



Board:

Chairman (Vacant)	J.B. (Sonny) Kinney
Seema Shrivastava-Patel, Vice-Chair	Richard V. Lee, Jr.
Charles M. Joye, II, P.E., Secretary	Morris E. Brown, III, MD, FAAFP
Jim P. Creel, Jr.	Robert R. Morgan, Jr., MD, MBA

**Minutes of the March 9, 2023, meeting of the
South Carolina Board of Health and Environmental Control**

The South Carolina Board of Health and Environmental Control met on Thursday, March 9, 2023, 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:

Seema Shrivastava-Patel, Vice-Chairwoman, 2nd District

In attendance virtually:

Charles M. Joye, II, P.E., 3rd District

Richard V. Lee, Jr., 5th District

Morris E. Brown, III, MD, 6th District

In attendance by telephone:

J.B. (Sonny) Kinney, 1st District

Not in attendance:

Robert Morgan, MD, 4th District

Jim P. Creel, Jr., 7th District

Also, in attendance were Dr. Edward Simmer, Director; Ashley Biggers, Acting Board Counsel; M. Denise Crawford, Clerk; Department staff; and members of the public. The meeting was also available via Livestream. (Attachment 0-2)

Vice Chairwoman 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.

Item 1: Minutes of January 5, 2023 meeting (Attachment 1-1)

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

Item 2: Administrative Orders and Consent Orders issued by Healthcare Quality (Attachment 2-1)

Ms. Bentley White, Director of Policy and Communications, Healthcare Quality, stated that for this reporting period, two (2) Administrative Orders and two (2) Consent Orders with assessed monetary penalties totaling \$17,250.00 were issued.

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

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

Ms. Rebecca Sproles, Liaison, Environmental Affairs, stated that for this reporting period, one hundred and eight (108) Consent Orders with assessed civil penalties totaling \$196,365.00 and ten (10) Administrative Orders with assessed civil penalties totaling \$136,080.00 were issued.

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

Item 4: Request for a nine-month Board extension of Certificate of Need (CON) SC-20-25, issued to Medical University Hospital Authority d/b/a MUHA Community Hospital, for the construction of a 128-bed general acute hospital in Berkeley County (Attachment 4-1)

Ashley Grant, Senior Consultant, Certificate of Need Program, Healthcare Quality, presented this item to the Board.

After the South Carolina Administrative Law Court's (ALC) affirmation of the Department's approval of the project, CON SC-20-25 was issued to Medical University Hospital Authority d/b/a MUHA Community Hospital on September 29, 2021, for the construction of a 128-bed general acute hospital in Berkeley County at a total project cost of \$325,000,000. The original CON had an expiration date of September 29, 2021.

MUHA requested a first staff extension of the CON on August 27, 2021, which was more than 30 days prior to expiration. MUHA informed the Department the project was delayed because of the COVID-19 pandemic. MUHA's CON SC-20-25 EXT-1 was valid until June 29, 2022, a period of nine months from original expiration of the CON. On May 3, 2022, the Department received a letter from MUHA requesting a second staff extension of the CON, which was 30 days prior to expiration. MUHA stated the delays were attributed to pandemic conditions and operational impacts making it impossible to meet the implementation deadline of June 30, 2022. The Department issued a second staff extension, CON SC-20-25-EXT-2 to MUHA and it will expire on March 29, 2023. In accordance with R. 61-15, Section 601, MUHA submitted a third extension request to the Department on December 21, 2022, which is 90 days prior to expiration. MUHA references delays because of the continuation of opposition challenging

their CON. According to MUHA, Trident Health has appealed the decision of the South Carolina Administrative Law Court (ALC) to the South Carolina Court of Appeals and the case is still pending.

Department staff have reviewed all relevant information concerning this third extension request and finds that circumstances beyond the control of MUHA, specifically the delays experienced due to pending litigation, have contributed to the need for further extension of CON SC-20-25. Department staff further finds substantial progress has been made, in particular site procurement and awarding the architectural contract.

MUHA provided in its extension request an updated timeline for the project, which Department staff believe is achievable.

Department staff recommended the Board find that MUHA Community Hospital has demonstrated extenuating circumstances beyond its control have delayed the Project and substantial progress has been made on the Project.

After discussion, **Mr. Kinney moved, seconded by Dr. Brown, to find that Medical University Hospital Authority d/b/a MUHA Community Hospital has demonstrated substantial progress on this project and approve the extension request for CON SC-20-25 issued on September 29, 2021. The Board voted and Motion carried.**

Item 5. Agency Affairs

Dr. Simmer introduced Tiffany Brown, Director of Staff Training and Development. Ms. Brown presented the agency's LEAP program to the Board.

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

- Key Agency Improvements
- Nuclear Regulation Commission Management Review Board Inspection
- Statewide Drinking Water Capacity EPA Inspection

Dr. Simmer presented Employee Appreciation Coins to the following Department staff:

- Sandra Johnson, Health Licensing
- Pamela Williams, Field Manager, HR, Health Licensing
- Everette Williams, Support Manager, Health Licensing
- JoMonica Taylor, Director of HR, Health Licensing
- Angie Smith, Complaint Management Division Director, HR, Health Licensing
- Gloria Wilson, Compliance Coordinator, HR, Health Licensing
- Lorie Sanders, LPN, HR
- Dustin Ransdell, Field Surveyor, HR, Health Licensing
- Adam Garrett, Deputy Human Resources Director

- Susan Jenkins, Program Manager II, Electronic Products, Radioactive Materials Licensing
- Adam Gause, Program Manager, Rad Health, Radioactive Materials Licensing
- Korina Koci, Environmental Health Manager, Radioactive Materials Licensing
- Jacob Price, Environmental Health Manager, Radioactive Materials Licensing
- Brandon Johnson, Environmental Health Manager, Radioactive Materials Licensing
- Jared Bostic, Environmental Health Manager, Radioactive Materials Licensing
- Kevin Strickland, Barnwell Onsite Inspector, Radioactive Materials Licensing
- Stacey French, Director, Division of Waste Management, Radioactive Materials Licensing
- Kimberley Noonan, Environmental Health Manager, Radioactive Materials Licensing

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

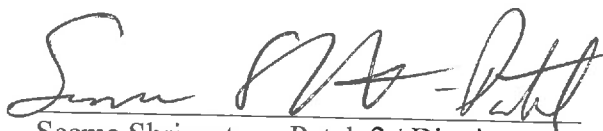
All referenced attachments are made a permanent part of these minutes.

Respectfully submitted,


Charles M. Joye, II, P.E., 3rd District
Secretary

Minutes approved this 13th day of April 2023.

ATTEST:


Seema Shrivastava-Patel, 2nd District
Vice-Chair

Attachments

- 0-1 Agenda
- 0-2 Sign in Sheet
- 1-1 Minutes of January 5, 2023 meeting
- 2-1 Administrative Orders and Consent Orders issued by Healthcare Quality
- 3-1 Administrative Orders and Consent Orders issued by Environmental Affairs
- 4-1 Request for a nine-month Board extension of Certificate of Need (CON) SC-20-25, issued to Medical University Hospital Authority d/b/a MUHA Community Hospital, for the construction of a 128-bed general acute hospital in Berkeley County