



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.
Morris E. Brown, III, MD, FAAFP
Robert R. Morgan, Jr., MD, MBA

Minutes of the September 9, 2021, meeting of the South Carolina Board of Health and Environmental Control

The South Carolina Board of Health and Environmental Control met on Thursday, September 9, 2021, at 11:00 a.m. in the Boardroom (#3420) at the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina.

The following members were in attendance:

Mark Elam, Chairman
Seema Shrivastava-Patel, 2nd District

In attendance virtually:
J. B. (Sonny) Kinney, 1st District
Charles M. Joye, II, P. E., 3rd District
Richard V. Lee, Jr., 5th District
Robert Morgan, M. D., 4th District
Morris E. Brown III, M. D., 6th District

Also, in attendance were Dr. Edward Simmer, Director, W. Marshall Taylor, Jr., General Counsel, Department staff, and members of the public. The meeting was also available for viewing after the meeting via a video link.

Ms. Shrivastava-Patel 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. Chairman Elam arrived shortly after the meeting was called to order.

Item 1: Minutes of August 12, 2021 meeting

Mr. Kinney moved, seconded by Mr. Lee, to approve the minutes as presented. The Board voted and the motion carried.

Item 2: Minutes of August 20, 2021 meeting

Mr. Kinney moved, seconded by Mr. Lee, to approve the minutes as presented. The Board voted and the motion carried.

Item 3: Agency Affairs:

Dr. Edward Simmer, Director, updated the Board on:

- staffing – introduction of new Legislative Affairs Director, Scott Jaillette;
- COVID-19 testing and vaccination updates, including new public service announcements; and breakthrough infections;
- COVID-19 school and health system guidance;
- DHEC emergency powers regarding mask mandates;
- water treatment; and
- hurricane preparation.

After discussion, the Board accepted this item as information.

Item 4: Administrative and Consent Orders issued by Healthcare Quality

Ms. Bentley White, Director of Policy and Communications, Healthcare Quality, stated that for this reporting period two (2) Consent orders with assessed Civil Penalties totaling \$20,600 were issued.

After discussion, the Board accepted this item as information.

Item 5: Administrative and Consent Orders issued by Environmental Affairs

Ms. Rebecca Sproles, Liaison, Environmental Affairs, stated that for this reporting period twenty-two (22) Administrative Orders with assessed civil penalties totaling \$60,485 and sixteen (16) Administrative Orders with assessed civil penalties totaling \$106,426 were issued.

After discussion, the Board accepted this item as information.

Item 6: Request for Placement of 4,4'- DMAR in Schedule I for Controlled Substances in South Carolina

Ms. Heather Diebold presented this item to the Board.

On August 12, 2021, the Drug Enforcement Administration (“DEA”) published a final rule which places 4,4'- dimethylaminorex (common name: 4,4'- DMAR) including its salts, isomers, and salts of isomers, in schedule I of the Controlled Substances Act (“CSA”). This final rule imposes the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, import, export, engage in research, conduct instructional activities or chemical analysis, or possess), or propose to handle 4,4'- DMAR. This final rule was published August 12, 2021 with an effective date of September 13, 2021, *Federal Register*, Volume 86, Number 153, pages 44270-44273; <https://www.govinfo.gov/content/pkg/FR-2021-08-12/pdf/2021-17052.pdf>.

Pursuant to S.C. Code Section 44-53-160(C), the Department recommends placing 4,4'-dimethylaminorex (common name: 4,4'-DMAR) in Schedule I in the same manner as the federal Drug Enforcement Administration. The listing includes its including its salts, isomers, and salts of isomers to schedule I for controlled substances in South Carolina and the amendment of Section 44-53-190(F) of the South Carolina Controlled Substances Act to include:

() 4,4'-Dimethylaminorex (4,4'-DMAR; 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine; 4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine).

After discussion, **Dr. Morgan moved, seconded by Dr. Brown**, to Designate 4,4'-DMAR and the additional substances named in the DEA Notice published in the Federal Register on August 12, 2021, and amend Section 44-53-190(F) of the S.C. Controlled Substances Act for consistency with the Federal scheduling. **The Board voted and the motion carried.**

Item 7: Final Review Conference - Docket No. 21-RFR-49, Spring Street Senior Housing OPCO, LLC d/b/a Spring Street Health Center - Issuance of Certificate of Need for the establishment of a 23-bed skilled nursing facility at a total project cost of \$7,703,284, CON Matter No. 2827

A Final Review Conference was conducted concerning the CON. Maggie Murdock presented this item to the Board.

Presentations were made as allowed by all parties.

Mr. Joye moved, seconded by Dr. Morgan, to go into executive session for deliberation on this matter. The Board voted and the motion carried.

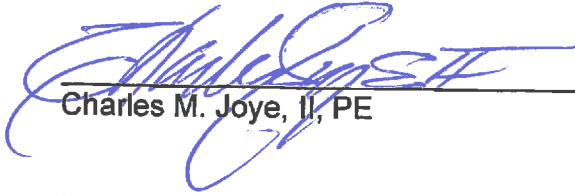
The Board returned from executive session and Ms. Shrivastava-Patel stated no actions were taken by the Board while in executive session.

After discussion, **Dr. Brown moved, seconded by Mr. Joye, to uphold the staff decision. The Board voted and the motion carried.**

Being no further business, Ms. Shrivastava-Patel adjourned the meeting.

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

Respectfully submitted,



Charles M. Joye, II, PE

Minutes approved this 7th day of October, 2021.

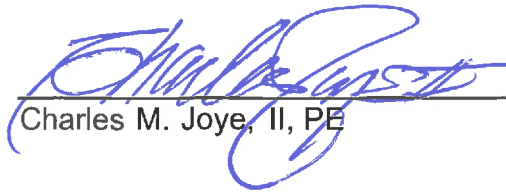
ATTEST:



Mark R. Elam, Chairman

Attachments:

Respectfully submitted,



Charles M. Joye, II, PE

Minutes approved this 7th day of October, 2021.

ATTEST:



Mark R. Elam, Chairman

Attachments:

Attachments

- 0-1 Agenda
- 0-2 Sign in Sheet
- 1-1 Minutes of August 12, 2021 meeting
- 2-1 Minutes of August 20, 2021 meeting
- 4-1 Administrative Orders and Consent Orders issued by Healthcare Quality
- 5-1 Administrative Orders and Consent Orders issued by Environmental Affairs
- 6-1 Request for Placement of 4,4'-DMAR in Schedule I for Controlled Substances in South Carolina
- 7-1 **Final Review Conference - Docket No. 21-RFR-49, Spring Street Senior Housing OPCO, LLC d/b/a Spring Street Health Center - Issuance of Certificate of Need for the establishment of a 23-bed skilled nursing facility at a total project cost of \$7,703,284, CON Matter No. 2827**