



Mark Elam, Chairman
Richard (Rick) Toomey, DHA, FACHE
Seema Shrivastava-Patel

Board:
Charles M. Joye II, P.E.
David W. Gillespie, MD
Jim Creel, Jr.

Minutes of the July 12, 2018, meeting of the South Carolina Board of Health and Environmental Control

The South Carolina Board of Health and Environmental Control met on Thursday, July 12, 2018, at 10:00 a.m. in the Board Room at the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. (Attachment 0-1)

The following members were in attendance:

Mark Elam, Chairman, Member-at-large
Richard Toomey, DHA, FACHE, 1st District, Beaufort
Seema Shrivastava-Patel, 2nd District, Lexington
Charles M. Joye, II, P.E., 3rd District, Anderson
David W. Gillespie, MD, 6th District, Orangeburg
Jim Creel, Jr., 7th District, Myrtle Beach

4th and 5th Congressional District seats are currently vacant.

Also in attendance were David E. Wilson, Acting Director; W. Marshall Taylor, Legal Counsel; Lisa Lucas Longshore, Clerk; Department staff and members of the public. (Attachment 0-2)

Chairman Elam 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.

Item 1: Minutes of the June 7, 2018, meeting (Attachment 1-1)

Mr. Creel moved, seconded by Mr. Toomey, to approve the minutes of the June 7 meeting as presented. The Board voted and Motion carried.

Item 2: Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation (Attachment 2-1)

Mr. Thomas Bowen, Senior Consultant, Health Regulation Policy and Communications, stated for this reporting period one (1) Consent Order and two (2) Emergency Suspension Orders had been issued with assessed penalties totaling \$10,150.

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

Item 3: Administrative Orders and Consent Orders issued by Environmental Affairs (Attachment 3-1)

Ms. Robin Stephens, Assistant to Deputy Director of Environmental Affairs, stated for this reporting period eight (8) Administrative Orders and fifty-seven (57) Consent Orders had been issued with total penalties totaling \$246,505.

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

Item 4: 2018-2019 South Carolina State Health Plan (Attachment 4-2)

Ms. Margaret Murdock, Director, Certificate of Need Program, presented this item to the Board.

Ms. Murdock gave an overview of the State Health Plan process and introduced Mr. Bradley W. Moorhouse, Chairman of the South Carolina Health Planning Committee.

Mr. Moorhouse reviewed the changes to South Carolina Health Plan as follows:

Chapter 1. Introduction.

Correction of any minor scrivener's errors.

Chapter 2. Inventory Regions.

Correction of any minor scrivener's errors.

Chapter 3. General Hospitals.

Correction of any minor scrivener's errors. The General Bed Need chart was updated with new population projections and Joint Annual Report utilization data, thus producing new need calculations for the various service areas. The chart was also updated to match the narrative language adopted last year which went unchanged in this revision.

Chapter 4. Psychiatric Services.

Correction of any minor scrivener's errors. The Psychiatric Bed Need chart was updated with new population projections and Joint Annual Report utilization data, thus producing new need calculations for the various service areas. The inventory was updated to reflect any additional CON approvals during the planning year.

Chapter 5. Rehabilitation Facilities.

Correction of any minor scrivener's errors. The Rehabilitation Bed Need chart was updated with new population projections and Joint Annual Report utilization data, thus producing new need calculations for the various service areas. The inventory was updated to reflect any additional CON approvals during the planning year.

Chapter 6. Alcohol and Drug Abuse Facilities.

Correction of any minor scrivener's errors. The Substance Abuse Bed Need chart was updated with new population projections and Joint Annual Report utilization data, thus producing new need calculations for the various service areas. The inventory was updated to reflect any additional CON approvals during the planning year.

Chapter 7 - Residential Treatment Facilities (RTF) for Children and Adults

Correction of any minor scrivener's errors. The RTF Bed Need chart was updated with new population projections, thus producing new need calculations for the various service areas.

Chapter 8. Cardiovascular Care.

Correction of any minor scrivener's errors. The Cardiac Catheterization and Open Heart Unit inventories were updated to reflect any additional CON approvals in the planning year.

Chapter 9 - Radiation Oncology.

Correction of any minor scrivener's errors. The Megavoltage Visits and Radiotherapy charts were updated to reflect CON approvals during the planning year as well as utilization data reported in the 2016 Joint Annual Report by radiotherapy providers. New planning area capacities were calculated and included in the Radiotherapy chart.

Chapter 10 - Outpatient Facilities

Correction of any minor scrivener's errors. Ambulatory Surgery Facility utilization was updated based on 2016 Joint Annual Report data and any new CON approvals in the planning year. The Freestanding Emergency Hospital Services chart was updated with new licensee information as well as any new CON approvals in the planning year.

Chapter 11. Long Term Care Facilities and Services.

Correction of any minor scrivener's errors. The Long Term Care Bed Need chart was updated with new population projections, thus producing new need calculations for the various service areas. All other inventories for Long Term Care Facilities, Inpatient Hospice Facilities, Home Health Agencies, and Swing Bed Participants were updated to include any CON approvals during the planning year.

After discussion, ***Dr. Gillespie moved, seconded by Mr. Toomey, to adopt the 2018-2019 State Health Plan as presented by the State Health Planning Committee, to take effect at the start of the business day on July 13, 2018. The Board voted and Motion carried.***

Item 5: Placement of synthetic cannabinoids NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA into Schedule I of the SC Controlled Substances Act (Attachment 5-1)

Ms. Heather Lukshis, Bureau of Drug Control, presented this item to the Board.

Controlled substances are governed by the South Carolina Controlled Substances Act, Title 44, Chapter 53, The Department must place a substance in Schedule I if it meets the following criteria: (a) high potential for abuse; (b) no accepted medical use in treatment in the United States; and (c) lack of accepted safety for use in treatment under medical supervision.

Controlled substances are generally scheduled by the General Assembly upon the Department's recommendation, but Section 44-53-160(C) provides a process for the Department to expeditiously schedule a substance if the federal government has already done so.

Section 44-53-160(C), states:

If a substance is added, deleted; or rescheduled as a controlled substance pursuant to federal law or regulation, the department shall, at the first regular or special meeting of the South Carolina Board of Health and Environmental Control within thirty days after publication in the federal register of the final order designating the substance as a controlled substance or rescheduling or deleting the substance, add, delete, or reschedule the substance in the appropriate schedule. The addition, deletion, or rescheduling of a substance by the department pursuant to this subsection has the full force of law unless overturned by the General Assembly. The addition, deletion, or rescheduling of a substance by the department pursuant to this subsection must be in substance identical with the order published in the federal register effecting the change in federal status of the substance.

On June 30, 2018, the Administrator of the federal Drug Enforcement Administration issued a temporary scheduling order in the Federal Register to place the synthetic cannabinoids NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA, and 5F-CUMYL-P7AICA into Schedule I. Temporary scheduling allows the Drug Enforcement Administration to schedule a substance more quickly in order to avoid imminent hazard to the public safety as defined in the federal Controlled Substances Act. A temporary scheduling expires after two years, except that the Attorney General may extend the temporary scheduling for up to one year during the pendency of proceedings to permanently schedule the substance. The federal temporary scheduling order for these five synthetic cannabinoids became effective July 10, 2018.

The Administrator of the Drug Enforcement Administration determined that temporary scheduling of these substances was necessary to avoid an imminent hazard to the public safety. To make that determination, the Administrator was required to consider the substances' history and current pattern of abuse; the scope, duration, and significance of abuse; and what, if any, risk there is to the public health. Consideration of

these factors includes actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution.

After discussion, **Mr. Joye moved, seconded by Dr. Gillespie, to designate the additional substances named in the DEA Notice published in the Federal Register on July 10, 2018, and amend Section 44-53-190 of the S.C. Controlled Substances Act for consistency with the Federal scheduling. The Board voted and Motion carried.** SC Board of Health and Environmental Control Scheduling Order (Attachment 5-2)

Item 6: Agency Affairs

Acting Director Wilson reported on LEAP, DHEC's 11-month Leadership Excellence and Achievement Program for high potential leaders. The program places special emphasis on creativity and innovation, change management, and financial management while accomplishing cross-cutting strategic initiatives.

The Board accepted this item as information.

Chairman Elam asked for a Motion to go into Executive Session to discuss a personnel matter.

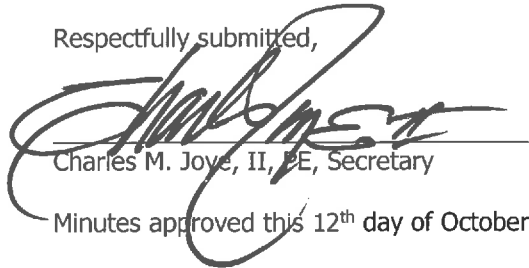
Dr. Gillespie moved, seconded by Mr. Joye, to go into Executive Session to discuss a personnel issue. The Board voted and Motion carried.

Chairman Elam stated the Board was back in public session and while in Executive Session no actions were taken.

Being no further business, the meeting adjourned.

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

Respectfully submitted,



Charles M. Joye, II, PE, Secretary

Minutes approved this 12th day of October 2018.

ATTEST:



Mark Elam, Chairman

Attachments

- 0-1 Agenda
- 0-2 Attendance Roster
- 1-1 Minutes of June 7, 2018 meeting
- 2-1 Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation
- 3-1 Administrative Orders and Consent Orders issued by Environmental Affairs
- 4-1 2018-2019 South Carolina State Health Plan
- 5-1 Placement of synthetic cannabinoids NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA and 5F-CUMYL-P7AICA into Schedule I of the SC Controlled Substances Act
- 5-2 SC Board of Health and Environmental Control Scheduling Order