

**Legislative Oversight Committee**

South Carolina House of Representatives

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# Notification of Ad Hoc Committee Study

## Other Study #1

March 4, 2016

In accordance with Standard Practice 12.5, notice is hereby provided that the Ad Hoc Committee's study of state agencies' relationship with, funding of, and other activities relating to Planned Parenthood facilities and other abortion providers in South Carolina is available for consideration by the full committee.

Gary E. Clary  
Ad Hoc Committee Chair

cc:     The Honorable Nathan Ballentine  
          The Honorable Raye Felder  
          The Honorable Mia S. McLeod  
          The Honorable Walton McLeod  
          The Honorable Robert L. Ridgeway III  
          The Honorable James E. Smith Jr.  
          The Honorable Tommy M. Stringer  
          The Honorable Bill Taylor

# LEGISLATIVE OVERSIGHT COMMITTEE

## Ad Hoc Committee Study



February 25, 2016

*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.*

*Pursuant to Committee Rule 6.1, an ad hoc committee was appointed to undertake the study as stated in the motion.*

FULL COMMITTEE OPTIONS STANDARD PRACTICE 13	FULL COMMITTEE ACTION(S)	DATE(S) OF FULL COMMITTEE ACTION(S)
(1) Refer the study and investigation back to the subcommittee or an ad hoc committee for further evaluation; (2) Approve the subcommittee's study; or (3) further evaluate the agency as a full committee, utilizing any of the available tools of legislative oversight available		

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### House Legislative Oversight Committee's Actions

- **August 26, 2015** - 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
- **September 3, 2015** - pursuant to Committee Rule 6.1 the following Legislative Oversight Committee Members were appointed to an ad hoc committee to undertake the study as stated in the motion: the Honorable Nathan Ballentine; the Honorable Gary E. Clary; the Honorable Raye Felder; the Honorable Mia S. McLeod; the Honorable Walton J. McLeod; the Honorable Robert L. Ridgeway, III; the Honorable James E. Smith, Jr.; the Honorable Tommy M. Stringer; and the Honorable Bill Taylor; additionally, on this date, pursuant to Committee Rule 6.2, the Honorable Gary E. Clary was appointed Chair

### Ad Hoc Committee's Actions

- **September 30, 2015** - holds first meeting with representatives in attendance from the Department of Social Services, Department of Health and Human Services, General Assembly's Legislative Audit Council, and Department of Health and Environmental Control
- **November 12, 2015** - holds second meeting with representatives in attendance from the Department of Health and Environmental Control, Department of Social Services, Department of Health and Human Services, and Department of Corrections
- **December 1, 2015** - holds third meeting with representatives in attendance from the Department of Health and Environmental Control and Department of Health and Human Services
- **December 14, 2015** - sends follow up request for additional information to the Department of Social Services, Department of Health and Human Services, Department of Health and Environmental Control, and Department of Corrections
- **January 11, 2016** - holds fourth meeting with representatives in attendance from the Department of Health and Environmental Control, Department of Health and Human Services, Department of Corrections, and Department of Social Services
- **January 21, 2016** - holds fifth meeting with representatives in attendance from the Department of Health and Environmental Control in order to vote on the inclusion of certain recommendations in the Ad Hoc Committee's Study
- **January 21, 2016** - requests an Attorney General Opinion, which is received on February 10, 2016
- **February 25, 2016** - holds sixth meeting with representatives in attendance from the Department of Health and Environmental Control in order to vote on the inclusion of certain recommendations in the Ad Hoc Committee's Study

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## HOUSE LEGISLATIVE OVERSIGHT COMMITTEE

### Other Study #1

**LOC Committee:** Ad Hoc Committee

**LOC Chair:** Hon. Gary E. Clary

**LOC Members:** Hon. Nathan Ballentine, Hon. Raye Felder, Hon. Mia S. McLeod, Hon. Walton J. McLeod, Hon. Robert L. Ridgeway III, Hon. James E. Smith Jr., Hon. Tommy M. Stringer, Hon. Bill Taylor

**Agency Website(s):** DHEC, DHHS, DSS

**Agency Head(s):** DHEC - Director Catherine E. Heigel; DHHS - Director Christian Soura; DSS - Director V. Susan Alford; DOC - Bryan P. Stirling

**Study Contact:** DHEC - Shelly Kelly; DHHS - Jenny Stirling and Bryan Kost; DSS - Director V. Susan Alford; DOC - Director Bryan P. Stirling

**Contact Email:** DHEC - [kellysb@dhec.sc.gov](mailto:kellysb@dhec.sc.gov); DHHS - [lynchjen@scdhhs.gov](mailto:lynchjen@scdhhs.gov) and [kostbr@scdhhs.gov](mailto:kostbr@scdhhs.gov); DSS - [Susan.Alford@dss.sc.gov](mailto:Susan.Alford@dss.sc.gov); Department of Corrections - [stirling.bryan@doc.sc.gov](mailto:stirling.bryan@doc.sc.gov)

Responses to online surveys posted on this Committee's webpage are provided verbatim as they are received. They are not the comments or expression of the House Legislative Oversight Committee, any of its members, or its staff.

On August 26, 2015, a motion was adopted for the House Oversight Committee to commence an investigation into the Department of Social Services, the Department of Health and Environmental Control, the Department of Health and Human Services, relationship with, funding of, and other activities relating to abortion facilities and other abortion providers in South Carolina.

- Requests to the Committee for an investigation
- Letter Appointing Ad Hoc Committee Members
- September 30, 2015 - Department of Health and Environmental Control Information for House Legislative Oversight Committee's Ad Hoc Committee
- September 30, 2015 - Department of Health and Environmental Control Information about Regulatory Oversight
- September 30, 2015 - Department of Health and Human Services Information for House Legislative Oversight Committee's Ad Hoc Committee
- May 2015 - Legislative Audit Council's Review of the Department of Health and Environmental Control's Regulation of Abortion Clinics
- September 30, 2015 - Ad Hoc Committee Letter to the Department of Health and Environmental Control informing the agency of the next meeting on November 12, 2015
- September 30, 2015 - Ad Hoc Committee letter to the Legislative Audit Council concluding LAC's involvement in the study
- September 30, 2015 - Ad Hoc Committee letter to the Department of Health and Human Services requesting additional information
- September 30, 2015 - Ad Hoc Committee letter to the Department of Social Services requesting additional information
- Extension of Deadline for Agencies to Provide Information to the Ad Hoc Committee
- Department of Health and Human Services' Response to Ad Hoc Committee request for additional information
- Department of Social Services' Response to Ad Hoc Committee request for additional information
- November 12, 2015 - Department of Health and Environmental Control Supplemental Information for House Legislative Oversight Committee's Ad Hoc Committee
- Handout from Department of Health and Human Services at November 12, 2015 meeting
- September 30, 2015 Meeting Minutes
- Department of Health and Human Services' Response to Second Request for Additional Information
- November 17, 2015 letter to Department of Corrections concluding their part in Other Study No. 1
- November 17, 2015 letter to DSS concluding their part in Other Study No. 1
- November 13, 2015 - Letter to DHEC requesting additional information
- November 13, 2015 - Letter to HHS requesting additional information
- November 20, 2015 - Letter from DHEC in response to LOC request for additional information
- Minutes from November 12, 2015 meeting
- December 1, 2015 letter to DHEC concluding its involvement in the study
- December 1, 2015 letter to HHS requesting additional information
- December 7, 2015 letter from Director Soura of DHHS
- December 14, 2015 - Letter to the Department of Social Services, the Department of Health and Environmental Control, the Department of Health and Human Services, and the Department of Corrections
- December 23, 2015 - Letter from Director Soura of DHHS

Visual Summary Figure 1. Snapshots of study information available online

Visual Summary Table 2. Overview of state agencies' relationship with, funding of, and other activities relating to Planned Parenthood facilities and other abortion providers in South Carolina

Agency	Relationship	Funding	Other Activities
<b>Department of Social Services</b>	There <b>are</b> not (1) state or federal statutes, (2) state or federal regulations, or (3) agency standard practices that require personnel at the agency to communicate about abortions with Planned Parenthood, or any other abortion providers in South Carolina.	<p>Agency does not receive any funding or monies related to abortions from Planned Parenthood or any other abortion providers in South Carolina.</p> <p>In supplemental material provided to the ad hoc committee on January 5, 2016, the agency indicated it "reviewed all of its vendor records since May 2010 and determined that no payments, for any services, were made by the agency to Planned Parenthood."</p> <p>During the January 11, 2016, meeting, an agency representative testified that funds which flow through the agency to the SC Campaign to Prevent Teen Pregnancy for pregnancy prevention services have not gone to Planned Parenthood or any other abortion providers.</p>	<p>None of the agency's activities directly relate to abortions at Planned Parenthood or any other abortion providers in South Carolina.</p> <p>Agency's activities which indirectly relate are those activities related to South Carolina laws on judicial bypass, a process which allows a minor to petition the court to obtain an abortion without parental consent. The process is set forth in South Carolina Code of Laws Section 44-41-32.</p> <p>Agency does not review records relating to how fetal remains are disposed of or donated. Further, an agency representative testified the agency was not aware of any evidence which indicates that fetal tissue was sold or donated.</p>
<b>Department of Health and Human Services</b>	There <b>are</b> (1) state or federal statutes, (2) state or federal regulations, and (3) agency standard practices that require personnel at the agency to communicate about abortions with Planned Parenthood, or other abortion providers in South Carolina.	<p>The agency (1) directly provides funding to Planned Parenthood or other abortion providers in South Carolina; (2) provides other funding that is intended to go toward Planned Parenthood or other abortion providers in South Carolina; and (3) provides other funding that, to the agency's knowledge, has a chance of going towards abortions at Planned Parenthood or other abortion providers in South Carolina.</p> <p>Payment for allowable claims is determined by the Medicaid fee schedule. Planned Parenthood enrolls and bills in the same manner as other providers.</p> <p>There were 29 abortions paid by Medicaid during the five-year period from FY 2011 through FY 2015 that met the standard set by the federal Hyde-Amendment. Four of these abortions arose because the pregnancy resulted from an act of rape or incest. The other 25 were conducted because the pregnancy placed the woman in danger of death unless the abortion was performed. None of these abortions were conducted at a Planned Parenthood facility.</p>	<p>There are agency activities that (1) directly and (2) indirectly relate to abortions at Planned Parenthood or other abortion providers in South Carolina.</p> <p>The agency indicated in its December 23, 2015, response that it had not encountered any evidence pertaining to an abortion provider's possible acceptance of reimbursements for the donation of fetal tissue.</p>
<b>Department of Health and Environmental Control</b>	There <b>are</b> (1) state or federal statutes, (2) state or federal regulations, and (3) agency standard practices that require personnel at the agency to communicate about abortions with Planned Parenthood, or other abortion providers in South Carolina.	<p>The agency receives funding or monies related to abortions at Planned Parenthood or other abortion providers in South Carolina.</p> <p>The agency does not (1) directly provide funding to Planned Parenthood or other abortion providers in South Carolina; (2) provide other funding that was intended to go toward Planned Parenthood or other abortion providers in South Carolina; or (3) provide other funding that, to the agency's knowledge, had a chance of going towards abortions at Planned Parenthood or other abortion providers in South Carolina.</p> <p>Costs to the agency to conduct a typical inspection of an abortion clinic is available online.</p> <p>The agency provided a final tally of the fees, fines, and penalties collected to date, and provided the purpose of each, along with information about the way in which the money was distributed, which is available online.</p> <p>In supplemental materials provided to the ad hoc committee on January 8, 2016, the agency stated it "does not provide any state funding to Planned Parenthood or any other abortion provider for pregnancy prevention or comprehensive health education instruction." Additionally, in these supplemental material the agency explained its obligations as part of a three-year Title X Federal grant totaling \$6,435,900 that supports the agency's family planning clinical services.</p>	<p>There are agency activities that (1) directly and (2) indirectly relate to abortions at Planned Parenthood or other abortion providers in South Carolina.</p> <p>The agency provided the ad hoc committee with a five-year history of the agency's interactions with Planned Parenthood.</p> <p>Previous inspections by the agency have not uncovered evidence of abortion clinics donating fetal tissue for medical research or any other reason or purpose.</p> <p>On May 6, 2015, the General Assembly's Legislative Audit Council published <a href="#">A Review of the S.C. Department of Health and Environmental Control's Regulation of Abortion Clinics</a>.</p>
<b>Department of Corrections</b>	Agency head testified the agency <b>does not</b> have a relationship with any abortion provider.	<p>Agency does not pay for any elective procedure for an inmate, including an abortion. However, 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.</p> <p>Agency does pay for an abortion if the procedure is deemed medically necessary, and thus part of the patient's healthcare needs in light of the Eighth Amendment to the United States Constitution.</p> <p>Agency representatives testified the agency has not provided state funding to Planned Parenthood.</p>	<p>Agency head testified there are not circumstances in which an agency employee would recommend that an inmate have an abortion.</p> <p>Agency does not review records relating to how fetal remains are disposed of or donated.</p>

Visual Summary Table 3: Summary of the ad hoc committee's recommendations<sup>1</sup>  
(See page 25 for more information about these recommendations.)

#1	• Add a provision in statute that makes it illegal to sell products of conception, but allows for the donation of such products for medical research without compensation and with the mother's written consent.
#2	• Require (1) abortion clinics and hospitals, including emergency rooms, to report to the agency post-operative complications arising as a result of an abortion procedure regardless of where the abortion was performed; (2) if the patient is willing to provide the information, the name of the abortion clinic or hospital which performed the initial abortion, and (3) the agency to use that reporting to collect and provide, by facility which performs the abortion, statistics on the number of post-operative complications reported.
#3	• Add a provision in statute to require that an ultrasound be performed prior to an abortion procedure to determine the gestational age of the fetus.
#4	• Require physicians performing any abortion to comply with requirements of the "Woman's Right to Know Act."
#5 & 6	• Add a requirement for some identifying information to be included in the abortion reports, which would allow the agency to utilize these reports, as necessary, to assist in investigating potential violations. • Add sanctions for failure to report this identifying information in a timely manner.
#7	• Add a provision in statute, which is already in regulation, limiting abortions that can be performed in an abortion clinic to those within 18 weeks of gestational age. Abortion clinics that are also licensed as ambulatory surgical facilities may perform abortion procedures on patients within 26 weeks of gestational age.



Visual Summary Figure 2. Testimony of agencies to ad hoc committee available online

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### House Legislative Oversight Committee

<b>Wm. Weston J. Newton, Chairman</b> Nathan Ballentine Mia S. McLeod Raye Felder Phyllis J. Henderson Walton J. McLeod Joshua A. Putnam Samuel Rivers, Jr. Tommy M. Stringer Bill Taylor	<b>Laurie Slade Funderburk, 1st V.C.</b> William K. "Bill" Bowers Gary E. Clary Kirkman Finlay, III Joseph H. Jefferson, Jr. Ralph W. Norman Robert L. Ridgeway, III James E. Smith, Jr. Edward R. "Eddie" Tallon, Sr. Robert Q. Williams
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**Scheduled Meetings** [Follow on Twitter](#)

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Date and Time	Meeting Title	Duration
Tuesday, December 1, 2015 10:00 am	Legislative Oversight Committee Ad Hoc Committee - Other Study No. 1	1:01:02
Thursday, November 12, 2015 10:00 am	Legislative Oversight Committee Ad Hoc Committee - Other Study No. 1	1:45:05
Wednesday, September 30, 2015 10:00 am	Legislative Oversight Committee Ad Hoc Committee - Other Study No. 1	2:56:13
Monday, January 11, 2016 10:00 am	Legislative Oversight Committee Ad Hoc Committee - Other Study No. 1	54:24

- Wednesday, September 30, 2015  
 10:00 a.m.
  - DSS begins at 10:30
  - DHHS begins at 23:44
  - LAC begins at 2:00:40
  - DHEC begins at 2:44:20
- Thursday, November 12, 2015  
 10:00 am
  - DHEC begins at 10:12
  - DSS begins at 1:02:00
  - DHHS begins at 1:08:03
  - DOC begins at 1:21:29
- Tuesday, December 1, 2015  
 10:00 am
  - DHEC begins at 10:00
  - DHHS begins at 51:50
- Monday, January 11, 2016 10:00 am
  - DHEC begins at 11:00
  - DHHS begins at 30:45
  - DOC begins at 40:00
  - DSS begins at 46:00
- Thursday, January 21, 2016  
 11:30 am
  - DHEC begins at 50:47
- Thursday, February 25, 2016  
 1:30 p.m.
  - DHEC begins at 10:36

**Figure Key:**

DSS: Department of Social Services  
 DHHS: Department of Health and Human Services  
 DHEC: Department of Health and Environmental Control  
 DOC: Department of Corrections

# UNSCHEDULED STUDY NO. 1 - BACKGROUND

## Foundation

The **South Carolina State Constitution** requires the General Assembly to provide for appropriate agencies in the areas of health, welfare, and safety and to determine their activities, powers, and duties.<sup>2</sup> Stated **public policy** provides that this “continuing and ongoing obligation of the General Assembly that is best addressed by periodic review of the programs of the agencies and their responsiveness to the needs of the state's citizens. . . .”<sup>3</sup> The periodic reviews are accomplished through the legislative oversight process.<sup>4</sup> Specific statutes relating to legislative oversight are included in South Carolina Code of Laws Section 2-2-5 *et seq.*

## Unscheduled Studies

A mechanism for undertaking an unscheduled study is included in South Carolina Code of Laws Section 2-2-40, which is set forth below.

### SECTION 2-2-40. Unscheduled oversight studies and investigations.

(A) In addition to the scheduled seven-year oversight studies and investigations, **a standing committee of the Senate or House of Representatives may initiate an oversight study and investigation of an agency within its subject matter jurisdiction.** The motion calling for the oversight study and investigation must state the subject matter and scope of the oversight study and investigation. The oversight study and investigation must not exceed the scope stated in the motion or the scope of the information uncovered by the investigation.

(B) Nothing in the provisions of this chapter prohibits or restricts the President Pro Tempore of the Senate, the Speaker of the House of Representatives, or chairmen of standing committees from fulfilling their constitutional obligations by authorizing and conducting legislative investigations into agencies' functions, duties, and activities. (Emphasis added)

The House Legislative Oversight Committee is a standing committee of the House of Representatives.<sup>5</sup> In Committee Rule 7.1, the Committee recognizes its duties, jurisdiction, and responsibilities as enumerated in South Carolina Code of Laws Section 2-2-5 *et seq.*<sup>6</sup>

## Information Considered

Oversight **studies must consider:** (1) the application, administration, execution, and effectiveness of **laws and programs;** (2) the **organization and operation of agencies;** and (3) any conditions or circumstances that may indicate the **necessity or desirability of enacting new or additional legislation.**<sup>7</sup> **Evidence or information relating to a study may be acquired by any lawful means,** including: serving a request for information on an agency; deposing witnesses; issuing subpoenas that require the production of documents; and, with certain exceptions, requiring the agency to prepare and submit a program evaluation report by a specified date.<sup>8</sup> Testimony given to the investigating committee must be under oath.<sup>9</sup> All witnesses are entitled to counsel, and they shall be given the benefit of any privilege which they may claim in court as a party to a civil action.<sup>10</sup> Certain criminal provisions are applicable during the legislative oversight process, including contempt of the General Assembly.<sup>11</sup>

# UNSCHEDULED STUDY NO. 1- ACTIONS

## House Legislative Oversight Committee's Actions

### *August 26, 2015 Meeting*

At the House Legislative Oversight Committee's (Committee) August 26, 2015, meeting, there was a discussion of requests for unscheduled oversight studies, which included a discussion of a mechanism for undertaking an unscheduled study as set forth in statute and Committee Rules.<sup>12</sup> An archived video of the meeting is available online as well as a copy of the minutes from the meeting.<sup>13</sup>

### *Requests for an Unscheduled Study*

Six House Members requested an investigation into the state's relationship, funding of, and other activities relating to Planned Parenthood's facilities and other abortion providers in South Carolina.<sup>14</sup> There were a combination of requests, and copies of the letters received by the Committee are available online.<sup>15</sup> Further it was noted that the Governor recently sent a request to the Department of Health and Environmental Control seeking an investigation into the policies and practices of abortion clinics.<sup>16</sup> Chairman Newton recognized the Honorable Donna C. Hicks to speak about her request that the Committee approve an unscheduled study.<sup>17</sup> The following Committee Members posed questions and/or made comments: the Honorable James E. Smith, Jr.; the Honorable Kirkman Finlay, III; the Honorable Walton McLeod; the Honorable Mia S. McLeod; the Honorable Tommy Stringer; the Honorable Raye Felder; the Honorable Bill Taylor; the Honorable Nathan Ballentine; the Honorable Gary E. Clary; the Honorable Ralph W. Norman; the Honorable Robert Q. Williams; the Honorable Edward R. Tallon; and the Honorable Wm. Weston J. Newton.<sup>18</sup>

### *Motion for an Unscheduled Study*

At the August 26, 2015, meeting, the Honorable Bill Taylor made a motion 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.<sup>19</sup> The following Committee Members posed questions and/or made comments relating to the motion: the Honorable Gary E. Clary; the Honorable Robert Q. Williams; the Honorable Edward R. Tallon; the Honorable Wm. Weston J. Newton; and the Honorable Nathan Ballentine.<sup>20</sup> The motion passed by a vote of nine to seven, with four not voting.<sup>21</sup> The voting record is set forth in Table 4 on the next page.

Table 4: Voting record excerpt from the Legislative Oversight Committee’s August 26, 2015, meeting minutes<sup>22</sup>

Motion for the House Legislative 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 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:	Yea	Nay	Not Voting
1. Nathan Ballentine	X		
2. William K. “Bill” Bowers		X	
3. Gary E. Clary	X		
4. Raye Felder	X		
5. Kirkman Finlay, III	X		
6. Laurie Slade Funderburk			Not Present
7. Phyllis Henderson			Not Present
8. Joseph H. Jefferson, Jr.		X	
9. Mia S. McLeod		X	
10. Walton J. McLeod		X	
11. Ralph W. Norman		X	
12. Joshua A. Putnam			Not Present
13. Robert L. Ridgeway, III			Present
14. Samuel Rivers, Jr.	X		
15. James E. Smith, Jr.		X	
16. Tommy M. Stringer	X		
17. Edward R. “Eddie” Tallon	X		
18. Bill Taylor	X		
19. Robert Q. Williams		X	
20. Wm. Weston J. Newton	X		

#### *Appointment of an Ad Hoc Committee*

On September 3, 2015, pursuant to Committee Rule 6.1, the following Committee members were appointed to an ad hoc committee to undertake the study as stated in the motion: the Honorable Nathan Ballentine; the Honorable Gary E. Clary; the Honorable Raye Felder; the Honorable Mia S. McLeod; the Honorable Walton J. McLeod; the Honorable Robert L. Ridgeway, III; the Honorable James E. Smith, Jr.; the Honorable Tommy M. Stringer; and the Honorable Bill Taylor.<sup>23</sup> Additionally, on this same date, pursuant to Committee Rule 6.2, the Honorable Gary E. Clary was appointed chair of the ad hoc committee.<sup>24</sup> A copy of the letter appointing the ad hoc committee and its chair is available online.<sup>25</sup>

#### **Ad Hoc Committee’s Actions**

The plan for the ad hoc committee, which is set forth in the Committee’s Standard Practices, and stated by Chairman Clary at the ad hoc committee meetings 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, conduct any additional investigation and vote on any Committee recommendations; and (4) submitting the Committee's study, with any recommendations, to the full Legislative Oversight Committee. Additionally, key dates of the study process are set forth in Visual Summary Table 1 on page 4.

## UNSCHEDULED STUDY NO. 1- AGENCY INFORMATION

### General Information

During its study, the ad hoc committee received information from the following: the Department of Social Services, Department of Health and Human Services, General Assembly's Legislative Audit Council, Department of Health and Environmental Control, and Department of Corrections. Information received from these agencies is available online. This section of the ad hoc committee study is a guide to the information posted online.<sup>26</sup>

### Department of Social Services

#### *Agency Representatives Providing Testimony*

The following representatives from the Department of Social Services (DSS) provided testimony to the ad hoc committee: Agency Director Susan Alford (September 30, 2015) and Director of Communications and Legislative Affairs Karen Wingo (November 12, 2015 and January 11, 2016).<sup>27</sup> Archived videos of testimony received by the ad hoc committee, as well as documents the ad hoc committee received from DSS, are available online.<sup>28</sup>

#### *Relationships*

On September 30, 2015, Director Alford testified on behalf of DSS. Director Alford testified there are no (1) state or federal statutes, (2) state or federal regulations, or (3) agency standard practices that require personnel at the agency to communicate about abortions with Planned Parenthood, or any other abortion providers in South Carolina.<sup>29</sup>

#### *Funding*

On September 30, 2015, Director Alford testified the agency does not receive any funding or monies related to abortions from Planned Parenthood or any other abortion providers in South Carolina.<sup>30</sup>

On the same date, Director Alford also testified the agency does not (1) directly provide any funding; (2) provide others funding that is intended to go toward; or (3) provide others funding that, to the agency's knowledge, has a chance of going towards abortions at Planned Parenthood or any other abortion providers in South Carolina.<sup>31</sup>

In supplemental material provided to the ad hoc committee on January 5, 2016, the agency indicated it "reviewed all of its vendor records since May 2010 and determined that no payments, for any services,

were made by the Agency to Planned Parenthood.”<sup>32</sup> Ms. Wingo provided the Committee with a brief overview of the agency’s written response during the January 11, 2016, meeting.<sup>33</sup>

During the January 11, 2016, meeting, Ms. Wingo testified that funds which flow through the agency to the SC Campaign to Prevent Teen Pregnancy for pregnancy prevention services have not gone to Planned Parenthood or any other abortion providers.<sup>34</sup>

#### *Other Activities, Including Judicial Bypass*

On September 30, 2015, Director Alford testified that none of the agency’s activities directly relate to abortions at Planned Parenthood or any other abortion providers in South Carolina.<sup>35</sup>

On the same date, Director Alford testified that there are agency activities that indirectly relate to abortions at Planned Parenthood or other abortion providers in South Carolina.<sup>36</sup> Director Alford explained, through her testimony, the agency’s activities which indirectly relate are those activities related to South Carolina laws on judicial bypass, a process which allows a minor to petition the court to obtain an abortion without parental consent.<sup>37</sup> The process is set forth in South Carolina Code of Laws Section 44-41-32.<sup>38</sup>

On October 23, 2015, the agency provided the Committee with additional information about the number of requests for judicial bypass received each of the last five years and the disposition of those cases; this information is available online.<sup>39</sup> The Department of Social Services obtained this information from the Court Administration of South Carolina on October 14, 2016.<sup>40</sup> Notably, filings for judicial bypass during this time period ranged from 15 in FY2013 to five in FY2012, and with regards to dispositions, the Department of Social Services noted that “the disposition count may be higher than the number of filings for judicial bypass in a fiscal year due to cases that may still be pending at the beginning or end of the fiscal year.”<sup>41</sup> On November 12, 2015, Ms. Wingo provided a summary of this information and was available to answer questions the ad hoc committee had about the information provided on October 23, 2015.<sup>42</sup>

A motion passed during the November 12, 2015, ad hoc committee meeting concluding the agency’s involvement in its study, unless, during the remainder of the study ad hoc committee members learned additional information for which they needed to follow up with the agency.<sup>43</sup>

On December 14, 2015, additional information was requested from this agency as well as other agencies that have been a part of the ad hoc committee study; the letter requesting additional information is available online.<sup>44</sup> The information requested included a question as to whether the agency’s relationship with abortion providers would allow the agency to ascertain provider acceptance of reimbursement for fetal tissue donation.<sup>45</sup> On January 11, 2016, Ms. Wingo testified the agency does not review records relating to how fetal remains are disposed of or donated.<sup>46</sup> Ms. Wingo further testified the agency was not aware of any evidence which indicates that fetal tissue was sold or donated.<sup>47</sup>

A motion passed during the January 11, 2016, ad hoc committee meeting concluding the agency’s involvement in its study, unless, during the remainder of the study ad hoc committee members learned additional information for which they needed to follow up with the agency.<sup>48</sup>

#### *Agency Information Provided to the Ad Hoc Committee Available Online*

The following information pertaining to the ad hoc committee’s study of the agency is available online:

- Link to agency website;
- Study contact information;
- September 30, 2015 - Ad Hoc Committee letter to the DSS requesting additional information;
- Extension of Deadline for Agencies to Provide Information to the Ad Hoc Committee;
- DSS' Response to Ad Hoc Committee request for additional information;
- December 14, 2015 - Letter to DSS seeking additional information;
- January 5, 2016 - DSS Response to request for additional information; and
- Link to videos of meetings at which the agency representatives testified, which include<sup>49</sup>:
  - Wednesday, September 30, 2015 - Legislative Oversight Committee Ad Hoc Committee - Other Study No. 1 - Agency begins at 10:30;
  - Thursday, November 12, 2015 - Legislative Oversight Ad Hoc Committee - Other Study No. 1 - Agency begins at 1:02:00; and
  - Monday, January 11, 2016 – Legislative Oversight Ad Hoc Committee – Other Study No. 1 – Agency begins at 46:00.

## Department of Health and Human Services

### *Agency Representative Providing Testimony*

Department of Health and Human Services' (DHHS) Director Christian Soura provided testimony to the ad hoc committee on September 30, 2015, November 12, 2015, and January 11, 2016.<sup>50</sup> General Counsel for DHHS, Byron Roberts, provided testimony to the ad hoc committee on December 1, 2015.<sup>51</sup> Archived videos of testimony received by the ad hoc committee, as well as documents the ad hoc committee received from DHHS, are available online.<sup>52</sup>

### *Relationships*

On September 30, 2015, Director Soura testified on behalf of DHHS.<sup>53</sup> Director Soura testified there are (1) state or federal statutes, (2) state or federal regulations, and (3) agency standard practices that require personnel at the agency to communicate about abortions with Planned Parenthood, or other abortion providers in South Carolina.<sup>54</sup> Director Soura explained these statutes, regulations, and agency standard practices through his testimony and a PowerPoint presentation.<sup>55</sup>

Director Soura's testimony provided information on federal oversight of Medicaid, including requirements for free choice of providers, abortion coverage under Medicaid, and federal guidelines on provider termination.<sup>56</sup> Notably, his testimony references abortions that meet the standard set by the "Hyde Amendment."<sup>57</sup> The Hyde Amendment is a provision included in federal appropriations bills in the past four decades, which limits circumstances in which the federal government requires Medicaid coverage for abortions; these circumstances include instances where the pregnancy places the woman in danger of death unless the abortion is performed or the pregnancy results from an act of rape or incest.<sup>58</sup> The Hyde Amendment is named for an Illinois lawmaker, Henry Hyde, who served in the United States House of Representatives from 1975 to 2007.<sup>59</sup>

## *Funding*

On September 30, 2015, Director Soura testified the agency receives funding or monies (e.g., recoupments from providers), related to abortions, from Planned Parenthood or other abortion providers in South Carolina.<sup>60</sup>

On the same date, Director Soura also testified the agency (1) directly provides funding to Planned Parenthood or other abortion providers in South Carolina; (2) provides other funding that is intended to go toward Planned Parenthood or other abortion providers in South Carolina; and (3) provides other funding that, to the agency's knowledge, has a chance of going towards abortions at Planned Parenthood or other abortion providers in South Carolina.<sup>61</sup> Director Soura explained the funding DHHS receives and provides through his testimony, PowerPoint presentation, and other documents available online.<sup>62</sup>

On October 23, 2015, the agency provided the Committee with the following information:

- Documentation that shows the investigation and final determination of the two potential abortions at Planned Parenthood paid through Medicaid, which were discovered by the agency on September 29, 2015;
- The number of abortions paid through Medicaid that were 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);
- A list of cities, counties, and zip codes in which the abortions paid through Medicaid during FY 2011 and through FY 2015 were performed based on the address of the provider; and
- The number of individuals under the age of seventeen who obtained abortions paid through Medicaid during FY 2011 through FY 2015.<sup>63</sup>

On November 12, 2015, Director Soura was available to answer questions about the information provided to the ad hoc committee on October 23, 2015.<sup>64</sup> Director Soura testified and provided information to the ad hoc committee about the stated reasons for Hyde-compliant Medicaid funded abortions which were tied to the life of the mother.<sup>65</sup>

Supplemental material provided to the ad hoc committee on November 16, 2015, which has been posted online, includes information on whether Hyde-compliant Medicaid funded abortions had been performed in inpatient or outpatient settings.<sup>66</sup>

On December 1, 2015, the agency's General Counsel was available to answer questions about the agency's response to the ad hoc committee's request for additional information.<sup>67</sup> During this meeting, a concern was expressed that one of the life-of-the-mother abortion cases identified in the agency's submission to the ad hoc committee was based on a medical diagnosis that related to the health of the fetus and not the mother.<sup>68</sup> Supplemental material provided by the agency on December 7, 2015, which is posted online, indicated the medical record for this case offered a more complete explanation which was deemed to have satisfied the Hyde Amendment test.<sup>69</sup>

In supplemental material provided to the ad hoc committee on December 23, 2015, the agency indicated that "[p]ayment for allowable claims is determined by the Medicaid fee schedule; Planned Parenthood



enrolls and bills in the same manner as other providers.”<sup>70</sup> Also, in these supplemental materials, the agency indicated:

The Department has a variety of systems and methods in place to detect, deter, and control waste, fraud, and abuse of the Medicaid program. These efforts are coordinated by our Program Integrity unit, but also involve the participation and support of the individual program areas and also other state agencies.

Ultimately, the Department pays abortion providers based on allowable claims submitted. We have an obligation to ensure that payments we make are appropriate, but in the absence of an active investigation, our legal authority does not generally extend to a point that would require or even likely allow the Department to monitor a provider’s subsequent decisions about how to account for its Medicaid reimbursements.<sup>71</sup>

The Department of Health and Human Services reviewed its records for the past five fiscal years. This review indicated<sup>72</sup>:

- There were 29 abortions paid by Medicaid during the five-year period from FY 2011 through FY 2015 that met the standard set by the Hyde-Amendment.
  - Four of these abortions arose because the pregnancy resulted from an act of rape or incest.
  - The other 25 were conducted because the pregnancy placed the woman in danger of death unless the abortion was performed.
- None of these abortions were conducted at a Planned Parenthood facility.

Additionally, the agency’s review of its records provides details on the number of abortions conducted by year, location of provider conducting the abortion, and age of the mother receiving the abortion. This information was provided by the agency in a letter to the ad hoc committee dated October 23, 2015, and notably, it corrected data provided in an earlier PowerPoint presentation to the ad hoc committee.<sup>a</sup>

Table 5. Details about abortions that meet the standard set by the federal Hyde-Amendment (Life of Mother) <sup>73</sup>

Life of Mother						
Year	2010-11	2011-12	2012-13	2013-14	2014-15	Total
Number of Abortions	6	10	3	4	2	25

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<sup>a</sup> Initial data from the Department of Health and Human Services (DHHS) indicated there were 222 beneficiaries appearing to have received a Medicaid-funding abortion during the five-year period from FY 2011 through FY 2015. (September 30, 2015, presentation from DHHS to ad hoc committee). This estimate was based on adding up all the encounters that had abortion-related ICD-9 codes as either the primary or secondary diagnosis. (October 23, 2015, letter from DHHS to ad hoc committee). DHHS looked further into these records and found the majority were either (1) a miscarriage instead of an abortion, or (2) Medicaid had paid for follow-up medical services after an abortion had been performed, even though the abortion itself had not been paid for through Medicaid. (October 23, 2015, letter from DHHS to ad hoc committee). Thus, further research demonstrated that the majority of the 222 instances initially reported were not actually Medicaid-funded abortions. (October 23, 2015, letter from DHHS to ad hoc committee).

Table 6. Details about abortions that meet the standard set by the federal Hyde-Amendment (Rape/Incest) <sup>74</sup>

Rape/Incest						
Year	2010-11	2011-12	2012-13	2013-14	2014-15	Total
Number of Abortions	2	0	1	1	0	4

Table 7. Location of provider for abortions that meet the standard set by the federal Hyde-Amendment (life of the mother or rape/incest) <sup>75</sup>

Location of Provider Conducting the Abortion			
Location	Charleston	Greenville	Total
Number of Abortions	21	7	28*
<i>*Information relating to the location of a provider conducting the abortion that could be used to identify specific individuals was redacted by the agency in its response to the ad hoc committee.</i>			

Table 8. Number of mothers under age 17 for abortions that meet the standard set by the federal Hyde-Amendment<sup>76</sup>

Age of Mother	
Under Age 17	8

### Other Activities

On September 30, 2015, Director Soura testified there are agency activities that (1) directly and (2) indirectly relate to abortions at Planned Parenthood or other abortion providers in South Carolina.<sup>77</sup> Director Soura explained the funding DHHS receives and provides through his testimony, PowerPoint presentation, and other documents available online.<sup>78</sup>

On December 14, 2015, additional information was requested from this agency as well as other agencies that have been a part of the ad hoc committee study; the letter requesting additional information is available online.<sup>79</sup> Information requested included a question as to whether the agency's relationship with abortion providers would allow the agency to ascertain provider acceptance of reimbursement for fetal tissue donation.<sup>80</sup> Notably, the agency indicated in its December 23, 2015, response that it had not encountered any evidence pertaining to an abortion provider's possible acceptance of reimbursements for the donation of fetal tissue.<sup>81</sup>

### Agency Information Provided to the Ad Hoc Committee Available Online

The following information pertaining to the ad hoc committee's study of the agency is available online:

- Link to agency website;
- Study contact information;
- September 30, 2015 - Department of Health and Human Services Information for House Legislative Oversight Committee's Ad Hoc Committee, including:
  - Federal Oversight of Medicaid
    - Free Choice of Providers

- Abortion Coverage Under Medicaid
  - Provider Relationships
    - The Legal Context
    - Federal Guidelines on Provider Termination
    - Examples of Provider Termination
  - Funding for Abortions/Planned Parenthood
    - Medicaid Funding for Abortion Services
    - Medicaid's Relationship with Planned Parenthood
    - Data Quality
  - Closing Thoughts
    - DHEC's Recent Actions
    - Ongoing Efforts
- September 30, 2015 - Ad Hoc Committee letter to the Department of Health and Human Services requesting additional information;
- Extension of Deadline for Agencies to Provide Information to the Ad Hoc Committee;
- Department of Health and Human Services' Response to Ad Hoc Committee request for additional information. This was received October 23, 2015 and includes:
  - Documentation which shows the investigation and final determination of the two potential abortions at Planned Parenthood paid through Medicaid which were discovered by the agency on September 29, 2015;
  - 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 abortions paid through Medicaid during FY 2011 and through FY 2015 were performed based on the address of the provider;
  - Number of individuals under the age of seventeen who have obtained abortions paid through Medicaid during FY 2011 through FY 2015;
- Handout from Department of Health and Human Services at November 12, 2015 meeting. This includes stated reasons for Hyde-compliant Medicaid funded abortions which were tied to the life of the mother;
- November 13, 2015 - Letter to DHHS requesting additional information;
- Department of Health and Human Services response to second request for additional information. This was received November 16, 2015 and includes whether Hyde-compliant Medicaid funded abortions had been performed in inpatient or outpatient settings;
- December 1, 2015 letter to DHHS requesting additional information. This included review of items the agency stated in prior documents were Hyde-compliant Medicaid funded abortions, in particular number 17, in which the reason recorded for the life of the mother was "multiple lethal anomalies, anhydromnios."
- December 7, 2015 letter from Director Soura of DHHS;
- December 14, 2015 - Letter to the Department of Health and Human Services seeking additional information;
- December 23, 2015 - Letter from Director Soura of DHHS; and
- Link to videos of meetings at which the agency representative testified, which include<sup>82</sup>:

- Wednesday, September 30, 2015 10:00 am - Legislative Oversight Committee Ad Hoc Committee - Other Study No. 1 - Agency begins at 23:44;
- Thursday, November 12, 2015 10:00 am - Legislative Oversight Committee Ad Hoc Committee - Other Study No. 1 - Agency begins at 1:08:03; and
- Tuesday, December 1, 2015 10:00 am - Legislative Oversight Committee Ad Hoc Committee - Other Study No. 1 - Agency begins at 51:50.
- Monday, January 11, 2016 10:00 am - Legislative Oversight Committee Ad Hoc Committee - Other Study No. 1 - Agency begins at 30:45.

## General Assembly's Legislative Audit Council (LAC)

### *Relevant Audit relating to the Department of Health and Environmental Control*

On May 29, 2013, LAC received a request for an audit relating to the Department of Health and Environmental Control's (DHEC) regulation of abortion clinics.<sup>83</sup> The Honorable Tommy Stringer, who serves on the ad hoc committee, was one of the members who requested the audit in 2013.<sup>84</sup> The LAC approved the audit on September 8, 2014.<sup>85</sup> Subsequently, on May 6, 2015, the LAC published A Review of the S.C. Department of Health and Environmental Control's Regulation of Abortion Clinics.<sup>86</sup> This LAC report is available online.<sup>87</sup>

### *LAC Representatives Providing Comments*

The following LAC representatives provided comments to the ad hoc committee about the relevant audit: Deputy Director Marcia Lindsay (September 30, 2015) and Senior Auditor John C. Kresslein (September 30, 2015).<sup>88</sup> An archived video of comments received by the ad hoc committee is available online.<sup>89</sup>

### *Relationships*

On September 30, 2015, Deputy Director Lindsay and Senior Auditor Kresslein commented that based on LAC's investigation, LAC was aware of (1) state or federal statutes, (2) state or federal regulations, and (3) agency standard practices at DHEC that required DHEC to communicate about abortions with Planned Parenthood and other abortion providers in South Carolina.<sup>90</sup>

### *Funding*

On September 30, 2015, Deputy Director Lindsay and Senior Auditor Kresslein commented that based on LAC's investigation, LAC was aware of funding or monies that DHEC received related to abortions at Planned Parenthood or other abortion providers in South Carolina.<sup>91</sup>

On the same date, Deputy Director Lindsay and Senior Auditor Kresslein commented that based on LAC's investigation, LAC did not know if DHEC directly provided any funding related to abortions at Planned Parenthood or other abortion providers in South Carolina.<sup>92</sup> Deputy Director Lindsay and Senior Auditor Kresslein also commented that based on LAC's investigation, LAC did not know if DHEC provided other individuals, agencies, or entities funding that was either intended, or that DHEC may or should have known, had a chance of going towards abortions at Planned Parenthood or other abortion providers in South Carolina.<sup>93</sup>

### *Other Activities*

On September 30, 2015, Deputy Director Lindsay and Senior Auditor Kresslein commented that, based on LAC's investigation, there were DHEC activities that directly related to abortions at Planned Parenthood or other abortion providers in South Carolina.<sup>94</sup>

On the same date, Deputy Director Lindsay and Senior Auditor Kresslein also commented that, based on LAC's investigation, LAC was not aware of DHEC activities that indirectly related to abortions at Planned Parenthood or other abortion providers in South Carolina.<sup>95</sup>

### *LAC Information Provided to the Ad Hoc Committee Available Online*

The following information pertaining to the ad hoc committee's study is available online:

- May 2015 - Legislative Audit Council's Review of the Department of Health and Environmental Control's Regulation of Abortion Clinics; and
- Link to videos of meetings at which the LAC representatives commented, which include:<sup>96</sup>
  - Wednesday, September 30, 2015 10:00 am - Legislative Oversight Committee Ad Hoc Committee - Other Study No. 1 - Agency begins at 2:00:40.

## **Department of Health and Environmental Control (DHEC)**

### *Agency Representative Providing Testimony*

Agency Director Catherine Heigel provided testimony to the ad hoc committee on September 30, 2015, November 12, 2015, December 1, 2015, January 11, 2016, and February 25, 2016.<sup>97</sup> Shelly Kelly, the agency's Director of Health Regulation, provided testimony to the ad hoc committee on December 1, 2015.<sup>98</sup> Katherine Phillips, the agency's Director of Legislative Affairs, provided testimony to the ad hoc committee on January 21, 2016.<sup>99</sup> Archived videos of testimony received by the ad hoc committee, as well as documents the ad hoc committee received from DHEC, are available online.<sup>100</sup>

### *Agency's Response to the Legislative Audit Council Review*

Agency Director Heigel provided testimony to the ad hoc committee on September 30, 2015, which focused on the agency's response to the Legislative Audit Council's review.<sup>101</sup> In supplemental materials provided to the ad hoc committee on November 12, 2015, which are posted online, Director Heigel provided the ad hoc committee with a copy of a November 2, 2015, correspondence to the Director of the Legislative Audit Council; this correspondence was the formal position of the agency in response to the LAC audit dated May 2015.<sup>102</sup>

### *Relationships*

On November 12, 2015, Director Heigel provided a summary of actions the agency had taken since the September 30, 2015 meeting, which Director Heigel testified will allow DHEC to be better able to fulfill its statutory charge.<sup>103</sup>

Additionally, Director Heigel testified there are (1) state or federal statutes, (2) state or federal regulations, and (3) agency standard practices that require personnel at the agency to communicate about abortions with Planned Parenthood, or other abortion providers in South Carolina.<sup>104</sup> Director Heigel explained these statutes, regulations, and agency practices through her testimony.<sup>105</sup>

In supplemental materials provided to the ad hoc committee on November 20, 2015, which are posted online, Director Heigel provided additional information pertaining to the regulation of abortion clinics.<sup>106</sup>

### *Funding*

On November 12, 2015, Director Heigel testified the agency receives funding or monies related to abortions at Planned Parenthood or other abortion providers in South Carolina.<sup>107</sup>

On the same date, Director Heigel also testified the agency did not (1) directly provide funding to Planned Parenthood or other abortion providers in South Carolina; (2) provide other funding that was intended to go toward Planned Parenthood or other abortion providers in South Carolina; or (3) provide other funding that, to the agency's knowledge, had a chance of going towards abortions at Planned Parenthood or other abortion providers in South Carolina.<sup>108</sup>

In supplemental materials provided to the ad hoc committee on November 20, 2015, which are posted online, Director Heigel provided additional information about the costs to the agency to conduct a typical inspection of an abortion clinic.<sup>109</sup>

In supplemental materials provided to the ad hoc committee on the same date, which are posted online, the agency provided a final tally of the fees, fines, and penalties collected to date, and provided the purpose of each, along with information about the way in which the money was distributed.<sup>110</sup>

In supplemental materials provided to the ad hoc committee on January 8, 2016, the agency stated it "does not provide any state funding to Planned Parenthood or any other abortion provider for pregnancy prevention or comprehensive health education instruction."<sup>111</sup> Additionally, in these supplemental material the agency explained its obligations as part of a three-year Title X Federal grant totaling \$6,435,900 that supports the agency's family planning clinical services as well as provided a five-year history of the agency's interactions with Planned Parenthood.<sup>112</sup>

### *Other Activities*

On November 12, 2015, Director Heigel testified there were agency activities that (1) directly and (2) indirectly related to abortions at Planned Parenthood or other abortion providers in South Carolina.<sup>113</sup> Director Heigel explained these activities through her testimony and the documentation provided by the agency.<sup>114</sup>

On November 20, 2015, Director Heigel provided the ad hoc committee with additional information relating to postoperative complications.<sup>115</sup>

On December 14, 2015, additional information was requested from this agency as well as other agencies that have been a part of the ad hoc committee study; the letter requesting additional information is available online.<sup>116</sup> Information requested included a question as to whether the agency's relationship with abortion providers would allow the agency to ascertain provider acceptance of reimbursement for

fetal tissue donation.<sup>117</sup> The agency provided a written response on January 8, 2016, which has been posted online.<sup>118</sup> Notably, the agency's response indicated "previous [DHEC] inspections have not uncovered evidence of abortion clinics donating fetal tissue for medical research or any other reason or purpose."<sup>119</sup>

*Agency Information Provided to the Ad Hoc Committee Available Online*

The following information pertaining to the ad hoc committee's study is available online:

- September 30, 2015 - Department of Health and Environmental Control Information for House Legislative Oversight Committee's Ad Hoc Committee. The Table of Contents for this information includes:
  1. DHEC's Response to the LAC Report
  2. Status of DHEC's Implementation of the LAC Recommendations
  3. Governor Haley's Letter to DHEC
  4. DHEC's Response to Governor Haley's Letter
  5. Attorney General Wilson's Letter to DHEC
  6. DHEC's Response to Attorney General Wilson's Letter
  7. Abortion Clinic Investigation Project Plan
  8. Abortion Clinic Investigation Process Summary
  9. Licensing Reports and Administrative Order- Planned Parenthood of South Atlantic
  10. Licensing Reports and Administrative Order- Greenville Women's Clinic
  11. Licensing Reports- Charleston Women's Medical Center
  12. Infectious Waste Inspection Report and NOAV- Planned Parenthood of South Atlantic
  13. Infectious Waste Inspection Report and NOAV- Greenville Women's Clinic
  14. Infectious Waste Inspection Report and NOAV- Charleston Women's Clinic
  15. Infectious Waste NOAV's- Ecomed Solutions d/b/a Medsharps and Stericycle
  16. Plan of Correction- Greenville Women's Clinic- Routine Report
  17. Plan of Correction- Greenville Women's Clinic- Investigation Report
  18. Request for Final Review Filed by Planned Parenthood South Atlantic
  19. Bureau of Health Facilities Licensing- Standard Operating Procedures for General Inspections and Investigations of Abortion Facilities
  20. Notice of Drafting- DHEC Regulation 61-12-Standards for Licensing Abortion Clinics
  21. Summary of DHEC Program Areas, Statutes, and Regulations Related to Abortion Facilities
  22. Statistics on Abortions for 2013 and 2014 and Sample Reporting Form
  23. Resources for Pregnant Women
  24. Fees Collected by DHEC for 2011 to 2015
  25. Bureau of Land and Waste Management- Standard Operating Procedure Manual for Infectious Waste Program
- September 30, 2015 - Department of Health and Environmental Control Information about Regulatory Oversight. This information includes:
  - Health Facilities Licensing
  - Waste Disposal
  - Drug Control
  - Additional Interaction
    - Collecting and Reporting Statistics
    - Family Planning Information and Referral Services

- November 12, 2015 - Department of Health and Environmental Control Supplemental Information for House Legislative Oversight Committee's Ad Hoc Committee. The Supplemental Table of Contents for this information includes:
  1. Director Catherine Heigel's Nov. 2015 Response to LAC Report
  2. Summary of DHEC Interactions with Planned Parenthood 2010- present
    - 2 A. Supplemental Infectious Waste Program Documents Referenced in Summary
    - 2 B. Supplemental Health Licensing Program Documents Referenced in Summary
  3. Updated Fines and Fees Collected by DHEC for 2011 to 2015
  4. Recent Proposed Consent Orders issued by DHEC Infectious Waste Program
  5. Updated Clinic Responses to DHEC Administrative Orders
    - 5 A. Planned Parenthood Plans of Correction
    - 5 B. Planned Parenthood Proof of Training
    - 5 C. Planned Parenthood Request for Reconsideration, Withdrawal of Request for Reconsideration
    - 5 D. Planned Parenthood Request for Review, Withdrawal of Request for Review
    - 5 E. Planned Parenthood, Letter Confirming Compliance with Administrative Order.<sup>120</sup>
- November 13, 2015 - Letter to DHEC requesting additional information;
- November 20, 2015 - Letter from DHEC in response to LOC request for additional information. The information addresses the following questions posed by members of the Committee:
  1. Is an abortion clinic considered an outpatient surgery center, and if not, what type of entity is it considered by the agency for regulation purposes?
  2. What is the actual cost to the agency to conduct a typical inspection of an abortion clinic?
  3. Do the inspection fees, not considering fines or penalties, collected by the agency from an abortion clinic cover the actual cost to the agency for a typical inspection?
  4. If the actual cost to conduct a typical inspection is less than the inspection fee collected, will the agency seek an increase in the inspection fee so that it covers the actual cost?
  5. Please provide a final tally of the fees, fines, and penalties collected to date and what each fee, fine, and penalty is for.
  6. When the agency collects fines and penalties, how is the money distributed? Specifically, are the funds obtained from fines and fees held in a particular agency department, or may they be used generally by the agency?
  7. Please provide a copy of any postoperative instructions provided to patients advising them how to handle potential operation complications.
  8. Please provide any available data relating to postoperative complications, including, but not limited to, abortion complications in hospitals and abortion clinics. Is this an area in which the agency currently has regulatory authority, or an area in which the agency could propose regulation changes which would allow for collection of this information?
- December 14, 2015 - Letter to the Department of Health and Environmental Control seeking additional information;
- December 14, 2015 – ASF (Ambulatory Surgical Facility) Abortion Clinic Summary Comparison. The summary explained DHEC regulations relating to ASFs;
- January 8, 2016 – Letter from DHEC in response to LOC request for additional information;
- January 12, 2016 – Letter concluding DHEC participation in the study;
- February 24, 2016 - Agency letter to the ad hoc committee; and
- Link to videos of meetings at which the agency representatives testified, which include<sup>121</sup>:
  - Wednesday, September 30, 2015 10:00 am - Legislative Oversight Committee Ad Hoc Committee - Other Study No. 1 - Agency begins at 2:44:20;



- Thursday, November 12, 2015 10:00 am - Legislative Oversight Committee Ad Hoc Committee - Other Study No. 1 - Agency begins at 10:12;
- Tuesday, December 1, 2015 10:00 am - Legislative Oversight Committee Ad Hoc Committee - Other Study No. 1 - Agency begins at 10:00; and
- Monday, January 11, 2016 10:00 am – Legislative Oversight Committee Ad Hoc Committee - Other Study No. 1 – Agency begins at 11:00.
- Thursday, January 21, 2016 11:30 a.m. -Legislative Oversight Committee Ad Hoc Committee - Other Study No. 1 – Agency begins at 50:47.
- Thursday, February 25, 2016 1:30 p.m. - Legislative Oversight Committee Ad Hoc Committee - Other Study No. 1 – Agency begins at 10:36.

## Department of Corrections (DOC)

### *Agency Representative Providing Testimony*

Agency Director Bryan Stirling provided testimony to the ad hoc committee on November 12, 2015, and January 11, 2016.<sup>122</sup> Archived videos of testimony received by the ad hoc committee, as well as documents the ad hoc committee received from DOC, are available online.<sup>123</sup>

### *Relationships, Funding, and Other Activities*

On November 12, 2015, Director Stirling testified to the following:<sup>124</sup>

- The DOC does not pay for any elective procedure, including an abortion;
- 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; and
- The DOC does pay for an abortion if the procedure is deemed medically necessary, and thus part of the patient's healthcare needs in light of the Eighth Amendment to the United States Constitution.

In supplemental materials provided to the ad hoc committee on January 7, 2016, and in testimony to the ad hoc committee by Director Stirling on January 11, 2016, the agency testified to the following: (1) it does not have a relationship with any abortion provider; (2) it has not provided state funding to Planned Parenthood; (3) it does not review records relating to how fetal remains are disposed of or donated; and (4) there were not circumstances in which an agency employee would recommend that an inmate have an abortion.<sup>125</sup>

### *Agency Information Provided to the Ad Hoc Committee Available Online*

The following information pertaining to the ad hoc committee's study is available online:

- December 14, 2015 - Letter to the Department of Corrections seeking additional information.
- January 7, 2016 – Letter from DOC in response to LOC request for additional information;
- January 12, 2016 – Letter concluding DOC participation in the study; and
- Link to videos of meetings at which the agency representatives testified, which include:<sup>126</sup>
  - Thursday, November 12, 2015 10:00 am - Legislative Oversight Committee Ad Hoc Committee - Other Study No. 1 - Agency begins at 1:21:29; and

- Monday, January 11, 2016, 10:00 a.m. - Legislative Oversight Committee Ad Hoc Committee - Other Study No. 1 - Agency begins at 40:00.

## RECOMMENDATIONS

### Agencies' Recommendations

At the January 11, 2016, ad hoc committee meeting, agencies were asked if they had any recommendations for improvement of existing laws.<sup>127</sup>

The following agencies did not provide any recommendations to the ad hoc committee: Department of Social Services, Department of Health and Human Services, and Department of Corrections.<sup>128</sup>

Director Heigel with the Department of Health and Environmental Control stated the agency's intention to move forward with regulatory changes as a result of the Legislative Audit Council report.<sup>129</sup> Director Heigel provided the Committee recommendations, and she noted the recommendations are from a perspective of how to make it easier for the agency to regulate and promote the public health.<sup>130</sup> At the February 25, 2016, ad hoc committee meeting, Director Heigel made clarifying remarks about the agency's recommendations.<sup>131</sup>

### Ad Hoc Committee's Recommendations

*(See page 7 for a summary of these recommendations.)*

The following conceptual recommendations have been adopted by the ad hoc committee for inclusion in this study:<sup>132</sup>

#### Recommendation # 1

- Add a provision in statute that makes it illegal to sell products of conception, but allows for the donation of such products for medical research without compensation and with the mother's written consent.

Testimony received at the February 25, 2016, ad hoc committee meeting clarified that the agency's recommendation provided on January 11, 2016, was for adding a provision in statute that makes it illegal to sell or donate products of conception for reimbursement.<sup>133</sup>

Table 9. Voting record excerpt from the ad hoc committee's January 21, 2016, meeting minutes<sup>134</sup>

<b>Rep. Felder's Motion</b> for the study to include a recommendation to include a recommendation to add a provision in statute which makes it illegal to sell products of conception but allow donation for medical research without compensation and with the mother's written consent:	<b>Yea</b>	<b>Nay</b>	<b>Not Voting</b>
Rep. Nathan Ballentine		X	
Rep. Raye Felder	X		
Rep. Mia S. McLeod			Not Present
Rep. Walton J. McLeod	X		
Rep. Robert L. Ridgeway, III	X		
Rep. James E. Smith, Jr.			Not Present
Rep. Tommy M. Stringer		X	
Rep. Bill Taylor		X	
Chairman Gary E. Clary	X		

## Recommendation # 2

- Require (1) abortion clinics and hospitals, including emergency rooms, to report to the agency post-operative complications arising as a result of an abortion procedure regardless of where the abortion was performed; (2) if the patient is willing to provide the information, the name of the abortion clinic or hospital which performed the initial abortion, and (3) the agency to use that reporting to collect and provide, by facility which performs the abortion, statistics on the number of post-operative complications reported.

Testimony received at the February 25, 2016, ad hoc committee meeting noted this was an extension of the requirement to hospitals. Additionally, testimony received at the February 25, 2016, ad hoc committee meeting noted the agency does not have any such reports from abortion clinics, and noted there is a concern that some patients may not follow up with an abortion clinic.<sup>135</sup>

Table 10. Voting record excerpt from the ad hoc committee's January 21, 2016, meeting minutes<sup>136</sup>

<b>Rep. Taylor's Motion</b> for the study to include a recommendation which requires: (1) abortion clinics and hospitals, including emergency rooms, to report to the agency post-operative complications arising as a result of an abortion procedure regardless of where the abortion was performed; (2) if the patient is willing to provide the information, the name of the abortion clinic or hospital which performed the initial abortion, and (3) the agency to use that reporting to collect and provide, by facility which performs the abortion, statistics on the number of post-operative complications reported:	<b>Yea</b>	<b>Nay</b>	<b>Not Voting</b>
Rep. Nathan Ballentine	X		
Rep. Raye Felder	X		
Rep. Mia S. McLeod			Not Present
Rep. Walton J. McLeod	X		
Rep. Robert L. Ridgeway, III	X		
Rep. James E. Smith, Jr.			Not Present
Rep. Tommy M. Stringer	X		
Rep. Bill Taylor	X		
Chairman Gary E. Clary	X		

#### Recommendation # 3

- Add a provision in statute to require that an ultrasound be performed prior to an abortion procedure to determine the gestational age of the fetus.

Table 11. Voting record excerpt from the ad hoc committee's January 21, 2016, meeting minutes<sup>137</sup>

<b>Rep. Stringer's Motion</b> for the study to include a recommendation to add a provision to require that an ultrasound be performed prior to an abortion procedure to determine the gestational age of the fetus	<b>Yea</b>	<b>Nay</b>	<b>Not Voting</b>
Rep. Nathan Ballentine	X		
Rep. Raye Felder	X		
Rep. Mia S. McLeod			Not Present
Rep. Walton J. McLeod	X		
Rep. Robert L. Ridgeway, III	X		
Rep. James E. Smith, Jr.			Not Present
Rep. Tommy M. Stringer	X		
Rep. Bill Taylor			
Chairman Gary E. Clary	X		

#### Recommendation # 4

- Require physicians performing any abortion to comply with requirements of the "Woman's Right to Know Act."<sup>138</sup>

Table 12. Voting record excerpt from the ad hoc committee’s January 21, 2016, meeting minutes<sup>139</sup>

<b>Rep. Felder’s Motion</b> for the study to include a recommendation requiring physicians performing any abortion to comply with requirements of the “Woman’s Right to Know Act”	<b>Yea</b>	<b>Nay</b>	<b>Not Voting</b>
Rep. Nathan Ballentine	X		
Rep. Raye Felder	X		
Rep. Mia S. McLeod			Not Present
Rep. Walton J. McLeod	X		
Rep. Robert L. Ridgeway, III	X		
Rep. James E. Smith, Jr.			Not Present
Rep. Tommy M. Stringer	X		
Rep. Bill Taylor	X		
Chairman Gary E. Clary	X		

#### Recommendation # 5

- Add a requirement for some identifying information to be included in the abortion reports, which would allow the agency to utilize these reports, as necessary, to assist in investigating potential violations.

Testimony received at the February 25, 2016 ad hoc committee meeting noted the agency was not seeking to add any personally identifiable information. An example was given that a chart number would facilitate the agency’s inspections and allow for cross checks with field inspections. It was further noted the Legislative Audit Council’s recommendation to ensure that the number of procedures performed align with the number of procedures reported to the agency.<sup>140</sup>

Table 13. Voting record excerpt from the ad hoc committee’s January 21, 2016, meeting minutes<sup>141</sup>

<b>Rep. Taylor’s Motion</b> for the study to include a recommendation to add a requirement for some identifying information to be included in the abortion reports, which would allow the agency to utilize these reports, as necessary, to assist in investigating potential violations	<b>Yea</b>	<b>Nay</b>	<b>Not Voting</b>
Rep. Nathan Ballentine	X		
Rep. Raye Felder	X		
Rep. Mia S. McLeod			Not Present
Rep. Walton J. McLeod		X	
Rep. Robert L. Ridgeway, III	X		
Rep. James E. Smith, Jr.			Not Present
Rep. Tommy M. Stringer	X		
Rep. Bill Taylor			Not Present
Chairman Gary E. Clary	X		

## Recommendation # 6

- Add sanctions for failure to report this identifying information in a timely manner.

Table 14. Voting record excerpt from the ad hoc committee's January 21, 2016, meeting minutes<sup>142</sup>

Rep. Felder's Motion for the study to include a recommendation to add sanctions for failure to report this identifying information in a timely manner	Yea	Nay	Not Voting
Rep. Nathan Ballentine	X		
Rep. Raye Felder	X		
Rep. Mia S. McLeod			Not Present
Rep. Walton J. McLeod	X		
Rep. Robert L. Ridgeway, III	X		
Rep. James E. Smith, Jr.			Not Present
Rep. Tommy M. Stringer	X		
Rep. Bill Taylor	X		
Chairman Gary E. Clary	X		

## Recommendation # 7

- Add a provision in statute limiting abortions that can be performed in an abortion clinic to those within 18 weeks of gestational age. Abortion clinics that are also licensed as ambulatory surgical facilities may perform abortion procedures on patients within 26 weeks of gestational age.

The agency notes in its February 24, 2016 letter to the ad hoc committee that "[a]s used in this recommendation, gestational age correlates with LMP, [last menstrual period], and can best be confirmed with use of an ultrasound."<sup>143</sup> Additionally, testimony received at the February 25, 2016, ad hoc committee meeting noted this is the current law as expressed in Regulation 61-12, Section 302, and clarified the agency's recommendation was to have this expressed in statute as well.<sup>144</sup> Additionally, the ad hoc committee requested and received an Attorney General Opinion relating to this issue.<sup>145</sup>

Table 15. Voting record excerpt from the ad hoc committee’s February 25, 2016, meeting minutes<sup>146</sup>

Rep. Ridgeway’s Motion to technically amend the language of this recommendation: “Limiting abortions that can be performed in an abortion clinic to those within eighteen week <del>from</del> <u>of</u> gestational age. Abortion clinics that are also licensed as ambulatory surgical facilities may perform abortion procedures on patients within 26 weeks <del>from</del> <u>of</u> gestational age.” (Note the motion for the adoption of the recommendation made by the agency was made by Representative Stringer.):	Yea	Nay	Not Voting
Rep. Nathan Ballentine			Not Present
Rep. Raye Felder	X		
Rep. Mia S. McLeod	X		
Rep. Walton J. McLeod	X		
Rep. Robert L. Ridgeway, III	X		
Rep. James E. Smith, Jr.			Not Present
Rep. Tommy M. Stringer	X		
Rep. Bill Taylor	X		
Chair Gary E. Clary	X		

## ENDNOTES

<sup>1</sup> These recommendations are conceptual.

<sup>2</sup> *SC Constitution*, art. XII, sec. 1. The full text of the SC Constitution is available on the SC General Assembly’s website, “SC Constitution,” <http://www.scstatehouse.gov/scconstitution/scconst.php> (last accessed July 27, 2015).

<sup>3</sup> *SC Code of Laws*, sec. 2-2-5. The full text of the unannotated version of the SC Code of Laws is available on the SC General Assembly’s website, “Code of Laws,” under “South Carolina Law,” <http://www.scstatehouse.gov/code/statmast.php> (last accessed January 27, 2016).

<sup>4</sup> *Ibid.*

<sup>5</sup> SC House of Representatives, Rule 4.3 of the House of Representatives. The full text of all Rules of the SC House of Representatives is available on the SC General Assembly’s website, “House Rules,” under “House,” and then under “Rules,” <http://www.scstatehouse.gov/housepage/HouseRules2015.pdf> (last accessed January 27, 2016).

<sup>6</sup> SC House of Representatives, Legislative Oversight Committee, “Rule 7.1,” under “Citizens’ Interest,” under “House Legislative Oversight Committee postings and Reports,” and under “Committee Rules,” <http://www.scstatehouse.gov/committeefinfo/HouseLegislativeOversightCommittee/R1.pdf> (last accessed January 27, 2016).

<sup>7</sup> *SC Code of Laws*, sec. 2-2-20(C).

<sup>8</sup> *SC Code of Laws*, sec. 2-2-50.

<sup>9</sup> *SC Code of Laws*, sec. 2-2-70.

<sup>10</sup> *SC Code of Laws*, sec. 2-2-80 and sec. 2-2-90.

<sup>11</sup> *SC Code of Laws*, sec. 2-2-100 through 120.

<sup>12</sup> SC House of Representatives, House Legislative Oversight Committee, “August 26, 2015 Meeting Minutes,” under “Citizens’ Interest,” under “House Legislative Oversight Committee Postings and Reports,” and under “Full Committee Minutes,” <http://www.scstatehouse.gov/committeefinfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/August262015.pdf> (last accessed January 27, 2016). Video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>.

<sup>13</sup> *Ibid.*

<sup>14</sup> A request was received from the Honorable Garry R. Smith on July 21, 2015. A request was received from the Honorable Donna C. Hicks; the Honorable Greg Delleney, Jr.; the Honorable Craig A. Gagnon; the Honorable Anne J. Thayer; and the Honorable Doug Brannon on July 30, 2015.

<sup>15</sup> SC House of Representatives, House Legislative Oversight Committee, “Requests to the Committee for an investigation,” under “Citizens’ Interest,” under “House Legislative Oversight Committee Postings and Reports,” and under “Other Study #1,” <http://www.scstatehouse.gov/committeefinfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1/Requests%20to%20Legislative%20Oversight%20Committee.pdf> (last accessed January 27, 2016).

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<sup>16</sup> A copy of the Governor's letter is available online as part of materials provided to the ad hoc committee by the SC Department of Health and Environmental Control. SC House of Representatives, House Legislative Oversight Committee, "Requests to the Committee for an investigation," under "Citizens' Interest," under "House Legislative Oversight Committee Postings and Reports," under "Other Study #1," and under "September 30, 2015 - Department of Health and Environmental Control Information for House Legislative Oversight Committee's Ad Hoc Committee," <http://www.scstatehouse.gov/committeefinfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1/September302015Meeting/DHEC20150930InitialBook.pdf> (last accessed January 27, 2016).

<sup>17</sup> SC House of Representatives, House Legislative Oversight Committee, *August 26, 2015 Meeting Minutes*.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> SC House of Representatives, House Legislative Oversight Committee, "Letter Appointing Ad Hoc Committee Members," under "Citizens' Interest," under "House Legislative Oversight Committee Postings and Reports," under "Other Study #1," <http://www.scstatehouse.gov/committeefinfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1/LetterAppointingAdHocCommitteeMembers.pdf> (last accessed January 27, 2016).

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Minutes for the following ad hoc committee meetings are available online: September 30, 2015; November 12, 2015; December 1, 2015; January 11, 2016, January 21, 2016, and February 25, 2016. SC House of Representatives, House Legislative Oversight Committee "Citizens' Interest," under "House Legislative Oversight Committee Postings and Reports," under "Other Study #1," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1.php> (last accessed February 12, 2016). Videos of meetings are available at <http://www.scstatehouse.gov/video/videofeed.php>.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> SC House of Representatives, House Legislative Oversight Committee, *September 30, 2015 Ad Hoc Committee Meeting Minutes*.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> SC House of Representatives, House Legislative Oversight Committee, *January 11, 2016 Ad Hoc Committee Meeting Minutes*.

<sup>33</sup> Ibid.

<sup>34</sup> SC House of Representatives, House Legislative Oversight Committee, "January 5, 2016 - DSS Response to Request for Additional Information," under "Citizens' Interest," under "House Legislative Oversight Committee Postings and Reports," and under "Other Study #1," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1/DSS%20Response%20to%20Dec.%2014%20Letter%20Requesting%20More%20Information%20-%20Redacted.PDF> (last accessed February 1, 2016).

<sup>35</sup> SC House of Representatives, House Legislative Oversight Committee, *September 30, 2015 Ad Hoc Committee Meeting Minutes*.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> *SC Code of Laws*, sec. 44-41-32.

<sup>39</sup> SC House of Representatives, House Legislative Oversight Committee, "Department of Social Services' Response to Ad Hoc Committee request for additional information," under "Citizens' Interest," under "House Legislative Oversight Committee Postings and Reports," and under "Other Study #1," <http://www.scstatehouse.gov/committeefinfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1/October232015/October%2023,%202015%20DSS%20Response%20-%20Ad%20Hoc%20Committee.pdf> (last accessed January 27, 2016).

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> SC House of Representatives, House Legislative Oversight Committee, *November 12, 2015 Ad Hoc Committee Meeting Minutes*.

<sup>43</sup> Ibid.

<sup>44</sup> SC House of Representatives, House Legislative Oversight Committee, "December 14, 2015 -Letter to the Department of Social Services, the Department of Health and Environmental Control, the Department of Health and Human Services, and the Department of Corrections," under "Citizens' Interest," under "House Legislative Oversight Committee Postings and Reports," and under "Other Study #1," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1.php> (last accessed January 25, 2016).

<sup>45</sup> Ibid.

<sup>46</sup> SC House of Representatives, House Legislative Oversight Committee, *January 11, 2016 Ad Hoc Committee Meeting Minutes*.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> SC House of Representatives, House Legislative Oversight Committee, under "Video Archives," <http://scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>.

<sup>50</sup> SC House of Representatives, House Legislative Oversight Committee, *September 30, 2015 Ad Hoc Committee Meeting Minutes*. SC House of Representatives, House Legislative Oversight Committee, *November 12, 2015 Ad Hoc Committee Meeting Minutes*. SC House of Representatives, House Legislative Oversight Committee, *January 11, 2016 Ad Hoc Committee Meeting Minutes*.

<sup>51</sup> SC House of Representatives, House Legislative Oversight Committee, *December 1, 2015 Ad Hoc Committee Meeting Minutes*.

<sup>52</sup> SC House of Representatives, House Legislative Oversight Committee under "Citizens' Interest," under "House Legislative Oversight Committee Postings and Reports," and under "Other Study #1" <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1.php> (last accessed February 27, 2016).



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<sup>53</sup> SC House of Representatives, House Legislative Oversight Committee, *September 30, 2015 Ad Hoc Committee Meeting Minutes*.

<sup>54</sup> *Ibid.*

<sup>55</sup> *Ibid.*

<sup>56</sup> SC House of Representatives, House Legislative Oversight Committee, "September 30, 2015 - Department of Health and Human Services Information for House Legislative Oversight Committee's Ad Hoc Committee," under "Citizens' Interest," under "House Legislative Oversight Committee Postings and Reports," and under "Other Study #1," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1/September302015Meeting/\(2015-09-30\)%20DHHS%20Information.pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1/September302015Meeting/(2015-09-30)%20DHHS%20Information.pdf) (last accessed February 8, 2016). A video of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>.

<sup>57</sup> *Ibid.*

<sup>58</sup> SC House of Representatives, House Legislative Oversight Committee, "September 30, 2015 - Department of Health and Human Services Information for House Legislative Oversight Committee Ad Hoc Committee (Slide 9)," under "Citizens' Interest," under "House Legislative Oversight Committee Postings and Reports," under "Other Study #1," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1/September302015Meeting/\(2015-09-30\)%20DHHS%20Information.pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1/September302015Meeting/(2015-09-30)%20DHHS%20Information.pdf) (accessed February 5, 2016).

<sup>59</sup> Hyde, Henry J., 1924-2007, *Our States: Illinois*, in the Points of View Reference Center database (last accessed December 23, 2015.)

<sup>60</sup> SC House of Representatives, House Legislative Oversight Committee, *September 30, 2015 - Department of Health and Human Services Information for House Legislative Oversight Committee Ad Hoc Committee*. SC House of Representatives, House Legislative Oversight Committee, *September 30, 2015 Ad Hoc Committee Meeting Minutes*.

<sup>61</sup> *Ibid.*

<sup>62</sup> *Ibid.*

<sup>63</sup> SC House of Representatives, House Legislative Oversight Committee, "Department of Health and Humans Services' Response to Ad Hoc Committee request for additional information" under "Citizens' Interest," under "House Legislative Oversight Committee Postings and Reports," and under "Other Study #1," <http://www.scstatehouse.gov/committeeinfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1/October232015/October%2023,%202015%20-%20DHHS%20Response%20-%20Ad%20Hoc%20Committee.pdf> (last accessed November 18, 2015).

<sup>64</sup> SC House of Representatives, House Legislative Oversight Committee, *November 12, 2015 Ad Hoc Committee Meeting Minutes*.

<sup>65</sup> *Ibid.*

<sup>66</sup> SC House of Representatives, House Legislative Oversight Committee, "Department of Health and Humans Services' Response to second request for additional information" under "Citizens' Interest," under "House Legislative Oversight Committee Postings and Reports," and under "Other Study #1,"

[http://www.scstatehouse.gov/committeeinfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1/HHS%20Response%20to%20Follow%20up%20Request%20for%20Info.%2011.16.15\\_Redacted.pdf](http://www.scstatehouse.gov/committeeinfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1/HHS%20Response%20to%20Follow%20up%20Request%20for%20Info.%2011.16.15_Redacted.pdf) (last accessed November 18, 2015).

<sup>67</sup> SC House of Representatives, House Legislative Oversight Committee, *December 1, 2015 Ad Hoc Committee Meeting Minutes*.

<sup>68</sup> *Ibid.*

<sup>69</sup> SC House of Representatives, House Legislative Oversight Committee, "State agencies' relationship with, funding of, and other activities relating to Planned Parenthood facilities and other abortion providers in South Carolina," "December 7, 2015 – letter from Director Soura of DHHS,"

<http://scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1/December%207%202015%20-%20Letter%20from%20DHHS.pdf>.

<sup>70</sup> SC House of Representatives, House Legislative Oversight Committee, "December 23, 2015 -Letter from Director Soura of DHHS," under "Citizens' Interest," under "House Legislative Oversight Committee Postings and Reports," and under "Other Study #1," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1/December%2023,%202015%20-%20DHHS%20Additional%20Information.pdf> (last accessed February 1, 2016).

<sup>71</sup> *Ibid.*

<sup>72</sup> SC House of Representatives, House Legislative Oversight Committee, "Department of Health and Human Services' Response to Ad Hoc Committee Request for additional information (October 23, 2015)" under "Citizens' Interest," under "House Legislative Oversight Committee Postings and Reports,"

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1/October232015/October%2023,%202015%20-%20DHHS%20Response%20-%20Ad%20Hoc%20Committee.pdf> and under "Other Study #1," (last accessed February 12, 2016).

<sup>73</sup> *Ibid.*

<sup>74</sup> *Ibid.*

<sup>75</sup> *Ibid.*

<sup>76</sup> *Ibid.*

<sup>77</sup> SC House of Representatives, House Legislative Oversight Committee, *September 30, 2015 Ad Hoc Committee Meeting Minutes*.

<sup>78</sup> *Ibid.*

<sup>79</sup> SC House of Representatives, House Legislative Oversight Committee, "December 14, 2015 -Letter to the Department of Social Services, the Department of Health and Environmental Control, the Department of Health and Human Services, and the Department of Corrections," under "Citizens' Interest," under "House Legislative Oversight Committee Postings and Reports," and under "Other Study #1," <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1.php> (last accessed January 25, 2016).

<sup>80</sup> *Ibid.*

<sup>81</sup> *Ibid.*

<sup>82</sup> SC House of Representatives, House Legislative Oversight Committee, "Other Study #1," under "Citizens' Interest," and under "House Legislative Oversight Committee Postings and Reports,"

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<http://www.scstatehouse.gov/committeefinfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1.php> (last accessed November 17, 2015).

<sup>83</sup> SC House of Representatives, House Legislative Oversight Committee, “September 30, 2015 -Ad Hoc Committee letter to the Legislative Audit Council concluding LAC’s involvement in the study,” under “Citizens’ Interest,” under “House Legislative Oversight Committee Postings and Reports,” and under “Other Study #1,”

<http://www.scstatehouse.gov/committeefinfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1/September302015Meeting/Thank%20You%20Ltr%20-%20Signed%20and%20Signature%20Redacted.PDF> (last accessed November 17, 2015).

<sup>84</sup> SC House of Representatives, House Legislative Oversight Committee, *September 30, 2015 Ad Hoc Committee Meeting Minutes*.

<sup>85</sup> Ibid.

<sup>86</sup> Ibid.

<sup>87</sup> SC House of Representatives, House Legislative Oversight Committee, “May 2015 - Legislative Audit Council’s Review of the Department of Health and Environmental Control’s Regulation of Abortion Clinics,” under “Citizens’ Interest,” under “House Legislative Oversight Committee Postings and Reports,” and under “Other Study #1,” [http://lac.sc.gov/LAC\\_Reports/2015/Pages/DHEC.aspx](http://lac.sc.gov/LAC_Reports/2015/Pages/DHEC.aspx) (last accessed November 17, 2015).

<sup>88</sup> SC House of Representatives, House Legislative Oversight Committee, *September 30, 2015 Ad Hoc Committee Meeting Minutes*.

<sup>89</sup> Videos of the meeting is available at <http://www.scstatehouse.gov/video/videofeed.php>.

<sup>90</sup> SC House of Representatives, House Legislative Oversight Committee, *September 30, 2015 Ad Hoc Committee Meeting Minutes*.

<sup>91</sup> Ibid.

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

<sup>96</sup> SC House of Representatives, House Legislative Oversight Committee, “Other Study #1,” under “Citizens’ Interest,” and under “House Legislative Oversight Committee Postings and Reports,”

<http://www.scstatehouse.gov/committeefinfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1.php> (last accessed November 17, 2015).

<sup>97</sup> SC House of Representatives, House Legislative Oversight Committee, *September 30, 2015 Ad Hoc Committee Meeting Minutes*. SC House of Representatives, House Legislative Oversight Committee, *November 12 2015 Ad Hoc Committee Meeting Minutes*. SC House of Representatives, House Legislative Oversight Committee, *January 11, 2016 Ad Hoc Committee Meeting Minutes*. SC House of Representatives, House Legislative Oversight Committee, *February 25, 2016 Ad Hoc Committee Meeting Minutes*.

<sup>98</sup> SC House of Representatives, House Legislative Oversight Committee, *December 1, 2015 Ad Hoc Committee Meeting Minutes*.

<sup>99</sup> SC House of Representatives, House Legislative Oversight Committee, *January 21, 2016 Ad Hoc Committee Meeting Minutes*.

<sup>100</sup> SC House of Representatives, House Legislative Oversight Committee, “Other Study #1,” under “Citizens’ Interest,” and under “House Legislative Oversight Committee Postings and Reports,”

<http://www.scstatehouse.gov/committeefinfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1.php> (last accessed November 17, 2015).

<sup>101</sup> SC House of Representatives, House Legislative Oversight Committee, *September 30, 2015 Ad Hoc Committee Meeting Minutes*.

<sup>102</sup> SC House of Representatives, House Legislative Oversight Committee, “November 12, 2015 - Department of Health and Environmental Control Supplemental Information for the House Legislative Oversight Committee’s Ad Hoc Committee,” under “Citizens’ Interest,” under “House Legislative Oversight Committee Postings and Reports,” and under “Other Study #1,”

<http://www.scstatehouse.gov/committeefinfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1/November122015Meeting/DHEC20151110SupplementalBook.pdf> (last accessed November 17, 2015).

<sup>103</sup> SC House of Representatives, House Legislative Oversight Committee, *November 12 2015 Ad Hoc Committee Meeting Minutes*.

<sup>104</sup> Ibid.

<sup>105</sup> Ibid.

<sup>106</sup> SC House of Representatives, House Legislative Oversight Committee, “State agencies’ relationship with, funding of, and other activities relating to Planned Parenthood facilities and other abortion providers in South Carolina,” “November 20, 2015 – Letter from DHEC in response to LOC request for additional information,”

<http://scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1/DHEC%20Reponses%20to%20LOC%20Request%20for%20Additional%20Information.pdf>.

<sup>107</sup> SC House of Representatives, House Legislative Oversight Committee, *November 12 2015 Ad Hoc Committee Meeting Minutes*.

<sup>108</sup> Ibid.

<sup>109</sup> SC House of Representatives, House Legislative Oversight Committee, “November 20, 2015 - Letter from DHEC in response to LOC request for additional information,” under “Citizens’ Interest,” under “House Legislative Oversight Committee Postings and Reports,” and then under “Other Study #1,”

<http://www.scstatehouse.gov/committeefinfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1/DHEC%20Reponses%20to%20LOC%20Request%20for%20Additional%20Information.pdf> (last accessed November 23, 2015).

<sup>110</sup> Ibid.

<sup>111</sup> SC House of Representatives, House Legislative Oversight Committee, “January 8, 2016 - DHEC Response to Additional Information,” under “Citizens’ Interest,” under “House Legislative Oversight Committee Postings and Reports,” and under “Other Study #1,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1/DHEC%20Response%20to%20Dec.%202014%20letter%20requesting%20more%20info.PDF> (last accessed February 1, 2016).

<sup>112</sup> Ibid.

<sup>113</sup> SC House of Representatives, House Legislative Oversight Committee, *November 12, 2015 Ad Hoc Committee Meeting Minutes*.

<sup>114</sup> Ibid.

<sup>115</sup> SC House of Representatives, House Legislative Oversight Committee, “November 20, 2015 - Letter from DHEC in response to LOC request for additional information,” under “Citizens’ Interest,” under “House Legislative Oversight Committee Postings and Reports,” and then under “Other

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Study #1,”

<http://www.scstatehouse.gov/committeefinfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1/DHEC%20Reponses%20to%20LOC%20Request%20for%20Additional%20Information.pdf> (last accessed November 23, 2015).

<sup>116</sup> SC House of Representatives, House Legislative Oversight Committee, “December 14, 2015 -Letter to the Department of Social Services, the Department of Health and Environmental Control, the Department of Health and Human Services, and the Department of Corrections,” under “Citizens’ Interest,” under “House Legislative Oversight Committee Postings and Reports,” and under “Other Study #1,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1.php> (last accessed January 25, 2016).

<sup>117</sup> Ibid.

<sup>118</sup> SC House of Representatives, House Legislative Oversight Committee, “January 8, 2016 - DHEC Response to Additional Information,” under “Citizens’ Interest,” under “House Legislative Oversight Committee Postings and Reports,” and under “Other Study #1,” <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1/DHEC%20Response%20to%20Dec.%2014%20letter%20Requesting%20more%20info.PDF> (last accessed February 1, 2016).

<sup>119</sup> Ibid.

<sup>120</sup> SC House of Representatives, House Legislative Oversight Committee, “Other Study #1,” under “Citizens’ Interest,” and under “House Legislative Oversight Committee Postings and Reports,” <http://www.scstatehouse.gov/committeefinfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1.php> (last accessed November 17, 2015).

<sup>121</sup> Ibid.

<sup>122</sup> SC House of Representatives, House Legislative Oversight Committee, *November 12, 2015 Ad Hoc Committee Meeting Minutes*. SC House of Representatives, House Legislative Oversight Committee, *January 11, 2016 Ad Hoc Committee Meeting Minutes*.

<sup>123</sup> SC House of Representatives, House Legislative Oversight Committee, “Other Study #1,” under “Citizens’ Interest,” and under “House Legislative Oversight Committee Postings and Reports,” <http://www.scstatehouse.gov/committeefinfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1.php> (last accessed November 17, 2015).

<sup>124</sup> SC House of Representatives, House Legislative Oversight Committee, *November 12, 2015 Ad Hoc Committee Meeting Minutes*.

<sup>125</sup> SC House of Representatives, House Legislative Oversight Committee, “January 7, 2016 – Department of Corrections Response to Request for Additional Information,” under “Citizens’ Interest,” under “House Legislative Oversight Committee Postings and Reports,” and then under “Other Study #1,”

<http://scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1/DOC%20Response%20to%20Dec.%2014%20Letter%20Requesting%20More%20Information%20-%20Redacted.PDF> (last accessed February 5, 2016).

SC House of Representatives, House Legislative Oversight Committee, *January 11, 2016 Ad Hoc Committee Meeting Minutes*.

<sup>126</sup> SC House of Representatives, House Legislative Oversight Committee, “Other Study #1,” under “Citizens’ Interest,” and under “House Legislative Oversight Committee Postings and Reports,”

<http://www.scstatehouse.gov/committeefinfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1.php> (last accessed November 17, 2015).

<sup>127</sup> SC House of Representatives, House Legislative Oversight Committee, *January 11, 2016 Ad Hoc Committee Meeting Minutes*.

<sup>128</sup> Ibid.

<sup>129</sup> Ibid.

<sup>130</sup> Ibid.

<sup>131</sup> SC House of Representatives, House Legislative Oversight Committee, *February 25, 2016 Ad Hoc Committee Meeting Minutes*.

<sup>132</sup> SC House of Representatives, House Legislative Oversight Committee, *January 21, 2016 Ad Hoc Committee Meeting Minutes*. SC House of Representatives, House Legislative Oversight Committee, *February 25, 2016 Ad Hoc Committee Meeting Minutes*.

<sup>133</sup> SC House of Representatives, House Legislative Oversight Committee, *February 25, 2016 Ad Hoc Committee Meeting Minutes*.

<sup>134</sup> SC House of Representatives, House Legislative Oversight Committee, *January 21, 2016 Ad Hoc Committee Meeting Minutes*.

<sup>135</sup> SC House of Representatives, House Legislative Oversight Committee, *February 25, 2016 Ad Hoc Committee Meeting Minutes*.

<sup>136</sup> SC House of Representatives, House Legislative Oversight Committee, *January 21, 2016 Ad Hoc Meeting Minutes*.

<sup>137</sup> Ibid.

<sup>138</sup> A communication received from the Department of Health and Environmental Control indicates that, currently, the law applies only to facilities in which any second trimester or five or more first trimester abortions are performed in a month.

<sup>139</sup> SC House of Representatives, House Legislative Oversight Committee, *January 21, 2016 Ad Hoc Committee Meeting Minutes*.

<sup>140</sup> SC House of Representatives, House Legislative Oversight Committee, *February 25, 2016 Ad Hoc Committee Meeting Minutes*.

<sup>141</sup> SC House of Representatives, House Legislative Oversight Committee, *January 21, 2016 Ad Hoc Committee Meeting Minutes*.

<sup>142</sup> Ibid.

<sup>143</sup> SC House of Representatives, House Legislative Oversight Committee “February 24, 2016 Letter from DHEC,” “Other Study #1,” under “Citizens’ Interest,” and under “House Legislative Oversight Committee Postings and Reports,”

<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/OtherStudies/OtherStudyNumber1/February%2024,%202016%20-%20Letter%20from%20DHEC.pdf> (last accessed February 28, 2016).

<sup>144</sup> SC House of Representatives, House Legislative Oversight Committee, *February 25, 2016 Ad Hoc Committee Meeting Minutes*.

<sup>145</sup> Ibid.

<sup>146</sup> Ibid.