



Board:

Mark R. Elam, Chairman
Jim P. Creel, Jr., Vice-Chairman
Charles M. Joye, II, P.E., Secretary
J.B. (Sonny) Kinney

Seema Shrivastava-Patel
Richard V. Lee, Jr.
Alex A. Singleton

**Minutes of the February 11, 2021, meeting of the
South Carolina Board of Health and Environmental Control**

The South Carolina Board of Health and Environmental Control met on Thursday, February 11, 2021, at 10:00 a.m. in the Boardroom (#3420) 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
J.B. (Sonny) Kinney, 1st District
Seema Shrivastava-Patel, 2nd District
Robert Morgan, MD, 4th District
Richard V. Lee, Jr., 5th District

In attendance virtually
Jim P. Creel, Jr., Vice-Chairman
Charles M. Joye, II, P.E., 3rd District
Alex A. Singleton, 6th District

Also, in attendance were Dr. Edward Simmer, Director, W. Marshall Taylor, Jr., General Counsel; M. Denise Crawford, Clerk; Department staff; and members of the public. The meeting was also available via Livestream.

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 January 7, 2021 meeting (Attachment 1-1)

Dr. Morgan moved, seconded by Mr. Lee, to approve the minutes as presented. The Board voted and Motion carried.

Item 2: Minutes of January 26, 2021 meeting (Attachment 2-1)

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

Item 4: Agency Affairs

Director Simmer acknowledged the continued operations of the agency during the response to the COVID 19 pandemic. In addition, he updated the Board on the Department's request for Public Health Accreditation and the pending decision.

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

Nick Davidson, Senior Deputy for Public Health, provided an update on COVID 19 (Coronavirus) and an overview of the COVID 19 vaccine.

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

Dr. Michael Kacka, Medical Consultant, Public Health, Bureau of Communicable Disease Prevention and Control, provided an update on the COVID 19 (Coronavirus) vaccine.

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

Item 3: Determination of implementation of COVID-19 vaccine allocation plan

Nick Davidson, Senior Deputy for Public Health, presented this matter to the board.

As instructed by the Board at the January 26, 2021 board meeting, a logistical plan using Model A (per capita) was presented to the board. (Attachment 4-1) In addition, Mr. Davidson and Dr. Michael Kacka, Medical Consultant, Public Health, Bureau of Communicable Disease Prevention, discussed COVID 19 and Herd Immunity. (Attachment 4-2)

Ms. Shrivastava-Patel made a motion that the Board go into Executive Session pursuant to SC Code Section 30-4-70(A)(1) and (A)(2) to obtain legal advice related to the vaccine allocation. Mr. Kinney seconded the motion and the motion carried unanimously.

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

After discussion, **Mr. Lee moved, seconded by Ms. Shrivastava-Patel, to defer allocation until staff can brief the board on allocations based on DHEC regions and report back at the March 11, 2021 meeting of the board. The Board voted and by a vote and the Motion carried.**

Ms. Shrivastava-Patel requested the board hold a special meeting as soon as the information was available from staff if prior to the next scheduled meeting. Chairman Elam granted the request.

Item 5: Administrative Orders and Consent Orders issued by Healthcare Quality (Attachment 5-1)

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 \$6,000.00, eighty-three (83) Notices of Violation and Civil Penalty totaling \$25,650.00 in assessed civil penalties, and no Administrative Orders were issued.

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

Item 6: Administrative Orders and Consent Orders issued by Environmental Affairs (Attachment 6-1)

Ms. Rebecca Sproles, Liaison, Environmental Affairs, stated that for this reporting period, twenty-three (23) Consent Orders with assessed civil penalties totaling \$171,156.09 and eight (8) Administrative Order with assessed civil penalties totaling \$61,919.00 have been issued.

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

Item 7: Notice of Proposed Regulation Amending Regulation 61-63, Radioactive Materials (Title A) (Exempt from General Assembly review) (Attachment 7-1)

Mr. Russell Morrison, Office of Policy and Communications, Healthcare Quality, presented this item to the Board.

Healthcare Quality proposed the Notice of Proposed Regulation amending Regulation 61-63, *Radioactive Materials (Title A)*, for publication in the February 26, 2021, *South Carolina State Register ("State Register")*. Legal authority resides in S.C. Code Section 13-7-40, which designates the Department as the responsible agency for the control and regulation of radiation sources. The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as the Department proposes these amendments for compliance with federal law.

The Department proposed amending Regulation 61-63 to incorporate federal law as required to maintain South Carolina's status with the United States Nuclear Regulatory Commission ("NRC") as an Agreement State.

The Department had a Notice of Drafting published in the October 23, 2020, *State Register*. A copy of the Notice of Drafting was provided. The Department received no public comments by the November 23, 2020, close of the public comment period.

A stakeholder meeting was held on November 5, 2020. Two stakeholders attended the meeting. The meeting was opened for public comment. No public comments were given.

Department staff sent the proposed amendments to the NRC for review. The Department has incorporated the NRC's input regarding compatibility with the federal regulation.

Department staff also provided the proposed amendments to the state Technical Advisory Radiation Control Council (TARCC) for review on December 9, 2020.

Department staff conducted an internal review of the proposed amendments on December 16, 2020.

Healthcare Quality requested the Board to grant approval of the Notice of Proposed Regulation for publication in the February 26, 2021, *State Register*.

After discussion, **Dr. Morgan moved, seconded by Mr. Lee, to grant approval to publish a Notice of Proposed Regulation amending Regulation 61-63, *Radioactive Materials (Title A)*, in the State Register, to provide opportunity for public comment, to receive and consider comments, and allow staff to proceed with a public hearing before the board. The Board voted and Motion carried.**

Item 8: Request for a Fourth Nine-Month Board Extension of Certificate of Need (CON) SC-16-19, issued to Trident Medical Center, LLC d/b/a Berkeley Medical Center (BMC) for construction of a new 50 bed acute care hospital to include an MRI and CT scanner (Attachment 8-1)

Ms. Maggie Murdock, Director, Certificate of Need, Bureau of Health Care Planning and Construction, Healthcare Quality, presented this item to the Board.

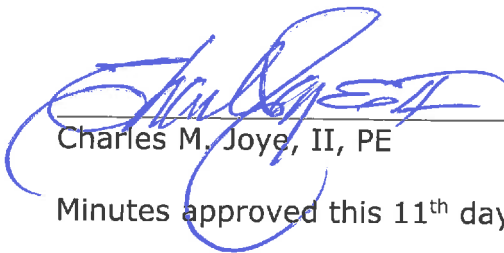
At the call of this matter, Ms. Murdock advised the board that Trident Medical Center, LLC d/b/a Berkeley Medical Center had withdrawn their request for an extension of Certificate of Need SC-16-19. A copy of the email withdrawing the request was provided to the board. (Attachment 8-2)

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

Being no further business, Chairman Elam adjourned the meeting.

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

Respectfully submitted,



Charles M. Joye, II, PE

Minutes approved this 11th day of March 2021.

ATTEST:



Mark R. Elam, Chairman

Attachments

- 0-1 Agenda
- 0-2 Sign in Sheet
- 1-1 Minutes of January 7, 2021 meeting
- 2-1 Minutes of January 26, 2021 meeting
- 4-1 Determination of implementation of COVID-19 vaccine allocation plan
- 4-2 Herd Immunity Graphic
- 5-1 Administrative Orders and Consent Orders issued by Healthcare Quality
- 6-1 Administrative Orders and Consent Orders issued by Environmental Affairs
- 7-1 Notice of Proposed Regulation Amending Regulation 61-63, *Radioactive Materials* (Title A) (Exempt from General Assembly review)
- 8-1 Request for a Fourth Nine-Month Board Extension of Certificate of Need (CON) SC-16-19, issued to Trident Medical Center, LLC d/b/a Berkeley Medical Center (BMC) for construction of a new 50 bed acute care hospital to include an MRI and CT scanner
- 8-2 Email withdrawing Request for Extension of Certificate of Need SC-16-19