

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

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

Sent from Windows Mail

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

This email is intended only for the use of the individual or entity to which it is addressed and may contain information which is privileged and confidential. If the reader of this email is not the intended recipient, you are hereby notified that any disclosure, distribution, or copying of this information is strictly prohibited. If you received this email in error, please notify the sender immediately by reply.

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.

--

Ashley C. Biggers
Associate General Counsel
SC Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201
(803) 898-3362