

BOARD:
Allen Amsler
Chairman
Mark S. Lutz
Vice Chairman



Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

BOARD:
R. Kenyon Wells
L. Clarence Batts, Jr.
Ann B. Kirol, DDS
John O. Hutto, Sr., MD

Minutes of the February 14, 2013, meeting of the

South Carolina Board of Health and Environmental Control

The South Carolina Board of Health and Environmental Control met on Thursday, February 14, 2013 at 9:00 a.m. via conference call in the Board Room of the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. (Attachment 0-1)

The following members were in attendance:

Allen Amsler, Chairman
Member-at-Large

Mark S. Lutz, Vice-Chairman
1st District

R. Kenyon Wells
2nd District

L. Clarence Batts
4th District

Ann B. Kirol, DDS
5th District

John O. Hutto, Sr., MD
6th District

Also in attendance were Catherine Templeton, Director (via conference call); W. Marshall Taylor, Jr., General Counsel; Department staff and members of the public. (Attachment 0-2)

Mr. Amsler 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: Board Minutes of the January 10 meeting (Attachment 1-1)

Mr. Batts moved, seconded by Dr. Kirol, moved to approve the minutes as submitted for the January 10 meeting. The Board voted and Motion carried.

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

Ms. Robin Stephens, Assistant to the Deputy Director, EQC, stated nineteen (19) Consent Orders and two (2) Administrative Orders had been issued with total penalties of \$57,865.

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

Item 3: Orders issued by the Office of Ocean and Coastal Resource Management (Attachment 3-1)

Ms. Carolyn Boltin-Kelly, Office of Ocean and Coastal Resource Management, stated one (1) Consent Order had been issued with a penalty of \$1,000.

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

Item 4: Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation
(Attachment 4-1)

Ms. Melinda Bradshaw, Health Regulation Liaison, stated three (3) Consent Orders had been issued with total penalties of \$71,500.

The Board accepted this item as information.

Item 5: CON Review Panel Recommendations (Attachment 5-1)

Ms. Pamela Dukes, Health Regulations, presented this item to the Board.

Appointed by the South Carolina Board of Health and Environmental Control in January 2012, the Certificate of Need (CON) Review Panel (Panel) included twenty-four (24) members who represented a broad range of stakeholder interests. The Panel sought to improve the CON process through user/provider input. This included the following goals:

- Streamline the CON process, making it less onerous.
- Standardize the weighting of criteria within the CON Regulation.
- Examine the current statute as it relates to the changing needs within the community/population/circumstances.
- Evaluate instances in which CON should and should not be required.

The Panel met on September 12, 2012, to finalize the recommendations for Board review.

At the January 10 meeting, the Board directed staff to draft and pursue, as appropriate, regulatory and procedural changes necessary to implement recommendations 1, 2, 4 and 19 of the CON Review Panel dated September 12, 2012.

Ms. Dukes reported on how staff could implement the changes recommended and whether a statutory, regulatory or administrative change would be required.

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

Item 6: Handling of Requests for Final Review requiring action by March 14, 2013 (Attachment 6-1)

After discussion, *Dr. Kirol moved, seconded by Mr. Batts, not to conduct a final review conference on Docket No. 13-RFR-02, Archie Howell. The Board voted and the Motion carried.*

After discussion, **Dr. Kirol moved, seconded by Mr. Batts, not to conduct a final review conference on Docket No. 13-RFR-03, Ham Bone Farm, LLC, due to the Request for Review being filed late. The Board voted and the Motion carried.**

After discussion, **Mr. Batts moved, seconded by Mr. Lutz, to conduct a final review conference on Docket No. 13-RFR-04, P&W Poultry. The Board voted and the Motion carried by a vote of 4-1 with Mr. Wells being the dissenting vote.**

Item 7: Agency Affairs

Director Templeton commended Jamie Shuster, Dr. Lisa Waddell, Darbi MacPhail, Derrick Mims, Barbara Derrick and Jon Fisher on their efforts and accomplishments with implementing reorganization. Director Templeton briefed the Board on the following issues:

- Update on 2013-2014 Budget,
- EPA ozone standards,

Mr. Amsler had to leave the meeting and Mr. Lutz presided for the remainder of the meeting.

- Air quality improvement initiatives,
- Obesity Initiative Update,
- Blue Ribbon Committee findings,
- Governor's Executive Order on Regulation asking for review of regulations.

Director Templeton asked Mr. Jonathan Yarborough, Legislative and Constituent Services Director, to give the Board an overview of legislation being monitored that affects the agency.

Item 11: Legal Report

Mr. Taylor presented the Request for Review procedures as revised based on discussions at the January 10, 2013, meeting of the Board.

Mr. Batts moved, seconded by Dr. Kirol, to go into Executive Session for the purpose of discussion of a matter under the attorney-client privilege. The Board voted and the motion carried.

Mr. Lutz announced the Board was back in session and while in Executive Session, no actions were taken.

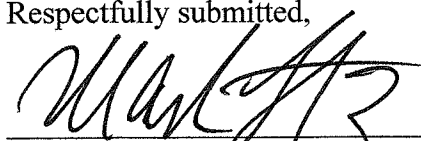
Mr. Batts asked that the Board take action on the Request for Review procedures. The Board agreed to table them until the next Board meeting, either special or scheduled.

Mr. Lutz restated the Board's directive that all agenda items should be submitted to them no later than 5:00 p.m. the Tuesday before the meeting.

Mr. Lutz adjourned the meeting.

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

Respectfully submitted,



Mark S. Lutz, Vice-chairman

Minutes approved this 14th day of March 2013.

ATTEST:



Allen Amsler, Chairman

Attachments

- 0-1 Agenda
- 0-2 Attendance Roster
- 1-1 Minutes of January 10 meeting
- 2-1 Administrative and Consent Orders issued by EQC
- 3-1 Orders issued by Ocean and Coastal Resource Management
- 4-1 Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation
- 5-1 CON Review Panel Recommendations
- 6-1 Handling of Requests for Final Review requiring action by March 14, 2013
- 7-1 *Draft* Final Review Procedure