



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

**PUBLIC HEALTH ORDER
No. COVID-19-3**

WHEREAS, on March 13, 2020, Governor Henry McMaster declared a State of Emergency based on a determination that Coronavirus Disease 2019 (COVID-19) posed an actual or imminent public health emergency for the State of South Carolina; and

WHEREAS, on March 13, 2020, the Governor also directed the South Carolina Department of Health and Environmental Control (DHEC) to utilize and exercise any and all emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, deemed necessary to promptly and effectively address the current public health emergency. In accordance with Section 44-4-500 of the South Carolina Code of Laws, as amended, the Governor ordered that DHEC shall “use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment;” and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (“Stafford Act”); and

WHEREAS, on March 24, 2020, the Governor requested that the President of the United States declare that a major disaster exists in the State of South Carolina pursuant to Section 401 of the Stafford Act; and

WHEREAS, on March 27, 2020, the President of the United States granted the Governor’s request and declared that a major disaster exists in the State of South Carolina and ordered federal assistance to supplement state, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic, with an effective date retroactive to January 20, 2020, and continuing; and

WHEREAS, on March 28, 2020, the Governor declared a continued State of Emergency due to COVID-19; and

WHEREAS, as of April 8, 2020, COVID-19 is widespread throughout the state and in all 46 counties, with 2,552 confirmed cases statewide and 63 total deaths; and

WHEREAS, the Federal Emergency Management Agency (FEMA), located within the United States Department of Homeland Security, has determined that the collection and understanding of ventilator data from all states and territories is necessary for critical decision-making, including decisions regarding allocation of resources; and

WHEREAS, FEMA has determined that the specific ventilator information necessary for modeling and projections includes: (1) total ventilators; and (2) total ventilators in use; and

WHEREAS, FEMA has indicated that the State of South Carolina, along with six other states, is not providing daily updates to FEMA as requested, which is creating issues in projections and ranking for priority purposes; and

WHEREAS, FEMA and the United States Department of Health and Human Services (“DHHS”) have created a Situational Awareness Task Force that have requested certain information from the various states to help FEMA and DHHS better understand (A) the extent of FEMA and DHHS’s overall capacity currently engaged in the COVID-19 response, (B) where FEMA and DHHS are approaching maximum capacity, and (C) where FEMA and DHHS have bandwidth and what that bandwidth may be; and

WHEREAS, some of the information requested by the FEMA/DHHS Situational Awareness Task Force includes (1) the percentage of non-ICU hospital beds available; and (2) the percentage of ICU hospital beds available; and

WHEREAS, the Centers for Disease Control and Prevention’s (CDC’s) National Healthcare Safety Network (NHSN) is supporting the nation’s COVID-19 response by introducing a new COVID-19 Patient Impact and Hospital Capacity Module (the Module) within NHSN’s Patient Safety Component; and

WHEREAS, the Module enables hospitals to report daily counts of patients with suspected and confirmed COVID-19 diagnoses and current use and availability of hospital beds and mechanical ventilators;

WHEREAS, NHSN will enable state and local health departments to gain immediate access to the COVID-19 data for hospitals in their jurisdictions; and

WHEREAS, COVID-19 data submitted to NHSN also will be used by CDC’s emergency COVID-19 response and by the U.S. Department of Health and Human Services’ (HHS’) COVID-19 tracking system maintained in the Office of the Assistant Secretary of Preparedness and Response; and

WHEREAS, CDC allows data to be submitted using manual entry or CSV file; and

WHEREAS, the information provided to NHSN by South Carolina hospitals in Section 2 of the Module is some of the same data requested of DHEC by FEMA and DHHS for the COVID-19 response; and

WHEREAS, DHEC is invested with all the rights and charged with all the duties pertaining to organizations of like character and is the sole advisor of the State in all questions involving the protection of the public health within its limits (S.C. Code Ann. § 44-1-110); and

WHEREAS, DHEC must enforce or prescribe preventive measures as may be needed to suppress or prevent the spread of these diseases by proper quarantine or other measures of prevention, as may be necessary to protect citizens of the State (S.C. Code Ann. § 44-1-80(A)); and

WHEREAS, DHEC shall have, upon request, full access to the medical records, tumor registries, and other special disease record systems maintained by physicians, hospitals and other health facilities as necessary to carry out its investigation of epidemic and endemic diseases (S.C. Code Ann. § 44-1-110); and

WHEREAS, DHEC is granted the authority to make, adopt, promulgate and enforce reasonable rules and regulations from time to time requiring and providing for the thorough investigation and study of the causes of all diseases, epidemic and otherwise, in the State, the means for the prevention of contagious disease and the publication and distribution of such information as may contribute to the preservation of the public health and the prevention of disease (S.C. Code Ann. § 44-1-140(12)); and

WHEREAS, DHEC may also make separate orders and rules to meet any emergency not provided for by general rules and regulations, for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious and infectious diseases and other danger to the public life and health (S.C. Code Ann. § 44-1-140); and

WHEREAS, South Carolina is engaged in an all-hands effort to both reduce the spread of COVID-19 and to ensure the availability of medical resources to care for those who become ill; and

WHEREAS, as the Acting Director of Public Health, I have reviewed the data regarding confirmed COVID-19 cases, reported exposures among the population in South Carolina, including cases and reported exposures in vulnerable populations, and have reviewed the request of information from FEMA and DHHS; and

WHEREAS, I have determined that the information requested by FEMA and DHHS is critical to the efforts to stop the spread of COVID-19 cases in South Carolina and to provide adequate treatment for those who have contracted COVID-19.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to section 44-1-140 of the South Carolina Code of Laws, that all hospitals licensed by the State of South Carolina, with the exception of Institutional General Infirmaries and Privately-Owned Educational Institutional

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Infirmaries, are required to report daily information by completing Section 2 of the COVID-19 Patient Impact and Hospital Capacity Module within NHSN's Patient Safety Component, including all "required" fields, which are marked on the Module with an asterisk ("**").

Hospitals must complete their daily report no later than 9:00 am each day, including weekends.

Should any hospital face human resource or information technology challenges in completing any requirement of this Order, or should a hospital require technical assistance with enrolling in or using the NHSN system, the hospital should notify DHEC immediately by contacting DHEC's Healthcare Coalition Coordinator at (803) 898-3681 or ACC-HCC@dhec.sc.gov.

IT IS FURTHER ORDERED, pursuant to section 44-1-150 of the South Carolina Code of Laws, that any person or facility that violates this Order is subject to a civil penalty not to exceed one thousand dollars a day for each violation.

This Order is effective immediately and shall remain in effect unless otherwise modified, amended, or rescinded by subsequent order.

AND IT IS SO ORDERED.



Nicholas E. Davidson
Acting Director of Public Health

Date: 4/9/2020