



Allen Amsler, *Chairman*  
Ann B. Kirol, DDS, *Vice Chair*  
L. Clarence Batts, Jr., *Secretary*

**Board:**  
R. Kenyon Wells  
Charles M. Joye II, P.E.  
David W. Gillespie, MD

## **Minutes of the January 4, 2018, meeting of the South Carolina Board of Health and Environmental Control**

The South Carolina Board of Health and Environmental Control met on Thursday, January 4, 2018, at 2:00 p.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:  
Allen Amsler, Chairman, Member-at-Large

The following members were in attendance via telephone:  
Ann B. Kirol, DDS, Vice Chair, 5<sup>th</sup> District  
L. Clarence Batts, Secretary, 4<sup>th</sup> District  
R. Kenyon Wells, 2<sup>nd</sup> District

The following members were in not attendance:  
Charles M. Joye, II, P.E., 3<sup>rd</sup> District  
David W. Gillespie, MD, 6<sup>th</sup> District

1st District and 7th District seats are currently vacant.

Also in attendance were David E. Wilson, Acting Director; W. Marshall Taylor, Legal Counsel; Lisa Lucas Longshore, Clerk; and Department staff. (Attachment 0-2) The meeting was live streamed on the internet.

Chairman Amsler 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 December 7, 2017, meeting** (Attachment 1-1)

***Dr. Kirol moved, seconded by Mr. Batts, to approve the minutes of the December 7 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 four (4) Consent Orders and one (1) Emergency Suspension Order had been issued with total assessed penalties of \$6,900.

***The Board accepted this item as information.***

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

Ms. Robin Stephens, Compliance Assistance and Enforcement, Environmental Affairs, stated six (6) Administrative Orders, two (2) Consent Agreements and one hundred nine (109)

S.C. Department of Health and Environmental Control

2600 Bull Street, Columbia, SC 29201 (803) 898-3432 www.scdhec.gov

Consent Orders had been issued with total penalties of \$142,753.

***The Board accepted this item as information.***

**Item 4: Notice of Proposed Regulation for New Regulation 61-125, Standards for Licensing Crisis Stabilization Unit Facilities, General Assembly review is required**  
(Attachment 4-1)

Mr. Russ Morrison, Director, Community Care Oversight Division, presented this item to the Board.

On April 24, 2017, Governor Henry McMaster signed into effect Act No. 10 amending Article 3 of Chapter 7, Title 44 to require the Department to license and regulate Crisis Stabilization Unit ("CSU") Facilities. These facilities provide a short-term residential program offering psychiatric stabilization services and brief, intensive crisis services to individuals eighteen (18) years of age or older, twenty-four (24) hours a day, seven (7) days a week.

***After discussion, Mr. Batts moved, seconded by Dr. Kirol, to grant approval to publish the Notice of Proposed Regulation for New Regulation 61-125, Standards for Licensing Crisis Stabilization Unit Facilities, 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 5: Placement of MT-45 into Schedule I for S.C. Controlled Substances**  
(Attachment 5-1)

Ms. Christie Frick, Bureau of Drug Control, presented this item to the Board.

Controlled substances are governed by the S.C. Controlled Substances Act (CSA), found at Title 44, Chapter 53, of the S.C. Code of laws. Schedule I substances are listed in S.C. Code Ann. Section 44-53-190. Pursuant to Section 44-53-160, titled "Manner in which changes in schedule of controlled substances shall be made," controlled substances are generally designated by the General Assembly upon recommendation by DHEC. Section 44-S3-160(C) provides a process by which DHEC can expeditiously designate a substance as a controlled substance if the federal government has so designated.

On December 13, 2017, the Administrator of the Drug Enforcement Administration issued a final scheduling order to schedule the synthetic opioid MT-45 (Systematic IUPAC Name: 1-cyclohexyl-4-(1,2-diphenylethyl) piperazine), including its salts, isomers, and salts of isomers, into Schedule I. This action imposes the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, import, export, engage in research or conduct instructional activities with, or possess), or propose to handle, MT-45. The federal final order became effective January 12, 2018.

On May 17, 2016, the Secretary General of the United Nations advised the Secretary of State of the United States, by letter, that during the 59th session of the Commission on Narcotic Drugs, MT-45 was added to schedule I of the Single Convention. This letter was prompted by a decision at the 59th session of the Commission on Narcotic Drugs in March 2016 to schedule MT-45 under schedule I of the Single Convention. As a signatory Member State to the Single Convention, the United States is obligated to control MT-45 under its national drug control legislation, the CSA, in the schedule deemed most appropriate to carry out its international obligations.

After discussion, **Mr. Wells moved, seconded by Dr. Kirol, to designate the additional substances as named in the DEA Interim Final Rule published in the Federal Register on December 13, 2017, 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.** Designation Order signed by Chairman Amsler (Attachment 5-2)

#### **Item 6: Agency Affairs**

Acting Director Wilson stated the Legislative Oversight Committee Review had been completed in December 2017.

**The Board accepted this as information.**

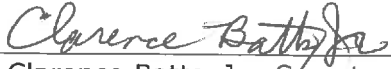
Chairman Amsler asked for a Motion for an Executive Session for legal advice on pending requests for final review. **Dr. Kirol moved, seconded by Mr. Batts, to go into Executive Session. The Board voted and Motion carried.**

Chairman Amsler announced the Board was back in public session and, while in Executive Session, no actions were taken.

Being no further business, Chairman Amsler adjourned the meeting.

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

Respectfully submitted,



L. Clarence Batts, Jr., Secretary

Minutes approved this 8<sup>th</sup> day of February 2018.

ATTEST:



L. Clarence Batts, Jr., Secretary

Attachments

- 0-1 Agenda
- 0-2 Attendance Roster
- 1-1 Minutes of December 7, 2017
- 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 Notice of Proposed Regulation for New Regulation 61-125, Standards for Licensing Crisis Stabilization Unit Facilities
- 5-1 Placement of MT-45 into Schedule I for S.C. Controlled Substances
- 5-2 Designation Order for MT-45