



**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 April 13, 2023, meeting of the South Carolina Board of Health and Environmental Control**

The South Carolina Board of Health and Environmental Control met on Thursday, April 13, 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:

Robert Morgan, MD, 4<sup>th</sup> District  
Richard V. Lee, Jr., 5<sup>th</sup> District  
Jim P. Creel, Jr., 7<sup>th</sup> District

In attendance virtually:  
Charles M. Joye, II, P.E., 3<sup>rd</sup> District  
Morris E. Brown, III, MD, 6<sup>th</sup> District

In attendance by telephone:  
J.B. (Sonny) Kinney, 1<sup>st</sup> District

Not in attendance:  
Seema Shrivastava-Patel, Vice-Chairwoman, 2<sup>nd</sup> District

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

Dr. Morgan assumed the Chair to conduct the meeting. Dr. Morgan 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 March 9, 2023 meeting** (Attachment 1-1)

**Mr. Lee moved, seconded by Mr. Creel, 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. Kim McLeod, Director of Policy and Communications, Healthcare Quality, stated that for this reporting period, five (5) Consent Orders with assessed monetary penalties totaling \$71,700.00 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, fifty (50) Consent Orders with assessed civil penalties totaling \$151,950.00 and ten (10) Administrative Orders with assessed civil penalties totaling \$178,300.00 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-20-41, issued to Palmetto Faith Operating, LLC d/b/a Wellsprings Health and Rehabilitation, for the construction of a 63,620 sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds at a total project cost of \$15,869,014 in Florence County** (Attachment 4-1)

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

CON SC-20-41 was issued to Palmetto Faith Operating, LLC d/b/a Wellsprings Health and Rehabilitation (Wellsprings) on October 14, 2020, for the construction of a 63,620 sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds at a total project cost of \$15,869,014.00 in Florence County. The original CON had an expiration date of October 14, 2021.

Wellsprings requested a first staff extension of the CON on September 20, 2021. Wellsprings informed the Department the project was delayed due to design changes and the impact of COVID-19. Wellsprings received CON SC-20-41-EXT-1 on March 29, 2022, and it was valid until July 14, 2022. On June 10, 2022, the Department received a letter from Wellsprings requesting a second staff extension of the CON, which was 30 days prior to expiration. Wellsprings stated the delays were due to the impact of COVID-19. The department issued a second staff extension CON SC-20-41-EXT-2 on July 14, 2022, and it will expire on April 14, 2023. In accordance with R. 61-15, Section 601, Wellsprings submitted a third extension request to the Department on January 13, 2023, which is 90 days prior to expiration.

Department staff reviewed all relevant information concerning the third extension request and found that circumstances beyond the control of Wellsprings contributed to the need for further extension of CON

SC-20-41. Specifically, Wellsprings referenced that bank financing had been slower than anticipated due to higher construction costs.

Wellsprings provided in its extension request an updated timeline for the project, which Department staff believed was achievable given the significant expertise and resources available to Wellsprings. Department staff expected that subsequent extensions by the Board may be unnecessary given Wellsprings timeline showing execution of a construction contract for the Project on or about May 2023. This contract will satisfy the requirement for implementation of the Project under R. 61-15, *Certification of Need for Health Facilities and Services* and will render moot the need for further extension of CON SC-20-41.

Department staff recommended the Board find that Wellsprings had demonstrated extenuating circumstances beyond its control which had prevented the Project from advancing, the Project will likely to be implemented during the period of extension, and that the nine (9)-month extension of CON SC-20-41 be granted.

**After discussion, Mr. Kinney moved, seconded by Mr. Lee, that the Board finds that Palmetto Faith Operating, LLC d/b/a Wellsprings Health and Rehabilitation has demonstrated substantial progress on this project and approves the extension request for CON SC-20-41 issued October 14, 2020. The Board voted and Motion carried.**

#### **Item 5. Agency Affairs**

Dr. Simmer introduced Dr. Brannon Traxler, Director of Public Health. Dr. Traxler presented National Public Health Week to the Board.

Dr. Simmer introduced Richard Chesley, Office of Solid Waste Reduction and Recycling. Mr. Chesley presented the agency's solid waste and recycling program to the Board.

Dr. Simmer recognized District 5 Board Member Rick Lee. Mr. Lee received the Key to the City of Rock Hill in recognition of his work to provide vaccinations to the citizens of South Carolina. Mr. Lee then, on behalf of the Mayor of the City of Rock Hill, presented a proclamation of gratitude to the DHEC COVID-19 Response Team. Specifically named in the proclamation and recognized were Dave Harbison, Darbi MacPhail, Louis Eubanks, Keith Frost, Will Britt, and Marshall Taylor.

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

- Flu and COVID-19
- Maternal and Infant Mortality Data
- Annual Career Fair
- Michael D. Jarrett Memorabilia Display

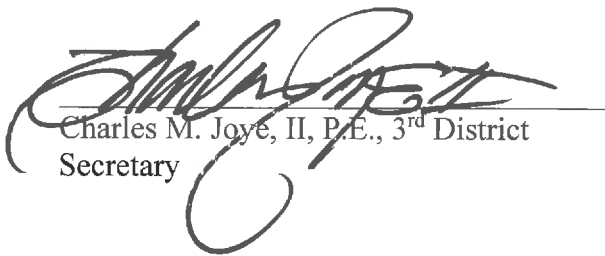
Dr. Simmer presented Employee Appreciation Coins to the following Department staff:

- Teresa Higgins, Executive Assistant to the Director
- Dave Waldrup, Mills Jarrett Mail Distribution Center
- Leah Dorman, Executive Assistant to Chief Finance and Operations Officer (Retired)
- Anna Cox, Human Resources Director, Recruitment and Talent Management
- Gemma Grady, Nurse Administrator Manager II
- Donna Graff, Human Resources Administrative Coordinator
- Deborah Beach, Administrative Manager
- Shumethia Seal, Program Manager / Charleston Site Supervisor
- R. Taylor Lee, Public Health Director – Lowcountry Region

Being no further business, Dr. Morgan adjourned the meeting.

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

Respectfully submitted,



Charles M. Joye, II, P.E., 3<sup>rd</sup> District  
Secretary

Minutes approved this 11<sup>th</sup> day of May 2023.

ATTEST:



Robert R. Morgan, Jr., MD, MBA, 4<sup>th</sup> District

## Attachments

- 0-1 Agenda
- 0-2 Sign in Sheet
- 1-1 Minutes of March 9, 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 Item 4: Request for a nine-month Board extension of Certificate of Need (CON) SC-20-41, issued to Palmetto Faith Operating, LLC d/b/a Wellsprings Health and Rehabilitation, for the construction of a 63,620 sf replacement facility and the addition of 32 skilled nursing beds for a total of 136 skilled nursing beds at a total project cost of \$15,869,014 in Florence County