

Administrative & Regulatory Law Committee Seminar

SPEAKER BIOGRAPHIES

by order of presentation

Nicole Wetherton

S.C. Department of Health and Human Services

Columbia, SC

(Course Planner)

Nicole T. Wetherton, Esq. joined the South Carolina Department of Health and Human Services (SCDHHS) in January 2017 and is the Chief Hearing Officer for the Office of Appeals and Hearings. In this position, she oversees the Medicaid administrative appeals process for the State of South Carolina. Her responsibilities include issuing decisions with comprehensive Findings of Fact and Conclusions of Law, as well as providing legal and procedural guidance to hearing officers to ensure consistency, fairness, and compliance with both federal and state regulations. Prior to her current role, Ms. Wetherton served as Assistant General Counsel/Lead Litigator for SCDHHS, representing the agency in administrative appeals before the South Carolina Administrative Law Court.

Before joining SCDHHS, Ms. Wetherton was a prosecutor with the South Carolina Office of the Attorney General, where she handled criminal cases involving Supplemental Nutrition Assistance Program (SNAP) fraud and civil commitment proceedings under the Sexually Violent Predator (SVP) Act. She also served as an Assistant District Attorney in the Allegheny County District Attorney's Office in Pittsburgh, Pennsylvania. There, she worked in the Appellate/Post-Conviction Unit on cases involving drug trafficking, violent crimes, and capital offenses, and in the Investigations and Grand Jury Unit on matters related to public corruption, corporate fraud, and white-collar crime.

Ms. Wetherton is actively involved in the legal community. She currently serves as the Chair for the South Carolina Bar's Administrative and Regulatory Law Committee (SCARLC) and the Continuing Legal Education Publications Committee. She is also a member of the National Judicial College, the National Association of Hearing Officials, the American Bar Association, and the Richland County Bar Association. Ms. Wetherton earned her Juris Doctor from Duquesne University School of Law in 2006 and holds a Bachelor of Arts in Journalism and Mass Communications from the University of South Carolina. Ms. Wetherton is licensed to practice law in South Carolina, Pennsylvania, the U.S. District Court for the District of South Carolina, the U.S. District Court for the Western District of Pennsylvania, and the U.S. Court of Appeals for the Third Circuit.

Bob Horner

*S.C. Department of Labor, Licensing, and Regulation
Columbia, SC*

Bob is currently Chief Advice Counsel for the South Carolina Department of Labor Licensing and Regulation, heading a division of eight attorneys and two paralegals who provide legal services for forty-three (43) licensing boards.

Bob personally handles Board of Medical Examiners, the Board of Dentistry, and the Athletic Commission. In this role, Bob advises these boards on issues that arise daily and acts as counsel during hearings before these boards and their associated committees and panel hearings. Bob drafts opinions for his boards related to application and disciplinary hearings. Bob also drafts internal legal opinions analyzing health care laws and the effects on the Board of Medical Examiners and Dentistry. Finally, Bob interacts with the public and other attorneys to an effort to provide them information on current laws or positions of the Board.

Bob's prior practice, from 2001 until 2018, was a diverse litigation practice focusing in the areas of workers' compensation, automobile and commercial transportation, construction defect and design, and insurance coverage disputes, including declaratory judgment actions, and appellate advocacy. He also drafted coverage opinions for national insurers. In addition, Bob also handled product liability actions, premises liability actions, hospitality lawsuits, medical malpractice and nursing home litigation, dram shop actions, and defending bad faith lawsuits.

Bob has practiced before the state and federal trial courts of South Carolina, the appellate courts of South Carolina, and the South Carolina Workers' Compensation Commission.

Bob has been a licensed member of the North Carolina Bar since 2012 and the South Carolina Bar since 1999. Prior to starting in private practice, Bob clerked at the South Carolina Court of Appeals for The Honorable C. Tolbert Goolsby and The Honorable M. Duane Shuler.

Travis Dayhuff

*Nelson Mullins
Columbia, SC*

Travis provides hospitals, nursing homes, assisted living facilities, pharmacies, inpatient rehabilitation facilities, federally qualified health centers, residential treatment facilities, and other healthcare providers regulatory advice and litigation services in administrative law matters involving the S.C. Department of Public Health, the S.C. Department of Health and Human Services, the S.C. Department of Labor, Licensing, and Regulation (and the Boards under LLR's purview including the Boards of Medical Examiners, Nursing, and Pharmacy), the DEA, and the S.C. Department of Social Services. These matters include health licensing, certification, certificate of need, controlled substances, trauma level designations, Medicaid, and professional licensing. He also advises and litigates in matters involving medical staff bylaws and hospital peer review, and he represents healthcare clients in business litigation cases. Travis has represented clients before the S.C. Administrative Law Court, the S.C. Circuit Court, the Federal District Court, the South Carolina Supreme Court, and the Fourth Circuit Court of Appeals.

The Honorable Phillip Lenski

*S.C. Administrative Law Court
Columbia, SC*

Phil Lenski grew up in Kansas and Colorado, where he attended the University of Denver and earned a Bachelor of Arts degree in Political Science and Economics in 1986. He graduated from Emory University School of Law in Atlanta, Georgia in 1989. After earning his law degree Phil served on active duty with the United States Army as a Judge Advocate (JAG), in Virginia, Alaska, and South Carolina. After leaving active duty in late 1995, Phil went to work for the South Carolina Department of Insurance as a staff attorney. In 1997, he transferred to the South Carolina Department of Labor, Licensing and Regulation, where he worked for six years as a litigation counsel prosecuting disciplinary actions against professionals in many fields for practice act violations. In 2002, Phil joined the South Carolina Senate as counsel to the Clerk of the Senate, and then, in 2005, became the Senior Staff Attorney for the Senate Judiciary Committee. On February 3, 2010, Phil was elected by the South Carolina General Assembly to fill Seat Number 6 on the South Carolina Administrative Law Court, where he has served continuously. From 1996 until 2014, Phil was a member of the 12th Legal Support Organization, an Army Reserve unit headquartered at Fort Jackson, South Carolina. He was mobilized in 2003 and deployed to Iraq, and again in 2011, when he served at Fort Bragg, North Carolina. He retired from military service in July of 2014.