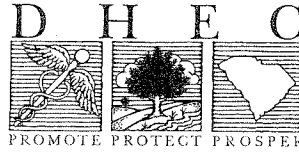


BOARD:
Allen Amsler
Chairman
Mark S. Lutz
Vice Chairman
Ben G. Kisner
Secretary



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment

BOARD:
R. Kenyon Wells
L. Clarence Batts, Jr.
Ann B. Kirol, DDS
John O. Hutto, Sr., MD

Minutes of

S.C. Board of Health and Environmental Control

Meeting

February 9, 2012

The S.C. Board of Health and Environmental Control met on Thursday, February 9, 2012, at 10:00 a.m. in the S.C. Department of Health and Environmental Control Board Room, 2600 Bull Street, Columbia, S.C. (Attachment 0-1)

The following members were in attendance:

Allen Amsler, Chairman
Member-at-large

Mark S. Lutz, Vice-Chairman
1st District
In attendance for part of meeting

R. Kenyon Wells
2nd District

L. Clarence Batts
4th District

Ann B. Kirol, DDS
5th District

John O. Hutto, Sr., MD
6th District

Also in attendance were Robert W. King, Acting Commissioner, Carlisle Roberts, Jr., General Counsel, Lisa Longshore, Clerk, department staff and guests. (Attachment 0-2)

Mr. Amsler stated notice of this meeting has 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.

Special Recognition of Earl Hunter

Mr. Ted Pitts, Deputy Chief of Staff for Governor Haley, presented recently retired Commissioner Earl Hunter with the Order of Palmetto, which is the state's highest civilian honor awarded for extraordinary lifetime achievement and service to South Carolina and the nation.

"With more than three decades of service to the people of South Carolina, the Order of the Palmetto is a well-deserved honor for Mr. Hunter," said DHEC Board chairman Allen Amsler. "Throughout his career at DHEC he strived to carry out the agency's mission of protecting and promoting the health of the people and the environment of our state.

Item 1: Board Minutes for January 12 meeting (Attachment 1-1)

Mr. Batts asked for the minutes of the January 12 meeting to be revised to reflect that the Monthly Award for Excellence was not presented in January. *Clerk of Board noted this change had been made.*

Mr. Batts moved, seconded by Dr. Kirol, to approve the minutes for January 12 as amended. Approved.

Item 2: Monthly Award for Excellence, January and February 2012 (Attachment 2-1)

January 2012

Environmental Quality Control – Susan Byrd: Susan Byrd with the Corrective Action Engineering Section of the Bureau of Land and Waste Management has been selected as the recipient of the Monthly Award for Excellence for Environmental Quality Control. Susan has been with the Department for over 22 years. She has worked in several divisions but recently took over the FUDS (formerly used defense sites) program with the Bureau of Land and Waste Management. In this role, Susan works with the Army Corp of Engineers to manage approximately 250 FUD sites in the State, including bomb sites, landfills, tanks, etc. One of her responsibilities is to work with private property owners and their contractors to remediate munition sites in Conway, SC and to help expedite the bomb removal process there. To date, she has been involved with the removal of 8 live 250 lb bombs in a residential area. In addition, Susan conducts risk assessment oversight at the Marine Corp Recruit Depot and Naval Weapons Station, where she participates in public meetings and assists the Army Corp of Engineers in obtaining property owner permission for contractor access. Susan is very motivated, thorough, dependable and well organized. She goes out of her way to provide information when needed and is always willing to assist, even after hours.

Region 1 Public Health Office – Lynn Moxley: Lynn Moxley has been selected as the recipient of the Monthly Award for Excellence for Region I. Lynn Moxley has been the stable influence of the lab in our region for many years, making sure all is in compliance day in and day out. Lynn has led the Regional lab through numerous "perfect" CLIA inspections over the past several years. She is known to help out as needed with the clinic staff or with the Epi staff whenever there is an outbreak and the lab can help. Most recently, Lynn agreed to help collect the data needed for the "Fast Track" STD clinic, allowing the clinic staff to focus on caring for the patients seen in that clinic. This exemplifies the type of employee that Lynn is; she does her job well, professionally, quietly, but is always there to lend a hand, if needed. Her consistent dedication to this agency and the Region is appreciated.

Region 2 Public Health Office – Maintenance and IT Staff: The Maintenance and IT Staff (Joe McCarley, Daniel Jackson, Brooks Jones, Bob Boudreau, Sheila Jennings, Bill Thomas) located in Spartanburg County have been selected as the recipient of the Monthly Award for Excellence for Region 2. They are being recognized for a job well done during our massive office relocation in the Spartanburg County Health Department. Not only was the move accomplished in a very efficient and organized manner, but it was done with a wonderful attitude by all of those involved. Dealing with all of the different personalities of those being relocated required a great deal of patience on the part of the team doing the manual portion of the relocation. Just the demand of the constant manual

labor was enough in itself to push some over the edge, but they kept trudging away, putting in numerous hours until everyone was satisfied in their new space.

Region 3 Public Health Office – Phyllis Weston: Phyllis Weston, Administrative Support Supervisor for the Richland County Health Department, has been selected as the recipient of the Monthly Award for Excellence for Region 3. As the supervisor, she ensures that the administrative support functions are properly carried out in all clinical areas. Even with staffing challenges, Phyllis has ensured that administrative support staff has been properly cross-trained in multiple clinical areas to provide clinic coverage. These efforts have improved the capacity of administrative support staff to work effectively in multiple clinic areas. Over the last 18 months, Phyllis has also worked closely with both the new County Health Supervisor and County Nurse Supervisor to participate in their orientations to their respective roles. Phyllis has been more than willing to share insight into the functions performed by administrative support staff and has worked closely with the County Health Supervisor and County Nurse Supervisor to implement changes in clinic function to improve service delivery. In everything she does, Phyllis maintains a positive attitude and has a smile on her face. She prides herself in providing and promoting excellent customer service to everyone that she encounters. Her employees consider her a fair and caring supervisor. She is an excellent employee and well-deserving of this recognition.

Region 4 Public Health Office – Stacy Mathis: Stacy Mathis has been selected as the recipient of the Monthly Award for Excellence for Region 4. Stacy was recently given supervisory duties for the Clarendon County administrative staff. She works in the Vital Records program and is very knowledgeable of the program. She has an excellent relationship with the funeral home directors and the Coroner. Stacy goes above and beyond to assist clients on a daily basis. Stacy is a dedicated, hard-working, team player. She comes in early without requesting time back or expecting it in order to accomplish all of her needed duties for the day.

No matter what task is asked of her, Stacy has a willing and can-do attitude. She hardly ever takes a full lunch hour because she goes to the post office, bank and other errands for the health department during her lunch hour. Also, Stacy answers the telephone for the front desk and pulls and files medical records. Recently, there were TB cases and she assisted the team by making charts and working on the contact lists.

Region 5 Public Health Office – Wanda Hicks: Wanda Hicks has been selected as the recipient of the Monthly Award for Excellence for Region 5. Ms. Hicks places all of the work orders for the county regarding maintenance of the Orangeburg County Health Department building. The air conditioning had been out for most of the summer. She worked with the county to purchase portable air units for the computer department and fans for areas that had air conditioning – to blow the cool air to the non-air conditioned portions of the building. Her own office was without air during much of this time. She listens to complaints routinely, as she problem solves with the county to reach resolution. Recently we had an employee move into an office with old carpeting and as a result had an allergic reaction. When requesting for this employee to switch offices for a non-carpeted office, she suggested that she ask the county to remove the existing old carpet. She arranged for the carpet removal and negotiated with the county to scrape the glue off the existing concrete-finished floor rather than re-carpet or retile with a substandard product. She is a wonderful problem-solver and negotiator with the County Maintenance Department.

Region 6 Public Health Office – Faye Dorman: Faye Dorman has been selected as the recipient of the Monthly Award for Excellence for Region 6. Faye continues to excel in her role as Medical Reserve Corps Coordinator in an effort to recruit, train and ready volunteers for emergency response. In December, she coordinated all the logistics for a three-day mass fatality/family assistance center workshop - the first of its kind conducted in South Carolina. This three day event drew over 100 different participants representing not only Region 6, but Coroners, MRC volunteers and other public safety personnel from around the state. Faye was particularly instrumental in recruiting a key trainer for the event, the commander for the National Disaster Medical System's Disaster Mortuary Operational Response Team's (DMORT) WMD team. This success resulted in attracting coroners as well as other DMORT team members to serve as trainers and facilitators during the workshop.

Region 7 Public Health Office – Felicia “Deanie” Berenyi, RN: Felicia “Deanie” Berenyi, RN, has been selected as the recipient of the Monthly Award for Excellence for Region 7. Felicia “Deanie” Berenyi, RN, is a ray of sunshine for the clients and staff of Northwoods Clinic. Her “can do” spirit when the going gets rough keeps busy clinic days flowing smoothly. Clients frequently ask for her by name when scheduling Family Planning appointments. She is well known in the local Hispanic community not only for her fluency in Spanish but also for her profound cultural awareness, sensitivity, and compassion. Her dedication to LEP clients is highlighted daily in her willingness to go above and beyond to provide and procure needed services. Since completing the Preventive Health course in 2009, Deanie has expanded her skills to include Family Planning and STD exams for both females and males. She consistently demonstrates the strength of her nursing skills and has been recognized for her outstanding productivity as a Preventive Health Nurse. She is one of the first to step forward when staffing shortages

create the need for employees to take on additional duties. Having Deanie around makes the day brighter and sunnier for everyone.

Region 8 Public Health Office – Gale Parker: Gale Park has been selected as the recipient of the Monthly Award for Excellence for Region 8. Gale Parker has the official title of “Workforce Development Coordinator” for Region 8, however she has managed several major community and staff projects over the course of the last several months each supporting critical community and staff needs for the Region. Gale has been challenged and succeeded at every turn. In preparation for attendance at the Master Training program for Chronic Disease Self Management to be held in January, Gale has completed the Better Choices/Better Health Leader Training and Arthritis modules of the course. When complete this training will enable her to be a certified resource for the community after the current grant activities are completed in April of 2012 and assure this training is sustained across the Region. Gale has also worked in support of the Together for Beaufort County Alliance as an active member of the Eat Smart Move More Low Country Coalition by providing the technical and administrative support required to prepare, consolidate, publish, and present the Body Mass Index (BMI) data collected in conjunction with area schools as part of the reduction of obesity campaign in our youth. Recent changes in Region structure have precipitated the need for in house admin cross training and Gale has developed cross program training plans with competency checks built in. The plan includes a time line of training completion and final implementation. Leading by example and realizing the importance of ongoing professional development, Gale has enrolled in and completed all but one of the courses required for the Public Health Certificate for Public Health 101 through the South Carolina Public Health Consortium. Gale is all about customer service and works directly with front line staff to improve efficiencies and operational flow at every level, always focused on the client. Gale is an outstanding example of excellence and the Region is proud to have her on the team.

February 2012

Environmental Quality Control – Margaret Henderson: Margaret Henderson, Administrative Specialist II for Environmental Health in Region 7 has been selected as the recipient of the Monthly Award for Excellence for Environmental Quality Control. The public often contacts our regional offices with complaints that range from restaurants, vector problems, housing issues, hotel sanitation to wastewater concerns. When individuals call, they are typically very frustrated because they have tried to discuss their concerns with others who have no regulatory authority and then have been directed to us. Many times the complaints that come to us involve issues that the agency also has no direct regulatory authority over or where no regulations exist, for example in the area of indoor air quality and mold concerns. Mrs. Henderson is always very considerate and understanding in trying to address these individuals’ concerns. On numerous occasions, Mrs. Henderson has had to endure offensive and rude language from complainants and has handled herself professionally and calmly in dealing with these individuals. She also tries to inform the public as to what specifically the agency can address and what we cannot. Mrs. Henderson’s pleasant disposition and willingness to help our clients above and beyond what is expected is truly a reflection of her work ethic and dedication to provide the best customer service to the public we serve. Mrs. Henderson is motivated and determined to meet the needs and concerns of not only the public clients that we serve, but also the internal clients and office staff. She has a positive, pleasant attitude in approaching her work duties and is very mindful and conscientious of the quality of work she performs. These attributes and characteristics are a direct reflection of her commitment to the agency’s value of “Excellence in Government”.

Health Services Central Office - Leanne Bailey: Leanne Bailey, Director of the Immunization Division, Bureau of Disease Control, has been selected as the recipient of the Monthly Award for Excellence for Health Services Central Office. Leanne has been the Director of the Immunization Division in Disease Control since January 17, 2011. She has however been with DHEC for many more years, serving in the Catawba Health District and Region 3, then as the Deputy Director of the Division of Children with Special Health Care Needs. Leanne faced remarkable challenges in taking over the Immunization Division almost one year ago. First, she had a very high learning curve to climb. The division’s work is highly technical and involves operational management of a complex program with many different activities, a very large budget (the value just of the vaccines DHEC distributes is over \$50 million, plus a large operating budget), high visibility and substantial citizen expectations, and maintenance of a good working relationship with several hundred private sector provider partners. Second, the Centers for Disease Control had begun a program of substantially increasing requirement for both financial and program deliverable accountability, which included requiring our private immunization partners to greatly improve their accountability for correct vaccine utilization. The needed program changes required working closely with our Regions to rethink how they provided immunization services, which she did with skill. Thus, when Ms. Bailey took over the division, she had to deal with a federal audit site visit, a new grant proposal process with very complex budgeting structure, the results of several years of steady cuts in both state and federal discretionary funds, re-planning our financing of

vaccine provision for underinsured children, and the development of a new regulation for our immunization registry. Ms. Bailey took on these challenges head-on, learning each program component just in time to deal with it strategically, learning program operations as needed, and restructuring the staff to greatly increase delegation of responsibility and authority, in a way that substantially increased their efficiency by placing the burden of day-to-day operations on the most prepared shoulders. This process also substantially increased staff morale. These achievements required long hours and weekend work, as well as uncommon leadership, managerial ability, team building skills and above all, a great deal of common sense. With her unique input and leadership, the Immunization Division has weathered the storms of declining funds, radically changing funder rules, concerned provider partners and a controversial new regulation with great success. She fully deserves this recognition.

Region 1 Public Health Office – Sherri Smith, RN: Sherri Smith, Area Supervisor in the Home Health Program, has been selected as the recipient of the Monthly Award for Excellence for Region 1. Ms. Smith consistently provides leadership, clinical skills, and outstanding internal and external customer support. She is a leader and a role model and has excelled during the time she has performed these duties. Sherri recently accepted the additional responsibilities of covering for the program manager during her absence. She is a great critical thinker and instinctively knew when to ask for input and when to make decisions using her vast program knowledge and leadership abilities. She is well liked and respected as a leader and a home health expert, both within the program and in the community. She is dedicated to professional growth and is scheduled to complete a Master Degree in Nursing Administration and Leadership this spring. She has an excellent approach to problem solving and creates win-win situations during challenging times to help the program to move forward positively. Sherri has a very strong work ethic and we are fortunate to have her working in our communities.

Region 2 Public Health Office – Ruby Jefferies: Ruby Jefferies in the Preventive Health/Immunization Departments at the Spartanburg County Health Department has been selected as the recipient of the Monthly Award for Excellence for Region 2. Ms. Jefferies is being recognized not only for her hard work and dedication, but also her willingness to do whatever is asked of her and has a smile the entire time. She has been an employee of the Spartanburg County Health Department for 21 years. She has worked every clinic in the building, except TB and has done it with a positive attitude. Now, her primary role is as a nursing assistant in the Preventive Health and Immunization department in Spartanburg. Recently Spartanburg went through some big changes, which included reorganization and cleaning of offices. Ruby was willing to do whatever was asked of her, from filing and organizing cabinets to cleaning up and throwing away trash. Several times throughout the day I heard “Ruby, do you know where this goes?” or “Ruby, do you know where this is?” and she knew the answer. Because of her hard work and willingness to help, we were able to have a successful clean up day and the clinic looks better than ever. Even on a daily basis, Ruby is willing to help with non-clinic duties and gives 100% at whatever the task is asked of her. Furthermore, she ALWAYS has a positive attitude and all of her peers say that she is truly a pleasure to work with every day.

Region 3 Public Health Office – Lou Osborne: Lou Osborne, Administrative Supervisor in York County has been selected as the recipient of the Monthly Award for Excellence for Region 3. Ms. Osborne’s title is Administrative Supervisor, but this does not explain all of her talents. She is very proactive in obtaining all the correct information for her staff. She will ask the hard questions to obtain needed information. Lou will fill in for departments when someone is out, or just to cover for lunch. She has a positive attitude and will assist any department. She is very knowledgeable in the administrative policies and procedures of the departments. She will assist in vital records, immunizations and family planning to decrease the clients wait time. She always puts herself in rotation of the mail and courier. She assists with setting up the clinics when change is needed. She will listen to the voice-mail left in the departments to call the clients back and make appointments. She assists with the day to day operations of York County Health Department. She has been instrumental in archiving medical records and especially handling all the Baby-Net records herself that presently are DHEC's. Lou gives 100% plus everyday!! She expects no more from her staff than she gives daily. She does a tremendous amount of work behind the scene that most do not see. She worries about her staff, making sure everyone has been covered for lunch, and employees are getting their time off that they request. She tries to assist the employees at all times. Lou will get reports in timely and makes sure ALL billing is in and sends to proper departments. She will try to assist clients when a problem arises. She will explain things in a way that they can understand, always giving them respect. If she does not know the answer, she will attempt to find it for the client. She has a lot of responsibilities, and she excels at them. Lou is highly efficient in her position and we are truly fortunate to have her in York County, and Region 3. She is very deserving of this award.

Region 4 Public Health Office – TB Control Staff: The TB Control Staff (Debbie Anderson, Gene Benfield, Kristen Bennett, Sylvia Brown, Kelly Eaddy, Fran Hall, Stacy Mathis, Dennis Reynolds, Cindy Robertson, Angela Tidwell and Sara Wells) have been selected as the recipients of the Monthly Award for Excellence for Region 4. In

mid-August 2011, we were notified of a positive TB in Clarendon County. The index case was extremely ill and staff were called to action immediately to implement TB orders. With the support of Vicky Myers from the county hospital and guidance from Dr. Rick Ervin, the TB Consultant, a plan of care was created and the local staff immediately implemented the plan. Over time, this single case became the largest managed TB event the local staff could remember, eventually resulting in six (6) confirmed cases, 105 contacts, 11 LTBI clients and requiring 138 TSTs to be planted and read. This could not have been accomplished without the combined efforts of all the staff listed above.

While it requires a detailed knowledge of the program requirements of TB to understand the full impact of this situation, this single case involved many long days and a very complex coordination of care. Many of the clients involved had other complicated health conditions that required monitoring and coordinating with a primary care provider, as well as the TB Consultant. Most of the clients had limited resources, therefore, the staff utilized all the expert Community Health skills they had accumulated to meet the needs of the clients and to encourage them to continue their participation with the TB Program. The nurse did not allow any barrier to become an impasse to her care. When the home was unable to be physically accessed, she engaged the support of coworkers and they were able to arrange for back porch steps to be donated to the family. Then, they enlisted the spouse of an employee to pick up and deliver the steps to the family. When sleeping arrangements became a problem, staff enlisted the support of a local church organization to purchase a bed, medications and other needed household items for the family. As the holidays approached, the staff ensured the family had food for Thanksgiving and Christmas gifts for the children. All the while, staff maintained the priority of treating the known cases and limiting the potential spread of disease in the community. The staff engaged the support of the community gate keeper to assist them in the identification and location of suspected clients. Without the help of this community partner, many individuals would have been lost to the follow-up process. The TB Control Staff, consisting of local and regional staff, worked diligently together to ensure the management of the care plan and went above and beyond in all that was involved in this case.

Region 5 Public Health Office – Carmen Irick: Carmen Irick, Aiken Public Health Preparedness Program, has been selected as the recipient of the Monthly Award for Excellence for Region 5. Ms. Irick devotes time to her job both inside and outside the office demonstrating commitment to the PHP program. She maintains professionalism and confidentiality with matters that require privacy and according to DHEC standards. Ms. Irick uses good judgment in making decisions about program related matters and shows she truly cares about her job and is available to help meet the needs of the PHP program. She maintains objectivity when discussing programs, related activities and tasks. She demonstrates community outreach as she is challenged with the coordination of community groups and meetings for the PHP program. Ms. Irick completed HAM radio training, at supervisor's request, so she can work within program group even though it was outside the scope of the administrative support duties. She learns and experiments with new program tools in order to create documents in a format requested by the PHP director. Ms. Irick shows dependability by never neglecting or shrugging-off her job responsibilities always fulfilling her duties without any excuses or complaints regardless of the task. Carmen demonstrates teamwork, sensitivity and patience in her daily activities in the workplace by working with the team in a calming and patient manner. This allows the team to work more effectively together meeting their program objectives more quickly. She is committed to the success of DHEC as well as the PHP program and believes working here is her best option. Not only does she plan to remain with this program, but also she does not actively search for alternative employment. Carmen encourages her team members to excel by reassuring them when they do a good job. Her customer service skills have been recognized when she meets the PHP team and committee member's needs with her quality of work. Her teamwork is seen everyday as she works with program members to make decisions and reach goals. Her contributions to the groups are objective and meaningful. She recognizes cultural competence, respects and values different cultures of others.

Region 6 Public Health Office – Melanie Smith: Melanie Smith, Administrative Specialist in WIC at the Conway Health Department, has been selected as the recipient of the Monthly Award for Excellence for Region 6. Melanie started working for DHEC, July 2001 with 10 years of work experience. She currently works as an Administrative Specialist in WIC at the Conway Health Dept. She has shown extreme interest in her position. Our staff thinks very highly of Melanie because she is so knowledgeable and always willing to step up and fill in when needed. She works well with everyone, and her lively attitude keeps other employees excited about their job. Our clients love her because she understands them. Melanie is very compassionate about her job as well as her clients. She is focused on meeting their needs and providing service that goes beyond customer expectations. She wants to help them receive good quality customer service while meeting their needs. Melanie's hard work and dedication certainly deserves our recognition. We are proud to have her as part of our team.

Region 7 Public Health Office – Environmental Health Staff: The Region 7 Environmental Health Staff have been selected as the recipient of the Monthly Award for Excellence for Region 7. The Region 7 Environmental Health staff were gracious enough to lend the Region 7 Immunization division some much-needed space in their offices. The Immunization division received a grant to offer flu vaccine in Charleston County public schools. The division had to get 45,000 consent packets to all the county schools in 3 weeks!! Immunization had many employees coming in and out of the Environmental Health office and paperwork spread out on multiple large tables. They allowed the Immunization staff use of their desks, tables, phones, computers and even refrigerators and coffee makers!! The entire Environmental Health staff always greeted the group with a smile and was always willing to help! Many thanks for giving the Region 7 Immunization group a temporary home!!

Item 3: Request for a fourth Board extension of Certificate of Need SC-08-28 issued to Kershaw County Medical Center – Camden Medical Center for the construction of an outpatient medical office building to include a 16 slice CT scanner (Attachment 3-1)

Ms. Beverly Brandt, Director, Bureau of Health Facilities and Services Development, presented this item. KershawHealth has proposed to develop an outpatient medical complex, the Camden Medical Center, in order to increase access to services, which include diagnostic radiology, a Breast Center, a rehab clinic, urgent care, etc. The \$11.4 million project entailed the substantial renovation of an existing structure which is owned by KershawHealth. The facility appears to be attempting to move forward with the project. KershawHealth bases its extension request on three primary factors: first, the project is needed and would provide improved access to services such as urgent care, oncology and imaging services; second KershawHealth has already invested \$1.4 million by acquiring the real estate for the project and \$115,000 for architectural and engineering work; third, today's economic conditions have made it difficult to raise capital for projects. Additionally, KershawHealth demonstrated it has and will continue to make strategic operating decisions to remain financially viable in the future.

Dr. Kirol moved, seconded by Mr. Wells, to find that in view of the circumstances surrounding this project, KershawHealth has made substantial progress and to approve an additional nine-month extension to implement Certificate of Need SC-08-28. Approved.

Item 4: Administrative and Consent Orders issued by Environmental Quality Control (Attachment 4-1)

Ms. Robin Stephens, Assistant to the Deputy Commissioner, stated forty-four (44) actions had been taken with penalties of \$219,036.

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

Item 5: Orders issued by Ocean and Coastal Resource Management (Attachment 5-1)

Ms. Rheta Geddings, Manager, Enforcement Section, stated five (5) actions had been taken with a penalty of \$5,757.50.

The Board accepted this item as information.

Item 6: Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation (Attachment 6-1)

Ms. Melinda Bradshaw, Health Regulation Liaison, stated four (4) actions had been taken with penalties of \$37,400.

The Board accepted this item as information.

Item 7: Placement of Carisoprodol (Soma) and Carisoprodol + Aspirin (Soma Compound) into Schedule IV for Controlled Substances including its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers and salts of isomers is possible
(Attachment 7-1)

Ms. Regina Erving, Director, Bureau of Drug Control, presented this item to the Board. Controlled substances are governed by Title 44, Chapter 53, of the S.C. Code of Laws. Section 44-53-160 is titled "Manner in which changes in schedule of controlled substances shall be made." Pursuant to § 44-53-160, controlled substances are generally designated by the General Assembly, upon recommendation by DHEC, and are listed in § 44-53-190 and the following sections of the Code of Laws. Section 44-53-160(4) provides a process under which DHEC can expeditiously designate a substance as a controlled substance if the federal government has so designated. Section 44-53-160(4) states:

If any substance is added, deleted, or rescheduled as a controlled substance under federal law or regulation, the department shall by rule, at its first regular or special meeting after publication in the federal register of the final order designating the substance as a controlled substance or rescheduling or deleting the substance, reschedule the substance into the appropriate schedule, such rule having force of law unless overturned by the General Assembly. This rule issued by the department shall be in substance identical with the order published in the federal register effecting the change in federal status of the substance. The department shall notify the General Assembly in writing of the change in federal law or regulation and of the corresponding change in South Carolina law.

The U.S. Drug Enforcement Administration (DEA) published on January 12, 2012, a final rule making carisoprodol (Soma) a Schedule IV controlled substance with an effective date of January 11, 2012. The forms of carisoprodol included in this action are Carisoprodol (Soma) and Carisoprodol +Aspirin (Soma Compound) including its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible.

The Federal Register publication, dated Monday, December 12, 2011 (Vol. 76, No. 238), is found at the following website: <http://www.gpo.gov/fdsys/pkg/FR-2011-12-12/pdf/2011-31542.pdf>.

Mr. Batts moved, seconded by Dr. Hutto, to adopt the federal scheduling of the following substances into Schedule IV of the South Carolina Controlled Substances Act: Carisoprodol (Soma) and Carisoprodol +Aspirin (Soma Compound) including its salts,

isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible. Approved.

Signed Designation (Attachment 7-2)

Item 8: Public Hearing and Request for Final Approval - Proposed New Regulation 61-South Carolina Immunization Registry, State Register Document No. 4259, Legislative review is required (Attachment 8-1)

Dr. Jerry Gibson, Director, Bureau of Disease Control, presented this item to the Board. The Department proposes to create regulations to implement provision of the S.C. Code Ann. Section 44-29-40 as amended by 2010 Act No. 210, regarding the implementation of the South Carolina Immunization Registry. This legislative mandate authorizes the Department to promulgate regulations to implement the required entry of all immunizations given by health care providers into the South Carolina Immunization Information System (Registry). Specific areas which the Department wishes to address in the Regulation include definitions of terms, registration and reporting requirements, schedule of implementation by providers, implementation schedule, permitted uses and disclosures, compliance and enforcement, exceptions to the requirements and severability.

A public hearing was conducted. (Attachment 8-2)

Dr. Kirol moved, seconded by Dr. Hutto, to delay action and ask staff to work with interested parties on issues discussed during public hearing and to come back to the Board with its recommendation at a later date. Approved.

A verbatim transcript is included as part of the permanent record. (Attachment 8-3)

Item 9: Final Review Conference - Docket No. 11-RFR-73, Decision dated December 16, 2011, to conditionally permit the relocation and modification of an existing marina, realign the center line of the functioning navigation channel, reconfigure and existing mooring field, and add new bridge fenders to the James Island Expressway Bridge on and adjacent to the Ashley River at the City Marina (Attachment 9-1)

Mr. Roberts introduced the matter to the Board. Mr. Bradley Churdar represented the Department staff. (Attachment 9-2) Mr. Davidson Williams spoke on behalf of the Ashley River Properties II. (Attachment 9-4) Mr. Solomon Hay was pro se. (Attachment 9-5) Mr. Ellison Smith represented The City Marina Company. (Attachment 9-3)

Mr. Wells moved, seconded by Mr. Batts, to go into Executive Session for the purpose of obtaining legal advice relating to the matter being discussed. Approved.

While in Executive Session, no actions were taken.

Mr. Batts moved, seconded by Dr. Kirol, to uphold the staff decision. Motion carries by a vote of 4-1 (yes – Mr. Batts, Dr. Kirol, Dr. Hutto, Mr. Amsler; no – Mr. Wells)

Item 10: Handling of Requests for Final Review requiring action before February 9, 2012
(Attachment 10-1)

After discussion, *Mr. Batts moved, seconded by Mr. Lutz, not to conduct a Final Review Conference on Docket No. 12-RFR-01, Scotland Memorial Hospital. Motion carries by a vote of 4-1. (yes – Batts, Lutz, Kirol, Hutto; no – Wells)*

For the purpose of discussion and vote, Docket Nos. 12-RFR-02, Carolina Regional Cancer Center; 12-RFR-03, North Strand Radiation Oncology; and 12-RFR-04, Grand Strand Regional Medical Center were consolidated.

After discussion, *Mr. Lutz moved, seconded by Dr. Hutto, to conduct a final review conference on Docket Nos. 12-RFR-02, -03, -04. Motion failed for lack of a majority vote.*

After further discussion, *Mr. Wells moved, seconded by Mr. Batts, not to conduct a final review conference on Docket Nos. 12-RFR-02, -03, -04. Motion failed for lack of majority vote.*

Since a motion did not pass, a final review conference will not be conducted on Docket Nos. 12-RFR-02, -03, and -04.

After discussion, *Mr. Lutz moved, seconded by Mr. Batts, not to conduct a final review conference on Docket No. 12-RFR-05, Mercy Care Hospice House. Approved.*

After discussion, *Mr. Batts, moved, seconded by Dr. Kirol, not to conduct a final review conference on Docket No. 12-RFR-06, A&R Environmental (Paul Murphy). Approved.*

After discussion, *Mr. Wells moved, seconded by Mr. Lutz, to conduct a final review conference on Docket No. 12-RFR-07, Lake Murray Docks, Inc. Motion failed for lack of a majority vote.*

Since a motion to conduct a final review conference did not pass, a final review conference will not be conducted on Docket No. 12-RFR-07, Lake Murray Docks, Inc.

For the purpose of discussion and vote, Docket Nos. 12-RFR-08, Giant Resource Recovery-Sumter and 12-RFR-09, Glenn Springs Academy were consolidated.

After discussion, *Mr. Lutz moved, seconded by Dr. Hutto, not to conduct a final review conference on Docket Nos. 12-RFR-08 and 12-RFR-09. Approved.*

After discussion, *Dr. Hutto moved, seconded by Mr. Batts, not to conduct a final review conference on Docket No. 12-RFR-10, St. Joseph's/Candler Imaging Center. Approved.*

After discussion, *Mr. Lutz moved, seconded by Mr. Wells, not to conduct a final review conference on Docket No. 12-RFR-11, Town of Edisto Beach. Approved.*

Item 7: Agency Affairs

Acting Commissioner King deferred his report until next month.

Item 8: Legal Report

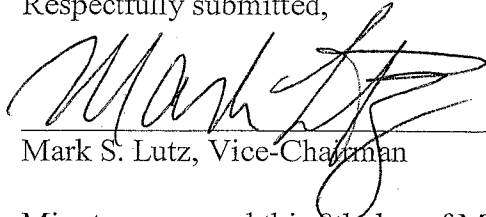
Mr. Lutz moved, seconded by Mr. Batts, to go into Executive Session for the purpose of receiving legal advice pertaining to matters in litigation. Approved.

While in Executive Session, no actions were taken.

There being no further business, Chairman Amsler declared the meeting adjourned.

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

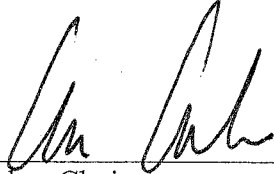
Respectfully submitted,



Mark S. Lutz, Vice-Chairman

Minutes approved this 8th day of March 2012.

ATTEST:



Allen Amsler, Chairman

Attachments

- 0-1 Agenda
- 0-2 Sign-in Sheet
- 1-1 Board Minutes
- 2-1 Monthly Award for Excellence – January and February 2012
- 3-1 Request for fourth extension of CON SC-08-28, KershawHealth
- 4-1 Administrative and Consent Orders - EQC
- 5-1 Orders issued by OCRM
- 6-1 Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation
- 7-1 Placement of Carisoprodol (Soma) and Carisoprodol + Aspirin (Soma Compound) into Schedule IV for Controlled Substances
- 7-2 Signed Designation
- 8-1 Public Hearing – Proposed New Regulation 61-___, Immunization Registry
- 8-2 Sign-in Sheet for public hearing
- 8-3 Verbatim Transcript
- 9-1 Final Review Conference – The City Marina Company
- 9-2 Presentation by department staff
- 9-3 Exhibits presented by the The City Marina Company
- 9-4 Presentation by Ashley River Properties, II
- 9-5 Presentation by Mr. Solomon Hay
- 10-1 RFRs requiring action by March 9

