

SUMMARY SHEET
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

October 12, 2017

() ACTION/DECISION

(X) INFORMATION

I. TITLE: Health Regulation Administrative and Consent Orders.

II. SUBJECT: Health Regulation Administrative Orders, Consent Orders, and Emergency Suspension Orders for the period of August 1, 2017, through August 31, 2017.

III. FACTS: For the period of August 1, 2017, through August 31, 2017, Health Regulation reports four (4) Consent Orders, and one (1) Emergency Suspension Order with a total of thirty-nine thousand six hundred dollars (\$39,600) in assessed monetary penalties.

Health Regulation Bureau	Health Care Facility, Provider, or Equipment	Administrative Orders	Consent Orders	Emergency Suspension Orders	Assessed Penalties
Health Facilities Licensing	Community Residential Care Facility	0	2	0	\$16,600
Radiological Health	X-Ray Vendor	0	1	0	\$22,000
EMS & Trauma	Paramedic	0	0	1	\$0
	Ambulance Services Provider	0	1	0	\$1000
TOTAL		0	4	1	\$39,600

Approved By:

Shelly Bezanson Kelly
Director of Health Regulation

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

October 12, 2017

Bureau of Health Facilities Licensing

Facility Type	Total # of Beds or Participants	Total # of Licensed Facilities in South Carolina
Community Residential Care Facility	19,118	479

1. Reid’s Residential Care Facility (CRCF) – Wellford, SC

Investigation: The Department visited Reid’s Residential Care Facility (“Reid’s”) on August 10, 2016, to conduct a complaint investigation, August 24, 2016, to conduct a general and food and sanitation inspection, February 14, 2017, to conduct a follow-up inspection, and March 13, 2017, to conduct a complaint investigation.

Violations: Based upon the inspections, the Department cited Reid’s for twenty-one (21) violations of Regulation 61-84, Standards for Licensing Community Residential Care Facilities. Specifically, Reid’s was cited one (1) time for violating Section 103.G.1, for failing to have the facility’s license posted in a conspicuous place in a public area of the facility; one (1) time for violating Section 501.A, for failing to have documentation of criminal background checks prior to employment for two (2) staff members; nine (9) times for violating Section 504.A, for failing to have documentation of all required inservice training; one (1) time for violating Section 505.A, for failing to have documentation of a health assessment for two (2) staff members; one (1) time for violating Section 701.B.2, for failing to have documentation of physician orders for medications being administered to four (4) residents; one (1) time for violating Section 703.A, for failing to update and revise a resident’s ICP; one (1) time for violating Section 1101.A, for failing to have documentation of current annual physical examinations for five (5) residents; one (1) time for violating Section 1206.A, for failing to properly store medications; two (2) times for violating Section 1206.C, for failing to maintain required controlled substance documentation; one (1) time for violating Section 1301.A, for failing to maintain compliance with Regulation 61-25, *Retail Food Establishments*; one (1) time for violating Section 2501.B, by failing to maintain required temperatures in resident areas; and one (1) time for violating Section 2602.A.1, for failing maintain required bedding for residents.

Enforcement Action: Pursuant to the Consent Order executed August 25, 2017, the Department assessed a ten thousand two hundred dollar (\$10,200) monetary penalty against Reid’s. A term of the Consent Order required Reid’s to pay five thousand dollars (\$5,000) of the assessed penalty in four (4) consecutive monthly payments. The first payment is due within thirty (30) days of execution of the Consent Order. The remaining balance of the assessed monetary penalty will be stayed upon a six (6) month period of substantial compliance with Regulation 61-84 and the terms of the Consent Order. Finally, pursuant to the terms of the Consent Order, Reid’s agreed to attend a compliance assistance meeting with the Department within forty-five (45) days of execution of the Consent Order.

Prior Sanctions: On April 3, 2014, the Department executed Consent Order CO-HL-02-2014 assessing a thirty-one thousand five hundred dollar (\$31,500) monetary penalty against Reid’s for violations of R.61-84. The Consent Order required Reid’s to make payment of four thousand eight hundred dollars (\$4,800) of the assessed penalty in monthly installments. The remainder of the assessed penalty was held in

abeyance pending Reid’s substantial compliance with R.61-84 and the Consent Order for twelve (12) months.

2. Brookdale Charleston (CRCF) – Charleston, SC

Investigation: The Department visited Brookdale Charleston (“Brookdale”) on July 28, 2016, and February 9, 2017, to conduct complaint investigations, March 1, 2017, to conduct a general inspection, and March 16, 2017, to conduct a fire and life safety inspection.

Violations: Based upon the inspections, the Department cited Brookdale for eleven (11) violations of Regulation 61-84, Standards for Licensing Community Residential Care Facilities. Specifically, Brookdale was cited one (1) time for violating Section 401, for failing to implement its written policy and procedure regarding performing nightly checks; one (1) time for violating Section 503.B.3, for failing to maintain required staffing levels on each floor at all times residents were present; two (2) times for violating Section 703.A, for failing to maintain ICPs; one (1) time for violating Section 1203.C.1, for failing to ensure that self-administered medications were being given upon specific physician orders; one (1) time for violating Section 1203.F, for failing to maintain documentation of MAR reviews; one (1) time for violating Section 1205.B, for failing to maintain residents’ medications in original containers; one (1) time for violating Section 1205.C, for failing to attach updated labels to medications when adjusted by orders from a physician; one (1) time for violating Section 1206.A, for storing discontinued medications with a resident’s current medications; one (1) time for violating Section 1601, for failing to keep equipment and building components in good repair and operating condition; and one (1) time for violating Section 1703.B.2, for failing to keep the facility grounds free of overgrown landscaping and other potential breeding sources for vermin.

Enforcement Action: Pursuant to the Consent Order executed August 18, 2017, the Department assessed a six thousand four hundred dollar (\$6,400) monetary penalty against Brookdale, due within thirty (30) days of execution of the Consent Order. The assessed penalty was received August 23, 2017.

Prior Sanctions: None.

Bureau of Radiological Health

Facility Type	Total # of Registered Vendors in South Carolina
X-Ray Vendors	353

3. X-Ray of Greenville, Inc. (Vendor) – Greer, SC

Investigation: X-Ray of Greenville, Inc. (“Vendor”) is registered with the Department as a vendor authorized to install and service x-ray equipment in South Carolina. As such, Vendor is authorized to perform equipment testing on x-ray equipment in South Carolina. While conducting routine inspections for three (3) different facilities where Vendor had performed equipment testing, Department inspectors discovered falsified data on equipment performance tests. During the May 1, 2017, enforcement conference, Vendor admitted to falsifying test data at the three (3) facilities. This includes raw data on equipment performance tests observed on the aforementioned inspections conducted on October 12, 2016, October 27, 2016, and November 29, 2016.

Violations: Based upon the foregoing facts, the Department finds Vendor in violation of RHB 1.12.2 on October 12, 2016, October 27, 2016, and November 29, 2016, by falsifying data regarding equipment performance testing.

Enforcement Action: By Consent Order executed June 30, 2017, Vendor agreed to the imposition of a twenty-two thousand dollar (\$22,000) civil penalty. The Consent Order requires Vendor to make payment of five thousand five hundred dollars (\$5,500) of the civil penalty with six (6) consecutive monthly payments, the first being due within thirty (30) days of execution of the Consent Order. The remaining sixteen thousand five hundred dollars (\$16,500) will be stayed upon substantial compliance with Regulation 61-64 and the terms of the Consent Order. Finally, Vendor agreed to ensure that all violations of R.61-64 are not repeated. The assessed civil penalty has been paid.

Prior Sanctions: None.

Bureau of EMS & Trauma

EMS Provider Type	Total # of Providers in South Carolina
EMT	5,960
Advanced EMT	381
Paramedic	3,693
Athletic Trainers	949
Ambulance Services Provider	261
First Responder Services Provider	2

4. Corbin R. Loflin (Paramedic)

Investigation: On August 1, 2017, the Department was notified of Mr. Loflin's arrest in Onslow County, North Carolina. Upon notification, the Department initiated an investigation into the matter. The Department discovered that Mr. Loflin was arrested on May 11, 2017, and charged with three (3) counts of obtaining controlled substances through the use of legal prescriptions which have been obtained by the knowing and willful misrepresentation to or by the intentional withholding of information from one or more practitioners.

Violations: The charges against Mr. Loflin, specifically, three (3) counts of obtaining controlled substances through the use of legal prescriptions which have been obtained by the knowing and willful misrepresentation to or by the intentional withholding of information from one or more practitioners, is a felony involving drugs. The Department found that Mr. Loflin's arrest demonstrated a capacity for inappropriate and criminal behavior towards individuals placed within his trust. The Department determines that a clear and present danger would exist to the public health, safety, and welfare if Mr. Loflin's Paramedic certificate was not immediately suspended pending further investigation.

Enforcement Action: Mr. Loflin's Paramedic certificate was immediately suspended on an emergency basis pursuant to the Emergency Suspension Order executed August 18, 2017. The Department will continue to monitor Mr. Loflin's criminal matters.

Prior Sanctions: None.

5. Regional Ambulance Service, Inc. (Ambulance Services Provider)

Investigation: On September 27, 2016, Regional Ambulance Service, Inc. (“Regional”) notified the Department that it had an employee with a valid National Registry of Emergency Medical Technicians (“NREMT”) certification, but did not have a South Carolina EMT certification. As a result of its investigation, the Department determined the employee performed patient care within the scope of an EMT on fifty (50) ambulance runs while working for Regional from September 21, 2016, to October 17, 2016, during which she was uncertified as a South Carolina EMT.

Violations: The Department found Regional violated S.C. Code Sections 44-61-70(B)(1) and -80(A), and Section 901.A of Regulation 61-7 by allowing an uncertified person to perform patient care within the scope of an EMT. Specifically, while working for Regional, an uncertified person performed patient care within the scope of an EMT on fifty (50) ambulance runs.

Enforcement Action: Pursuant to the terms of the Consent Order executed August 1, 2017, Regional agreed to the assessment of a one thousand dollar (\$1,000) monetary penalty. Regional further agreed to make payment of five hundred dollars (\$500) of the assessed monetary penalty within ninety (90) days of execution of the Consent Order. The remainder of the assessed monetary penalty shall be held in abeyance for twenty-four (24) months following execution of the Consent Order. Finally, Regional agreed to have its training officer present to all EMT-certified personnel currently employed by Regional a minimum one (1) hour training presentation covering the process, procedures, and paperwork necessary for a candidate to obtain his or her NREMT and South Carolina EMT certifications. Pursuant to the terms of the Consent Order, Regional shall submit a copy of rosters of personnel trained with this presentation to the Department within one hundred twenty (120) days of execution of the Consent Order.

Prior Sanctions: None.