Investigations: In January 2019, the Department was notified of allegations against Mr. Schafer concerning the falsification of electronic patient care reports and initiated an investigation.

Violations: The Department found that Mr. Schafer falsified patient care information in two electronic patient care reports. Mr. Schafer committed misconduct in violation of the SC EMS law and regulation because he was found to be guilty of the falsification of documentation as required by the Department.

Enforcement Action: The parties agreed to resolve the matter with a consent order. In August 2019, the parties executed a consent order imposing a \$500 monetary penalty on Mr. Schafer. Mr. Schafer was required to pay \$250 within 60 days of executing the Consent Order. The remaining \$250 will be held in abeyance for 12 months. Mr. Schafer has made the required payment. Mr. Schafer also agreed to complete a Professional Ethics and Personal Leadership class within 12 months of the execution of this Consent Order.

Provider Type	Total # of Certified AEMTs
AEMT	432

4. Zachary A. Kelly – AEMT

Inspections and Investigations: In February 2019, the Department was notified of allegations concerning conduct by Mr. Kelly while working for Southstar Ambulance Service and initiated an investigation.

Violations: The Department found that Mr. Kelly and his AEMT partner initiated care of patient at the scene of an illness and discontinued care or abandoned the patient without the patient's consent and without providing for the further administration of care by an equal or higher medical authority. Mr. Kelly did not report this incident to his supervisor. Mr. Kelly committed misconduct in violation of the SC EMS law and

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Prior Actions: None.

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Violations: The Department found that Mr. Kelly and his AEMT partner initiated care of patient at the scene of an illness and discontinued care or abandoned the patient without the patient's consent and without providing for the further administration of care by an equal or higher medical authority. Mr. Kelly did not report this incident to his supervisor. Mr. Kelly committed misconduct in violation of the SC EMS law and

regulation by discontinuing care of a patient at the scene of an illness without the patient’s consent or without providing for the further administration of care by an equal or higher medical authority. Mr. Kelly further committed misconduct by observing the administration of substandard care by another AMET without documenting the event or notifying the supervisor. Mr. Kelly observed the substandard care of his AEMT partner and did not report it to his supervisor. Finally, Mr. Kelly committed misconduct because his actions or inactions created a substantial possibility that death or serious physical harm could result. Mr. Kelly’s failure to transport the patient without the patient’s consent created a substantial possibility that death or serious physical harm could result.

Enforcement Action: The parties agreed to resolve the matter with a consent order. In August 2019, the parties executed a consent order imposing a six month suspension on Mr. Kelly’s AEMT certification. Mr. Kelly also agreed to complete a Professional Ethics and Personal Leadership class within 12 months of the execution of this Consent Order.

Prior Actions: None.

5. Noah R. Ramsey – AEMT

Inspections and Investigations: In February 2019, the Department was notified of allegations concerning conduct by Mr. Ramsey while working for Southstar Ambulance Service and initiated an investigation.

Violations: The Department found that Mr. Ramsey and his AEMT partner initiated care of patient at the scene of an illness and discontinued care or abandoned the patient without the patient's consent and without providing for the further administration of care by an equal or higher medical authority. Mr. Ramsey did not report this incident to his supervisor. Mr. Ramsey committed misconduct in violation of the SC EMS law and regulation by discontinuing care of a patient at the scene of an illness without the patient’s consent or without providing for the further administration of care by an equal or higher medical authority. Mr. Ramsey further committed misconduct by observing the administration of substandard care by another AMET without documenting the event or notifying the supervisor. Mr. Ramsey observed the substandard care of his AEMT partner and did not report it to his supervisor. Finally, Mr. Ramsey committed misconduct because his actions or inactions created a substantial possibility that death or serious physical harm could result. Mr. Ramsey’s failure to transport the patient without the patient’s consent created a substantial possibility that death or serious physical harm could result.

Enforcement Action: The parties agreed to resolve the matter with a consent order. In August 2019, the parties executed a consent order imposing a six month suspension on Mr. Ramsey’s AEMT certification. Mr. Ramsey also agreed to complete a Professional Ethics and Personal Leadership class within 12 months of the execution of this Consent Order.

Prior Actions: None.

Provider Type	Total # of Certified EMTs
EMT	6,463

6. Theodore Keith Green, Sr. – EMT

Inspections and Investigations: In August 2019, the Department was notified of allegations against Mr. Green pleading guilty to a criminal offense and initiated an investigation.

Violations: Mr. Green pled guilty to committing criminal sexual conduct with a minor, or attempt, second degree, as defined by S.C. Code Ann. Section 16-3-655(B). Therefore, the Department found that Mr. Green committed misconduct in violation of the SC EMS law and regulation by pleading guilty to a felony involving moral turpitude and gross immorality.

Enforcement Action: The Department issued an administrative order revoking Mr. Green’s EMT certificate and will not reissue the certificate for a period of four years. At the end of the four-year period, Mr. Green may petition for reinstatement.

Prior Actions: None.

Bureau of Radiological Health

Facility Type	Total # of Chiropractic Facility X-Ray Registrants
Chiropractic	482

7. O'Neill Chiropractic-Surfside Beach – Myrtle Beach, SC

Inspections and Investigations: The Department conducted a routine inspection in January 2019 and found a repeat violation pertaining to the X-Rays regulation that was also cited in prior June 2010, July 2013, and July 2016 inspections.

Violations: The Department found that the registrant failed to conduct routine “Equipment Performance Tests” on each x-ray unit, along with improper record retention of test results.

Enforcement Action: The parties conducted an enforcement conference and agreed to resolve the matter with a consent order imposing a \$1,885 civil monetary penalty. The registrant agreed to pay \$471.25 of the assessed penalty over a three month period. The remaining balance of \$1,413.75 is stayed. The registrant has made the required first payment.

Prior Actions: None.

Facility Type	Total # of Dental Facility X-Ray Registrants
Dental	1746

8. Clarence I. Norton, DDS – North Augusta, SC

Inspections and Investigations: The Department conducted a routine inspection in January 2019 and found a repeat violation pertaining to the X-Rays regulation that was also cited in prior October 2009 and November 2014 inspections.

Violations: The Department found that the registrant failed to conduct routine “Equipment Performance Tests” on each x-ray unit, along with improper record retention of test results.

Enforcement Action: The parties conducted an enforcement conference and agreed to resolve the matter with a consent order imposing a \$1,700 civil monetary penalty. The registrant agreed to pay \$425 of the assessed penalty within 30 days of executing the Consent Order. The remaining balance of \$1,275 is stayed. The registrant has made the required payment.

Prior Actions: None.

9. Still & Reece Dentistry, LLC – Barnwell, SC

Inspections and Investigations: The Department conducted a routine inspection in November 2018 and found a repeat violation pertaining to the X-Rays regulation that was also cited in prior September 2009 and November 2018 inspections.

Violations: The Department found that the registrant failed to conduct routine “Equipment Performance Tests” on each x-ray unit, along with improper record retention of test results.

Enforcement Action: The parties conducted an enforcement conference and agreed to resolve the matter with a consent order imposing a \$1,700 civil monetary penalty. The registrant agreed to pay \$425 of the assessed penalty within 30 days of executing the Consent Order. The remaining balance of \$1,275 is stayed. The registrant has made the required payment.

Prior Actions: None.

10. Timothy J. Pence, DMD, MSD – Pawley’s Island, SC

Inspections and Investigations: The Department conducted a routine inspection in January 2019 and found a repeat violation pertaining to the X-Rays regulation that was also cited in prior June 2009 and October 2014 inspections.

Violations: The Department found that the registrant failed to conduct routine “Equipment Performance Tests” on each x-ray unit, along with improper record retention of test results.

Enforcement Action: The parties conducted an enforcement conference and agreed to resolve the matter with a consent order imposing a \$1,700 civil monetary penalty. The registrant agreed to pay \$425 of the assessed penalty within 30 days of executing the Consent Order. The remaining balance of \$1,275 is stayed. The registrant has made the required payment.

Prior Actions: None.

11. Saluda Smilemakers – Saluda, SC

Inspections and Investigations: The Department conducted a routine inspection in April 2019 and found a repeat violation pertaining to the X-Rays regulation that was also cited in prior January 2010 and January 2015 inspections.

Violations: The Department found that the registrant failed to conduct routine “Equipment Performance Tests” on each x-ray unit, along with improper record retention of test results.

Enforcement Action: The parties conducted an enforcement conference and agreed to resolve the matter with a consent order imposing a \$1,700 civil monetary penalty. The registrant agreed to pay \$425 of the

assessed penalty within 30 days of executing the Consent Order. The remaining balance of \$1,275 is stayed. The registrant has made the required payment.

Prior Actions: None.

12. Kristina M. O’Neill, DMD, P.A. – Columbia, SC

Inspections and Investigations: The Department conducted a routine inspection in April 2019 and found a repeat violation pertaining to the X-Rays regulation that was also cited in prior May 2005, November 2009, and January 2015 inspections.

Violations: The Department found that the registrant failed to conduct routine “Equipment Performance Tests” on each x-ray unit, along with improper record retention of test results.

Enforcement Action: The parties conducted an enforcement conference and agreed to resolve the matter with a consent order imposing a \$1,885 civil monetary penalty. The registrant agreed to pay \$471.25 of the assessed penalty within 30 days of executing the Consent Order. The remaining balance of \$1,413.75 is stayed. The registrant has made the required payment.

Prior Actions: None.

Facility Type	Total # of Dental Facility X-Ray Registrants
Medical	885

13. SC ENT, Allergy & Sleep Medicine Columbia – Columbia, SC

Inspections and Investigations: The Department conducted a routine inspection in June 2018 and found several violations pertaining to the X-Rays regulation, including repeat violations from February 2013 and January 2016 inspections.

Violations: The Department found that the registrant failed to produce personnel monitoring records, repeatedly failed to provide documentation of facility specific operator training, repeatedly failed to produce records of annual lead apron testing, repeatedly failed to produce records of equipment performance tests, and failed to produce documentation of the radiation area survey. Moreover, the registrant failed to ensure the exposure switch for the MiniCat CT Scanner met the x-ray control placement requirements. Lastly, the registrant failed to provide a written corrective action plan within the required timeframe.

Enforcement Action: The parties conducted an enforcement conference and agreed to resolve the matter with a consent order imposing a \$3,400 civil monetary penalty. The registrant has made the required payment.

Prior Actions: None.

14. Conway Health Care – Conway, SC

Inspections and Investigations: The Department conducted a routine inspection in January 2019 and found a repeat violation pertaining to the X-Rays regulation that was also cited in prior April 2010 and July 2013 inspections.

Violations: The Department found that the registrant failed to conduct routine “Equipment Performance Tests” on each x-ray unit, along with improper record retention of test results.

Enforcement Action: The parties conducted an enforcement conference and agreed to resolve the matter with a consent order imposing a \$1,700 civil monetary penalty. The registrant agreed to pay \$425 of the assessed penalty within 30 days of executing the Consent Order. The remaining balance of \$1,275 is stayed. The registrant has made the required payment.

Prior Actions: None.