

SUMMARY SHEET
 BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
 August 7, 2014

_____ ACTION/DECISION

_____ X _____ INFORMATION

- I. TITLE: Administrative Orders, Consent Orders, and Sanction Letters issued by HEALTH REGULATION (HR).
- II. SUBJECT: Sanctions completed during the period June 1, 2014, through June 30, 2014.
- III. FACT: For the period June 1, 2014, through June 30, 2014, Health Regulation is reporting four (4) Consent Orders, with total penalty of \$17,500, one (1) Administrative Order with total penalty of \$5,000, and one (1) Emergency Suspension Order.

Program	Consent Orders	Administrative Orders	Emergency Suspension Orders	Amount
Health Licensing	2	1		\$22,000
EMS	2		1	\$500

IV. ANALYSIS: **Bell's Professional Residential Home Care, 1910 Dalton Street, Charleston, S.C. 29406-3961.** By Consent Order (CO-HL-08-2014), executed on June 16, 2014, the Department imposed an \$11,000 monetary penalty. A term of this Consent Order requires Bell's Professional Residential Home Care ("Bell's") to make payment of \$1,200 of the assessed monetary penalty to the Department in two (2) monthly installments of \$600. The remainder of the assessed penalty (\$9,800) is held in abeyance pending Bell's remaining in substantial compliance with Regulation 61-84 and the Consent Order for twelve (12) months following execution of the Consent Order. In addition, Bell's was required to correct the violations that led to the Department's imposition of the monetary penalty and to schedule and attend a compliance assistance meeting with representatives of the Department's Bureau of Health Facilities Licensing within forty-five (45) days of execution of the Consent Order. The compliance assistance meeting was held on July 15, 2014. The meeting included a review of past violations with focus on the following: maintenance, resident care plans, documentation of medication administration records, the management of resident medications, and the minimum initial/annual DHEC required training for staff providing care to

the residents. Facility representatives discussed compliance concerns and plans of correction, and provided education on the regulation.

Previous Sanctions: None

Oliver's Care Home, 1200 Lawhorn Road, Blythewood, S.C. 29016-8975.

By Consent Order (CO-HL-09-2014) executed on June 6, 2014, the Department imposed a monetary penalty in the amount of \$6,000. A term of this Consent Order requires Oliver's Care Home ("Oliver's") to make payment of \$500 of the assessed monetary penalty to the Department within thirty (30) days of execution of the Consent Order. The remainder of the assessed penalty (\$5,500) is held in abeyance pending Oliver's remaining in substantial compliance with Regulation 61-84 and the Consent Order for twelve (12) months following execution of the Consent Order. In addition, Oliver's was required to correct the violations that led to the Department's imposition of the monetary penalty and to schedule and attend a compliance assistance meeting with representatives of the Department's Bureau of Health Facilities Licensing within forty-five (45) days of execution of the Consent Order. The compliance assistance meeting was held on July 21, 2014. Facility representatives discussed compliance concerns and plans of correction, and provided education on the regulation.

Previous Sanctions: None

Laila R. Bey, 115 Hanna Road, Moncks Corner, S.C. 29461-7718.

By Administrative Order, executed on April 24, 2014, the Department imposed a \$5,000 monetary penalty. The Administrative Order required Ms. Bey to make payment of \$5,000 to the Department within thirty (30) days of execution of the Administrative Order. In addition, the Administrative Order required Ms. Bey to correct the violation which led to the Department's imposition of the monetary penalty and to cease operation of the unlicensed community residential care facility.

Previous Sanctions: Ms. Laila Bey is the owner/administrator of Low Country Home #2, a licensed five (5) bed community residential care facility. On September 3, 2013, the Department initiated an enforcement action against Low Country Home #2 for violations and repeat violations of 7 S.C. Code Ann. Regulation 61-84 (2012), *Standards for Licensing Community Residential Care Facilities*. By Consent Order (CO-HL-07-2014) executed on May 1, 2014, the Department assessed Low Country Home #2 a \$10,000 monetary penalty and required Low Country Home #2 to make payment of \$3,600 of the assessed penalty to the Department in twelve (12) monthly installments of \$300. The remainder of the monetary penalty is held in abeyance pending Low Country Home #2 remaining in substantial compliance with Regulation 61-84 for twelve (12) months following execution of the Consent Order.

Carl Wayne Gartman, 239 Old Barnwell Road, Aiken, S.C. 29803.

By Consent Order executed April 23, 2014, the Department initiated an enforcement action against Carl Wayne Gartman. Mr. Gartman is the holder of an EMT-Basic Certificate. An investigation of Mr. Gartman's patient care services was conducted on March 29, 2014. The Department found Mr. Gartman to be in violation of S.C. Code Ann. § 44-61-80(F) (Supp. 2013) and 3 S.C. Code Ann. Regulation 61-7 § 1100(B)(8) for misconduct in regards to patient care. Both S.C. Code Ann. § 44-61-80(F) (Supp. 2013) and 3 S.C. Code Ann. Regulation 61-7 § 1100(B)(8) provide that the Department may take enforcement action against the holder of a certificate at any time it is determined that the holder is guilty of misconduct. Based upon the findings of the investigation, the Department required Mr. Gartman to attend a twenty-four (24) hour non-in-service training DHEC credentialed EMT refresher class from a South Carolina accredited institution and to successfully complete the corresponding written and practical exam(s). Proof of successful completion of training shall be provided to the Division of EMS and Trauma within one year of the date of the Consent Order.

Previous Sanctions: None

Catina Plashette Frazier, 7838 Magellan Drive, North Charleston, S.C. 29420.

By Consent Order executed May 13, 2014, the Department initiated an enforcement action against Catina Plashette Frazier. Ms. Frazier is the holder of an EMT-Basic Certificate. Following an investigation, the Department discovered that sometime before March 11, 2014, Ms. Frazier presented a fraudulent SC EMT certificate to her employer (Vital Care EMS) to obtain employment as an EMT. Ms. Frazier's EMT-Basic Certificate had expired on August 15, 2013, but it was determined that she provided patient care within the scope of an EMT on several occasions during her employment of approximately three weeks with Vital Care EMS. The Consent Order requires Ms. Frazier to pay a fine in the amount of \$500 to the Department and to agree to be ineligible for re-certification as an EMT by the Department for a period of four (4) years from the date of execution of the Order.

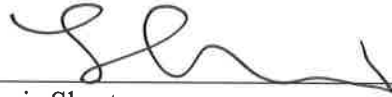
Previous Sanctions: None

Trey Allen Streett, 1628 Hopper Lane, Florence, S.C. 29501.

Under an Emergency Suspension Order executed May 15, 2014, Mr. Streett's EMT-Intermediate Certificate was immediately suspended on an emergency basis. On May 10, 2014, Mr. Streett was arrested by the Florence County Sheriff's Office (FCSO) and charged with a violation of S.C. Code Ann. § 16-3-652 (2003 and Supp. 2013), for criminal sexual conduct in the first degree. The alleged conduct of Mr. Streett arises to misconduct as defined by S.C. Code Ann. § 44-61-80(F)(2) (Supp. 2013) and 3 S.C. Code Ann Regulation 61-7 § 1100(B) (2011).

Previous Sanctions: None

Approved By:

A handwritten signature in black ink, appearing to read 'J. Shuster', written over a horizontal line.

Jamie Shuster
Director of Public Health

HEALTH REGULATION

Bureau of Health Facilities Licensing

Sanctions Imposed for the Period from June 1, 2014 – June 30, 2014

- Facility:** **Bells' Professional Residential Home Care**
- Street address: 1910 Dalton Street, Charleston, SC 29406-3961
- Mail address: 1155 Marquis Road, North Charleston, SC 29405-4353
- Type:** Community Residential Care Facility
- Sanction Imposed:** By Consent Order executed on June 16, 2014, the Department imposed an \$11,000 monetary penalty. A term of this Consent Order requires Bell's Professional Residential Home Care ("Bell's") to make payment of \$1,200 of the assessed monetary penalty to the Department in two (2) monthly installments of \$600. The remainder of the assessed penalty (\$9,800) is held in abeyance pending Bell's remaining in substantial compliance with Regulation 61-84, *Standards for Licensing Community Residential Care Facilities* and the Consent Order for twelve (12) months following execution of the Consent Order. In addition, Bell's was required to correct the violations that led to the Department's imposition of the monetary penalty, and to schedule and attend a compliance assistance meeting with representatives from the Department within forty-five (45) days of execution of the Consent Order. A compliance assistance meeting was held on July 15, 2014. The meeting included discussion of past violations with focus on specific items included in the report of visit. Facility representatives discussed compliance concerns and plans of correction, and provided education on the regulation. The Department will perform a follow up inspection of the facility within approximately 45 days of the Compliance Assistance Meeting to ensure compliance.
- Reason for Sanction:** The sanction was imposed against Bell's Professional Residential Home Care due to violations and repeat violations of 7 S.C. Code Ann. Regulation 61-84, *Standards for Licensing Community Residential Care Facilities*. Violations consisted of: failing to have documentation indicating that staff members received training in basic first-aid prior to resident contact (repeat violation); failing to have documentation indicating that staff members received training in contagious/communicable disease prior to resident contact

(repeat violation); failing to have documentation indicating that staff members received training in medication management and administration, or by failing to have medication management and administration training conducted by appropriate resources (repeat violation); failing to have documentation indicating that staff members received training in OSHA standards regarding blood-borne pathogens prior to resident contact (repeat violation); failing to have documentation indicating that staff members received training in confidentiality of resident information and protection of resident rights prior to resident contact (repeat violation); failing to have documentation indicating that staff members received training in emergency procedures/disaster preparedness within the first 24 hours of their first day on the job (repeat violation); failing to have documentation indicating that staff members received job orientation training (repeat violation); failing to update residents' individual care plans every six (6) months or by failing to develop an individual care plan within 7 days of a resident's admission (repeat violation); failing to properly document the administration of residents' medications and failing to document an explanation in instances when residents' medications were not administered as ordered by the physician (repeat violation); failing to maintain the facility's structure and its component parts/equipment in good working condition (repeat violation); and, failing to ensure that the mattresses on residents' beds had moisture-proof covers, a pillow, or a bedspread (repeat violation).

Previous Sanctions: No other sanction has been initiated against this facility in the past three years.

Facility: **Oliver's Care Home**

Street address: 1200 Lawhorn Road, Blythewood, S.C. 29016-8975

Mail address: 1200 Lawhorn Road Blythewood, S.C. 29016-8975

Type: Community Residential Care Facility

Sanction Imposed: By Consent Order executed on June 6, 2014, the Department imposed a monetary penalty in the amount of \$6,000. A term of this Consent Order requires Oliver's Care Home ("Oliver's") to make payment of \$500 of the assessed monetary penalty to the Department within thirty (30) days of execution of the Consent Order. The remainder of the assessed penalty (\$5,500) is held in abeyance pending Oliver's remaining in substantial compliance with Regulation 61-84, *Standards for Licensing Community Residential Care Facilities* and the Consent Order for twelve (12)

months following execution of the Consent Order. In addition, Oliver's was required to correct the violations that led to the Department's imposition of the monetary penalty and to schedule and attend a compliance assistance meeting with representatives of the Department's Bureau of Health Facilities Licensing within forty-five (45) days of execution of the Consent Order. The compliance assistance meeting was held on July 21, 2014. Representatives of the facility met with Department staff to discuss the recent violations. Facility representatives discussed compliance concerns and plans of correction, and provided education on the regulation. The Department will perform a follow up inspection of the facility within approximately 45 days of the Compliance Assistance Meeting to ensure compliance.

Reason for Sanction: The sanction was imposed against Oliver's Care Home due to violations and repeat violations of 7 S.C. Code Ann. Regulation 61-84, *Standards for Licensing Community Residential Care Facilities*. Violations consisted of: providing care or services to individuals who were not residents of the facility (repeat violation); failing to have documentation of basic first-aid training for staff members prior to resident contact (repeat violation); failing to have documentation of a health assessment being conducted for a staff member prior to resident contact (repeat violation); and, failing to have a resident's prescribed medications available for administration (repeat violation).

Previous Sanctions: No other sanction has been initiated against this facility in the past three years.

Facility: **Laila R. Bey**

Street Address: 115 Hanna Road, Moncks Corner, S.C. 29461-7718

Mail Address: 115 Hanna Road, Moncks Corner, S.C. 29461-7718

Type: Unlicensed Community Residential Care Facility

Sanction Imposed: By Administrative Order executed on April 24, 2014, the Department imposed a \$5,000 monetary penalty. The Administrative Order required Ms. Bey to make payment of the \$5,000 penalty to the Department within thirty (30) days of execution of the Administrative Order. In addition, the Administrative Order required Ms. Bey to correct the violation which led to the Department's imposition of the monetary penalty and to cease operation of the unlicensed community residential care

facility.

Reason for Sanction: The sanction was imposed against Ms. Bey due to violations of S.C. Code Ann. § 44-7-260(A)(6) (2002 and Supp. 2013) and 7 S.C. Code Ann. Regulation 61-84 (2012), § 103.A, *Standards for Licensing Community Residential Care Facilities* for operating an unlicensed community residential care facility. Ms. Bey did not submit a timely Request for Final Review (RFR) with the Department's Board and her request was returned unprocessed.

Previous Sanctions: Ms. Laila Bey is the owner/administrator of Low Country Home #2, a licensed five (5) bed community residential care facility. On September 3, 2013, the Department initiated an enforcement action against Low Country Home #2, for violations and repeat violations of 7 S.C. Code Ann. Regulation 61-84 (2012), *Standards for Licensing Community Residential Care Facilities*. By Consent Order (CO-HL-07-2014) executed on May 1, 2014, the Department assessed Low Country Home #2 a \$10,000 monetary penalty and required Low Country Home #2 to make payment of \$3,600 of the assessed penalty to the Department in twelve (12) monthly installments of \$300. The remainder of the monetary penalty was held in abeyance pending Low Country Home #2 remaining in substantial compliance with Regulation 61-84 for twelve (12) months following execution of the Consent Order.

Individual: **Carl Wayne Gartman**

Street Address: 239 Old Barnwell Road, Aiken, S.C. 29803

Mail Address: 239 Old Barnwell Road, Aiken, S.C. 29803

Type: S.C. EMT- Basic Certification

Sanction Imposed: By Consent Order executed April 23, 2014, the Department initiated an enforcement action against Carl Wayne Gartman. Mr. Gartman is the holder of an EMT-Basic Certificate. An investigation of Mr. Gartman's patient care services was conducted on March 29, 2014. The Department found Mr. Gartman to be in violation of S.C. Code Ann. § 44-61-80(F) (Supp. 2013) and 3 S.C. Code Ann. Regulation 61-7 § 1100(B)(8) for misconduct in regards to patient care. Both S.C. Code Ann. § 44-61-80(F) (Supp. 2013) and 3 S.C. Code Ann. Regulation 61-7 § 1100(B)(8) provide that the Department may take enforcement action against the holder of a certificate at any time it is determined that the holder is guilty of misconduct.

Reason for Sanction: Based upon the investigation, the Department determined that Mr. Gartman violated the Act and Regulation by committing “misconduct” as defined by S.C. Code Ann. § 61-80 (F)(6) (Supp. 2013) and 3 S.C. Code Ann. Regulation 61-7 § 1100(B)(6) by improperly placing a cervical collar on an accident victim and not maintaining the inline stabilization of the patient until spinal immobilization was complete. This was in violation of a physician’s order for emergency treatment. Secondly, Mr. Gartman committed “misconduct” as defined by S.C. Code Ann § 44-61-80(F)(8) (Supp. 2013) and 3 S.C. Code Ann Regulation 61-7 § 1100(B)(8) by stopping at an emergency scene, initiating care of a patient, then departing the scene without turning the patient over to an equal or higher level of medical authority.

Based upon the findings of the investigation, the Department required Mr. Gartman to attend a twenty-four (24) hour non-in-service training DHEC credentialed EMT refresher class from a South Carolina accredited institution and to successfully complete the corresponding written and practical exam(s). Proof of successful completion of training shall be provided to the Division of EMS and Trauma within one year of the date of the Consent Order.

Previous Sanctions: No other sanction has been initiated against this person in the past three years.

Individual: **Catina Plashette Frazier**

Street Address: 7838 Magellan Drive, North Charleston, S.C. 29420

Mail Address: 7838 Magellan Drive, North Charleston, S.C. 29420

Type: S.C. EMT- Basic Certification

Sanction Imposed: By Consent Order executed May 13, 2014, the Department initiated an enforcement action against Catina Plashette Frazier. Ms. Frazier is the holder of an EMT-Basic Certificate. Following an investigation, the Department discovered that prior to her hire date of March 11, 2014, Ms. Frazier presented a fraudulent SC EMT certificate to her employer (Vital Care EMS) to obtain employment as an EMT. Ms. Frazier’s EMT-Basic Certificate had expired August 15, 2013, but it was determined that she provided patient care within the scope of an EMT on several occasions during her employment of approximately three weeks with Vital Care EMS. The Consent Order requires Ms. Frazier to pay a fine in the amount

of \$500 to the Department and to agree to be ineligible for re-certification as an EMT by the Department for a period of four (4) years from the date of execution of the Order. The Department will notify the National Registry of Emergency Medical Technicians (NREMT) of Ms. Frazier's fraudulent submission of a SC EMT license.

Reason for Sanction: S.C. Code Ann. § 44-61-80(A) (Supp. 2013) states in pertinent part, "[a] person who provides patient care that is within the scope of an emergency medical technician without obtaining proper certification from the department shall be sanctioned in accordance with a Class I civil penalty as defined in Regulation 61-7 (304)" S.C. Code Ann. § 41-61-80(F) (Supp. 2013) states "Misconduct means that, while holding a certificate, the holder "used a false, fraudulent, or forged statement or document or practiced a fraudulent, deceitful, or dishonest act in connection with the certification requirements or official documents required by the department; . . ."

Similarly, 3 S.C. Ann. Regulation 61-7 § 1100(B) states: "Misconduct,' which constitutes grounds for a revocation or suspension or other restriction of a certificate, shall be a satisfactory showing that a fraudulent, or forged statement or document has been used, or any fraudulent, deceitful, or dishonest act has been practiced by the holder of a certificate in connection with any of the certification requirements or official documents required by the department. . . ."

Previous Sanctions: No other sanction has been initiated against this person in the past three years.

Individual: **Trey Allen Streett**

Street Address: 1628 Hopper Lane, Florence, S.C. 29501

Mailing Address: 1628 Hopper Lane, Florence, S.C. 29501

Type: EMT-Intermediate Certification

Sanction Imposed: Under an Emergency Suspension Order executed May 15, 2014, Mr. Streett's EMT-Intermediate Certificate was immediately suspended on an emergency basis. On May 10, 2014, Mr. Streett was arrested by the Florence County Sherriff's Office (FCSO) and charged with a violation of S.C. Code Ann. § 16-3-652 (2003 and Supp. 2013), for criminal sexual conduct in the first degree. The alleged conduct of Mr. Streett arises to misconduct as defined by

S.C. Code Ann. § 44-61-80(F)(2) (Supp. 2013) and 3 S.C. Code Ann Regulation 61-7 § 1100(B) (2011).

Reason for Sanction:

The Department is authorized pursuant to S.C. Code Ann. § 4-1-140 (2002) to issue orders whenever it finds that an emergency requires immediate action to protect the public life and health. The Department is further authorized “to suspend a certificate pending the investigation of any complaint or allegation regarding the commission of an offense including, but not limited to those listed [in Section 44-61-80(F)].” S.C. Code Ann. § 44-61-80(F) (Supp. 2013).

The Department is continuing to monitor the FCSO’s investigation of Trey Allen Streett’s arrest for violation of S.C. Code Ann § 16-3-653 (2003 and Supp. 2013). Criminal sexual conduct in the first degree is a felony and a crime involving moral turpitude or gross immorality. The alleged conduct of Mr. Streett arises to misconduct as defined by S.C. Code Ann § 44-61-80(F)(2) (Supp. 2013) and 3 S.C. Code Ann Regulation 61-7 § 1100(B)(2) (2011). Depending on the outcome of trial or plea, Mr. Streett’s certification may be revoked.

