

**STATE OF SOUTH CAROLINA
THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

IN RE: Benjamin Bowles d/b/a Bowles Community Care Home, Lic. No. CRC-0090

EMERGENCY SUSPENSION ORDER

Bowles Community Care Home (Bowles or the Facility) is a community residential care facility (CRCF) licensed by the South Carolina Department of Health and Environmental Control (DHEC or the Department) pursuant to the *State Certification of Need and Health Facility Licensure Act* (the Act), S.C. Code Ann. Sections 44-7-110, *et seq.*, and *Standards for Licensing Community Residential Care Facilities*, Regulation 61-84. Bowles is responsible for compliance with the applicable laws and regulations governing the licensing of CRCFs in this State. Based upon the following findings of fact and conclusions of law, the Department has decided to suspend Bowles's license on an emergency basis.

Findings of Fact

1. Bowles Community Care Home is a CRCF located in McClellanville, South Carolina, and licensed by the Department pursuant to License No. CRC-0090.¹ The licensee and licensed administrator of Bowles is Benjamin Bowles.

2. The Department conducted an inspection of Bowles on December 28, 2022, and determined conditions exist that pose an immediate threat to the health, safety, and welfare of the residents. Specifically, the Department observed the following:

- a. The Facility was without staff for an extended period of time, thereby depriving the residents of the Facility of their services, care, and supervision. Residents were unable to confirm if medications were administered and meals were served.

¹ On October 11, 2022 the Department issued an administrative order revoking the license of Bowles. Bowles filed a request for final review with the Board of Health and Environmental Control (the Board). On November 30, 2022, the Board mailed notice of its decision not to conduct a final review conference. To date, the Department has not received notice of Bowles filing a request for contested case with the South Carolina Administrative Law Court.

b. The kitchen was padlocked. Accordingly, residents did not have an available supply of food.

3. As a result of these findings and after careful consideration, the Department decided to issue this order suspending Bowles's license immediately.

Conclusions of Law

1. The Department is the agency of the State of South Carolina responsible for administering the licensure of CRCFs and other activities necessary to be carried out under the Act. *See* S.C. Code Ann. § 44-7-140.

2. The Department is authorized to make inspections and investigations as considered necessary. *See id.* § 44-7-150(1); 7 S.C. Code Ann. Regs. 61-84 § 201. Additionally, each facility shall be inspected prior to initial licensure and as deemed appropriate by the Department. *See* 7 S.C. Code Ann. Regs. 61-84 § 202.A.

3. Based upon the foregoing findings of fact, the Department concluded that conditions and practices exist at Bowles Community Care Home which constitute an immediate threat to the health, safety, and welfare of the residents. The Facility was without staff members. Accordingly, residents could not receive personal care including general supervision of the residents and administration of ordered medications and care. The kitchen door was padlocked. Residents did not have an available supply of food. The living conditions and practices presented an immediate threat to the health, safety, and welfare of the residents of Bowles.

4. The Department may deny, suspend, or revoke licenses or assess a monetary penalty, or both, against a person or facility for: violating a provision of the Act or Regulation; engaging in conduct or practices detrimental to the health or safety of patients, residents, clients, or employees of a facility or service. S.C. Code Ann. § 44-7-320(A)(1)(a) and -(c); *see also* 7 S.C. Code Ann. Regs. 61-84 § 301.

5. If in the Department's judgment conditions or practices exist in a facility that pose an immediate threat to the health, safety, and welfare of the residents, the Department immediately may suspend the facility's license and shall contact the appropriate agencies for placement of the residents. S.C.

Code Ann. § 44-7-320(A)(3). The Department is further authorized pursuant to S.C. Code Ann. Section 44-1-140 to issue orders whenever it finds that an emergency requires immediate action to protect the public life and health.

6. Moreover, S.C. Code Ann. Section 1-23-370(c) states, “If the agency finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action.”

7. When the Department immediately suspends a facility’s license pursuant to Section 44-7-320(A)(3) of the S.C. Code of Laws, a preliminary hearing must be held to determine if the immediate threatening conditions or practices continue to exist within five calendar days of the suspension. *Id.* § 44-7-320(A)(3). The Department will contact the South Carolina Administrative Law Court regarding scheduling of the preliminary hearing with copy to Bowles.

8. The Department has determined that emergency action is required to suspend Bowles’s license to protect public life and health.

NOW, THEREFORE IT IS ORDERED, pursuant to S.C. Code Ann. Sections 44-1-140 and 44-7-320(A)(3), that Bowles Community Care Home’s license be suspended immediately on an emergency basis.

AND IT IS SO ORDERED.

THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Gwen Thompson with permission Date: 12/28/2022
Gwen C. Thompson, Director
SCDHEC Healthcare Quality

Angie Smith

Angie Smith, Director
Bureau of Community Care
SCDHEC Healthcare Quality

Date: 12/28/2022

Vito Wicevic 7 permission

Vito Wicevic, Esquire
Assistant General Counsel for Healthcare Quality
SCDHEC

Date: 12/28/2022

STATE OF SOUTH CAROLINA
THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

IN RE: Benjamin Bowles d/b/a Bowles Community Care Home #2, Lic. No. CRC-1497

EMERGENCY SUSPENSION ORDER

Bowles Community Care Home #2 (Bowles #2 or the Facility) is a community residential care facility (CRCF) licensed by the South Carolina Department of Health and Environmental Control (DHEC or the Department) pursuant to the *State Certification of Need and Health Facility Licensure Act* (the Act), S.C. Code Ann. Sections 44-7-110, *et seq.*, and *Standards for Licensing Community Residential Care Facilities*, Regulation 61-84. Bowles #2 is responsible for compliance with the applicable laws and regulations governing the licensing of CRCFs in this State. Based upon the following findings of fact and conclusions of law, the Department has decided to suspend Bowles #2's license on an emergency basis.

Findings of Fact

1. Bowles Community Care Home #2 is a CRCF located in McClellanville, South Carolina, and licensed by the Department pursuant to License No. CRC-1497.¹ The licensee and licensed administrator of Bowles #2 is Benjamin Bowles.

2. The Department conducted an inspection of Bowles #2 on December 28, 2022, and determined conditions exist that pose an immediate threat to the health, safety, and welfare of the residents. Specifically, the Department observed the following:

- a. The Facility was without staff for an extended period of time, thereby depriving the residents of the Facility of their services, care, and supervision. Residents were unable to confirm if medications were administered and meals were served.

¹ On October 11, 2022, the Department issued an administrative order revoking the license of Bowles #2. Bowles #2 filed a request for final review with the Board of Health and Environmental Control (the Board). On November 30, 2022, the Board mailed notice of its decision not to conduct a final review conference. To date, the Department has not received notice of Bowles #2 filing a request for contested case with the South Carolina Administrative Law Court.

- b. The kitchen was padlocked. Accordingly, residents did not have an available supply of food.
 - c. The Facility did not maintain a temperature of between 72 and 78 degrees F. in resident areas. Temperatures ranged from low 50s to mid-60s degrees F. The Facility was without working heat. Unapproved portable electric heaters were in the Facility.
3. As a result of these findings and after careful consideration, the Department decided to issue this order suspending Bowles #2's license immediately.

Conclusions of Law

1. The Department is the agency of the State of South Carolina responsible for administering the licensure of CRCFs and other activities necessary to be carried out under the Act. *See* S.C. Code Ann. § 44-7-140.

2. The Department is authorized to make inspections and investigations as considered necessary. *See id.* § 44-7-150(1); 7 S.C. Code Ann. Regs. 61-84 § 201. Additionally, each facility shall be inspected prior to initial licensure and as deemed appropriate by the Department. *See* 7 S.C. Code Ann. Regs. 61-84 § 202.A.

3. Based upon the foregoing findings of fact, the Department concluded that conditions and practices exist at Bowles Community Care Home #2 which constitute an immediate threat to the health, safety, and welfare of the residents. The Facility was without staff members. Accordingly, residents could not receive personal care including general supervision of the residents and administration of ordered medications and care. Meals are prepared and served in Bowles Community Care Home #1 and the kitchen door was padlocked. Moreover, the Facility was without working heat with temperatures at 50 degrees F. A winter storm has impacted South Carolina which has resulted in temperatures below freezing. The living conditions and practices presented an immediate threat to the health, safety, and welfare of the residents of Bowles.

4. The Department may deny, suspend, or revoke licenses or assess a monetary penalty, or both, against a person or facility for: violating a provision of the Act or Regulation; engaging in conduct or

practices detrimental to the health or safety of patients, residents, clients, or employees of a facility or service. S.C. Code Ann. § 44-7-320(A)(1)(a) and -(c); *see also* 7 S.C. Code Ann. Regs. 61-84 § 301.

5. If in the Department's judgment conditions or practices exist in a facility that pose an immediate threat to the health, safety, and welfare of the residents, the Department immediately may suspend the facility's license and shall contact the appropriate agencies for placement of the residents. S.C. Code Ann. § 44-7-320(A)(3). The Department is further authorized pursuant to S.C. Code Ann. Section 44-1-140 to issue orders whenever it finds that an emergency requires immediate action to protect the public life and health.

6. Moreover, S.C. Code Ann. Section 1-23-370(c) states, "If the agency finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action."

7. When the Department immediately suspends a facility's license pursuant to Section 44-7-320(A)(3) of the S.C. Code of Laws, a preliminary hearing must be held to determine if the immediate threatening conditions or practices continue to exist within five calendar days of the suspension. *Id.* § 44-7-320(A)(3). The Department will contact the South Carolina Administrative Law Court regarding scheduling of the preliminary hearing with copy to Bowles #2.

8. The Department has determined that emergency action is required to suspend Bowles #2's license to protect public life and health.

NOW, THEREFORE IT IS ORDERED, pursuant to S.C. Code Ann. Sections 44-1-140 and 44-7-320(A)(3), that Bowles Community Care Home #2's license be suspended immediately on an emergency basis.

AND IT IS SO ORDERED.

[Signature page follows]

THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Gwen Thompson w/ permission

Gwen C. Thompson, Director
SCDHEC Healthcare Quality

Date: 12/28/2022

Angie Smith

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