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**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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

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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.

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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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Department of Health and Environmental  
Control*

**TABLE OF CONTENTS**

TABLE OF AUTHORITIES ..... i

ARGUMENT ..... 1

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

**TABLE OF AUTHORITIES**

S.C. Code Ann. § 1-23-360 ..... 1

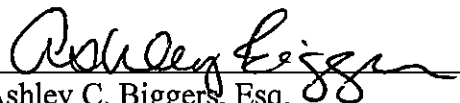
Respondent South Carolina Department of Health and Environmental Control (“DHEC” or “Department”) submits the following response to Issue No. 5 raised by Appellant Medical University Hospital Authority d/b/a MUSC Health Emergency Services (“MUHA”).

**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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AND

CareAlliance Health Services, d/b/a Roper St. Francis Healthcare, Roper  
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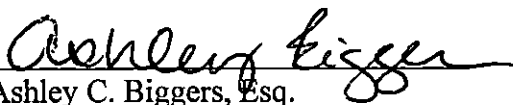
Of Which, Medical University Hospital Authority d/b/a MUSC Health  
Emergency Services is ..... Appellant.

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**CERTIFICATE OF COUNSEL**

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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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**PROOF OF SERVICE**

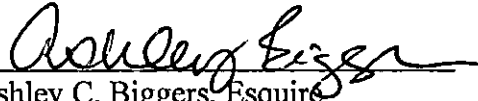
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I hereby certify that on April 12, 2021, I served the *Brief of Respondent South Carolina Department of Health and Environmental Control* on all parties of record via electronic mail addressed as follows:

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April 12, 2021

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**VIA HAND DELIVERY AND  
EMAIL @ [CTAPPFILINGS@SCCOURTS.ORG](mailto:CTAPPFILINGS@SCCOURTS.ORG)**

The Honorable Jenny Abbott Kitchings  
Clerk of Court, SC Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

Re: Appellate Case No.: 2020-001072

Trident Medical Center, LLC, d/b/a Trident Medical Center and Summerville Medical Center v. South Carolina Department of Health and Environmental Control and Medical University Hospital Authority, d/b/a MUSC Health Emergency Services  
AND  
CareAlliance Health Services, d/b/a Roper St. Francis Healthcare, Roper Hospital, Inc., Bon Scours-St. Francis Xavier Hospital, Inc., Roper Mount Pleasant Hospital and Roper St. Francis Berkeley Hospital v. South Carolina Department of Health and Environmental Control and Medical University Hospital Authority, d/b/a MUSC Health Emergency Services

Dear Ms. Kitchings:

Enclosed for filing is the *Brief of Respondent South Carolina Department of Health and Environmental Control, Certificate of Counsel, and Proof of Service*. Pursuant to the Court's January 21, 2021 correspondence, we are hand delivering one bound copy of the same to the Court.

By copy of this letter and as evidenced by the Proof of Service, we hereby serve all counsel with the same via email delivery. Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Ashley C. Biggers".

Ashley C. Biggers

Enclosures

cc (via email): Daniel J. Westbrook, Esq.  
Travis Dayhuff, Esq.  
David B. Summer, Jr., Esq.  
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Amy S. Flanary-Smith, Esq.  
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