



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 January 6, 2020, meeting of the South Carolina Board of Health and Environmental Control

The South Carolina Board of Health and Environmental Control met on Monday, January 6, 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:

Jim P. Creel, Jr., Vice-Chairman
J.B. (Sonny) Kinney, 1st District
Richard V. Lee, Jr., 5th District
Alex A. Singleton, 6th District

In attendance via telephone
Seema Shrivastava-Patel, 2nd District
Charles M. Joye, II, P.E., 3rd District

Not in attendance
Mark Elam, Chairman

4th 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.

Vice Chairman Creel 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 December 12, 2019 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 one (1) Consent Order had been issued with no assessed penalties.

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

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

Ms. Rebecca Sproles, Liaison, Environmental Affairs, stated that for this reporting period one hundred and twenty (120) Consent Orders with assessed civil penalties totaling \$172,870.00 and nine (9) Administrative Orders with assessed civil penalties totaling \$11,450.00 have been issued.

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

Item 4: Public Hearing and Request for Notice of Final Regulation Approval, Regulation 61-93, Standards for Licensing Facilities That Treat Individuals for Psychoactive Substance Abuse or Dependence, Proposed Amendment, Document No. 4954

A Public Hearing was conducted concerning the Regulation. Mr. Russ Morrison, Community Care Oversight Division Director, Health Regulations, Bureau of Health Facilities Licensing, presented this item to the Board.

The Bureau of Health Facilities Licensing proposed amending R. 61-93, *Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence*. Legal authority resides in S.C. Code Section 44-7-260 et seq., which requires the Department of Health and Environment Control ("Department") to establish and enforce basic standards for the licensure, maintenance, and operation of health facilities and services in order to ensure the safe and adequate treatment of persons served in this state. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Bureau proposed amending R.61-93 to update provisions in accordance with current practices and standards. The proposed amendments incorporate and revise provisions relating to statutory mandates, update terminology to conform to the terminology widely used and understood within the provider community, and revise requirements for incident reporting, staffing and training requirements, medication management, patient care and services, infection control, meal service, emergency procedures, design and construction, fire and life safety, and other miscellaneous requirements for licensure. Proposed revisions also include changing the name of the regulation and facility type to "Facility for Chemically Dependent or Addicted Persons." The Bureau proposed this change to parallel the statutory term for this facility type. The facility type may also be referred to as "Substance Use Disorder Facilities" based on current terminology within the provider community. Additional proposed revisions include those for clarity and readability, grammar, references, codification, and overall improvement to the text of the regulation. R.61- 93 was last amended in 2015.

The Department had a Notice of Drafting published in the March 22, 2019, *State Register*.

Department staff conducted an internal review of the proposed amendments on August 7, 2019.

There is no advisory council for this facility type.

The Bureau held stakeholder meetings on April 1, 2019 and August 6, 2019. The Bureau considered stakeholder feedback in formulating the proposed amendments regarding the proposed changes to the regulation.

On November 7, 2019, The SC Board of Health and Environmental Control approved the Department's request to public a Notice of Proposed Regulation. The Department had a Notice of Proposed Regulation published in the November 22, 2019, *State Register*. The Department received no public comments by December 23, 2019, which was the closing date of the public comment period.

The Bureau held a final stakeholder meeting on November 19, 2019. Amendment was presented and stakeholders were informed on the process of submitting comments. Eight (8) stakeholders were in attendance.

The addition of medication units will increase access to opioid treatment services in rural areas and underserved communities.

The Bureau of Health Facilities Licensing requested the Board grant a finding of need and reasonableness of the proposed amendment of R.61-93, *Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence*, for submission to the General Assembly.

Mr. Taylor opened the meeting up for public comments on this matter, but no one wished to speak. (Attachment 4-2) A letter of support for the proposed amendment to the regulation was received from Christine Martin. The letter was read into the record. (Attachment 4-3) No further comments were provided, and the public hearing was closed.

After discussion, **Mr. Singleton moved, seconded by Mr. Kinney, that based on the public hearing and documents submitted, to find the need and reasonableness of the Proposed Amendment of Regulation 61-93, *Standards for Licensing Facilities That Treat Individuals for Psychoactive Substance Abuse or Dependence*, Document No. 4954, and grant approval for the submission to the General Assembly for review. The Board voted and Motion carried.**

A verbatim transcript of these proceedings is included as part of the official record. (Attachment 4-4)

Item 5: Public Hearing and Request for Notice of Final Regulation Approval, Regulation 61-97, Statement for Licensing Renal Dialysis Facilities, Proposed Amendment, Document No. 4953 (Attachment 5-1)

A Public Hearing was conducted concerning the Regulation. Mr. Russ Morrison, Community Care Oversight Division Director, Health Regulations, Bureau of Health Facilities Licensing, presented this item to the Board.

The Bureau of Health Facilities Licensing proposed amending R.61-97, *Standards for Licensing Renal Dialysis Facilities*. Legal authority resides in S.C. Code Sections 44-7-260 et seq., which requires the Department of Health and Environment Control ("Department") to establish and enforce basic standards for the licensure, maintenance, and operation of health facilities and services in order to ensure the safe and adequate

treatment of persons served in this state. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Bureau proposed amending R.61-97 to update provisions in accordance with current practices and standards. The proposed amendments incorporate and revise provisions relating to statutory mandates, update terminology to conform to the terminology widely used and understood within the provider community, and revise requirements for incident reporting, staffing and training requirements, medication management, patient care and services, infection control, meal service, emergency procedures, design and construction, fire and life safety, and other miscellaneous requirements for licensure. The Bureau further proposed revisions for clarity and readability, grammar, references, codification, and overall improvement to the text of the regulation. R.61-97 was last amended in 2010.

The Department had a Notice of Drafting published in the March 22, 2019, *State Register*.

Department staff conducted an internal review of the proposed amendment on August 8, 2019.

A Renal Advisory Council Meeting was held on October 30, 2019. The Advisory Council was educated on both the process for submitting public comments during the public comments period and information regarding appearing in person during the public hearing at the January 6, 2020 Board Meeting.

The Bureau held stakeholder meetings on April 1, 2019, and August 13, 2019. The Bureau considered stakeholder feedback in formulating the proposed amendments herein.

On November 7, 2019, The SC Board of Health and Environmental Control approved the Department's request to public a Notice of Proposed Regulation. The Department had a Notice of Proposed Regulation published in the November 22, 2019, *State Register*. The Department received twenty-eight (28) public comments by December 23, 2019, which was the closing date of the public comment period.

There was no stakeholder meeting after the publication of the Notice of Proposed Regulation.

After consideration of all timely received comments, staff has made substantive changes to the regulatory text of the Notice of Proposed Regulation approved by the Board in the November 7, 2019 Board meeting and published in the November 22, 2019 *State Register*

The Bureau of Health Facilities Licensing respectfully requested the Board grant a finding of need and reasonableness of the proposed amendment of R.61-97, *Standards for Licensing Renal Dialysis Facilities*, for submission to the General Assembly.

Mr. Taylor opened the meeting up for public comments on this matter, but no one wished to speak. (Attachment 5-2) An email was received from Greg Smith of the Renal Advisory Council in support of the proposed amendment to the regulation. The email was read into the record. (Attachment 5-3) No further comments were provided, and the public hearing was closed.

After discussion, **Mr. Singleton moved, seconded by Mr. Lee, that based on the public hearing and documents submitted, to find the need and reasonableness of the**

Proposed Amendment to Regulation 61-97, Standards for Licensing Renal Dialysis Facilities, Document No. 4953, and grant approval for the submission to the General Assembly for review. The Board voted and Motion carried.

A verbatim transcript of these proceedings is included as part of the official record. (Attachment 5-4)

Item 6: Agency Affairs

Richard K. Toomey, Director, updated the Board on,

- the visit by Dr. Redfield with the CDC regarding the Department's campaign to end HIV transmission;
- the visit to Greenville by Secretary Seema Bherma with CMS, the Governor, and Josh Baker with DHS to announce with Medicaid waiver for the State;
- the visit by Vice Admiral Jerome Adams to discuss opioid crisis;
- the start of the upcoming Legislative session;
- the second round of town hall meeting;
- attendance at the 8th annual Scrap Tire Recycling Conference;
- attendance at the 75th annual Farm Bureau Convention.

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

Being no further business, Vice Chairman Creel adjourned the meeting.

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

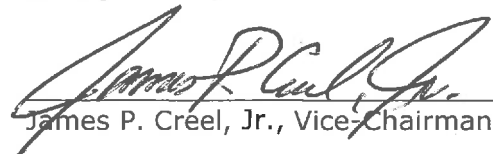
Respectfully submitted,



Charles M. Joye, II, PE

Minutes approved this 13th day of February 2020.

ATTEST:



James P. Creel, Jr., Vice-Chairman

Attachments

- 0-1 Agenda
- 0-2 Sign in Sheet
- 1-1 December 12, 2019 minutes
- 2-1 Administrative and Consent Orders issued by Health Regulation
- 3-1 Administrative Orders and Consent Orders issued by Environmental Affairs
- 4-1 Request for Notice of Final Regulation Approval, Regulation 61-93, *Standards for Licensing Facilities That Treat Individuals for Psychoactive Substance Abuse or Dependence*, Proposed Amendment, Document No. 4954
- 4-2 Public Hearing Sign in Sheet
- 4-3 Letter from Christine Martin
- 4-4 Verbatim Transcript
- 5-1 Notice of Final Regulation Approval, Regulation 61-97, *Statement for Licensing Renal Dialysis Facilities*, Proposed Amendment, Document No. 4953
- 5-2 Public Hearing Sign in Sheet
- 5-3 Email from Greg Smith
- 5-4 Verbatim Transcript