

**From:** Patel, Swati <SwatiPatel@gov.sc.gov>  
**To:** Templeton, Catherinetemplecb@dhec.sc.gov  
Veldran, KatherineKatherineVeldran@gov.sc.gov  
**Date:** 3/31/2014 9:21:09 PM  
**Subject:** Re: Fort Mill Hospital Decision

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This case really exemplifies what is wrong with the CON process.

Sent from Windows Mail

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**From:** Templeton, Catherine  
**Sent:** Monday, March 31, 2014 6:36 PM  
**To:** Patel, Swati, Veldran, Katherine

FYI - not for public consumption until tomorrow afternoon

Begin forwarded message:

**From:** "W. Marshall Taylor" <taylorwm@dhec.sc.gov>  
**To:** Catherine Templeton <templecb@dhec.sc.gov>  
**Subject:** Fwd: Fort Mill Hospital Decision

FYI

Sent from my iPad

W. Marshall Taylor, Jr.  
General Counsel  
SCDHEC  
2600 Bull Street  
Columbia, SC 29201  
Tel: 803-898-3350; Fax: 803-898-3367

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Begin forwarded message:

\*From:\* "Biggers, Ashley" <biggerac@dhec.sc.gov>  
\*Date:\* March 31, 2014 5:19:35 PM EDT  
\*To:\* Jamie Shuster <shustej@dhec.sc.gov>, Stefanie Corbett <corbetsl@dhec.sc.gov>, Mark Plowden <plowdemw@dhec.sc.gov>, "W. Marshall Taylor" <taylorwm@dhec.sc.gov>  
\*Cc:\* Vito Wicevic <wicevivm@dhec.sc.gov>, "Presley, Jaimie" <presleja@dhec.sc.gov>, "Thompson, Gwendolyn" <thompsgw@dhec.sc.gov>, "Granger, Sara" <grangess@dhec.sc.gov>, "Roue, Mary Jo" <rouemj@dhec.sc.gov>,

Jonathan Yarborough <yarborjw@dhec.sc.gov>

\*Subject:\* \*Fort Mill Hospital Decision\*

The Administrative Law Court just issued its decision in the Fort Mill hospital case. The judge decided to award a CON to Amisub of SC, Inc., d/b/a Piedmont Medical Center d/b/a Fort Mill Medical Center. This is a reversal of the staff's decision, which had been to issue the CON to Carolinas.

Judge Lenski's law clerk emailed the order to the parties, and noted that the Clerk of the ALC, Jana Shealy, will most likely release the order to reporters tomorrow afternoon.

Background on this matter:

This case has been pending for a very long time. Originally, Joel Grice made the decision for DHEC to award the CON to Piedmont. Carolinas and Presbyterian, both competing applicants, appealed to the ALC. Half-way through the hearing in that case, the ALC granted a SJ motion and remanded back to staff. The ALC had ruled back then that DHEC improperly found that Carolinas and Presbyterian failed to comply with the State Health Plan, and were ineligible for the CON. The ALC ordered on remand that the Department consider all 3 to be in compliance with the Plan, and ordered that DHEC conduct a new, competitive review, to pick the best application. On remand, Beverly Brandt was the decision-maker, and awarded the CON to Carolinas. Presbyterian dropped out of the case after it reached the ALC the second time. The hearing was conducted in April of 2013. In his order, Judge Lenski concludes that Piedmont's application most fully complies with the State Health Plan, Project Review Criteria, and the purposes of the CON Act.

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