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**Ad Hoc Committee - Other Study No. 1
November 12, 2015
10:00 a.m. - 11:45 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 second meeting of the ad hoc committee (Committee) was called to order at 10:00 a.m. by Chairman Gary E. Clary on Thursday, November 12, 2015, in Room 110 of the Blatt Building, Columbia, South Carolina. Chairman Clary recognized that the preceding day was Veteran’s Day and thanked all veterans for their service. All Members were present at the start of the meeting, except for the Honorable Mia S. McLeod and the Honorable Walton J. McLeod. The Honorable Mia S. McLeod arrived at the meeting later.
- VI. Chairman Clary asked for a motion to approve the minutes from the Committee meeting on September 30, 2015. The Honorable Nathan Ballentine so moved. A roll call vote was held.

Rep. Ballentine’ s Motion to Approve the Minutes from September 30, 2015	Yea	Nay	Not Voting
1. Nathan Ballentine	X		
2. Raye Felder	X		
3. Mia S. McLeod			Not Present
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		

- 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. The following individuals from their respective agencies were sworn in: (1) Catherine Heigel (Director of the Department of Health and Environmental Control); (2) Christian Soura (Director of the Department of Health and Human Services); and (3) Karen Wingo (Director of Communications and Legislative Affairs of the Department of Social Services). At a later time, Bryan Stirling (Director of the Department of Corrections) was sworn in.
- VIII. After swearing in the agency representatives, Chairman Clary explained the plan for the ad hoc committee, which is stated in the Committee’s Standard Practices and includes: (1) Conducting initial meetings with the agencies to obtain information as well as, upon a motion, utilize any other tools available to the ad hoc committee; (2) After obtaining the information, Committee staff summarizing the information in a Committee Staff Study; (3) Upon receipt of the Committee staff study, Committee members meeting to discuss and vote on any Committee recommendations; and (4) Submitting the Committee’s study, with any recommendations, to the full Legislative Oversight Committee.
- IX. Catherine Heigel testified on behalf of the DHEC, and she stated that she did not have any opening remarks for the Committee. Chairman Clary noted she had made brief remarks at the September 30, 2015, meeting, and then he asked a series of yes-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. The DHEC 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	
What has the agency done to comply with the oversight process of this ad hoc committee?		
10) Has the agency notified its staff about the study of this ad hoc committee?	X	
11) Has the agency made a determination of who will be the liaison for the study?	X	

Director Heigel provided testimony listing the statutes referenced in Question 1. Director Heigel provided testimony listing the regulations referenced in Question 2. Director Heigel provided testimony listing the standard practices referenced in Question 3. Director Heigel provided testimony listing the funding received by the agency referenced in Question 4. Director Heigel provided testimony listing the agency's activities that directly relate to abortions referenced in Question 8. Director Heigel provided testimony that Shelley Kelly (Director of Health Regulation at the Department of Health and Environmental Control) had been named as the liaison for the study referenced in Question 11.

Chairman Clary asked Director Heigel to briefly summarize the actions the agency had taken in response to the September 30, 2015 meeting. Director Heigel provided that summary. Chairman Clary asked Director Heigel if the agency was better prepared to oversee abortion providers in light of the ad hoc committee's oversight process. Director Heigel provided testimony that the DHEC is now better able to fulfill its statutory charge.

Representative Felder asked Director Heigel how the DHEC spends the grant money it receives from the federal government.

Representative Ridgeway asked Director Heigel if abortion provider facilities are considered “outpatient medical centers” for purposes of the DHEC’s licensing. Representative Ridgeway asked Director Heigel if the DHEC reviews patient files when it inspects abortion provider facilities.

Representative Stringer asked Director Heigel to explain the historical overview of fees against abortion providers the agency provided to the ad hoc committee. Representative Stringer asked Director Heigel what a typical DHEC inspection of an abortion provider facility would cost the agency. Representative Stringer asked Director Heigel to provide information in the future identifying the appropriate inspection fee amounts so that the DHEC’s inspection of an abortion provider facility would be paid for entirely by that abortion provider through the inspection fee. Representative Stringer asked Director Heigel if the DHEC anticipated making changes to regulations in order to give effect to some of the recommendations of the Legislative Audit Council.

Representative Taylor asked Director Heigel if the DHEC collects information or statistics on the postoperative welfare of patients following abortions, and if so, to what extent. Representative Taylor also expressed to Chairman Clary his position that perhaps the ad hoc Committee should consider researching what options were available to the Committee in proposing legislation or regulations for the purpose of collecting data on the postoperative welfare of patients following abortions. Chairman Clary indicated his belief that such a line of action may have been outside of the ad hoc committee’s mandate from its enabling motion.

Representative Smith asked Director Heigel if the DHEC collects inspection fees from hospitals that perform abortions and other abortion provider facilities.

Chairman Clary thanked Director Heigel for her willingness to provide information to the Committee and for her candor during the proceedings.

At the conclusion of the Committee members’ questions of the DHEC, Chairman Clary made a motion to have the members’ requests for further information delivered to the agency in writing and that the agency respond to those requests at a future meeting. The motion did not need a second. The roll call vote was as follows:

Rep. Clary’s Motion for Member’s Requests for Further Information to be Delivered to the DHEC in Writing, and that the Agency Respond to the Requests at a Future Meeting:	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		

X. Karen Wingo provided testimony to the Committee on the Department of Social Service’s role in the procedure called “judicial bypass,” whereby minors can legally obtain an abortion without parental consent.

Representative Ballentine thanked the agency for providing information in “judicial bypass.”

Chairman Clary moved that the DSS be dismissed from further proceedings with the Committee unless it becomes necessary at a point in the future for the DSS to become involved again. The motion did not need a second. The roll call vote was as follows:

Rep. Clary’s Motion for the DSS to be Dismissed from Further Proceedings with the Committee Unless it Becomes Necessary for the DSS to Become Involved Again:	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		

XI. Director Soura testified on behalf of the Department of Health and Human Services and provided a summary of the materials the DHHS submitted to the Committee.

Representative Ridgeway asked Director Soura for more details on the conditions of the abortion patients on whom abortions were performed in relation to the life-of-the-mother abortion exception. Representative Ridgeway expressed his concern that many of the conditions listed as grounds for abortions under the life-of-the-mother exception were of such a magnitude that it would be very unsafe for a patient with those conditions to undergo an abortion at an outpatient facility instead of a hospital, and he asked for more information from the DHHS about the location of those abortions.

Chairman Clary moved that Representative Ridgeway’s request for more information be delivered to the DHHS in writing and that the agency provide that information at a future Committee meeting. The motion did not need a second. The roll call vote was as follows:

Rep. Clary’s Motion for Rep. Ridgeway’s Request for More Information be Delivered to the DHHS in Writing, and that the Agency Provide the Information at a Future Committee Meeting:	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		

Representative Smith asked Director Soura why the number of abortions paid for by the DHHS was different in the materials submitted to the Committee at the November 12, 2015, meeting from the number in the materials submitted at the September 30, 2015, meeting.

Chairman Clary thanked Director Soura for providing thorough information to the Committee.

- XII. Chairman Clary shared a request from Representative Hicks and from a constituent that the Committee take testimony from the Department of Corrections. Representative Taylor concurred with the request, and moved that the Committee involved the DOC in its investigation. No second was needed for the motion.

Rep. Taylor’s Motion that the Department of Corrections’ Relationship with Abortion Providers be Investigated by the Committee:	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		

Director Stirling testified on behalf of the Department of Corrections, and did not have any opening remarks for the Committee. Chairman Clary then asked the same series of yes-no questions of Director Stirling as he had of all other agencies; this being the same set of questions listed on page 3 of these minutes relating to DHEC.

In response to those questions, Director Stirling testified that:

- 1) The DOC does not pay for any elective procedure, including an abortion;
- 2) An inmate may elect to have an abortion. In that event, the inmate has to fund the procedure and transportation to the abortion provider facility;
- 3) The DOC does pay for an abortion if the procedure is considered part of the patient's healthcare in light of the Eighth Amendment to the United States Constitution; and
- 4) This explanation applied to all of the questions for which he gave an answer, except for Questions 10 and 11.

Chairman Clary moved that the Department of Corrections involvement with the Committee be concluded. The motion did not need a second. The roll call vote was as follows:

Rep. Clary's Motion to End the DOC's Involvement with the Committee:	Yea	Nay	Not Voting
1. Nathan Ballentine	X		
2. Raye Felder	X		
3. Mia S. McLeod	X		
4. Walton J. McLeod			Not Voting
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		

XIII. Chairman Clary asked Committee staff to compile a summary of the investigation for dissemination to Committee members at the next meeting. Chairman Clary also announced that December 1, 2015 was the tentative date for the next Committee meeting.

XIV. There being no further business, the meeting was adjourned at 11:45 a.m.