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**Ad Hoc Committee - Other Study No. 1
December 1, 2015
10:00 a.m.
Room 110 - Blatt Building**

ARCHIVED VIDEO

- I. You may access archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and click on "Committee Postings and Reports," then under House Standing Committees click on "Legislative Oversight". Lastly, click on "Video Archives" for a listing of archived videos for the Legislative Oversight Committee.

MINUTES

- I. House Rule 4.5 requires the standing committees of the House to prepare and make available for public inspection, in compliance with Section 30-4-90, the minutes of full committee meetings. House Rule 4.5 further provides that such minutes need not be verbatim accounts of such meetings.
- II. On August 26, 2015, a motion was adopted for the House Oversight Committee to commence an investigation into state agencies, including, but not limited to the Department of Social Services, the Department of Health and Environmental Control, and the Department of Health and Human Services, relationship with, funding of, and other activities relating to Planned Parenthood facilities and other abortion providers in South Carolina.
- III. Pursuant to Committee Rule 6.1, an ad hoc committee was appointed to undertake the study as stated in the motion.
- IV. Pursuant to Committee Rule 6.3, on September 3, 2015, the Legislative Oversight Committee Chair appointed the members and chair of the ad hoc committee. The members include the Honorable Nathan Ballentine, the Honorable Raye Felder, the Honorable Mia S. McLeod, the Honorable Walton J. McLeod, the Honorable Robert Ridgeway, III, the Honorable James E. Smith, Jr., the Honorable

Tommy M. Stringer, and the Honorable Bill Taylor. The chair of the ad hoc committee is the Honorable Gary E. Clary.

- V. The ad hoc committee (Committee) was called to order at 10:03 a.m. by Chairman Gary E. Clary on Tuesday, December 1, 2015, in Room 110 of the Blatt Building, Columbia, South Carolina. Chairman Clary made brief welcoming remarks and emphasized the study was of the agencies relationship with, funding of and other activities. It is not a study of Planned Parenthood or other abortion providers. Representative Raye Felder, Representative Tommy Stringer, Representative James Smith, Representative Nathan Ballentine, and Representative Gary Clary were present at the start of the meeting. Representative Mia McLeod arrived during the introductions. Representative Walton J. McLeod arrived during the DHEC’s testimony. Representative Robert Ridgeway, III arrived shortly thereafter. Representative Bill Taylor was on an education-related legislative trip to Memphis, TN. Representative moved that the minutes from the November 12, 2015 ad hoc committee meeting be accepted and the roll call vote was as follows:

Rep. Felder’s Motion to approve the minutes:	Yea	Nay	Not Voting
1. Nathan Ballentine	X		
2. Raye Felder	X		
3. Mia S. McLeod	X		
4. Walton J. McLeod			(not present)
5. Robert L. Ridgeway, III			(not present)
6. James E. Smith, Jr.	X		
7. Tommy M. Stringer	X		
8. Bill Taylor			(not present)
9. Gary E. Clary	X		

- VI. Chairman Clary explained the progress of the ad hoc committee: meetings with the Department of Social Services, Department of Health and Human Services, Department of Health and Environmental Control, and Department of Corrections and review of information from the Legislative Audit Council. At the November 12, 2015, meeting Committee staff was directed to summarize the information obtained thus far. Once the agencies receive a copy of the final staff study, pursuant to committee standard practice, agencies will have ten business days in which to provide a written response. However, no response is required from an agency. The ad hoc committee will receive the staff’s summarization and any agency responses at the same time. Upon receipt of the Committee staff study, the committee will meet to discuss and vote on any recommendations this ad hoc committee would like to include for submittal to the full Legislative Oversight Committee. The ad hoc committee’s study will then be submitted to the full Legislative Oversight Committee.
- VII. Chairman Clary then explained that testimony given to the ad hoc committee must be under oath and then swore in all agency individuals, not a part of the General Assembly, that might answer a question, or make comments directly to the ad hoc committee. Shelly Kelly, DHEC (Director of Health Regulations) and Byron Roberts, HHS (General Counsel) were sworn in.

FURTHER DISCUSSION OF STATE AGENCIES, INCLUDING BUT NOT LIMITED TO DSS, DHEC, AND DHHS, RELATIONSHIP WITH, FUNDING OF, AND OTHER ACTIVITIES

RELATING TO PLANNED PARENTHOOD FACILITIES AND OTHER ABORTION PROVIDERS IN SOUTH CAROLINA. THIS AGENDA ITEM INCLUDES, BUT IS NOT LIMITED TO, ADDRESSING ANY RECOMMENDATIONS.

- VIII. Shelly Kelly testified regarding three areas of interest relating to regulations: (1) that DHEC will seek an increase in abortion clinic inspection fees through upcoming regulation changes; (2) the agency does not intend at this time to seek an increase in fees for the Infection Waste Management Program but will continue to reevaluate the need for an increase in fees as conditions change; and (3) the agency will draft proposed changes to its regulation to strengthen the accident/incident reporting sections of the regulations in order to broaden the scope of reporting and to specify that accidents and incidents required to be reported to DHEC include those related to postoperative complications following the performance of an abortion.
- IX. Representatives Smith, Stringer, and McLeod (Walton) made statements regarding the provenance of the ad hoc committee investigation. Representative McLeod (Mia) requested a moment of silence for the Colorado Planned Parenthood shooting victims.
- X. Susan Alford testified on behalf of DSS, and she stated that DSS did not have any presentation or opening remarks for the Committee. Chairman Clary then went through nine yes or no questions, which had been provided to each agency in advance to enable them to perform any research needed to adequately respond to the questions. DSS responded as follows to the questions:

What, if any, RELATIONSHIP the agency has with Planned Parenthood facilities and other abortion providers in SC?		
Question	Yes	No
1) Are there any state or federal <u>statutes that require</u> personnel at the agency to communicate (talk with in person, over the phone, reports, etc.) about abortions with Planned Parenthood, or any other abortion providers in South Carolina?		X
2) Are there any state or federal <u>regulations that require</u> personnel at the agency to communicate (talk with in person, over the phone, reports, etc.) about abortions with Planned Parenthood, or any other abortion providers in South Carolina?		X
3) Are there any <u>standard practices of the agency that require</u> personnel at the agency to communicate (talk with in person, over the phone, reports, etc.) about abortions with Planned Parenthood, or any other abortion providers in South Carolina?		X
What, if any, FUNDING the agency has or provides Planned Parenthood facilities and other abortion providers in SC?		
4) Does the agency <u>receive any funding</u> or monies related to abortions from Planned Parenthood or any other abortion providers in South Carolina?		X
5) Does the agency <u>directly provide any funding</u> related to abortions to Planned Parenthood or any other abortion providers in South Carolina?		X
6) Does the agency <u>provide others</u> (i.e. individuals, agencies or entities) <u>funding that is intended to go toward</u> abortions at Planned Parenthood or any other abortion providers in South Carolina?		X
7) Does the agency provide others (i.e individuals, agencies or entities) <u>funding that, to the agency's knowledge, has a chance of going toward</u> abortions at Planned Parenthood or any other abortion providers in South Carolina?		X
What, if any, OTHER ACTIVITIES OF THE AGENCY RELATE to Planned Parenthood facilities and other abortion providers in SC?		

8) Do any of the agencies <u>activities directly relate to</u> abortions at Planned Parenthood or any other abortion providers in South Carolina?		X
9) Do any of the agencies <u>activities indirectly relate to</u> abortions at Planned Parenthood or any other abortion providers in South Carolina?	X	

Director Alford explained the agency’s activities which indirectly relate to abortions at Planned Parenthood or any other abortion providers in South Carolina involves South Carolina laws related to “judicial bypass.” Pursuant to South Carolina Code of Laws Section 44-41-32, upon request, DSS must assist a minor in filing a petition to the court to obtain an order granting the minor the right to obtain an abortion without parental or guardian consent. Committee members asked follow up questions related to judicial bypass which Director Alford answered directly or stated she could obtain information which would be responsive to the request.

At the conclusion of the Committee members’ questions of DSS, Chairman Clary made a motion that Committee staff follow up with DSS to obtain the following information:

- Number of requests received for judicial bypass each of the last five years; and
- Number of requests for judicial bypass granted by the court each of the last five years.

Under Mason’s Rules, this motion did not need a second. There was no discussion, and the roll call vote was as follows:

Rep. Clary’s Motion for Committee Staff to follow up with DSS to obtain the additional information sought by Committee Members:	Yea	Nay	Not Voting
1. Nathan Ballentine	X		
2. Raye Felder	X		
3. Mia S. McLeod	X		
4. Walton J. McLeod			(not present)
5. Robert L. Ridgeway, III	X		
6. James E. Smith, Jr.	X		
7. Tommy M. Stringer	X		
8. Bill Taylor	X		
9. Gary E. Clary	X		

The motion passed. Next, Chairman Clary began the study of DHHS’ relationship with, funding of and other activities relating to Planned Parenthood facilities and other abortion providers in South Carolina.

IX. Christian Soura testified on behalf of DHHS and provided a PowerPoint presentation which addressed federal oversight of Medicaid, provider relationship, funding for abortions/Planned Parenthood and closing thoughts. At the conclusion of Mr. Soura’s presentation, Chairman Clary went through nine yes or no questions, which had been provided to each agency in advance to enable them to perform any research needed to adequately respond to the questions. DHHS responded as follows to the questions:

What, if any, RELATIONSHIP the agency has with Planned Parenthood facilities and other abortion providers in SC?

Question	Yes	No
1) Are there any state or federal <u>statutes that require</u> personnel at the agency to communicate (talk with in person, over the phone, reports, etc.) about abortions with Planned Parenthood, or any other abortion providers in South Carolina?	X	
2) Are there any state or federal <u>regulations that require</u> personnel at the agency to communicate (talk with in person, over the phone, reports, etc.) about abortions with Planned Parenthood, or any other abortion providers in South Carolina?	X	
3) Are there any <u>standard practices of the agency that require</u> personnel at the agency to communicate (talk with in person, over the phone, reports, etc.) about abortions with Planned Parenthood, or any other abortion providers in South Carolina?	X	
What, if any, FUNDING the agency has or provides Planned Parenthood facilities and other abortion providers in SC?		
4) Does the agency <u>receive any funding</u> or monies related to abortions from Planned Parenthood or any other abortion providers in South Carolina?	X	
5) Does the agency <u>directly provide any funding</u> related to abortions to Planned Parenthood or any other abortion providers in South Carolina?	X	
6) Does the agency <u>provide others</u> (i.e. individuals, agencies or entities) <u>funding that is intended to go toward</u> abortions at Planned Parenthood or any other abortion providers in South Carolina?	X	
7) Does the agency provide others (i.e individuals, agencies or entities) <u>funding that, to the agency's knowledge, has a chance of going toward</u> abortions at Planned Parenthood or any other abortion providers in South Carolina?	X	
What, if any, OTHER ACTIVITIES OF THE AGENCY RELATE to Planned Parenthood facilities and other abortion providers in SC?		
8) Do any of the agencies <u>activities directly relate to</u> abortions at Planned Parenthood or any other abortion providers in South Carolina?	X	
9) Do any of the agencies <u>activities indirectly relate to</u> abortions at Planned Parenthood or any other abortion providers in South Carolina?	X	

Chairman Clary then asked a few additional questions before opening the floor to questions from other Committee Members. Committee members asked additional questions which Director Soura answered directly or stated he could obtain information which would be responsive to the request.

At the conclusion of the Committee members' questions of DHHS, Chairman Clary made a motion that Committee staff follow up with DHHS to obtain the following information:

- Documentation which shows the investigation and final determination of the two potential abortions at Planned Parenthood paid through Medicaid which were discovered by your agency yesterday afternoon;
- Number of abortions paid through Medicaid which are within the Hyde Amendment during FY 2011 through FY 2015 broken down by Option 1 (if the pregnancy is the result of an act of rape or incest) and Option 2 (if the pregnancy would place the woman in danger of death unless an abortion is performed);
- List of cities, counties and zip codes in which the 222 abortions paid through Medicaid during FY 2011 through FY 2015 were performed based on the address you have for the provider; and
- Number of individuals under the age of seventeen who have obtained abortions paid through Medicaid during FY 2011 through FY 2015.

Under Mason’s Rules, this motion did not need a second. There was no discussion, and the roll call vote was as follows:

Rep. Clary’s Motion for Committee Staff to follow up with DHHS to obtain the additional information sought by Committee Members:	Yea	Nay	Not Voting
1. Nathan Ballentine	X		
2. Raye Felder			(not present at time of vote)
3. Mia S. McLeod	X		
4. Walton J. McLeod	X		
5. Robert L. Ridgeway, III	X		
6. James E. Smith, Jr.	X		
7. Tommy M. Stringer	X		
8. Bill Taylor	X		
9. Gary E. Clary	X		

The motion passed. Next, Chairman Clary had the Committee take a short 10 minute recess; at this point, the meeting had been in progress for approximately two hours.

When the Committee returned from the recess, Chairman Clary requested representatives from LAC come forward to provide information about their report, “A Review of the S.C. Department of Health and Environmental Control’s Regulation of Abortion Clinics,” and their knowledge of DHEC.

- X. Marcia Lindsay and Jack Kresslein spoke for LAC, and Ms. Lindsay stated their report was their opening remarks. Chairman Clary then went through nine yes or no questions regarding LAC’s knowledge of DHEC based of LAC’s investigation. LAC was provided the questions in advance to enable them to perform any research needed to adequately respond to the questions. LAC responded as follows to the questions:

What, if any, RELATIONSHIP the agency has with Planned Parenthood facilities and other abortion providers in SC?		
Question	Yes	No
1) Based on LAC’s investigation, does LAC know of any state or federal statutes that require personnel at DHEC to communicate (i.e. talking over the phone, meeting in person, providing reports, etc.) about abortions with Planned Parenthood, or any other abortion providers in South Carolina?	X	
2) Based on LAC’s investigation, does LAC know of any state or federal regulations that require personnel at DHEC to communicate (i.e. talking over the phone, meeting in person, providing reports, etc.) about abortions with Planned Parenthood, or any other abortion providers in South Carolina?	X	
3) Based on LAC’s investigation, does LAC know of any standard practices at DHEC that require personnel at the agency to communicate (i.e. talking over the phone, meeting in person, providing reports, etc.) about abortions with Planned Parenthood, or any other abortion providers in South Carolina?	X	
What, if any, FUNDING the agency has or provides Planned Parenthood facilities and other abortion providers in SC?		
4) Based on LAC’s investigation, does LAC know of any funding or monies DHEC receives which are related to abortions from Planned Parenthood or any other abortion providers in South Carolina?	X	

5) Based on LAC's investigation, does LAC know if DHEC directly provides any funding related to abortions to Planned Parenthood or any other abortion providers in South Carolina?		X
6) Based on LAC's investigation, does LAC know if DHEC provides other individuals, agencies or entities funding that is intended to go toward abortions at Planned Parenthood or any other abortion providers in South Carolina?		X
7) Based on LAC's investigation, does LAC know if DHEC provides other individuals, agencies or entities funding that, DHEC may or should know, has a chance of going toward abortions at Planned Parenthood or any other abortion providers in South Carolina?		X
What, if any, OTHER ACTIVITIES OF THE AGENCY RELATE to Planned Parenthood facilities and other abortion providers in SC?		
8) Based on LAC's investigation, does LAC know of any DHEC activities that directly relate to abortions at Planned Parenthood or any other abortion providers in South Carolina?	X	
9) Based on LAC's investigation, does LAC know of any DHEC activities that indirectly relate to abortions at Planned Parenthood or any other abortion providers in South Carolina?		X

Chairman Clary opened the floor to questions from other Committee Members. Committee members asked additional questions which LAC representatives answered directly or stated they could obtain information which would be responsive to the request.

At the conclusion of the Committee members' questions of LAC, Chairman Clary made a motion that the committee conclude LAC's involvement in the ad hoc committee's study, unless, during the remainder of the study, committee members learned additional information for which they needed to follow up with LAC.

Under Mason's Rules, this motion did not need a second. There was no discussion, and the roll call vote was as follows:

Rep. Clary's Motion that the Committee conclude LAC's involvement in the ad hoc committee's study, unless during the remainder of the study, committee members learned additional information for which they needed to follow up with LAC.	Yea	Nay	Not Voting
1. Nathan Ballentine	X		
2. Raye Felder	X		
3. Mia S. McLeod	X		
4. Walton J. McLeod	X		
5. Robert L. Ridgeway, III	X		
6. James E. Smith, Jr.	X		
7. Tommy M. Stringer	X		
8. Bill Taylor	X		
9. Gary E. Clary	X		

The motion passed. Next, Chairman Clary stated there were only about 15 minutes left in the meeting, explained the next Committee meeting would be held on November 12, 2015, and asked representatives from DHEC if they would like to make any comments during the remaining time in response to the information LAC had provided about DHEC.

- XI. Catherine Heigel testified on behalf of DHEC. As she came forward, Chairman Clary noted DHEC had provided the Committee with a large notebook of information and was prepared to make a full presentation; however, due to the length of time it took to get through the other agencies, the full presentation would need to wait until the next meeting. Ms. Heigel thanked the Committee for the opportunity to respond to the statements made by LAC and provided a brief response. After her response, committee members asked a few quick questions, to which Ms. Heigel answered directly.
- XII. There being no further business, the meeting was adjourned at 1:00 p.m.