



**SOUTH CAROLINA
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**PUBLIC HEALTH ORDER
No. COVID-19-4**

WHEREAS, on March 13, 2020, Governor Henry McMaster declared a State of Emergency based on a determination that Coronavirus Disease 2019 (COVID-19) posed an actual or imminent public health emergency for the State of South Carolina; and

WHEREAS, on March 13, 2020, the Governor also directed the South Carolina Department of Health and Environmental Control (DHEC) to utilize and exercise any and all emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, deemed necessary to promptly and effectively address the current public health emergency. In accordance with Section 44-4-500 of the South Carolina Code of Laws, as amended, the Governor ordered that DHEC shall “use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment;” and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (“Stafford Act”); and

WHEREAS, on March 24, 2020, the Governor requested that the President of the United States declare that a major disaster exists in the State of South Carolina pursuant to Section 401 of the Stafford Act; and

WHEREAS, on March 27, 2020, the President of the United States granted the Governor’s request and declared that a major disaster exists in the State of South Carolina and ordered federal assistance to supplement state, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic, with an effective date retroactive to January 20, 2020, and continuing; and

WHEREAS, in addition to declaring an initial State of Emergency on March 13, 2020, the Governor has issued various Executive Orders initiating, directing, and modifying further extraordinary measures designed to address the significant public health, economic, and other impacts associated with COVID-19 and to mitigate the resulting burdens on healthcare providers, individuals, and businesses in the State of South Carolina, certain provisions of which have been extended by subsequent and distinct emergency declarations set forth in Executive Order Nos. 2020-15, 2020-23, 2020-29, 2020-35, 2020-38, 2020-40, 2020-42, and 2020-44; and

WHEREAS, as of July 15, 2020, COVID-19 is widespread throughout the state and in all 46 counties, with 16,071 confirmed cases statewide and 984 total confirmed deaths; and

WHEREAS, the White House Coronavirus Response Task Force and the U.S. Department of Health and Human Services (DHHS), in an effort to streamline reporting, have reviewed all mechanisms that hospitals are using to report COVID-19 data; and

WHEREAS, as part of this review, White House Coronavirus Response Task Force and DHHS recognized that hospitals are reporting through multiple systems; and

WHEREAS, starting July 15, 2020, there will be two hospital reporting options; and

WHEREAS, the two hospital reporting options are (1) Teletracking and (2) HHS Protect; and

WHEREAS, DHHS is retiring the National Healthcare Safety Network (NHSN) for COVID-19 hospital reporting beginning July 15, 2020; and

WHEREAS, the retiring of NHSN for COVID-19 hospital reporting does not impact reporting for other conditions through NHSN, and

WHEREAS, DHEC is invested with all the rights and charged with all the duties pertaining to organizations of like character and is the sole advisor of the State in all questions involving the protection of the public health within its limits (S.C. Code Ann. § 44-1-110); and

WHEREAS, DHEC must enforce or prescribe preventive measures as may be needed to suppress or prevent the spread of these diseases by proper quarantine or other measures of prevention, as may be necessary to protect citizens of the State (S.C. Code Ann. § 44-1-80(A)); and

WHEREAS, DHEC shall have, upon request, full access to the medical records, tumor registries, and other special disease record systems maintained by physicians, hospitals and other health facilities as necessary to carry out its investigation of epidemic and endemic diseases (S.C. Code Ann. § 44-1-110); and

WHEREAS, DHEC is granted the authority to make, adopt, promulgate and enforce reasonable rules and regulations from time to time requiring and providing for the thorough investigation and study of the causes of all diseases, epidemic and otherwise, in the State, the means for the prevention of contagious disease and the publication and distribution of such information as may contribute to the preservation of the public health and the prevention of disease (S.C. Code Ann. § 44-1-140(12)); and

WHEREAS, DHEC may also make separate orders and rules to meet any emergency not provided for by general rules and regulations, for the purpose of suppressing nuisances dangerous

to the public health and communicable, contagious and infectious diseases and other danger to the public life and health (S.C. Code Ann. § 44-1-140); and

WHEREAS, South Carolina is engaged in an all-hands effort to both reduce the spread of COVID-19 and to ensure the availability of medical resources to care for those who become ill; and

WHEREAS, as the Director of Public Health, I have reviewed the data regarding confirmed COVID-19 cases, reported exposures among the population in South Carolina, and have reviewed the request for information from the White House Coronavirus Response Task Force and DHHS; and

WHEREAS, I have determined that the information requested as part of the new reporting guidelines is critical to the efforts to stop the spread of COVID-19 cases in South Carolina and to provide adequate treatment for those who have contracted COVID-19; and

NOW, THEREFORE, based upon the foregoing, I hereby order and direct the following:

Pursuant to section 44-1-140 of the South Carolina Code of Laws and based on guidance from the White House Coronavirus Response Task Force and DHHS, effective no later than July 15, 2020, at 10:00 PM Eastern Standard Time and daily thereafter, including weekends, all hospitals licensed by the State of South Carolina, with the exception of Institutional General Infirmaries and Privately-Owned Educational Institutional Infirmaries, are required to report using one the two reporting options referenced above. Such reporting shall be complete and accurate.

Based on the new reporting requirements, Public Health Order No. COVID-19-3 dated April 9, 2020, is rescinded.

Should any hospital face human resource or information technology challenges in completing any requirement of this Order, or should a hospital require technical assistance with enrolling in or using the new reporting systems, the hospital should notify DHEC immediately by contacting DHEC's Healthcare Coalition Coordinator at (803) 898-3681 or ACC-HCC@dhec.sc.gov.

IT IS FURTHER ORDERED, pursuant to section 44-1-150 of the South Carolina Code of Laws, that any person or facility that violates this Order is subject to a civil penalty not to exceed one thousand dollars a day for each violation.

This Order is effective immediately and shall remain in effect unless otherwise modified, amended, or rescinded by subsequent order.

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AND IT IS SO ORDERED.

Handwritten signature of Joan M. Duwve MD, MPH in black ink.

Joan M. Duwve, MD, MPH
Director of Public Health

Date: _____7/15/2020_____