

**RECEIVED**

OCT 20 2015

SC Court of Appeals

**STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT**

Grand Strand Regional Medical Center, LLC,  
Petitioner,  
vs.  
South Carolina Department of Health and  
Environmental Control,  
Respondent.

Docket No.: 2012-ALJ-07-0090-CC

**CONSENT ORDER  
OF DISMISSAL**

Grand Strand Regional Medical Center, LLC,  
Petitioner,  
vs.  
South Carolina Department of Health and  
Environmental Control and Carolina Regional  
Cancer Center,  
Respondents.

Docket No.: 2012-ALJ-07-0091-CC

**CONSENT ORDER  
OF DISMISSAL**

The above-captioned matters came before the Court upon the requests of Petitioner Grand Strand Regional Medical Center, LLC ("Grand Strand") for a contested case hearing to review the decisions of the South Carolina Department of Health and Environmental Control ("DHEC" or "Department") (1) to deny Grand Strand's CON application to establish a radiation therapy center at its hospital location in Myrtle Beach, South Carolina and (2) to issue a Certificate of Need ("CON") to Respondent Carolina Regional Cancer Center ("CRCC") for the establishment

**FILED**

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SC ADMIN. LAW COURT

of a radiation therapy center in Conway, South Carolina.<sup>1</sup> These cases were consolidated by Consent Order dated May 4, 2012.

A contested case hearing on the merits was conducted from September 12, 2013 through September 24, 2013. On April 4, 2014, this Court issued an Amended Final Order and Decision<sup>2</sup> ("Order"), ordering the Department to issue CONs for both CRCC's project and Grand Strand's project. CRCC timely appealed to the South Carolina Court of Appeals. On September 28, 2015, the Court of Appeals entered an order dismissing the appeal and remanding the case to this Court ("Order of Remand").

The Parties now come before this Court requesting entry of a Consent Order of Dismissal dismissing these contested cases and memorializing the terms of a Settlement Agreement among the Parties, the terms of which are as follows:

1. There being no further cases in controversy as a result of the Settlement Agreement, these contested cases are dismissed, with prejudice, and CRCC and Grand Strand agree that all claims or actions against the other related in any particulars to the CON applications at issue herein are settled and forever ended to each party's satisfaction.

2. On March 1, 2016, but not before, DHEC shall issue the CON to Grand Strand for its radiation therapy center.

3. In accordance with the Court of Appeals' Order of Remand, Grand Strand hereby acknowledges and confirms that it makes no claim to the bond posted by CRCC with the Court

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<sup>1</sup> Initially, an additional petitioner, North Strand Radiation Oncology ("North Strand"), filed a contested case challenging DHEC's denial of its CON application and the approval of CRCC's CON application, but North Strand withdrew from the contested case and was formally dismissed on March 3, 2013.

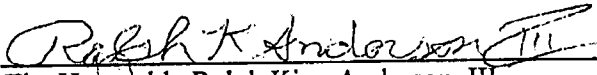
<sup>2</sup> The Court issued a Final Order and Decision on March 19, 2014. CRCC filed a Motion to Alter or Amend the Court's Final Order and Decision ("Motion to Reconsider"). The Court issued the Order in response to CRCC's Motion to Reconsider.

of Appeals pursuant to South Carolina Code Annotated section 44-7-220. Accordingly, the entire bond shall be returned to CRCC.

4. As evidenced by the procedural history, the Court has been actively involved with these cases. Based on the Court's knowledge of this litigation and the consent of the Parties, the Court finds that this settlement is appropriate and consistent with the Certificate of Need Statute and Regulations, as well as the South Carolina State Health Plan promulgated thereunder.

**ACCORDINGLY**, it is hereby **ORDERED** that the terms of the Settlement Agreement set forth herein are hereby made the Order of this Court, and these cases are dismissed, with prejudice.

**IT IS SO ORDERED.**

  
The Honorable Ralph King Anderson, III  
Chief Administrative Law Judge

October 20, 2015  
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).

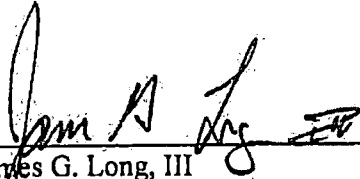
This 20<sup>th</sup> day of October, 2015

By: 

*via electronic mail*


**WE SO MOVE AND CONSENT:**

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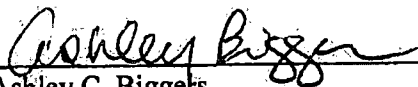
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