

From: Schimsa, Rebecca <RebeccaSchimsa@gov.sc.gov>
To: Pisarik, Holly <HollyPisarik@gov.sc.gov>
Date: 6/24/2016 11:27:30 AM
Subject: RE: Claredon Hospital Board

Holly,

Senator Johnson has followed up with a second question: Whether the ninth member of the board, the Chief of Medical Staff as ex officio, will change with the pending transition for the Clarendon Hospital to fall under McLeod Hospital.

I believe that as long as Clarendon Hospital has a Chief of Staff, then the Clarendon representative would serve. If, however, Clarendon does not have a Chief of Staff, then the McLeod Chief of Staff would serve.

From: Schimsa, Rebecca
Sent: Wednesday, June 22, 2016 12:48 PM
To: Pisarik, Holly
Subject: RE: Claredon Hospital Board

Holly – See below from Katie. It might be a good idea for Senator Johnson to request an AG Opinion on the issue of whether members of the Clarendon Hospital District Board can be removed—not for cause but to be replaced with individuals possessing other preferred skills, expertise, or qualifications. After my brief research, I do not think the Governor has the power to remove the members under these circumstances.

The appointment of the board: The Clarendon Hospital District Board was first established by Act 375 of 1947 and was most recently amended by Act 460 of 1998, which changed the composition of the board. The board is composed of nine members, eight of whom are appointed by the Governor upon recommendation of a majority of the Clarendon County Legislative Delegation with the ninth member being the chief of medical staff as ex officio.

The power of removal: Pursuant to Article VI, Section 9, officers shall be removed for incapacity, misconduct, or neglect of duty, in such a manner as may be provided by law when no mode of trial or removal is provided in this Constitution. The Supreme Court has held that the Governor can neither appoint to office nor suspend or remove from office unless the power to do so is conferred upon him by the Constitution or statute and that the power of removal or suspension from office is not an inherent function of the Governor.

From: Philpott, Katie
Sent: Wednesday, June 22, 2016 12:18 PM
To: Schimsa, Rebecca
Subject: FW: Claredon Hospital Board

See below. I have highlighted Senator Johnson's question. Can you please help me with this?

Thanks,

Katie R. Philpott
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From: Kevin L. Johnson [<mailto:kevin27@sc.rr.com>]

Sent: Wednesday, June 22, 2016 8:50 AM
To: Philpott, Katie
Cc: Jim Darby; Rep. Robert Ridgeway; cezar@cezarmcknight.com
Subject: Clarendon Hospital Board

Katie:

I am contacting you on behalf of the Clarendon County legislative Delegation in reference to the Clarendon Memorial Hospital Board. As you know, the delegation makes recommendations to the Governor for appointments to this board. Recently, the board entered in to an agreement with McLeod Hospital of Florence, SC. Under the terms of that agreement, the hospital board leased the hospital to McLeod. The only exception are the three nursing homes that the hospital owns. As a result, the only role for the hospital board is to manage the three nursing homes and to manage the lease agreement with McLeod. The question that we (legislation delegation) have is can we make changes to the current board by removing most of the members in an attempt to recommend others who possess certain strengths and qualifications that will help to continue to better manage the lease agreement and operate the nursing homes or do we have to wait until current terms expire and replace with new board members at that time. Under either scenario, some board members will most likely be recommended for reappointment while others will be replaced.

What I have outlined above is just a simple explanation of the current events that have taken place with the hospital in an attempt to make it a profitable healthcare system that will be able to provide quality care in our region. However, again, under the current arrangement, the hospital board, going forward will have the responsibility of managing the lease agreement with McLeod and to manage the three nursing homes.

Please advise if additional information is necessary. Thanks.

Senator Kevin L. Johnson
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