

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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**Apr 12 2021**

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
The Honorable Shirley C. Robinson, Administrative Law Judge

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**SC Court of Appeals**

Case No. 17-ALJ-07-0441-CC  
Case No. 17-ALJ-07-0444-CC  
Appellate Case No. 2020-001072

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Trident Medical Center, LLC, d/b/a Trident Medical Center and  
Summerville Medical Center ..... Petitioner/Respondent,

v.

South Carolina Department of Health and Environmental Control and  
Medical University Hospital Authority d/b/a MUSC Health Emergency  
Services, ..... Respondents,

Of Which, Medical University Hospital Authority d/b/a MUSC Health  
Emergency Services is ..... Appellant.

CareAlliance Health Services, d/b/a Roper St. Francis Healthcare, Roper  
Hospital, Inc., Bon Secours-St. Francis Xavier Hospital, Inc., Roper  
Mount Pleasant Hospital and Roper St. Francis Berkeley Hospital, ..... Petitioner/Respondent,

v.

South Carolina Department of Health and Environmental Control and  
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Emergency Services is ..... Appellant.

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

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Control*

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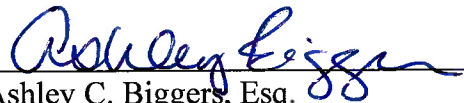
Respondent South Carolina Department of Health and Environmental Control (“DHEC” or “Department”) submits the following response to Issue No. 5 raised by Appellant Medical University Hospital Authority d/b/a MUSC Health Emergency Services (“MUHA”).

**ARGUMENT**

**Communication between co-respondents MUHA and DHEC during the contested case hearing did not violate, by letter or by spirit, Section 1-23-360.**

With respect to Issue No. 5 raised by MUHA in its Appellant’s Brief, DHEC concurs that no violation of Section 1-23-360 occurred. DHEC adopts MUHA’s argument on this issue. Further, fair and equal dealing and transparency is of utmost importance to the Department. However, nothing prohibits DHEC staff from communicating with applicants or affected persons in a CON proceeding who have requested an opportunity to communicate with the Department. Any finding to the contrary would hamstring Department staff, applicants, and other interested parties, and would hamper the process.

Respectfully submitted,



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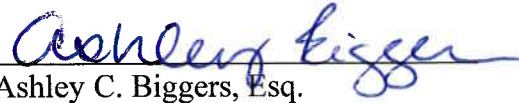
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**CERTIFICATE OF COUNSEL**

The undersigned does hereby certify that the final Brief of Respondent South Carolina Department of Health and Environmental Control complies with Rule 211(b), SCACR.



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April 12, 2021

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