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*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  
William Lee Hewitt, III

## Minutes of the April 9, 2015, meeting of the

### South Carolina Board of Health and Environmental Control

The South Carolina Board of Health and Environmental Control met on Thursday, April 9, 2015, at 10:00 a.m. in the Board Room (#3420) of the South Carolina Department of Health and Environmental Control, 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 (by phone)  
1<sup>st</sup> District

R. Kenyon Wells  
2<sup>nd</sup> District

Charles M. Joye, II, P.E. (by phone)  
3<sup>rd</sup> District

L. Clarence Batts  
4<sup>th</sup> District

John O. Hutto, Sr., MD  
6<sup>th</sup> District

Also in attendance were; W. Marshall Taylor, Jr., Acting Director; Elizabeth F. Potter, Legal 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: Minutes of March 12 meeting** (Attachment 1-1)

***Mr. Lutz moved, seconded by Mr. Batts, to approve the minutes as submitted for the March 12 meeting after amending page 5 of the minutes to reflect that Mr. Batts made the motion on Item #7 instead of Mr. Hewitt. Mr. Lutz noted the Clerk had made the noted amendment to the minutes. 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, Environmental Affairs, stated four (4) Administrative Orders and twenty-two (22) Consent Orders had been issued with total penalties of \$63,580.

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. Bentley White, Health Regulation Program Manager, stated one (1) Consent Order had been issued with total penalties of \$5,000.

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

**Item 4: Continuation of Public Hearing and Request for Final Approval of Proposed Amendment of Regulation 61-78, Standards for Licensing Hospices from March 12 meeting: Consideration will be limited to Sections 201.E Scope of Licensure; 1100.E Rights and Assurances, Discharge; and 1608.A Disposition of Medications, State Register Document No. 4553, Legislative Review is required** (Attachment 4-1)

Ms. Gwen Thompson, Director, Bureau of Health Facilities Regulation, presented this item to the Board.

Hospices provide a continuum of medically supervised palliative and supportive care for terminally ill patients and their family including, but not limited to, inpatient services and outpatient services. Hospice facilities house licensed hospices that provide room, board, and appropriate hospice services on a twenty-four (24) hour basis to individuals requiring hospice care pursuant to the orders of a physician.

The proposed amendments incorporate provisions relating to accident and incident reporting, patient and medical record maintenance, infection control and tuberculosis screening, medication administration, patient care, treatment, and services, emergency procedures and disaster preparedness, design and construction, fire and life safety, and overall licensing requirements for hospice facilities and inpatient and outpatient services in accordance with governing statutes. The amendments incorporate current provider-wide exceptions and memoranda that are applicable to inpatient and outpatient services and hospice facilities.

A public hearing was conducted before the Board on March 12, 2015. Due to the comments received at the hearing, the Board granted an extension of time to allow additional material into the record for staff consideration. Specifically, the Board directed Department staff to reconsider Items One, Four, and Five of the material presented by the Carolinas Center for Hospice and End of Life Care.

Subsequent to the public hearing, Department staff met to consider Items One, Four, and Five of the material presented to the Board by Carolinas Center for Hospice and End of Life Care. Additionally, although not explicitly directed by the Board, Department staff felt it necessary to consider Item Two as well in light of the regulation's deficiency in addressing this particular business model. As a result, Department staff has revised the proposed regulation taking into consideration the directives of the Board as presented by Carolinas Center for Hospice and End of Life Care.

A public hearing was conducted. (Attachment 4-2)

Comments received during the public hearing. (Attachment 4-3)

*After discussion, Mr. Wells moved, seconded by Dr. Hutto, to go into Executive Session for the purpose of obtaining legal advice pertaining to the matters being discussed. The Board voted and Motion carried.*

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

*After further discussion, Mr. Lutz moved, seconded by Dr. Hutto, to find for the need and reasonableness of the Proposed Regulation 61-78, Standards for Licensing Hospices, and approve it for submission to the Legislature for review. The Board voted and Motion carried.*

A verbatim transcript of this proceeding is included as part of the permanent record. (Attachment 4-4)

**Item 5: Proposed Repeal of Regulation 61-49, Crabmeat, Legislative Review is required**  
(Attachment 5-1)

Ms. Mike Pearson, Director, Shellfish Program, presented this item to the Board.

The Department evaluated Regulation 61-49, *Crabmeat*, and determined the regulation is obsolete. Regulation 61-49 has been superseded by more up-to-date state and federal laws and regulations for the storage, processing and handling of crab to protect human health.

The proposed repeal will have no substantial fiscal or economic impact on the State and its political subdivisions or the regulated community.

*After discussion, Mr. Batts moved, seconded by Mr. Wells, to grant initial approval to publish the Notice of Proposed Repeal of Regulation 61-49, Crabmeat, 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 Amendment of Regulation 61-109, Standards for Permitting Body Piercing Facilities, Legislative Review is required** (Attachment 6-1)

Ms. Gwen Thompson, Director, Bureau of Health Facilities Regulation, presented this item to the Board.

The South Carolina Department of Health and Environmental Control (Department) proposed amending Regulation 61-109, *Standards for Permitting Body Piercing Facilities*, which has not been substantively updated since 2002. These amendments are necessary to update definitions, references, and codification. Moreover, changes have been made to the statutory authority for Regulation 61-109 that need to be addressed in the regulation.

The proposed amendments herein update permitting requirements, reporting requirements, client rights, infection control and sterilization, regulation enforcement, emergency procedures, fire and life safety requirements, and construction design requirements. In addition, corrections have been made for clarity, readability, grammar, references, codification, and overall improvement to the text of the regulation.

After discussion, *Dr. Hutto moved, seconded by Mr. Batts, to grant approval to publish the Notice of Proposed Amendment of Regulation 61-109, Standards for Permitting Body Piercing Facilities, in the State Register, to provide opportunity for public comments, 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 Regulation 61-111, Standards for Licensing Tattoo Facilities, Legislative Review is required** (Attachment 7-1)

Ms. Gwen Thompson, Director, Bureau of Health Facilities Regulation, presented this item to the Board.

The South Carolina Department of Health and Environmental Control (Department) proposed amending Regulation 61-111, *Standards for Licensing Tattoo Facilities* to address changes made to the statutory authority for Regulation 61-111 that need to be addressed in the regulation.

The proposed amendments herein update licensing requirements, reporting requirements, client rights, infection control and sterilization, regulation enforcement, emergency procedures, fire and life safety requirements, and construction design requirements. The amendments also incorporated provider-wide exceptions applicable to tattoo facilities. In addition, corrections were made for clarity, readability, grammar, references, codification, and overall improvement to the text of the regulation.

After discussion, *Mr. Wells moved, seconded by Mr. Batts, to grant approval to publish the Notice of Proposed Regulation 61-111, Standards for Licensing Tattoo Facilities, in the State Register, to provide opportunity for public comments, 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: Agency Affairs**

No Report.

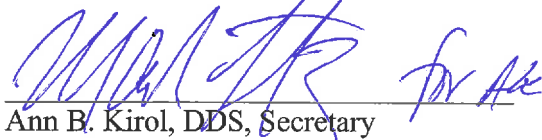
*Mr. Batts moved, seconded by Dr. Hutto, to go into Executive Session for the purpose of discussing a personnel matter and receipt of legal advice. The Board voted and the Motion carried.*

*Chairman Amsler announced the Board was back in public 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 7<sup>th</sup> day of May 2015.

ATTEST.

  
Allen Amsler, Chairman

Attachments

- 0-1 Agenda
- 0-2 Attendance Roster
- 1-1 March 12, 2015 minutes
- 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 Continuation of Public Hearing – Proposed Amendment of R.61-78, Standards for Licensing Hospices
- 4-2 Sign-in Sheet for Public Hearing
- 4-3 Comments received during Public Hearing
- 4-4 Verbatim Transcript of Public Hearing
- 5-1 Proposed Repeal of R.61-49, Crabmeat
- 6-1 Proposed Amendment of R.61-109, Standards for Permitting Body Piercing Facilities
- 7-1 Proposed Amendment of R.61-111, Standards for Licensing Tattoo Facilities