

SUMMARY SHEET  
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL  
October 9, 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 August 1, 2014, through August 31, 2014.
- III. FACTS: For the period of August 1, 2014, through August 31, 2014, Health Regulation is reporting three (3) Consent Orders with a total penalty of \$32,200.

Program	Consent Orders	Amount
Health Licensing	2	\$13,500
Radiological Health	1	\$18,700

- IV. ANALYSIS: As submitted by the Bureau of Health Facilities Licensing:

**Myrtle Beach Estates, 2620 Happy Woods Court, Myrtle Beach, S.C., 29588-2925.** By Consent Order (CO-HL-12-2014), executed on August 28, 2014, the Department imposed a \$12,000 monetary penalty. A term of the Consent Order required Myrtle Beach Estates to make payment of \$5,000 monetary penalty to the Department within 30 days of execution of the Consent Order. The remaining \$7,000 of the assessed monetary penalty was stayed upon a 12-month period of substantial compliance with Regulation 61-84 and the Consent Order, as determined by the Department. Additionally, the Consent Order required Myrtle Beach Estates to: initiate action to correct the violations that initiated the enforcement action; ensure that all violations of Regulation 61-84 are not repeated; and schedule and attend a compliance assistance meeting with representatives of the Department's Bureau of Health Facilities Licensing within 45 days of execution of the Consent Order.

Previous Sanctions: None.

**Passionate Care Community Center, 2206 Hertford Drive, Columbia, S.C., 29210-6130.** By Consent Order (CO-HL-14-2014), executed on August 28, 2014, the Department imposed a \$1,500 monetary penalty. The terms of the Consent Order required Passionate Care Community Center ("Passionate Care ") to make payment of \$500 of the assessed monetary penalty to the Department within 30 days of execution of the Consent Order. The remaining \$1,000 of the assessed monetary penalty was stayed upon a 6-month period of substantial compliance with Regulation 61-84 and the Consent Order, as determined by the Department. The Consent Order also required Passionate Care to initiate action to correct the violation that initiated the enforcement action and to ensure all violations of Regulation 61-84 are not repeated.

Previous Sanctions: None.

As submitted by the Bureau of Radiological Health:

**Pain Management Associates, 1005 Grove Road, Greenville, S.C., 29605.** By Consent Order (RX-CO-01-2014), executed on August 7, 2014, the Department imposed a \$18,700 monetary penalty. A term of the Consent Order required Pain Management Associates to make payment of \$5,000 monetary penalty to the Department within 30 days of execution of the Consent Order. The remaining \$13,700 of the assessed monetary penalty was stayed upon a 18-month period of substantial compliance with Regulation 61-64 and the Consent Order, as determined by the Department. Additionally, the Consent Order required Pain Management Associates to: initiate action to correct the violations that initiated the enforcement action; ensure all violations of Regulation 61-64 are not repeated; provide the Department documentation on how they will ensure that doses are being totaled for multiple locations; and provide the department with all of their locations in South Carolina that utilize x-ray equipment.

Previous Sanctions: None.

Approved By: \_\_\_\_\_



Jamie Shuster  
Director of Public Health

**HEALTH REGULATION**  
Bureau of Health Facilities Licensing

**Sanctions Imposed for the Period from August 1, 2014 – August 31, 2014**

- 1. Facility:** Myrtle Beach Estates
- Street address: 2620 Happy Woods Court, Myrtle Beach, S.C. 29588-2925
- Mail address: 2620 Happy Woods Court, Myrtle Beach, S.C. 29588-2925
- Type:** Community Residential Care Facility
- Sanction Imposed:** By Consent Order (CO-HL-12-2014), executed on August 28, 2014, the Department imposed a \$12,000 monetary penalty. A term of the Consent Order required Myrtle Beach Estates to make payment of \$5,000 monetary penalty to the Department within 30 days of execution of the Consent Order. The remaining \$7,000 of the assessed monetary penalty was stayed upon a 12-month period of substantial compliance with Regulation 61-84 and the Consent Order, as determined by the Department. Additionally, the Consent Order required Myrtle Beach Estates to: initiate action to correct the violations that initiated the enforcement action; ensure that all violations of Regulation 61-84 are not repeated; and schedule and attend a compliance assistance meeting with representatives of the Department's Bureau of Health Facilities Licensing within 45 days of execution of the Consent Order..
- Reason for Sanction:** The sanction was imposed against Myrtle Beach Estates due to violations and repeat violations of 7 S.C. Code Ann. Regs. 61-84, *Standards for Licensing Community Residential Care Facilities*. Violations consisted of: (§ 703.A) by failing to have residents' ICPs available for review, by failing to update residents' ICPs as changes in resident needs occur, but not less than semi-annually, and by failing to ensure residents' ICPs were developed within 7 days of admission; (§ 801.B) by retaining a resident who had a severely impaired mental status and required total assistance with activities of daily living; (§ 801.C.5.k) by retaining a resident who was dependent in all activities of daily living and in need of the skills of a licensed nurse in excess of 14 consecutive days; (§ 801.C.5.l) by retaining a resident who was receiving nursing services from hospice consisting of wound care in excess of 14 consecutive days; (§ 1101.A) by failing to date residents' physical examinations, by failing to have current annual physical examinations for residents, and for failing to document in the physical examinations the appropriate of placement in CRCFs, self-administration status, and the need (or lack thereof) of the continuous daily attention of a nurse; (§ 1205.A) by failing to ensure medications bear a label reflecting the name of the pharmacy, name of the resident, and the name of the prescribing physician or other authorized healthcare provider; (§ 1206.A) by storing expired medications with current medications,; and, (§ 1703.A.1) by failing to maintained each specific area of the Facility in a clean condition.
- Previous Sanctions:** No other sanction has been initiated against this facility in the past three years.

# HEALTH REGULATION

## Bureau of Health Facilities Licensing

### Sanctions Imposed for the Period from August 1, 2014 – August 31, 2014

2. **Facility:** Passionate Care Community Center
- Street address: 2206 Hertford Drive, Columbia, S.C. 29210-6130
- Mail address: 2206 Hertford Drive, Columbia, S.C. 29210-6130
- Type:** Community Residential Care Facility
- Sanction Imposed:** By Consent Order (CO-HL-14-2014), executed on August 28, 2014, the Department imposed a \$1,500 monetary penalty. The terms of the Consent Order required Passionate Care Community Center ("Passionate Care ") to make payment of \$500 of the assessed monetary penalty to the Department within 30 days of execution of the Consent Order. The remaining \$1,000 of the assessed monetary penalty was stayed upon a 6-month period of substantial compliance with Regulation 61-84 and the Consent Order, as determined by the Department. The Consent Order also required Passionate Care to initiate action to correct the violation that initiated the enforcement action and to ensure all violations of Regulation 61-84 are not repeated.
- Reason for Sanction:** The sanction was imposed against Passionate Care due to a violation of 7 S.C. Code Ann. Regs. 61-84, *Standards for Licensing Community Residential Care Facilities*. The violation consisted of: (§ 503.A) by failing to have staff member actively on duty at all times that the facility was occupied by residents and immediately accessible to all residents to whom the residents could report injuries, symptoms of illness, or emergencies, and who was responsible for assuring that appropriate action is taken promptly.
- Previous Sanctions:** No other sanction has been initiated against this facility in the past three years.

**HEALTH REGULATION**  
**BUREAU OF RADIOLOGICAL HEALTH**  
**Sanctions Imposed for the Period August 1, 2014 to August 31, 2014**

**Facility:** Pain Management Associates  
1005 Grove Road  
Greenville, South Carolina 29605

**Type:** Medical X-Ray Facility

**Sanction Imposed:** The Consent Order was fully executed on August 7, 2014. The order requires the facility to pay a civil penalty in the amount of \$18,700.00. Payment in the amount of \$13,700 of the civil penalty will be stayed upon an eighteen month period of compliance. The remaining \$5,000 shall be paid to the Department. The Order also requires Pain Management Associates to provide the Department with documentation on how they will ensure that all Personnel Monitoring badge readings from their multiple locations are being totaled. Pain Management Associates also agrees to provide the Department with all of their locations in South Carolina that utilize X-Ray devices. In addition, the facility agrees to correct the violations that are a result of the Consent Order.

**Reason for Sanction:** It was discovered that Dr. Robert Blackwell who is employed by Pain Management Associates repeatedly exceeded the maximum allowable annual limit of 5 Rem for the 2011, and 2012, calendar year(s). Pain Management Associates also failed to notify the Department of these incidences. In addition, the facility failed to keep an x-ray log identifying the x-ray operator(s) and the amount of fluoroscopic time used for each patient procedure. Pain Management Associates did not have an adequate radiation protection program to meet the requirements of R.61-64, Title B, X-Rays.

**Previous Sanctions:** None