

Health Facility Licensing

State Register Document _____, Proposed Amendment of R.61-15, Certification of Need for Health Facilities and Services

Synopsis:

The Department proposes amending Regulation 61-15 to enable an electronic application process, revise the application format, update exemption and non-applicability determination processes, and revise language regarding penalties and enforcement actions. The Department also intends to add, remove, or modify multiple definitions contained within the Regulation. The Department may also update language and processes related to public hearings on Certificate of Need applications, the application and review process and related notifications, voidance and extension procedures, and periodic and final reporting requirements regarding issued Certificates of Need. The amendment may also revise the project review criteria. The Department may also revise the monetary thresholds which trigger a Certificate of Need review.

The Department may also make stylistic changes for internal consistency, clarification in wording, corrections of references, grammatical errors, outlining and codification and such other changes as may be necessary to improve the overall quality of the regulation.

Legislative review is required.

Promulgation History/Status:

The Department initiated the statutory process to amend R.61-15 by publication of a Notice of Drafting in the S.C. State Register on September 23, 2016; the drafting comment period closed October 24, 2016. For additional information contact Louis Eubank, Director, Certificate of Need Program, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201 or via email at eubanklw@dhec.sc.gov.

State Register Document 4669, Proposed Amendment of R.61-12, Standards for Licensing Abortion Clinics

Synopsis:

Regulation 61-12 has not been substantively updated since 1996. This amendment is necessary to update definitions, references, and codification. The amendment may also revise requirements for obtaining licensure, compliance for licensure, accident and incident reporting requirements, abortion reporting, inspections and violations,

complaint reporting, patient rights, infection control, in service training, record maintenance and retention, personnel requirements, fire and life safety requirements, and construction design requirements. The Department also intends to add language to incorporating current provider-wide exceptions and memoranda applicable to abortion clinics. The Department may also include stylistic changes, which may include corrections for clarity and readability, grammar, punctuation, codification, and overall improvement of the text of the regulation.

Legislative review will be required.

Promulgation History/Status:

The Department reinitiated the statutory process to amend Regulation 61-12 by publication of a second Notice of Drafting in the S.C. State Register on April 22, 2016 and also in the DHEC Regulation Development Update. This Notice of Drafting superseded and replaced the Notice of Drafting published in the State Register on May 22, 2015. The drafting comment period for the April 22, 2016 notice closed May 23, 2016. The DHEC Board granted staff initial approval on September 8, 2016 to publicly notice the proposed regulations. A Notice of Proposed Regulations with notice of opportunity for public comment was published as Document 4669 in the State Register on September 23, 2016 and can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/reggs/4669.docx> Effective November 25, 2016, the proposed amendments of R.61-12 in Document 4669 were terminated by publication of a Notice of Termination in the State Register on November 25, 2016. For additional information contact Gwen C. Thompson, Bureau Chief, Bureau of Health Facilities Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201 or via email at HealthRegComm@dhec.sc.gov.

State Register Document 4740 Proposed Amendment of R.61-16, Minimum Standards for Licensing Hospitals and Institutional General Infirmaries

Synopsis:

The Department is amending Regulation 61-16. These amendments are necessary to incorporate recent changes in state law as well as changes to current practices and standards. The amendment incorporates provisions allowing dietitians to prescribe diets and other dietary services; incorporate requirements of S.C. Code Sections 44-41-410 through -480 relating to the provision of abortion services; incorporate existing inspection and construction fees; and incorporate new safe haven requirements.

Legislative review will be required.

Promulgation History/Status:

The Department initiated the statutory process to amend R.61-16 by publication of a

Notice of Drafting in the S.C. State Register on September 23, 2016 and also in the DHEC Regulation Development Update. The drafting comment period closed October 24, 2016. On December 8, 2016, the DHEC Board approved public notice for the proposed amendments. A Notice of Proposed Regulations with opportunity for public comment identified as Document 4740 was published in the State Register on December 23, 2016 and can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4740.docx>. As published in the State Register, the time period for submitting written comments on the proposed regulations closed January 23, 2016, and a public hearing was scheduled before the Department's Board for February 9, 2017. The public hearing for February 9, 2017 was cancelled and rescheduled for April 13, 2017. Notice of this rescheduling was published in the State Register on February 24, 2017. Subsequently, the public hearing for April 13, 2017 was cancelled and has been rescheduled before the Department's Board for June 8, 2017. Notice of the rescheduling was published in the State Register on April 28, 2017. After public hearing June 8, 2017, the DHEC Board found for the need and reasonableness of the proposed regulations and approved them for submission to the S.C. General Assembly for review. The regulations were filed with the Legislative Council and are currently in the verification process. As soon as this step is completed the regulations will be submitted to the General Assembly. For additional information contact Gwen C. Thompson, Bureau Chief, Bureau of Health Facilities Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201 or via email at HealthRegComm@dhec.sc.gov.

State Register Document No. _____, Proposed Amendment of R.61-78, Standards for Licensing Hospices

Synopsis:

On May 19, 2017, Governor Henry McMaster signed into law Act No. 61 amending the Hospice Licensure Act. The Department proposes amending R.61-78 to incorporate the provisions of Act No. 61 into its oversight of hospices.

The Department may also include stylistic changes, which may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification and overall improvement of the text of the regulation.

Legislative review will be required.

Promulgation History/Status:

The Department initiated the statutory process to amend R.61-78 by publication of a Notice of Drafting in the S.C. State Register on June 23, 2017. Interested persons may submit written comments to Gwen C. Thompson, Bureau Chief, Bureau of Health Facilities Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201 or via email at HealthRegComm@dhec.sc.gov. Comments may also be submitted electronically at the following address:

<http://www.scdhec.gov/Agency/RegulationsAndUpdates/PublicComments/>, under the Notice of Drafting for R.61-78. To be considered, all comments must be received no later than 5:00 p.m., July 24, 2017, the close of the drafting comment period.

State Register Document No.____, Proposed New Regulation 61-____, Crisis Stabilization Unit Facilities

Synopsis:

On April 24, 2017, Governor Henry McMaster signed into effect Act No. 10 amending Article 3 of Chapter 7, Title 44 to require the Department to license and regulate Crisis Stabilization Unit Facilities. These facilities provide a short-term residential program, offering psychiatric stabilization services and brief, intensive crisis services to individuals eighteen and older, twenty-four hours a day, seven days a week.

Legislative review of this new regulation is required.

Promulgation History/Status:

The Department initiated the statutory APA process to develop this new regulation by publication of a Notice of Drafting in the S.C. State Register on May 26, 2017. Interested persons may submit written comments to Gwen C. Thompson, Bureau Chief, Bureau of Health Facilities Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201 or via email at HealthRegComm@dhec.sc.gov. Comments may also be submitted electronically at _____ the _____ following _____ address: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/PublicComments/>, under the Notice of Drafting for Crisis Stabilization Units. To be considered, all comments must be received no later than 5:00 pm, June 26, 2017, the close of the comment period.