

ECONOMIC DEVELOPMENT, TRANSPORTATION, AND NATURAL RESOURCES SUBCOMMITTEE MEETING

Thursday, November 1, 2018

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AGENDA

South Carolina
House of Representatives



Legislative Oversight Committee

***ECONOMIC DEVELOPMENT, TRANSPORTATION,
AND NATURAL RESOURCES SUBCOMMITTEE***

The Honorable Bruce W. Bannister, Chair

The Honorable Neal A. Collins

The Honorable Mandy Powers Norrell

The Honorable Robert L. Ridgeway III

Thursday, November 1, 2018

10:00 a.m.

321 - Blatt Building

Pursuant to Committee Rule 6.8, S.C. ETV shall be allowed access for internet streaming whenever technologically feasible.

AGENDA

- I. Approval of Minutes**
- II. Discussion of the study of the Department of Labor, Licensing, and Regulation**
- III. Adjournment**

MINUTES FROM PREVIOUS MEETING

Chair Wm. Weston J. Newton

*First Vice-Chair:
Laurie Slade Funderburk*

Legislative Oversight Committee

*Katherine E. (Katie) Arrington
William K. (Bill) Bowers
Neal A. Collins
MaryGail K. Douglas
William M. (Bill) Hixon
Jeffrey E. (Jeff) Johnson
Robert L. Ridgeway, III
Bill Taylor
John Taliaferro (Jay) West, IV*



South Carolina House of Representatives

*Bruce W. Bannister
Gary E. Clary
Chandra E. Dillard
Phyllis J. Henderson
Joseph H. Jefferson, Jr.
Mandy Powers Norrell
Tommy M. Stringer
Edward R. Tallon, Sr.
Robert Q. Williams*

*Jennifer L. Dobson
Research Director*

*Cathy A. Greer
Administration Coordinator*

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*Charles L. Appleby, IV
Legal Counsel*

*Carmen J. McCutcheon Simon
Research Analyst/Auditor*

*Kendra H. Wilkerson
Fiscal/Research Analyst*

Economic Development, Transportation, and Natural Resources Subcommittee

Wednesday, October 3, 2018

9:00 a.m.

Blatt Room 110

Archived Video Available

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

Attendance

- I. The Economic Development, Transportation, and Natural Resources Subcommittee meeting was called to order by Chair Bruce W. Bannister on Wednesday, October 3, 2018, in Room 110 of the Blatt Building. The following other members of the Subcommittee were present for either all or a portion of the meeting: Representative Mandy Powers Norrell and Representative Robert L. Ridgeway III.

Minutes

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.

- II. After the discussion of LLR’s Division of Fire and Life Safety (see below), Representative Ridgeway makes a motion to approve the minutes from the September 10, 2018, meeting. A roll call vote is held, and the motion passes.

Rep. Ridgeway’s motion to approve the minutes from the September 10, 2018, meeting:	Yea	Nay	Not Voting
Rep. Collins			✓ (absent)
Rep. Norrell	✓		
Rep. Ridgeway	✓		
Rep. Bannister	✓		

Discussion of the Department of Labor, Licensing and Regulation (LLR)

- I. LLR Director Emily Farr provides opening comments and an overview of the employees and expenditures of the agency’s Division of Fire and Life Safety, also known as State Fire.
- II. After being sworn in by Chair Bannister, Mr. Jonathan Jones, State Fire Marshal, provides an overview of the Division of Fire and Life Safety, including the division’s goals, organizational structure, applicable laws, partners, storm response efforts, and recommendations for law changes. Members ask questions about this division, which Mr. Jones and Director Farr answer.
- III. Director Farr provides an overview of the employees and expenditures of the agency’s Professional and Occupational Licensing division. After being sworn in by Chair Bannister, Mr. Dean Grigg, LLR Deputy Director of Professional and Occupational Licensing, provides an overview of the division, including its goals, applicable laws, partners, major programs, and recent internal changes. Members ask questions about this division, which Mr. Grigg and Director Farr answer.
- IV. There being no further business, the meeting is adjourned.

Study Timeline - Department of Labor, Licensing, and Regulation

- May 1, 2015 - Agency submits its **Annual Restructuring and Seven-Year Plan Report**, which is available online.
- February 12, 2016 - Agency submits its **2016 Annual Restructuring Report**, which is available online.
- December 19, 2017 - **Full committee votes to schedule the Department of Labor, Licensing, and Regulation (LLR) for study.** Video of the meeting is available online.
- January 23, 2018-March 1, 2018 - Committee solicits input from the public about the agency in the form of an **online public survey.** The results of the public survey are available online.
- March 1, 2018 - Committee holds **public input meeting** about LLR; Department of Parks, Recreation, and Tourism; and Department of Revenue. Video of the meeting is available online.
- April 20, 2018 - Agency submits its **Program Evaluation Report**, which is available online.
- August 13, 2018 - Subcommittee meets with the agency to discuss an **overview of its mission, history, resources, major programs, successes, challenges, and emerging issues.**
- September 10, 2018 - Subcommittee meets with agency to tour the S.C. Fire Academy and discuss the following agency divisions: **Offices of Elevators and Amusement Rides and Immigration Compliance, Division of Occupational Safety and Health Administration (OSHA), and Wages and Child Labor.**
- October 3, 2018 - Subcommittee meets with agency to discuss the following agency divisions: **Fire and Life Safety, and Professional and Occupational Licensing.**
- Ongoing - Public may submit written comments on the Oversight Committee's webpage on the General Assembly's website (www.scstatehouse.gov).

SUBCOMMITTEE FOLLOW-UP LETTER TO LLR

Chair Wm. Weston J. Newton

*First Vice-Chair:
Laurie Slade Funderburk*

Legislative Oversight Committee

*Katherine E. "Katie" Arrington
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Neal Collins
MaryGail K. Douglas
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*Kendra H. Wilkerson
Fiscal/Research Analyst*

October 3, 2018

Via Email

Ms. Emily Farr, Director
South Carolina Department of Labor, Licensing and Regulation
110 Centerview Dr.
Columbia, South Carolina 29210

RE: Follow-up questions from the October 3, 2018, Subcommittee meeting with the agency

Dear Director Farr:

The Economic Development, Transportation, and Natural Resources Subcommittee appreciates the agency's continued partnership in the oversight process. As follow-up from the meeting on October 3, 2018, please provide the following information by Thursday, October 18, 2018:

1. An update on the progress toward implementation of the recommendations the Legislative Audit Council made to the agency in its January 2018 audit of the Division of Fire and Life Safety, using the attached template. If there are any recommendations that the agency does not intend to implement, please note those and provide a brief explanation.
2. Proposed draft language for the agency's recommendations for changes to S.C. Code Ann. § 23-9-25 regarding the Volunteer Strategic Assistance and Fire Equipment (V-SAFE) grant program.
3. Any data you have on the cost of Fire Academy courses, such as the cost per student of each type of course, as well as the fees that are charged to students from outside South Carolina.
4. The number of fire sprinkler plans reviewed by State Fire in the most recent fiscal or calendar year, the number of plans reviewed by local fire officials (if known), and the percentage of plans reviewed by State Fire that were rejected.

5. A list of professional or occupational licenses issued by other entities (either governmental or private) that may duplicate the licenses provided by LLR's boards.

If these inquiries would yield responses that are not an accurate reflection of the agency or if additional time is needed to respond, please contact Committee staff. Thank you for your service to the citizens of South Carolina and for your continued cooperation with the legislative oversight process. We look forward to continuing our discussion of the Department of Labor, Licensing and Regulation at the next Subcommittee meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Bannister".

Bruce W. Bannister
Subcommittee Chair

cc: Economic Development, Transportation, and Natural Resources Subcommittee Members



Henry D. McMaster
Governor

Emily H. Farr
Director

LLR RESPONSE TO
FOLLOW-UP LETTER

October 18, 2018

The Honorable Bruce W. Bannister
South Carolina House of Representatives
Legislative Oversight Committee
Economic Development, Transportation, and Natural Resources Subcommittee
Post Office Box 11867
Columbia, South Carolina 29211

Dear Chairman Bannister:

Thank you for the opportunity to provide additional information to the Economic Development, Transportation, and Natural Resources Subcommittee regarding the Professional and Occupational Licensing and State Fire Divisions of the Department of Labor, Licensing and Regulation. In response to your letter dated October 3, 2018, I am providing the following information for your consideration.

1. An update on the progress toward implementation of the recommendations the Legislative Audit Council made to the agency in its January 2018 audit of the Division of Fire and Life Safety, using the attached template. If there are any recommendations that the agency does not intend to implement, please note those and provide a brief explanation.

Please see attached spreadsheet.

2. Proposed draft language for the agency’s recommendations for changes to S.C. Code Ann. § 23-9-25 regarding the Volunteer Strategic Assistance and Fire Equipment (V-SAFE) grant program.

The proposed language is included below:

SECTION 23-9-25. Volunteer Strategic Assistance and Fire Equipment Program; purpose; administration of grants.

(A) It is the purpose of this section to create the “Volunteer Strategic Assistance and Fire Equipment Program” (V-SAFE).

* * *

(F)(1) The State Fire Marshal shall administer the grants in conjunction with a peer-review panel.

(2) The peer-review panel shall consist of nine voting members who shall serve without compensation. Seven members must be fire chiefs from each of the seven regions of the State as defined by the State Fire Marshal. The Chairman of the House Ways and Means Committee shall appoint fire chiefs from Regions 1, 2, and 7. The Chairman of the Senate Finance Committee shall appoint fire chiefs from Regions 3, 4, and 6. The Governor shall appoint one fire chief from Region 5 and one fire chief from the

State at large. The State Fire Marshal also shall serve as a member. The President of the South Carolina State Firefighters' Association shall serve as a nonvoting member and chairman of the committee.

(a) The peer-review panel shall have the authority to establish funding priorities, by consensus, for each grant cycle, based on their assessment of the greatest needs of the South Carolina Fire Service and within the purposes established in this Section.

(i) Funding priorities shall be communicated through an annual Notice of Funding Opportunity, which shall accompany the announcement of the grant application period.

* * *

(5) A recipient that completes the approved scope of work prior to the end of the performance period, and still has grant funds available, may:

(a) use the greater of one percent of their award amount or three hundred dollars to continue or expand, the activities for which they received the award without submitting an application to amend their grant request;

(b) use excess funds to create or expand, a fire or injury prevention program. Excess funds above the amounts discussed in subitem (a) must be used for fire or injury prevention activities or returned to the program. In order to use excess funds for fire or injury prevention activities, a recipient must submit an amendment to its grant. The amendment request must explain fire or injury prevention efforts currently underway within the organization, where the use of excess funds would fit within the existing efforts, the target audience for the fire or injury prevention project and how this audience was identified, and how the effectiveness of the requested fire or injury prevention project will be evaluated;

(c) submit an application to the Peer Review Panel to amend their grant request to redirect remaining funds to another eligible project;

~~(e)~~ (d) use a combination of subitems (a) and (b); or

~~(e)~~ (e) return excess funds to the program. To return the excess funds, a recipient must close out its award and state in the final performance report that the remaining funds are not necessary for the fulfillment of grant obligations. The recipient also must indicate that it understands that the funds will be unavailable for future expenses.

(6) The State Fire Marshal shall:

(a) develop a grant application package utilizing the established guidelines;

(b) establish and market a written and electronic version of the grant application package;

(c) provide an annual report of all grant awards and corresponding chartered fire department purchases to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor;

(d) provide all administrative support to the peer-review panel; and

(e) provide a grants web page for electronic applications.

(G) Two percent of these funds may be awarded to the South Carolina State Firefighters' Association annually for the express purpose of establishing and maintaining a recruitment and retention program for volunteer firefighters. The association must apply for the grant to the peer-review panel.

(H) Three percent of these funds shall be retained by the State Fire Marshal for the express purpose of funding costs associated with the administration of the program.

3. Any data you have on the cost of Fire Academy courses, such as the cost per student of each type of course, as well as the fees that are charged to students from outside South Carolina.

State Fire is working to develop a current and accurate formula to calculate the cost of delivery for each type of course, which has proven to be a difficult and complicated process. This is due to the many variables associated with the cost of course delivery that influence the exact cost, per student, of each course type. For example, a 16-hour course taught by an instructor who makes \$15.00/hr. would cost \$240.00 in instructor fees to deliver; however, the same 16-hour course taught by an instructor who makes \$18.00/hr. would cost \$288.00 in instructor fees to deliver. Instructor pay is the largest variable for each course, with some courses requiring as many as 8 instructors (for hands-on skills). Other costs are static, such as the cost of books. For courses delivered regionally, the cost of trailer delivery varies by the miles traveled to deliver the trailer.

Please see the attachment for fees charged to students outside of South Carolina.

4. The number of fire sprinkler plans reviewed by State Fire in the most recent fiscal or calendar year, the number of plans reviewed by local fire officials (if known), and the percentage of plans reviewed by State Fire that were rejected.

In FY18, State Fire received 1187 plans for fire sprinkler review by State Fire engineers. Of the 1187 plans received for review, State Fire engineers ultimately approved 1117, which is a 94% approval rate. Of the 6% that did not receive an approval in FY18, some plans were received in June of 2018 and were not approved until July 2018. These plans rolled over into the next fiscal year and would be counted in the approval rate for FY19.

State Fire does not know how many plans are reviewed by local officials because the office is not notified when its services are not requested.

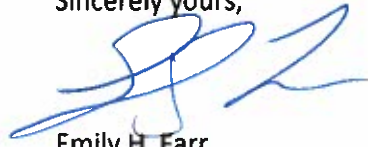
5. A list of professional or occupational licenses issued by other entities (either governmental or private) that may duplicate the licenses provided by LLR's boards.

The mission of the Professional and Occupational Licensing Division is to protect the public through regulation of professional and occupational licensees and the administration of boards charged with the regulation of professional and occupational practitioners. The State of South Carolina requires certain educational requirements, as set out by statute and regulation, for the holders of professional and occupational licenses. Although there may be some professional associations that allow licensees to be members, the agency is unaware of any duplicative license that would require the same state-mandated requirements.

Please let me know if you have any supplemental questions. I appreciate the opportunity to provide the Committee with any additional information.

The Honorable Bruce W. Bannister
Legislative Oversight Committee
Economic Development, Transportation, and Natural Resources Subcommittee
October 18, 2018
Page 4

Sincerely yours,



Emily H. Farr
Director

Rec #	Text of Recommendation	Status	Description/Comments
1	The Division of Fire and Life Safety should review all policies and procedures and ensure that they are accurate, timely, and complete.	In progress	All policies have been reviewed, numerous new policies have been implemented, and existing policies have been updated or are in the process of being updated.
2	The Division of Fire and Life Safety should ensure that it develops and adheres to a schedule for periodic review of its policies and procedures.	Implemented	A schedule for periodic review is included in a new policy governing the development of policies, procedures, and guidelines. All new and updated policies identify a review cycle to prompt a systematic review of each policy.
3	The Division of Fire and Life Safety should consolidate its policies and procedures into a single manual where they can be organized and easily retrieved.	Implemented	All new and revised policies have been consolidated into a single digital manual and stored on a commonly shared server hard drive. The digital manual will be available on the LLR Intranet and on the Instructor Resources section of the Fire Academy website.
4	The Division of Fire and Life Safety should ensure that revision dates and signatures of approval are clearly identifiable on each policy and procedural document.	Implemented	All new and updated policies, procedures, and guidelines contain a section in the header to clearly identify the revision number, revision date, and authorizing signatures.
5	The Department of Labor, Licensing and Regulation should thoroughly document changes to its administrative fee charges and any reasons for those changes, and perform cost analysis to ensure that the charges are properly allocated.	Implemented	LLR performs costs analyses to ensure administrative charges are properly allocated. The Agency documents changes to those administrative fees, in writing, to clearly document how those fees are derived.
8	The Division of Fire and Life Safety should work with the S.C. Board of Pyrotechnic Safety to communicate to fireworks' sellers in the permit application that the issuance of a sales permit does not necessarily mean that the sales facility is clear of fire code violations.	Partially Implemented	State Fire has been working with the BPS on this recommendation. However, it is ultimately a decision of the Board.
9	The Division of Fire and Life Safety should work with the S.C. Board of Pyrotechnic Safety to ensure that the fireworks' seller permitting process aligns with the applicable fire codes.	Partially Implemented	State Fire has been working with the BPS on this recommendation. However, it is ultimately a decision of the Board.
10	The Division of Fire and Life Safety should implement a follow-up inspection procedure, which could include random inspections or inspections of facilities most in need of follow-up.	Partially Implemented	The nature of fire and life safety inspections includes too many location-specific variables to address in a one-size-fits-all procedure for follow-up inspections. However, State Fire does conduct follow-up inspections within time frames identified in the inspection report for facilities that require corrective action and where State Fire has clear authority to require correction or when a licensing agency requests a follow-up inspection.
11	The Division of Fire and Life Safety should update its software to enable it to determine which inspected facilities have the most serious compliance issues.	In Progress	An RFP for a new software system has been published by SC MMO and the successful vendor has been selected. Development and implementation is anticipated to be completed by Spring 2019.
12	The Division of Fire and Life Safety should publicize problematic inspection findings in order to encourage the correction of findings.	Partially Implemented	All inspection reports are considered public records and are subject to disclosure pursuant to FOIA.
13	The Division of Fire and Life Safety should annually monitor the turnover rate for all of its part-time instructors and use that analysis in determining what steps to take in order to retain qualified instructors.	Implemented	LLR/State Fire monitors the turnover rate of its part-time instructors. State Fire Administration now receives monthly reports from Human Resources specifically addressing turnover data.
14	The Department of Labor, Licensing and Regulation should create a formal policy within its policy manual on the proper retention time periods for information (including payment and student records data) and disseminate this policy agency-wide.	Implemented	The agency has a formal Agency Records Management Policy, and State Fire has conducted a complete review of the record retention requirements pursuant to this policy.
15	The Division of Fire and Life Safety should cease accepting credit card information via email.	In Progress	State Fire is working with the Agency's Division of Technology and Security to implement alternative payment methods to include online payment via credit card.

Rec #	Text of Recommendation	Status	Description/Comments
16	The Department of Labor, Licensing and Regulation should create a formal policy within its policy manual on the correct methods for the handling and processing of payment information and disseminate this policy agency-wide.	In Progress	LLR Administration is developing an agency-wide policy to address the issues.
17	The Division of Fire and Life Safety should decide how long to keep student records after discussing the issue with the S.C. Department of Archives and History.	Implemented	State Fire has reviewed student record retention requirements and updated the record retention schedule.
18	The Division of Fire and Life Safety should send old student records to the S.C. Department of Archives and History's State Records Center for proper storage.	Implemented	State Fire has properly disposed of old student records that exceed the new record retention schedule.
22	The Division of Fire and Life Safety should analyze reports classified by fire department to identify customers who have not used the South Carolina Fire Academy's training recently.	Implemented	State Fire has developed a report of training participants by department and periodically analyzes this information.
24	The Division of Fire and Life Safety should develop a maintenance policy with a preventive maintenance schedule for all of its facilities, props, and equipment, and should include the policy in the division's policy manual.	In Progress	A new policy is being developed by the new, full-time Facility Manager for the Fire Academy.
25	The Division of Fire and Life Safety's Fire Academy Maintenance System should be updated to allow the tracking of costs associated with maintenance and repairs at the South Carolina Fire Academy.	Implemented	Fire Academy Maintenance Database has been updated and now allows for tracking of costs and employee work time associated with maintenance and repairs to buildings and training props.
26	The Division of Fire and Life Safety should track dormitory and cafeteria complaints over time to identify any deficiencies.	In Progress	State Fire captures dormitory and cafeteria complaints through student feedback on course evaluation forms. An electronic course evaluation and student feedback method is being researched, which would allow long-term tracking of this nature.
27	The Division of Fire and Life Safety's South Carolina Fire Academy should track dormitory students by fire department, state, and country to identify potential fire departments that are using the South Carolina Fire Academy's training, but are not using the South Carolina Fire Academy's dormitory, in order to address why those students are not staying at the dormitory.	In Progress	New software to allow tracking of this nature is planned for inclusion in the dormitory renovation.
28	The Division of Fire and Life Safety's South Carolina Fire Academy should track dormitory students by public/private and male/female demographic information to help identify the type of individuals staying at the dormitory, and any potential problems.	In Progress	New software to allow tracking of this nature is planned for inclusion in the dormitory renovation.
29	The Division of Fire and Life Safety should complete the upgrade and remodel of the South Carolina Fire Academy dormitory which the division is in the process of performing.	Partially Implemented	Phase I has been approved by JBRC and SFAA. Architectural and Engineering services have been procured.
30	The Division of Fire and Life Safety should record any internal inspections of the South Carolina Fire Academy dormitory and keep those records for later inspection.	Partially Implemented	The integration of inspection records is being tested as part of the upgrade to the Fire Academy Maintenance Database.
31	The Division of Fire and Life Safety should research the use of a computerized debit card system for meals and store purchases in the South Carolina Fire Academy cafeteria in order to better automate the process and make it more reliable and efficient.	In Progress	Fire Academy Administration has researched software used by other state training facilities to determine the feasibility and cost of a computerized debit card system.

Rec #	Text of Recommendation	Status	Description/Comments
32	The Division of Fire and Life Safety should follow all state procurement laws and guidance.	Implemented	State Fire follows all state procurement laws and guidance. Procurement for the division is managed by the State Fire Finance and Procurement Operations Manager within LLR Administration.
33	The Division of Fire and Life Safety should develop inventory practices for all of its goods and conduct an inventory count at least annually.	Implemented	State Fire has purchased inventory software and will begin tracking assets in FY19.
34	The Division of Fire and Life Safety should competitively procure instructional materials, consistent with course needs and the professional standards to which they might be designed.	Implemented	The agency has determined only one vendor exists in SC for the textbooks utilized in most of State Fire's courses. State Fire follows state procurement guidelines for purchasing of textbooks.
35	The Division of Fire and Life Safety should develop and maintain an inventory of books and other instructional materials so that DFSL officials can track those materials, including being able to know the number of products on-hand, at any given time, by region.	Partially Implemented	State Fire has purchased inventory software, which will allow tracking of books and instructional materials as consumable inventory.
36	The Division of Fire and Life Safety should track its costs associated with course development and delivery and use that analysis to develop a fee structure commensurate with its goal to provide access to training and recover some of its costs.	In Progress	Fire Academy Curriculum Manager has been assigned this responsibility.
37	The Division of Fire and Life Safety should ensure that documentation of instructors having met, and those attempting to meet, the instructor education and training requirements is accurate and accessible in the South Carolina Fire Academy database.	In Progress	Revised PD of Accreditation Manager to include Instructor Development. The manager has been assigned this responsibility.
38	The Division of Fire and Life Safety should implement procedures to ensure that the information in the South Carolina Fire Academy database is current, accurate, and complete.	In Progress	Fire Academy Administration is conducting a review of the Fire Academy Database to determine best practices.
39	The Division of Fire and Life Safety should periodically audit the South Carolina Fire Academy database and any other automated systems used to store firefighter and instructor data to ensure that the records are current, accurate, and complete.	In Progress	Fire Academy Administration is conducting a review of the Fire Academy Database to determine best practices.
40	The Division of Fire and Life Safety should periodically review its training costs in order to determine the true costs of providing its training.	In Progress	State Fire Finance and Procurement Operations Manager and Fire Academy Superintendent have been assigned this responsibility.
41	The Division of Fire and Life Safety should adjust its fees for all of its training to ensure that the revenue generated is commensurate with its mission to upgrade the skills of the state's firefighters and the legal authorization to charge fees to cover its costs, including the possibility of using a sliding scale fee system.	In Progress	State Fire Finance and Procurement Operations Manager and Fire Academy Superintendent have been assigned this responsibility. After a review of on-campus course fees, the SC Fire Academy Advisory Committee supported an increase in fees for on-campus courses to include the cost of meals in course fees.
42	The Division of Fire and Life Safety should implement a policy establishing a schedule for periodically reviewing its costs and adjusting its fee schedules.	In Progress	State Fire Finance and Procurement Operations Manager and Fire Academy Superintendent have been assigned this responsibility.
44	The Division of Fire and Life Safety should implement a test at the end of its class on South Carolina rules and regulations.	In Progress	State Fire Administration is reviewing the feasibility and potential benefits of administering an end-of-course exam.

Rec #	Text of Recommendation	Status	Description/Comments
45	The Division of Fire and Life Safety should approach third-party providers of certification to determine if, before administering certification exams, they would collect information on whether the individuals had taken a preparatory course and from whom they had taken it, and the related passing rate.		State Fire has evaluated this recommendation and determined it to be impractical and not feasible because testing is administered by multiple third-party testing services and no preparatory course is required to take the exam.
46	The Division of Fire and Life Safety should track student enrollment and completion rates.	Partially Implemented	Fire Academy currently tracks student enrollment of CTC students in Fire Academy courses. Fire Academy does not currently track CTC student completions of accredited testing separately from all other students completing the tests.
47	The Division of Fire and Life Safety should continue to invite outside speakers with expertise unavailable within its ranks so long as it is commensurate with available funding and interest.	Implemented	Recommendation acknowledges State Fire has implemented and encourages us to continue.
48	The Division of Fire and Life Safety should track the specific services performed, including topics covered, number of participants, total event costs, and revenue generated.	Partially Implemented	State Fire tracks specific services performed, including topics covered, on the contract for services. State Fire partially tracks the remaining information, but will fully implement with its next event.
49	The Division of Fire and Life Safety should institute controls on instructor evaluations to ensure that accurate feedback is being provided on instructor performance.	In Progress	Revised PD of Accreditation Manager to include Instructor Development. The manager has been assigned this responsibility. An Instructor Development working group has been established, consisting of Subject Matter Experts from the State's fire service, to address instructor evaluations and instructor performance.
50	The Division of Fire and Life Safety should develop a means to collect and measure data from instructor evaluations, and use that data to gauge performance over time.	In Progress	Revised PD of Accreditation Manager to include Instructor Development. The manager has been assigned this responsibility. An Instructor Development working group has been established, consisting of subject matter experts from the State's fire service, to address instructor evaluations and instructor performance.
51	The Division of Fire and Life Safety should examine methods to encourage online completion of instructor evaluation forms.	In Progress	Revised PD of Accreditation Manager to include Instructor Development. The manager has been assigned this responsibility. An electronic course evaluation and student feedback method is being researched for feasibility and implementation.
54	The South Carolina Fire Academy should work with the South Carolina Fire Academy Advisory Committee to establish a formal process to address matters raised at Committee meetings.	Implemented	Fire Academy Administration now identifies actionable items and issues requiring follow-up after each Committee meeting and is tasked to timely address those matters.
55	The Division of Fire and Life Safety should establish a social media strategy and set of goals in order to maximize its potential voice in the fire service community and disseminate important information statewide.	Implemented	State Fire already had an established social media strategy, as evidenced in the Agency's 2017 Annual Accountability Report. This strategy has been implemented, continuing to the present.
56	The Department of Labor, Licensing and Regulation should work with S.C. Emergency Management Division to review and revise its succession of authority plan to include the LLR deputy director (State Fire Marshal) for both ESF-4 and ESF-9 found within the State Emergency Operations Plan.	Partially Implemented	The Continuity of Operations Plan for ESF 4/9 has been updated by State Fire staff and returned to SCEMD for final edits and execution.
58	The Division of Fire and Life Safety should continue working with the S.C. Firefighter Mobilization Oversight Committee to re-examine the Firefighter Mobilization Plan to make any necessary updates and revisions to reflect state law and currently accepted methods and best practices.	Implemented	Firefighter Mobilization Plan has been updated and was adopted by the S.C. Firefighter Mobilization Oversight Committee on May 15, 2018.
59	The Division of Fire and Life Safety should work with its partners, constituents, and customers to encourage more counties and municipalities to sign the most recent Statewide Mutual Aid Agreement.	Partially Implemented	State Fire has been encouraging counties and municipalities to sign the most recent Statewide Mutual Aid Agreement. The recent V-SAFE application period resulted in an increase of entities that have signed the most recent agreement.

Rec #	Text of Recommendation	Status	Description/Comments
60	The Division of Fire and Life Safety should continue working with the S.C. Emergency Management Division to identify potential tools to integrate into the Palmetto software system.	Implemented	Recommendation acknowledges that State Fire has implemented and encourages us to continue.
61	The Division of Fire and Life Safety should continue working with S.C. Emergency Management Division to update the State Emergency Operations Plan to accurately reflect current assets and accepted operational tools.	Implemented	Recommendation acknowledges that State Fire has implemented and encourages us to continue.
62	The S.C. Department of Labor, Licensing and Regulation should update the memorandums of understanding for South Carolina Emergency Response Task Force members to make it easier and more obvious what information and documents are required.	Implemented	The Agency has reviewed and updated the MOU used for ERTF participation. MOUs are being reviewed by State Fire and updated as deemed necessary.
63	The S.C. Department of Labor, Licensing and Regulation staff should thoroughly review each memorandum of understanding before granting active status to a South Carolina Emergency Response Task Force member.	Implemented	The Agency thoroughly reviews each MOU before granting active status to an ERTF member.
64	The Division of Fire and Life Safety should follow mandatory training standards for the South Carolina Emergency Response Task Force in accordance with the Task Force Operations Manual.	Partially Implemented	A new training plan communication strategy is in progress, which outlines the required training commensurate with the duties for each position on the ERTF.
65	The Division of Fire and Life Safety should require mandatory continuing education for all members to respond to threats using the latest and safest equipment and techniques.	Partially Implemented	State Fire has established an annual training calendar, providing ERTF members with initial training certifications and continuing education.
66	The Division of Fire and Life Safety should develop a set standard for physical fitness for all South Carolina Emergency Response Task Force members.	In Progress	State Fire is reviewing standards for physical fitness commensurate with the duties of each position on the ERTF.
67	The South Carolina Emergency Response Task Force should continue reaching out to former and prospective members to reach its goal of having two fully functioning teams to ensure a sufficient membership base to be able to initiate and sustain larger scale long-term deployments.	Implemented	Recommendation acknowledges that State Fire has implemented and encourages us to continue.
68	The Division of Fire and Life Safety should complete an inventory of all South Carolina Emergency Response Task Force assets and properly monitor the inventory periodically to ensure an adequate equipment supply.	Partially Implemented	Inventory of SCERTF assets is at 90% completion.
69	The Division of Fire and Life Safety should work with the S.C. Firefighter Mobilization Oversight Committee to determine what the current and potential needs of the state are and direct available resources to meeting those needs.	Partially Implemented	Following adoption of the updated Firefighter Mobilization Plan, State Fire is working with the S.C. Firefighter Mobilization Oversight Committee to update and further develop the ERTF Plan. The Committee has already identified the need for improved incident communications capabilities, and established a Firefighter Mobilization Communications Working Group.
70	The Division of Fire and Life Safety should work with the Department of Labor, Licensing and Regulation to prepare a budget proposal commensurate with meeting the identified needs of the South Carolina Emergency Response Task Force.	Implemented	Budget was developed and approved to maintain the ERTF at its current level and to meet identified needs. As needs are identified or updated, a budget process is in place to plan for addressing those needs. SC TF-1 was recently awarded a Homeland Security Grant of \$186,000 to update and replace its cache of equipment for hazardous materials monitoring and response.

Rec #	Text of Recommendation	Status	Description/Comments
71	The Division of Fire and Life Safety should revise the V-SAFE grant application to itemize statutorily-mandated grant funding priorities in separate fields to ensure an applicant's response for each statutory element.	In Progress	Prior to the next grant cycle, the V-SAFE grant application will be revised by the Peer Review Panel, within the constraints of the law, to separate the statutory elements.
72	The Division of Fire and Life Safety should revise the V-SAFE evaluation instrument to mirror the grant application, each of which should reflect statutorily-mandated grant funding priorities.	Implemented	The V-SAFE evaluation instrument has been revised to reflect statutorily-mandated funding priorities.
75	The Division of Fire and Life Safety should implement a quality assurance process for grant application and evaluation data to ensure accuracy for proper funding.	Implemented	Calculations and tallies are now performed electronically, by the grant application system.
76	The Division of Fire and Life Safety should monitor and enforce six-month performance report submissions according to S.C. Code §23-9-25.	Implemented	State Fire has developed an online performance report that will be easily monitored for compliance.
8 (2010)	The Office of State Fire Marshal should require that all OSFM, resident fire marshals', and fire equipment vendors' inspection forms be updated to include the following: <ul style="list-style-type: none"> • Information informing the general public that resident fire marshals' inspections can be appealed to the OSFM, and including the contact information for the OSFM. • The Internet address for the free, current editions of the IFC and NFPA fire codes available on the OSFM website. • The specific law, regulation, or fire code regarding the infraction. 		This has not been implemented because the OSFM does not have authority to require information on the forms of fire equipment vendors or local inspectors who perform inspections under the authority given to them by the local ordinances. Further, the recommended information here would be unnecessary on a fire equipment vendor's form because the fire equipment vendor is not an inspector. However, the OSFM's form does include information about the appeal process to its office and includes the specific law, code and section of a violation. The law also already requires the same information on forms used by local fire marshals that exercise authority pursuant to section 23-9.
12 (2010)	The Office of State Fire Marshal should implement a quality review process to ensure that a sample of resident fire marshals' inspections is conducted consistently.		This has not been implemented because OSFM does not have authority over local inspectors who perform inspections under the authority given to them by the local ordinances. Local fire marshals are not required to be licensed by the State Fire Marshal and the current law (Section 23-9) allowing for "certified" or "ex officio" fire marshals does not provide a reason or mechanism for discipline or removing a certification. Therefore, even if State Fire audited the local fire marshals that use the authority of section 23-9, there would not be a legal justification for disciplining them for the audit findings. However, State Fire has provided suggested language that does provide instructions for the appeals to the OSFM that should be included in the inspection orders of local inspectors using the authority granted in section 23-9.
14 (2010)	The Office of State Fire Marshal should implement a process to check fire protection equipment vendors' inspections for unnecessary upgrades. If it is determined that unnecessary upgrades have occurred the OSFM should impose fines or other disciplinary measures.		The OSFM found this recommendation unnecessary because fire protection equipment vendors cannot require upgrades, plus the OSFM does not have the authority to impose fines or other disciplinary measures against those companies. Instruction to purchase new equipment should only come from the fire code official. Although the fire equipment company may report that equipment is non-compliant with the fire code, it would not have authority to require the customer install new equipment.

FIRE ACADEMY FEES

		<u>Out-of-State Fees</u>
<u>Firefighter</u>		
1151	Recruit Firefighter	\$3,075 (out-of-country: \$3,665)
<u>Fire Officer</u>		
2100	Fire Officer I	\$640
2102	Fire Officer II	\$640
<u>Hazardous Materials</u>		
2719	Hazmat (hazwoper) Tech Refresher	\$256
2723	Hazardous Materials Technician	\$640
2726	Hazardous Materials Operations: Refresher	\$128
2728	Hazardous Materials Operations	\$384
2736	Chlorine Response Specialist	\$256
<u>Fire Instructor</u>		
4165	Fire and Life Safety Educator I	\$512
4171	Fire Instructor I	\$640
4172	Fire Instructor II	\$640
<u>Technical Rescue</u>		
3302	Confined Space Refresher	\$128
3310	Technical Rescuer	\$256
3312	Trench Rescue I	\$384
3316	Rope Rescue High Angle Operations	\$256
3350	Water Rescue Operations	\$256
<u>Aircraft Rescue Firefighting</u>		
3400	Airport Firefighter	\$944 (out-of-country: \$1,294)
3402	Municipal FD Approach to Aircraft Rescue	\$225
3405	FAR 139 - Wheels, Engine and Interior Fires	\$150
3406	FAR 139 - Truck Operation Pit Fires	\$330
3409	ARFF Foam and Flammable Liquids Firefighting	\$350
<u>Public Fire Education/Community Risk Reduction</u>		
4165	Fire and Life Safety Educator I	\$512

LAW CHANGE RECOMMENDATIONS FROM AGENCY RELATED TO PROFESSIONAL AND OCCUPATIONAL LICENSING (POL)

Law Recommendation #1

Law number and title	S.C. Code Ann. § 40-1-20. Definitions.
Summary of current law	Sets out definitions of terms necessary to understand the statutes in the title.
Recommendation and rationale	Amends § 40-1-20(8) to clarify that “person” or “individual” as used throughout the title may be a human being or business entity , as several boards license business entities in addition to people. Adds § 40-1-20(10) to define “crime of moral turpitude” . The term is used throughout statutes, regulations, and case law relating to LLR but is not currently defined in statute.
Wording of law	<p>As used in this title unless the context requires a different meaning:</p> <p>(1) “Administrator” means the individual to whom the director has delegated authority to administer the programs of a specific board or of a professional or occupational group for which the department has regulatory authority or has delegated authority to administer the programs of a specific board;</p> <p>(2) “Authorization to practice” or “Practice authorization” means the approval to practice the specified profession, engage in the specified occupation, or use a title protected under this article, which has been granted by the applicable board. This authorization is granted in the form of a license, permit, certification, or registration;</p> <p>(3) “Board” or “Commission” means the group of individuals charged by law with the responsibility of licensing or otherwise regulating an occupation or profession within the State. Except as otherwise indicated, “board” is used in this article to refer to both boards and commissions;</p> <p>(4) “Department” means the Department of Labor, Licensing and Regulation;</p> <p>(5) “Director” means the Director of the Department of Labor, Licensing and Regulation or the director’s official designee;</p> <p>(6) “Licensee” means a person granted an authorization to practice pursuant to this article and refers to a person holding a license, permit, certification, or registration granted pursuant to this article;</p> <p>(7) “Licensing act” means the individual statute or regulations, or both, of each regulated profession or occupation which include, but are not limited to, board governance, the qualifications and requirements for authorization to practice, prohibitions, and disciplinary procedures;</p> <p>(8) <u>“Person” or “individual” means an individual, a human being, firm, partnership, or corporation, or other entity which may be eligible to apply for licensure as determined by a board;</u></p> <p>(9) “Profession” or “occupation” means a profession or occupation regulated or administered, or both, by the department pursuant to this article;</p> <p><u>(10) “Crime of moral turpitude” means a misdemeanor or felony under the Federal or State criminal law involving behavior that is not in conformity with and is considered vile or depraved by societal standards. This broad definition includes, but is not limited to, any crime listed in Chapter 3 of Title 16, Offenses Against the Person, or its</u></p>

	<p><u>substantially-similar Federal equivalent; any felony listed in Chapter 13 of Title 16, Forgery, Larceny, Embezzlement, False Pretenses and Cheats, or its substantially-similar Federal equivalent; any felony listed in Chapter 14 of Title 16, Financial Transaction Card Crime Act, or its substantially-similar Federal equivalent; any crime listed in Chapter 15 of Title 16, Offenses Against Morality and Decency, or its substantially-similar Federal equivalent; and the crime of Contributing to the Delinquency of a Minor in Section 16-17-490, or its substantially-similar Federal equivalent. Crimes which involve primarily self-destructive behavior generally do not involve moral turpitude.</u></p>
Other agencies that may be impacted	N/A

Law Recommendation #2

Law number and title	S.C. Code Ann. § 40-1-40. Purpose of division; domain.
Summary of current law	Sets out the purpose of the agency and the boards it administers.
Recommendation and rationale	Amend § 40-1-40(B) to correct board names, remove titles of programs subsumed under other boards, and list all boards currently administered by the agency. Current law does not reflect such.
Wording of law	<p>(A) The purpose of the Division of Professional and Occupational Licensing, South Carolina Department of Labor, Licensing and Regulation, is to protect the public through the regulation of professional and occupational licensees and the administration of boards charged with the regulation of professional and occupational practitioners.</p> <p>(B) The following boards and the professions and occupations they license or otherwise regulate must be administered by the Department of Labor, Licensing and Regulation pursuant to this article:</p> <ul style="list-style-type: none"> Board of Accountancy Board of Architectural Examiners Athletic Commission Auctioneers' Commission Board of Barber Examiners <u>Perpetual Care Cemetery Board</u> Accessibility Committee of the Building Codes Council Building Codes Council Board of Chiropractic Examiners Contractor's' Licensing Board Board of Cosmetology Board of Dentistry <u>Panel for Dietetics</u> <u>Board of Registration for Professional Engineers and Land Surveyors Board</u> Environmental Certification Board Board of Registration for Foresters Board of Funeral Service Board of Registration for Geologists <u>Board of Landscape Architectural Examiners</u> <u>Liquefied Petroleum Gas Board</u> Manufactured Housing Board <u>Panel for Massage/Bodywork</u>

	<p>Board of Medical Examiners Modular Buildings Board of Appeals Board of Nursing <u>Board of Long Term Health Care Administrators Board</u> Board of Occupational Therapy Board of Examiners in Opticianry Board of Examiners in Optometry Board of Pharmacy Board of Physical Therapy Examiners Pilotage Commission <u>Commissioners of Pilotage for the Lower Coastal Area</u> <u>Commissioners of Pilotage for the Upper Coastal Area</u> Board of Podiatry Examiners Board of Examiners for the <u>Licensure of Professional Counselors, Marriage and Marital and Family Therapists, and Psycho-educational Specialists</u> Board of Examiners in Psychology Board of Pyrotechnic Safety Real Estate Appraisers Board Real Estate Commission Residential Builders Commission Board of Social Work Examiners <u>Soil Classifiers Advisory Council</u> Board of Examiners in Speech-Language Pathology and Audiology Board of Veterinary Medical Examiners</p> <p>(C) Each regulatory board within the department is a separate board. (D) The Department of Labor, Licensing and Regulation is a member of the Governor’s executive cabinet and must be headed by a director who must be appointed by the Governor with the advice and consent of the Senate, subject to removal from office by the Governor pursuant to Section 1-3-240(B). The director shall supervise the department under the direction and control of the Governor and shall exercise other powers and perform other duties as the Governor requires.</p>
Other agencies that may be impacted	N/A

Law Recommendation #3

Law number and title	S.C. Code Ann. § 40-1-50. Authority of department; record of board proceedings; roster of licensees; fee structures.
Summary of current law	Sets out the authority of the agency and describes services the agency provides to the boards.
Recommendation and rationale	<p>Amends § 40-1-50(A) to reflect that the agency follows State law with regard to hiring and terminating employees and regulating boards. The amendment reflects that the agency is the employer of record for its employees and ensures that the person hiring a state employee is held to the standards outlined by State law.</p> <p>The recommendation also deletes the provision of the law that requires the agency director to submit a report that recommends the professions and occupations that should be de-regulated. The reason for the deletion is twofold: One, this provision has the potential to put the director in an adversarial relationship with a board she is statutorily bound to administer; and two, the legislature is charged with making the law and thus has the ability to determine what professions should be regulated.</p> <p>Amends § 40-1-50(C) to reflect the minimal \$10 fee that the agency currently charges to produce a board roster.</p>
Wording of law	<p>(A) The department is responsible for all administrative, fiscal, investigative, inspectional, clerical, secretarial, and license renewal operations and activities of the boards and commissions enumerated in Section 40-1-40.</p> <p>The director shall employ and supervise personnel necessary to effectuate the provisions of this article for each board provided for in Section 40-1-40. When hiring a person charged with evaluating or administering professional qualifications or licensing standards, the director must select from a list of three candidates submitted by the appropriate licensing board. However, a candidate whose name is submitted to the director must be chosen from a list of all candidates found to be qualified by the Human Management Office of the department. The authority to remove an employee of the department is vested with the Director of the Department of Labor, Licensing and Regulation.</p> <p>The director shall establish compensation for personnel assigned to the boards as the director considers necessary and appropriate for the administration of this article. Compensation and necessary expenses incurred in the performance of duties by personnel assigned to the board must be paid as an expense of the board in the administration of this article.</p> <p>The director shall enter into contracts and agreements the director considers necessary or incidental to carry out the provisions of this article to provide for all services required by each board.</p> <p>Board members must be compensated for their services at the usual rate for mileage, subsistence, and per diem as provided by law for members of state boards, committees, and commissions and may be reimbursed for actual and necessary expenses incurred in connection with and as a result of their work as members of the board. The director, within the limits set by the Comptroller General, shall establish reimbursement standards for travel and other expenses incurred by a board member in the performance of the board member's official duties. Compensation and reimbursements paid to board members under this subsection must be paid as an expense of the board in the administration of this article and the board's chapter and must be paid from the fees received by the board pursuant to the provisions of this article or in a manner prescribed by the Department of Labor, Licensing and Regulation.</p>

	<p>The director shall maintain a separate account for funds collected on behalf of a board and shall indicate the expenses allotted to the board. The director shall adjust fees for revenue-funded boards in accordance with Section 40-1-50 (D).</p> <p>The director annually shall prepare a report to the Governor and the General Assembly indicating those regulated trades, occupations, and professions that do not meet the spirit and intent of Section 40-1-10.</p> <p>The director may perform any additional administrative functions requested by the boards.</p> <p><i>[Section B not reproduced]</i></p> <p>(C) The department may prepare and publish a roster for each respective board containing the names and places of business of persons licensed under this article. A copy of the roster must be provided upon request and upon payment of a fee which may not exceed the cost of printing and distribution of the roster of <u>ten dollars (\$10)</u>.</p> <p><i>[Remainder of statute not reproduced]</i></p>
Other agencies that may be impacted	N/A

Law Recommendation #4

Law number and title	S.C. Code Ann. § 40-1-70. Powers and duties of boards.
Summary of current law	Sets out the powers and duties of the agency's regulated boards.
Recommendation and rationale	Add the ability of the boards to advise and recommend statutory revisions and other matters to the department , and for the department to request certain revisions to the legislature. Although some boards have the authority in their practice acts, many do not.
Wording of law	<p>The powers and duties of regulatory boards include, but are not limited to:</p> <ol style="list-style-type: none"> (1) determining the eligibility of applicants for examination and licensure; (2) examining applicants for licensure including, but not limited to: <ol style="list-style-type: none"> (a) prescribing the subjects, character, and manner of licensing examinations; (b) preparing, administering, and grading the examination or assisting in the selection of a contractor for the preparation, administration, or grading of the examination; (3) establishing criteria for issuing, renewing, and reactivating the authorizations to practice of qualified applicants, including the issuance of active or permanent, temporary, limited, and inactive licenses, or other categories as may be created; (4) adopting a code of professional ethics appropriate to the profession or occupation which it licenses or regulates; (5) evaluating and approving continuing education course hours and programs; (6) conducting hearings on alleged violations of this article and regulations promulgated under this article; (7) resolving consumer complaints, where appropriate and possible; (8) disciplining persons licensed under this article in a manner provided for in this article; (9) promulgating regulations which have been submitted to the director, at least thirty days in advance of filing with Legislative Council as required by Section 1-23-30; <u>(10) advising and recommending action to the department in the development of statutory revisions, and such other matters as the department may request regarding the administration of a board's practice act in order to protect the health, safety, and welfare of the public.</u>

Law Recommendation #5

Law number and title	S.C. Code Ann. § 40-1-90. Disciplinary action proceedings.
Summary of current law	Sets out the way in which disciplinary actions take place at the agency.
Recommendation and rationale	Clarifies that the attorney has the ability to make the final recommendation regarding a disposition to the board , and sets out the law regarding service of notice . Proper form of notice is not currently set forth in every practice act.
Wording of law	<p><u>SECTION 40-1-90. Disciplinary action proceedings; service of notice.</u></p> <p><u>(A) The results of an investigation must be presented to the board. If from these results it appears that a violation has occurred or that a licensee has become unfit to practice the profession or occupation, the board, in accordance with the Administrative Procedures Act, may take disciplinary action authorized by Section 40-1-120. No disciplinary action may be taken unless the matter is presented to and voted upon by the board. The board may designate a hearing officer or hearing panel to conduct hearings or take other action as may be necessary under this section.</u></p> <p><u>(B) If, at the conclusion of the investigation, disciplinary counsel determines that evidence is insufficient to prove a violation, counsel has the final discretion to amend the recommendation to the full board.</u></p> <p>(B) (C) For the purpose of a proceeding under this article, the department may administer oaths and issue subpoenas for the attendance and testimony of witnesses and the production and examination of books, papers, and records on behalf of the board or, upon request, on behalf of a party to the case. Upon failure to obey a subpoena or to answer questions propounded by the board or its hearing officer or panel, the board may apply to an administrative law judge for an order requiring the person to comply with the subpoena.</p> <p><u>(D) Service of notices conclusively must be presumed thirty days after mailing by first class or certified mail to the respondent to the last address provided to a board by the respondent.</u></p> <p><u>(E) When provision is made for the service of any notice, order, report, or other paper or copy of these upon any person in connection with any proceeding, service may be made upon counsel of record for the person, either personally or by first class or certified mail.</u></p> <p><u>(F) Service of notice upon a respondent who cannot be found at the last known address provided by the respondent or after due diligence cannot be found at his usual abode or place of business in this State or outside of the State, may be made by leaving with the director or her designee a copy of the notice and any accompanying documents along with proof of attempted service at the last known address. This provision does not remove a licensee's obligation to inform a board of a proper address for communication by mail.</u></p>
Other agencies that may be impacted	Administrative Law Court

Law Recommendation #6

Law number and title	S.C. Code Ann. § 40-1-120. Sanctions.
Summary of current law	Sets out the authority for the boards to sanction a licensee.
Recommendation and rationale	Clarifies that a nondisciplinary letter of caution is a private order.
Wording of law	<p>SECTION 40-1-120. Sanctions.</p> <p>(A) Upon a determination by a board that one or more of the grounds for discipline exists, in addition to the actions the board is authorized to take pursuant to its respective licensing act, the board may:</p> <p>(1) issue a public reprimand;</p> <p>(2) impose a fine not to exceed five hundred dollars unless otherwise specified by statute or regulation of the board;</p> <p>(3) place a licensee on probation or restrict or suspend the individual's license for a definite or indefinite time and prescribe conditions to be met during probation, restriction, or suspension including, but not limited to, satisfactory completion of additional education, of a supervisory period, or of continuing education programs;</p> <p>(4) permanently revoke the license.</p> <p>(B) A decision by a board to discipline a licensee as authorized under this section must be by a majority vote of the total membership of the board serving at the time the vote is taken.</p> <p>(C) A final order of a board disciplining a licensee under this section is public information.</p> <p>(D) Upon a determination by a board that discipline is not appropriate, the board may issue a nondisciplinary letter of caution- <u>that is not subject to disclosure under the Freedom of Information Act.</u></p> <p>(E) A board may establish a procedure to allow a licensee who has been issued a public reprimand to petition the board for expungement of the reprimand from the licensee's record.</p>
Presented and approved by Board?	N/A
Other agencies that may be impacted	N/A

Law Recommendation #7

Law number and title	S.C. Code Ann. § 40-1-150. Voluntary surrender of authorization to practice.
Summary of current law	Sets forth the parameters of a voluntary surrender of a license.
Recommendation and rationale	Amend § 40-1-150 to reflect that a licensee may voluntarily surrender or voluntarily relinquish a license, and distinguish between the two actions. The current statute uses the two words interchangeably, and does not reflect the difference – a surrender may be temporary and a relinquishment is described as permanent in some of the practice acts.
Wording of law	<p>SECTION 40-1-150. Voluntary surrender <u>or relinquishment</u> of authorization to practice.</p> <p>A licensee who is under investigation for a violation provided for in Section 40-1-110 or the licensing act of the applicable board for which disciplinary action may be taken may voluntarily surrender authorization to practice to the board. The voluntary surrender invalidates the authorization to practice at the time of its relinquishment <u>surrender</u>, and no person whose authorization to practice is surrendered voluntarily may practice the profession or occupation unless the board, by a majority vote, reinstates the license. A person practicing a regulated profession or occupation during the period of voluntary surrender is considered an illegal practitioner and is subject to the penalties provided by this article. The surrender of an authorization to practice may not be considered an admission of guilt in a proceeding under this article and does not preclude the board from taking disciplinary action against the licensee as provided for in this article or the board’s licensing act including, but not limited to, imposing conditions that must be met before the board reinstates the license. <u>A voluntary surrender of a license is public information.</u></p> <p><u>A licensee may also decide voluntarily to permanently relinquish the authorization to practice to the board. This relinquishment invalidates the authorization to practice at the time of its relinquishment, and no person whose authorization to practice is permanently relinquished may practice the profession or occupation at any time thereafter. A person practicing a regulated profession or occupation after relinquishment is considered an illegal practitioner and is subject to the penalties provided by this article. The permanent relinquishment of an authorization to practice stops disciplinary action before a board as to the relinquished license, and is a public document which shall be made available on the department’s website.</u></p>
Presented and approved by Board?	N/A
Other agencies that may be impacted	N/A

Law Recommendation #8

Law number and title	S.C. Code Ann. § 40-1-190. Privileged communications.
Summary of current law	Sets out that complaints and testimony relating to discipline are privileged, without restricting a licensee’s due process rights. Final orders of a board are public.
Recommendation and rationale	Add sections (B) through (D) and (F) to set out confidentiality for the department while allowing individual boards to set different standards if desired. Initial complaints are confidential to maintain privacy for licensees/respondents found to be compliant with the law. Once the threshold of formal complaint has been crossed, matters are presumed to be public, but still subject to reasonable protections pursuant to controlling law. The change also clarifies that a respondent always has access to the information.
Wording of law	<p>SECTION 40-1-190. Privileged communications; <u>confidentiality of initial investigations; formal complaints open to public; respondent’s due process rights preserved.</u></p> <p>(A) A communication, whether oral or written, made by or on behalf of a person, to the director or board or a person designated by the director or board to investigate or hear matters relating to discipline of a licensee, whether by way of complaint or testimony, is privileged and no action or proceeding, civil or criminal, may be brought against the person, by or on whose behalf the communication is made, except upon proof that the communication was made with malice.</p> <p><u>(B) Except as otherwise provided by law, all initial complaints, investigations, proceedings, records, and information relating to allegations of misconduct or incapacity are confidential and must not be disclosed to the public. While the matter remains confidential, the members and staff of the department and the board must not reveal in any way the nature of the initial complaint except to persons directly involved in the matter and then only to the extent necessary for proper investigation and disposition of the matter.</u></p> <p><u>(C) When a formal complaint is filed regarding an allegation of misconduct, the formal complaint and any answer become open to the public after the filing of the answer or if no answer is filed, thirty days after the service of the charges upon the licensee. If an allegation of incapacity is raised during the misconduct proceedings, all records, information, and proceedings relating to the allegation are confidential.</u></p> <p><u>(D) However, the department or the board may disclose information to another government agency, including law enforcement officials, at any stage of the proceedings in order to protect the public or for the administration of justice. The department may provide any information it considers necessary or appropriate to a substance abuse treatment program facility or monitoring program approved by a board, and this information must continue to be kept confidential and privileged from disclosure, except as provided by law.</u></p> <p><u>(BE) Nothing in this article may be construed as prohibiting the respondent or the respondent’s legal counsel from exercising the respondent’s constitutional right of due process under the law or as prohibiting the respondent from normal access to the charges and evidence filed against the respondent as part of due process under the law. The respondent may have access to the initial complaint at the beginning of the investigative process.</u></p> <p><u>(CF) Notwithstanding the provisions of this section, a final order of a board disciplining a licensee is public.</u></p>
Other agencies that may be impacted	N/A

Law Recommendation #17

Law number and title	S.C. Code Ann. § 40-8-160 (Cemetery). Dissemination of order finding basis for disciplinary action; fine.
Summary of current law	Provides for dissemination of public orders to local and state professional associations; authorizes sanctions against respondent.
Recommendation and rationale	Amends the statute to provide that the agency may email final orders electronically to local and state professional associations. This would reduce board-mailing costs and further public protection by ensuring board orders are disseminated quickly. Amending the statute would not change the dissemination of a final order to a respondent.
Wording of law	Upon a determination by the board that one or more of the grounds for disciplining a licensee exist, as provided for in Sections 40-8-150 and 40-1-110, the board may, in addition to the actions provided for in Section 40-1-120, impose a fine not to exceed ten thousand dollars. All final orders which are made public must be mailed <u>or emailed</u> to local and state professional associations, all firms and facilities with which the respondent is associated, states where the person has a license known to the board, and to any other source to which the board wishes to furnish this information.
Presented and approved by Board?	Not yet presented to the Board.
Other agencies that may be impacted	N/A

Law Recommendation #18

Law number and title	S.C. Code Ann. § 40-9-31 (Chiropractors). Procedures for revoking, suspending, or restricting a license or disciplining a licensee; appeal to Administrative Law Court; stay pending appeal.
Summary of current law	Sets out the appropriate procedure for discipline of a licensee.
Recommendation and rationale	Amends the statute to conform to the current agency practice that has the Office of General Counsel rather than the Attorney General's office prosecutes cases. Clarifies that allegations of misconduct brought against a licensee is by the State and not for a complainant. The amendment would also corrects the issue of a stay pending appeal to be consistent with court rules and other practice acts regarding stay of an order on appeal as well as S.C. Code Ann. § 40-1-160.
Wording of law	(A) An action of the board relating to the revocation or suspension of a license or other action restricting a license or disciplining a licensee must be taken only after a written complaint of misconduct has been filed with the board in accordance with regulations promulgated by the board. After receiving a complaint a closed hearing must be held by an examiner selected by the board after thirty days' notice to the complainant and the licensee or their counsel. The <u>Office of General Counsel</u> Attorney General's office, upon request of the board, shall present the case <u>on behalf of the State</u> for the complainant before the examiner. Upon receipt of the examiner's report, the board shall notify the complainant and the licensee and the licensee's counsel of the time and place at which the board will consider the report for the purpose of determining its action on the report; the notice must be given not less than ten days before the meeting. The complainant and the licensee and

	<p>the licensee’s counsel have the right to appear before the board at the meeting, submit briefs, and be heard in oral argument in opposition to or in support of the recommendations of the board. The State Attorney General’s office also has the right to appear before the board and submit briefs and be heard in oral argument. Upon its final review the board may either dismiss the complaint or find that the licensee is guilty of misconduct meriting sanction. The board shall file a final certified report of the proceedings before it with the secretary of the board who shall notify the complainant and the licensee and the licensee’s counsel of this action. A decision of the board to revoke, suspend, or restrict a license or to limit or discipline a person engaging in the practice of chiropractic requires a majority vote of the membership of the board. The board’s decision may be appealed to an administrative law judge as provided under Article 5 of Chapter 23 of Title 1, which shall hear the matter upon petition filed by the licensee with an administrative law judge as provided under Article 5 of Chapter 23 of Title 1, and served upon the secretary of the board within ten days from the date of delivery of the board’s decision to the licensee. A decision by the board to revoke, suspend, or restrict a license or to limit or discipline a licensee or one who is found to be practicing chiropractic without complying with this chapter is not effective until the tenth day following the date of delivery of a written copy of the decision to the licensee. Service of a petition for a review of the decision <u>does not</u> stays the board’s decision pending completion of the appellate process, <u>unless and until an administrative law judge grants a petition for stay or the parties agree to the stay.</u></p> <p>(B) If a licensee is found to have violated this chapter or a regulation promulgated under this chapter, in addition to or instead of taking action to revoke, suspend, or restrict the license of the licensee, the board may assess a civil fine of up to two thousand dollars for each violation, but the total fine may not exceed ten thousand dollars.</p>
Presented and approved by Board?	Not yet presented to the Board.
Other agencies that may be impacted	Administrative Law Court

Law Recommendation #19

Law number and title	S.C. Code Ann. § 40-11-20. Definitions.
Summary of current law	Defines terms related to this practice act.
Recommendation and rationale	Correct typographical error in the name of the Board, to ensure consistency of terminology.
Wording of law	S.C. Code Ann. § 40-11-20(1): For purposes of this chapter: (1) “Board” means the South Carolina Contractor’s Licensing Board. <i>[remainder of statute unchanged]</i>
Presented and approved by Board?	Not yet presented to the Board.
Other agencies that may be impacted	N/A

Law Recommendation #20

Law number and title	S.C. Code Ann. § 40-15-180. Complaint to board against dentist, dental hygienist, or dental technician; investigation; accusation; notice; hearing; confidentiality of proceedings; privileged communications.
Summary of current law	Sets out complaints and investigations against licensees.
Recommendation and rationale	Amends the statute to require the attorney representing the State to sign the formal accusation against the licensee, rather than the president or vice-president of the Board, and requires the State to serve the notice of hearing. This change would protect the board president from having access to the allegations against a respondent before the hearing.
Wording of law	<p>(1) The board shall receive complaints by any person against a licensed dentist or dental hygienist, or against a registered dental technician, and shall require the same to be submitted to it in the form of an affidavit. Upon receipt of a complaint, the director, or such other person as the president may designate, shall investigate the allegations of the complaint and make a report to the board concerning his investigation. If the board shall then desire to proceed further it may, in its discretion, file a formal accusation charging the dentist, dental hygienist, or dental technician with a violation of a provision of this chapter. The accusation shall be signed by the <u>attorney representing the State</u>president or vice president on behalf of the board who has reviewed the charges against the licensee. When the accusation is filed, and the board shall set a date for a hearing thereon, the <u>State</u>director of the board shall notify the accused in writing, not less than thirty days prior to the hearing date, of the date fixed for the hearing and a true copy of the accusation shall be attached to the notice. The accused may appear and show cause why his license should not be suspended or revoked. The accused shall have the right to be confronted with and to cross-examine the witnesses against him and shall have the right to counsel. In instances where a board member has made the initial investigation of a complaint, he shall not sit with the board at the hearing of such complaint.</p> <p><i>[remainder of statute unchanged]</i></p>
Presented and approved by Board?	Not yet presented to the Board.
Other agencies that may be impacted	N/A

Law Recommendation #21

Law number and title	S.C. Code Ann. § 40-29-60 (Manufactured Housing). Hearings before administrative hearing officer and board; penalties.
Summary of current law	Sets out the procedures for disciplinary hearings before the Board.
Recommendation and rationale	Amends the statute to allow the Board to hear a case against a licensee and conforms to the current Board practice.
Wording of law	<p>(A) A licensee who violates a provision of this chapter or regulation pertaining to warranty requirements, deposits, or rescision of contracts shall appear upon citation by the board before an agent of the board appointed to act as administrative hearing officer for a hearing <u>or shall appear before the full board upon issuance of a formal complaint by the State.</u> Upon the finding of a violation, the hearing officer:</p> <ul style="list-style-type: none"> (1) may for a first offense, impose a fine of not more than five hundred dollars or suspend the license for not more than thirty days, or both; (2) may for a second offense, impose a fine of not more than one thousand dollars or suspend the license for not more than sixty days, or both; (3) may for a third offense, impose a fine of not more than two thousand dollars or suspend the license for not more than ninety days, or both; (4) shall for a fourth or subsequent offense, present the violation to the board for disciplinary action pursuant to this chapter. <p><u>If the full board hears the case, it may impose such sanctions as are allowable under the law.</u></p> <p>(B) The licensee must be given at least thirty days’ notice of the time and place of the hearing and of the charges. A person aggrieved by a ruling of the administrative hearing officer may appeal to the board within fifteen days after the ruling. The request for appeal must be in writing. The board shall state in writing its findings and determinations in its decision in the matter on appeal.</p> <p>Appeals from the decision of the board may be made to an administrative law judge pursuant to the Administrative Procedures Act.</p> <p>(C) A licensee who violates any provision of this chapter or regulations promulgated by its authority or accumulates three or more warranty or contract violations which have not been corrected within the prescribed time upon citation of the board shall appear before the board for a hearing. The licensee must be given at least thirty days’ notice of the time and place of the hearing and of the charges. A person aggrieved by a ruling of the board may appeal to an administrative law judge pursuant to the Administrative Procedures Act. Upon the finding of such a violation, the board may:</p> <ul style="list-style-type: none"> (1) impose a fine of not more than two thousand five hundred dollars or suspend or revoke the license or any combination thereof; <u>and</u> (2) order an increase in surety bonding or other approved security requirements. <p>(D) The board may conduct hearings and presentations of views consistent with regulations adopted by the United States Department of Housing and Urban Development and adopt regulations necessary to carry out this function.</p>
Presented and approved by Board?	Not yet presented to the Board.
Other agencies that may be impacted	N/A

Law Recommendation #22

Law number and title	S.C. Code Ann. § 40-29-100 (Manufactured Housing). Sanctions and disciplinary action by the board.
Summary of current law	Allows sanctions pursuant to the practice act and Title 40, Chapter 1.
Recommendation and rationale	Corrects typographical error in the statutory citation . The correct citation to statute is Section 40-29-60.
Wording of law	In addition to the sanctions the board may impose against a person pursuant to Section 40-29-110 <u>60</u> , the board may take disciplinary action as provided for in Section 40-1-120.
Presented and approved by Board?	Not yet presented to the Board.
Other agencies that may be impacted	N/A

Law Recommendation #23

Law number and title	S.C. Code Ann. § 40-37-20.(Optometrists) Definitions.
Summary of current law	Defines terms related to this practice act.
Recommendation and rationale	Removes definitions of basic certified optometrist and diagnostic certified optometrist. All optometrists are not required to be therapeutic certified optometrists, pursuant to current S.C. Code Ann. § 40-37-420.
Wording of law	As used in this chapter: (1) "Board" means the South Carolina Board of Examiners in Optometry; (2) "Contact lens" means any device placed in contact with the eye for the purpose of correcting vision, therapy, or cosmetic alteration; (3) "Direct supervision" means supervision provided by a licensed optometrist who must: (a) be present in the department or facility where the supervisee is performing services; (b) be immediately available to assist the supervisee in the services being performed; and (c) maintain continued involvement in appropriate aspects of each treatment; (4) "Optical supplies" include, but are not limited to, contact lenses, ophthalmic lenses, ophthalmic frames; (5) "Basic certified optometrist" means an optometrist without education or training in the use of pharmaceutical agents and licensed to practice optometry without the use of pharmaceutical agents; (6) "Diagnostic certified optometrist" means an optometrist educated and trained in the use of pharmaceutical agents for diagnostic purposes only and licensed to practice optometry in conjunction with the use of pharmaceutical agents for diagnostic purposes only; (75) "Therapeutic certified optometrist" means an optometrist educated and trained in the use of pharmacological agents for diagnostic and therapeutic purposes and licensed to practice optometry with the use of pharmacological agents for diagnostic and therapeutic purposes.

Presented and approved by Board?	Not yet presented to the Board.
Other agencies that may be impacted	N/A

Law Recommendation #24

Law number and title	S.C. Code Ann. § 40-37-420. (Optometrists) Existing licensees; transition; time frame for fulfilling licensing requirements of chapter.
Summary of current law	Sets a transition period that expired in 2008 for all optometrists to meet one standard of licensure and practice.
Recommendation and rationale	Remove references to transition as they are unnecessary and archaic .
Wording of law	<p>SECTION 40-37-420. Existing licensees; transition; time time frame for fulfilling licensing requirements of chapter.</p> <p>—(A) An optometrist licensed for basic practice of optometry as of July 1, 2005, may continue to practice under the conditions provided for in this section, and regulations promulgated under this chapter, as of July 1, 2005, until September 30, 2008. A basic certified optometrist may:</p> <ul style="list-style-type: none"> — (1) employ any means, other than the use of drugs, for the measurement of the powers of vision or the adaptation of lenses for the aid of vision; — (2) in the sale of spectacles, eyeglasses, or lenses, use lenses in the testing of the eye therefor other than lenses actually sold; — (3) examine the human eye by the employment of any subjective or objective physical means, without the use of drugs, to ascertain the presence of defects or abnormal conditions for the purpose of relieving them by the use of lenses, prisms, or other physical or mechanical means; — (4) practice orthoptics or prescribe or fit contact lenses; <p>—(B)(1) An optometrist licensed for diagnostic practice of optometry as of July 1, 2005, may continue to practice under the conditions provided for in this section, and regulations promulgated under this chapter, as of July 1, 2005, until September 30, 2008, if the optometrist has:</p> <ul style="list-style-type: none"> — (a) complied with the educational requirements promulgated by the board; and — (b) passed a pharmaceutical agent examination which must be approved by the board. <p>— (2) Notwithstanding any other provision of law, a diagnostically certified optometrist may purchase, possess, and administer pharmaceutical agents including pharmaceutical agents for topical application, other than controlled substances as defined in Section 44-53-110, for diagnostic purposes in the practice of optometry. For the purposes of this subsection, “pharmaceutical agent” means: anesthetics, mydriatics, cycloplegics, miotics, dyes, and over the counter drugs. Miotics may be used only pursuant to the following restrictions:</p> <ul style="list-style-type: none"> — (a) miotics may not be used for treatment purposes; — (b) miotics may be used only for emergency purposes involving the buildup of pressure within the eyeball and immediately upon this emergency use, the optometrist shall refer the patient to an ophthalmologist and file with the South Carolina Board of

	<p>Examiners in Optometry a written report of the incident in the manner prescribed by the board by regulation; and the South Carolina Board of Examiners in Optometry shall ensure that the quality and quantity of miotics possessed by a diagnostically certified optometrist is consistent with the use of miotics only for emergency purposes involving the buildup of pressure within the eyeball.</p> <p>(C) After September 30, 2008, no person may practice as an optometrist in this State if the person has not met all requirements of this chapter in effect at that time and as may be amended in the future. A basic and diagnostically licensed optometrist who wishes to be recertified after September 30, 2008, shall conform to the licensing requirements for a therapeutically certified optometrist as provided for in regulation.</p> <p>(D) A licensee under this chapter must indicate his or her category of licensure following his or her name or signature on all professional documents.</p>
Presented and approved by Board?	Not yet presented to the Board.
Other agencies that may be impacted	N/A

Law Recommendation #25

Law number and title	S.C. Code Ann. § 40-55-130 (Psychologists). Complaint to board against licensed psychologist; investigation; accusation; notice; hearing; confidentiality of proceedings; privileged communications.
Summary of current law	Sets out the investigation and hearing processes for licensees.
Recommendation and rationale	Amends the statute to require the attorney representing the State to sign the formal accusation against the licensee, rather than the chairman or other officer of the Board , and requires the State to serve the notice of hearing.
Wording of law	<p>(A) The board shall receive complaints by any person against a licensed psychologist. Upon receipt of a complaint the chairman or the chairman’s designee shall investigate the allegations of the complaint and make a report to the board concerning the investigation. If the board proceeds further, it may file a formal accusation charging the psychologist with a violation of a provision of this chapter. <u>The accusation shall be signed by the attorney representing the State who has reviewed the charges against the licensee.</u> The accusation must be signed by the chairman or other officer on behalf of the board. When the accusation is filed, and the board sets a date for a hearing, the State<u>chairman</u> shall notify the accused in writing, not less than thirty days before the hearing date, of the date fixed for the hearing and a true copy of the accusation must be attached to the notice. The accused may appear and show cause why his license should not be suspended, revoked, or restricted. The accused has the right to be confronted with and to cross-examine the witnesses against him and has the right to counsel. In instances where a board member has made the initial investigation of a complaint, the board member shall not sit with the board at the hearing of that complaint.</p> <p><i>[remainder of statute unchanged]</i></p>
Presented and approved by Board?	Not yet presented to the Board.

Law Recommendation #26

Law number and title	S.C. Code Ann. § 40-75-90 (Counselors). Complaints against licensees; investigation and proceedings.
Summary of current law	Sets out the investigation and hearing processes for licensees.
Recommendation and rationale	Amends the statute to require the attorney representing the State to sign the formal accusation against the licensee, rather than the president or vice president of the Board , and requires the State to serve the notice of hearing.
Wording of law	(A) The board may receive complaints by any person against a licensee and may require the complaints to be submitted in writing specifying the exact charge or charges and to be signed by the complainant. Upon receipt of a complaint, the board administrator shall refer the complaint to a designated investigator of the South Carolina Department of Labor, Licensing and Regulation, who shall investigate the allegations in the complaint and make a report to the board concerning the investigation. If the board desires to proceed further, it may file a formal accusation charging the licensee with a violation of this chapter or a regulation promulgated pursuant to this chapter. <u>The accusation shall be signed by the attorney representing the State who has reviewed the charges against the licensee.</u> The accusation must be signed by the president or vice president on behalf of the board. When the accusation is filed and the board has set a date and a place for a hearing on the accusation, the State administrator shall notify the accused in writing not less than thirty days prior to the hearing and a copy of the accusation must be attached to the notice. The notice must be served personally or sent to the accused by registered mail, return receipt requested, directed to the last mailing address furnished to the board. The post office registration receipt signed by the accused, his agent, or a responsible member of his household or office staff, or, if not accepted by the person to whom addressed, the postal authority stamp showing the notice refused, is prima facie evidence of service of the notice.
Presented and approved by Board?	Not yet presented to the Board.
Other agencies that may be impacted	N/A

Law Recommendation #27

Law number and title	S.C. Code Ann. § 40-59-20 (Residential Home Builders). Definitions.
Summary of current law	Defines terms related to this practice act.
Recommendation and rationale	Amends statute to remove statutory reference that is not defined in the practice act.
Wording of law	This chapter does not apply to a person licensed under Chapter 11 for the purpose of undertaking the construction, or superintending of construction, of a building or the improvement, reimprovement, or repair of any building. A residential builder who is licensed pursuant to this chapter is not required to be licensed as a general contractor or mechanical contractor under Chapter 11 in order to engage in residential building as

	defined in Section 40-59-10 . A mechanical contractor is exempt from this chapter relating to residential specialty contractors when engaged in contracting in the classification in which he is licensed to perform mechanical contracting. The commission is the exclusive licensing and registration entity for persons who engage solely in residential building and in residential specialty contracting.
Presented and approved by Board?	Not yet presented to the Board.
Other agencies that may be impacted	Administrative Law Court

Law Recommendation #28

Law number and title	S.C. Code Ann. § 40-59-270 (Residential Home Builders). Applicability of Chapter 11; exemption of mechanical contractor.
Summary of current law	Exempts Contractor’s Licensing Board licensees from licensure under this practice act.
Recommendation and rationale	Corrects typographical error in the statutory citation. The correct citation to statute is Section 40-29-60.
Wording of law	This chapter does not apply to a person licensed under Chapter 11 for the purpose of undertaking the construction, or superintending of construction, of a building or the improvement, reimprovement, or repair of any building. A residential builder who is licensed pursuant to this chapter is not required to be licensed as a general contractor or mechanical contractor under Chapter 11 in order to engage in residential building as defined in Section 40-59- 1020 . A mechanical contractor is exempt from this chapter relating to residential specialty contractors when engaged in contracting in the classification in which he is licensed to perform mechanical contracting. The commission is the exclusive licensing and registration entity for persons who engage solely in residential building and in residential specialty contracting.
Presented and approved by Board?	Not yet presented to the Board.
Other agencies that may be impacted	Administrative Law Court

Law Recommendation #29

Law number and title	S.C. Code Ann. § 40-43-155 (Pharmacy). Requiring professional competency, mental, or physical examination; request for review; obtaining records; confidentiality.
Summary of current law	Not in existence
Recommendation and rationale	Licensees under the South Carolina Pharmacy Practice Act have extraordinary access to controlled substances as well as legend drugs. In order to better aid the Board in determining fitness to practice, the Board should have the ability to require licensees to submit to evaluation for mental or physical incompetency and disability before a formal hearing. Currently, the board has the ability to suspend a license if the health, safety, and welfare of the public is at risk, but in some cases the ability to require an evaluation is a less severe sanction than putting a practitioner out of practice. Further, this change puts Pharmacy in line with the other health boards.
Wording of law	<p><u>SECTION 40-43-155. Requiring professional competency, mental, or physical examination; request for review; obtaining records; confidentiality.</u></p> <p><u>(A) If the board finds that probable cause exists that a licensee or applicant may be professionally incompetent, addicted to alcohol or drugs, or may have sustained a physical or mental disability that may render practice by the licensee or applicant dangerous to the public or is otherwise practicing in a manner dangerous to the public, the board, without a formal complaint or opportunity for hearing, may require a licensee or applicant to submit to a professional competency, mental, or physical examination by authorized practitioners designated by the board. The results of an examination are admissible in a hearing before the board, notwithstanding a claim of privilege under a contrary rule of law. A person who accepts the privilege of engaging in licensed practice in this State pursuant to this chapter, or who files an application for a license to practice pursuant to this chapter, is considered to have consented to submit to a professional competency, mental, or physical examination and to have waived all objections to the admissibility of the results in a hearing before the board upon the grounds that this constitutes a privileged communication. If a licensee or applicant fails to submit to an examination when properly directed to do so by the board, unless the failure was due to circumstances beyond the person’s control, the board shall enter an order automatically suspending or denying the license pending compliance and further order of the board. A licensee or applicant who is required to submit to a professional competency, mental, or physical examination may request within seventy-two hours after receipt of the requirement a review by the administrative hearing officer. Filing a written request for a review by the administrative hearing officer does not stay the time directed in which to submit to a professional competency, mental, or physical examination, and no stay may be issued, except as provided in this section. The review hearing for purposes of this section must be limited to the issues of whether the person is a licensee or applicant, whether reasonable grounds exist to require a professional competency, mental, or physical examination, and whether the licensee or applicant has been informed that failure to submit to an examination will result in the entry of an order automatically suspending or denying the license pending compliance and further order of the board. The administrative hearing officer’s decision is not subject to appeal. A licensee or applicant who is prohibited from practicing pursuant to this subsection must be afforded at reasonable intervals an opportunity to demonstrate to the board the ability to resume or begin the practice with reasonable skill and safety.</u></p> <p><u>(B) The board upon probable cause may obtain records relating to the professional competency or mental or physical condition of a licensee or applicant including, but not limited to, psychiatric records, which are admissible in a hearing before the board,</u></p>

	<p><u>notwithstanding any other provision of law. A person who accepts the privilege of engaging in licensed practice in this State pursuant to this chapter, or who files an application to practice pursuant to this chapter, is considered to have consented to the board obtaining these records and to have waived all objections to the admissibility of these records in a hearing before the board upon the grounds that this constitutes a privileged communication. If a licensee or applicant refuses to sign a written consent for the board to obtain these records when properly requested by the board, unless the failure was due to circumstances beyond the person's control, the board shall enter an order automatically suspending or denying the license pending compliance and further order of the board. A licensee or applicant who is prohibited from practicing under this subsection must be afforded at reasonable intervals an opportunity to demonstrate to the board the ability to resume or begin the practice of medicine with reasonable skill and safety.</u></p> <p><u>(C) An order requiring a licensee or applicant to submit to a professional competency, mental, or physical examination or an order requiring the submission of records relating to the professional competency or mental or physical condition of a licensee or applicant is confidential and must not be disclosed, except to the extent necessary for the proper disposition of the matter before the board or administrative hearing officer. The fact of automatic suspension or denial of a license pending compliance and further order of the board is public information under the Freedom of Information Act. A review hearing and decision of an administrative hearing officer are confidential, unless an order automatically suspending or denying a license pending compliance and further order of the board has been issued, in which case the fact of suspension or denial of a license by the administrative hearing officer is public information under the Freedom of Information Act.</u></p>
Presented and approved by Board?	Not yet presented to the Board.
Other agencies that may be impacted	LRADAC/Recovering Professional Program

LEGAL SERVICES

Division Purpose

The **Legal Services** division includes the Offices of Advice Counsel and Disciplinary Counsel and provides advice and legal services to POL Boards and agency; handles disciplinary cases, appeals, injunctions, and emergency suspensions of licenses; and assists boards in drafting orders, policies, and regulations.

Division Employees

	2014-15	2015-16	2016-17
Turnover rate – all employees	24.14%	33.89%	15.87%
Turnover rate – FTEs only	13.33%	12.50%	3.57%
Is employee satisfaction evaluated?	No		
Is anonymous employee feedback allowed?	No		
Do any positions require a certification?	Yes		
Did the agency pay for or provide classes/instruction needed to maintain required certifications?	Some		

Applicable Strategic Plan Segments

2017-18 Comprehensive Strategic Plan Segments	Intended Public Benefit/Outcome	2016-17			2017-18			Partner(s), by segment	
		# of FTEs utilized	Amount Spent	% of Total Available to Spend	# of FTEs using	Amount budgeted	% of Total Budget		
Goal 5- Ensure the agency performs at a high level by offering its division's high quality legal and administrative services; employee training and development; investment in technology and infrastructure; and by fostering a culture of excellence.									
<i>Strategy: 5.1 - Provide effective and quality prosecutorial legal support and advice to the agency.</i>		<i>Strategy Totals:</i>		20.56	\$1,409,581.18	3%	24.56	\$1,414,284.23	3%
Objective 5.1.1 - Prosecute cases of misconduct against licensees, including obtaining expert reviews, conducting witness and expert interviews in preparation for hearings, pursuing actions to enforce unlicensed individuals at the administrative law court, and managing cases through the appellate process.	Protect the public by ensuring that licensees that commit misconduct are timely disciplined, and that those who are operating without a license are not in practice.	15.18	\$1,043,525.47	2.40%	17.18	\$1,049,093.76	2.48%	State Government, Federal Government, and Local Government	
Objective 5.1.2 - Provide legal advice and support to the agency's investigators and inspectors in the Office of Investigations and Enforcement, including attendance at Investigative Review Committee meetings and preparation of draft orders for suspension and evaluations for POL boards and commissions.	Protect the public by ensuring that licensees that commit misconduct are timely disciplined, and that those who are operating without a license are not in practice.	5.38	\$366,055.71	0.84%	7.38	\$365,190.47	0.86%	State Government, Federal Government, and Local Government	
<i>Strategy 5.2: Provide exemplary in-house legal services to the agency's divisions and professional and occupational boards.</i>		<i>Strategy Totals:</i>		10.56	\$977,683.76	2%	11.56	\$1,001,976.22	2%
Objective 5.2.1 - Serve as counsel to the POL boards and commissions, providing legal advice and support on licensure and disciplinary decisions and during administrative hearings, drafting final orders, handling appeals arising from licensure decisions and offering legal advice regarding temporary orders of suspension and cease and desist orders.	Regulatory boards and commissions render decisions consistent with state law.	8.48	\$488,841.88	1.12%	9.48	\$500,988.11	1.19%	State Government	
Objective 5.2.2 - Serve as counsel to all divisions of the agency in reviewing contracts, providing legal advice, and otherwise ensuring legal expertise and support.	Agency engages in compliant regulatory conduct.	2.08	\$488,841.88	1.12%	2.08	\$500,988.11	1.19%	Individuals, State Government	

Division Deliverables

Deliverable	Required /allowed by law?	Does agency track...		Does agency know...			Agency allowed to charge a fee?	Greatest potential harm to the public if deliverable is not provided	Recommendations to the General Assembly to help avoid the greatest potential harm	Other agencies where the product/ service may fit
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?				
Resolution of allegations of misconduct against licensees through the board-specific disciplinary process	Required	✓	X	✓	✓	X	X	Failure to prosecute misconduct will result in risk of property damage, personal injury and possible loss of life to the consuming public.	Maintain statutory and regulatory authority.	Attorney General's Office, DHEC, SLED

Related Performance Measures

Performance Measure	Type	Required or Selected?	Time Period		Time Period 1	Time Period 2	Time Period 3	Time Period 4	Time Period 5 (last completed)	Time Period 6 (current)	Trend in Results (Pds 1-5)
					Target:	Actual:	Target:	Actual:	Target:	Actual:	
Percentage of open cases closed in one year	Efficiency	Agency Selected	July - June	Target:	1303	943	982	1181	1207	323	
				Actual:	805	1084	1193	943	1361	290	
Average age of cases from open to Investigative Review Committee	Efficiency	Agency Selected	July - June	Target:	200	200	200	200	200	200	
				Actual:	211	204	220	228	231	254	
Final Orders prepared by OAC	Output	Required by State	Jan 1-Dec 31	Target:	DNE	576	1021	785	899	0	
				Actual:	DNE	576	1021	785	899	224	
Average number of days between proceedings and execution of Final Orders prepared by OAC	Efficiency	Agency Selected	Jan 1-Dec 31	Target:	DNE	37.8	45	45	30	30	
				Actual:	DNE	N/A	42.3	36.6	31.8	28.8	
Panel Hearings or Hearing Officer Recommendations prepared by OAC	Output	Required by State	Jan 1-Dec 31	Target:	DNE	157	280	178	222	0	
				Actual:	DNE	157	280	178	222	67	
Average Number of days between Panel Hearing and Execution of Recommendation	Efficiency	Agency Selected	Jan 1-Dec 31	Target:	DNE	N/A	45	45	30	0.4	
				Actual:	DNE	19.4	24.7	8.2	13.1	13.6	
Consent Agreements/C&Ds prepared by OAC	Output	Required by State	Jan 1-Dec 31	Target:	DNE	175	154	213	315	0	
				Actual:	DNE	175	154	213	315	37	
Average Number of Days Between Request and Execution of Document	Efficiency	Agency Selected	Jan 1-Dec 31	Target:	DNE	N/A	45	45	30	30	
				Actual:	DNE	2.8	6.1	1.8	1.4		
Increase the number of training sessions offered to POL boards and commissions per FY* <i>*Considering using in future</i>	Outcome	Agency Selected	July-June	Target:	DNE	DNE	DNE	DNE		24	
				Actual:	DNE	DNE	DNE	DNE	DNE	DNE	

ADMINISTRATION

Division Purpose

The **Legal Services** division includes the director's office, communications and governmental affairs, procurement, finance, human resources, support services, records retention, and training and development and provides support services to all LLR program divisions, including responding to inquiries from the public and public officials and handling legislative affairs.

Division Employees

	2014-15	2015-16	2016-17
Turnover rate – all employees	8%	21.42%	11.32%
Turnover rate – FTEs only	4.17%	14.81%	11.54%
Is employee satisfaction evaluated?	No		
Is anonymous employee feedback allowed?	No		
Do any positions require a certification?	Yes		
Did the agency pay for or provide classes/instruction needed to maintain required certifications?	Some		

Applicable Strategic Plan Segments

2017-18 Comprehensive Strategic Plan Segments	Intended Public Benefit/Outcome	2016-17			2017-18			Partner(s), by segment
		# of FTEs utilized	Amount Spent	% of Total Available to Spend	# of FTEs using	Amount budgeted	% of Total Budget	
Goal 5- Ensure the agency performs at a high level by offering its division's high quality legal and administrative services; employee training and development; investment in technology and infrastructure; and by fostering a culture of excellence.								
<i>Strategy 5.3: Ensure excellent advisory, legislative and public service support and collaboration for all of the agency's divisions, programs and professional and occupational boards.</i>		<i>Strategy Totals:</i>						
		4.09	\$432,530.19	1%	4.09	\$423,827.83	1%	
Objective 5.3.1 - Analyze, process and respond to all requests for information to the agency, including media inquiries, FOIA requests, subpoenas, and concerns addressed to the agency's ombudsman.	Timely, transparent and thorough responses to inquiries will instill in the public confidence in the work product of the Agency.	1.73	\$146,790.37	0.34%	1.73	\$143,915.83	0.34%	Private Business, Individuals

2017-18 Comprehensive Strategic Plan Segments	Intended Public Benefit/Outcome	2016-17			2017-18			Partner(s), by segment
		# of FTEs utilized	Amount Spent	% of Total Available to Spend	# of FTEs using	Amount budgeted	% of Total Budget	
Objective 5.3.2 - Draft, review and advise in the promulgation of all agency regulations.	Input during the deliberative and drafting process will result in regulations narrowly tailored to meet the needs of the boards and commissions and will ensure proper statutory authority exists to support new regulations or changes to existing regulations.	0.93	\$142,869.91	0.33%	0.93	\$139,956.00	0.33%	State Government
Objective 5.3.3 - Provide legislative support and direction in monitoring legislation affecting the agency, proffering testimony before legislative committees regarding such legislation, and communicating with board staff and board members regarding the impact of any proposed legislation.	Timely updates to the boards and the Agency on pending legislation will ensure maximum opportunities for board, Agency and public input and will, when coupled with data-driven and fact-specific testimony from the Agency during legislative hearings, yield laws that protect the health and safety of the public.	1.43	\$142,869.91	0.33%	1.43	\$139,956.00	0.33%	State Government
<i>Strategy 5.5: Provide excellent customer service to the citizens of South Carolina and support all divisions of the agency to succeed in meeting the mission of the agency by ensuring operational excellence through recruitment, development and retention of high quality employees and promotion of fiscal responsibility.</i>								
<i>Strategy Totals:</i>		18.26	\$1,519,526.19	3%	18.26	\$1,520,918.10	4%	
Objective 5.5.1 - Promote operational excellence in finance, human resources and the procurement of goods and services by instituting policies and procedures and utilizing practices that ensure timely execution and fiscal responsibility of agency projects.	Achieve and maintain operational excellence through an approach of continuous improvement by ensuring compliance with state oversight entities, yet ensuring timely continuity of Agency services for the citizens of SC.	13.63	\$753,015.64	1.73%	13.63	\$755,818.35	1.79%	State Government
Objective 5.5.2 - Provide effective recruitment and onboarding processes to recruit, retain, and develop high quality employees.	Ensure operational effectiveness and efficiencies through a highly skilled and engaged workforce.	3.33	\$309,303.20	0.71%	3.33	\$307,896.31	0.73%	State Government

2017-18 Comprehensive Strategic Plan Segments	Intended Public Benefit/Outcome	2016-17			2017-18			Partner(s), by segment
		# of FTEs utilized	Amount Spent	% of Total Available to Spend	# of FTEs using	Amount budgeted	% of Total Budget	
Objective 5.5.3 - Encourage an agency culture that prioritizes and rewards innovation and learning by providing job specific and employee development training opportunities to maximize employees' contributions to the agency.	Ensure employee engagement and development to carry out the Agency's mission.	1.3	\$457,207.35	1.05%	1.3	\$457,203.44	1.08%	State Government

Related Performance Measures

Performance Measure	Type	Required or Selected?	Time Period		Time Period 1	Time Period 2	Time Period 3	Time Period 4	Time Period 5 (last completed)	Time Period 6 (current)	Trend in Results (Pds 1-5)
					Target:	Actual:	Target:	Actual:	Target:	Actual:	
Respond timely to all FOIA requests and subpoenas.	Output	Required by State	Jan - Dec	Target:	All	All	All	All	All	All	
				Actual:	816	940	1024	1039	1094	307	
Reply to inquiries within 24 hours, excluding holidays and weekends.	Output	Agency selected	Jan - Dec	Target:	All	All	All	All	All	All	
				Actual:	157	230	196	455	503	147	
Attend board meetings when proposed regulations are discussed* <i>*Considering using in future</i>	Output	Agency selected	Jan - Dec	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	DNE	DNE	DNE	DNE	DNE	DNE	
Draft proposed regulations.	Output	Agency selected	July -June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	14	17	25	17	14	20	
Publish drafting notices and proposed regulations.	Output	Agency selected	July -June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	14	17	25	17	14	20	
Oversee the scheduling and handling of administrative hearings.	Output	Agency selected	July -June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	14	17	25	17	17	20	
Attend legislative hearings* <i>*Considering using in future</i>	Output	Agency selected	July -June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	DNE	DNE	DNE	DNE	DNE	DNE	
Report on the status of legislation and regulations to the board* <i>*Considering using in future</i>	Output	Agency selected	July -June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	DNE	DNE	DNE	DNE	DNE	DNE	

Performance Measure	Type	Required or Selected?	Time Period		Time Period 1	Time Period 2	Time Period 3	Time Period 4	Time Period 5 (last completed)	Time Period 6 (current)	Trend in Results (Pds 1-5)
Weekly legislative updates to boards.	Output	Agency selected	July -June	Target:	18	22	17	21	18	18	
				Actual:	18	22	17	21	18	18	
Weekly notifications to boards of legislative hearings.	Output	Agency selected	July -June	Target:	18	22	17	21	18	18	
				Actual:	18	22	17	3	4	13	
Annual summary of legislative and regulatory changes.	Output	Agency selected	July -June	Target:	1	1	1	1	1	1	
				Actual:	1	1	1	1	1	0	
Revamp and modify components to LLR's internal application software (RELEAS) to ensure a more "user friendly" environment for the end user and a more transparent financial outcome for Board financial reports. <i>*Considering using in future</i>	Output	Agency Selected	July -June	Target:	DNE	DNE	DNE	DNE	100%	50%	
				Actual:	DNE	DNE	DNE	DNE	50%	60%	
Revamp and modify components to LLR's internal application software (State Fire Finance) to ensure a more "user friendly" environment for the end user and a more transparent financial outcome for State Fire Stakeholder Finance reports. <i>*Considering using in future</i>	Output	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	100%	50%	
				Actual:	DNE	DNE	DNE	DNE	50%	50%	
Create a departmental on-boarding checklist that has department specific training and policies to ensure employees are properly informed of their area's policies, procedures, and employment expectations.	Output	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	2	2	
				Actual:	DNE	DNE	DNE	DNE	0	2	
Solicit feedback from new employees regarding recruitment and onboarding processes	Input/ Activity	Agency Selected	July - June	Target:	DNE	DNE	100% Sent (Q1)	100% Sent (Q2)	100% Sent (Q3)	100%	
				Actual:	DNE	DNE	21 = 100% sent 61% Responded	30 = 100% sent 56% Responded	DNE	DNE	
Increase eligible applicants by 5% for the agency's most difficult positions to fill: Board Administrators, Attorneys, and Investigators	Outcome	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	5%	5%	
				Actual:	DNE	DNE	DNE	DNE	50%	DNE	
Create, schedule and conduct interviewing technique class	Outcome	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	15	10	
				Actual:	DNE	DNE	DNE	DNE	3	1	
Explore and implement mandatory training for employees transitioning to supervisor role at time of hire.	Output	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	4	4	
				Actual:	DNE	DNE	DNE	DNE	4	4	

Related Internal Change Recommendations from Agency

Internal Change #1: Strategic Planning Officer/Chief Operating Officer

- Internal Change: Create a position or division within the agency to assist in creating, planning, and overseeing agency strategic planning and improvement of processes.
- Stage of Change Analysis: Idea.
- Performance Measures Impacted and Predicted Impact: Agency still analyzing, but this would potentially have positive impact on all performance measures.
- Objective(s) Costs Impacted and Anticipated Impact: Agency still analyzing.
- Anticipated Implementation Date: Agency has not yet fully analyzed feasibility.

Internal Change #16: Implement Electronic Signatures

- Internal Change: Implement electronic versions of commonly used internal forms that enable the use of electronic signatures for approvals.
- Stage of Change Analysis: Idea.
- Performance Measures Impacted and Predicted Impact: Agency analyzing, but with electronic forms, internal users would be able to quickly submit common administrative forms such as those for HR and procurement. This would eliminate the need for paper to be delivered back and forth within the agency, decreasing time spent on approval processes, eliminating potential for misplacing paper documents, and providing better accountability and transparency.
- Objective(s) Costs Impacted and Anticipated Impact: There will be no direct costs.
- Anticipated Implementation Date: Agency has not yet fully analyzed feasibility.

TECHNOLOGY AND SECURITY

Division Purpose

The **Legal Services** division administers information systems and end-user computing and administers mobile technology with regards to applicable laws and security mandated for agency programs.

Division Employees

	<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>
Turnover rate – all employees	16.67%	7.69%	12.90%
Turnover rate – FTEs only	16.67%	7.69%	12.90%
Is employee satisfaction evaluated?	No		
Is anonymous employee feedback allowed?	No		
Do any positions require a certification?	No		
Did the agency pay for or provide classes/instruction needed to maintain required certifications?	N/A		

Applicable Strategic Plan Segments

2017-18 Comprehensive Strategic Plan Segments	Intended Public Benefit/Outcome	2016-17			2017-18			Partner(s), by segment			
		# of FTEs utilized	Amount Spent	% of Total Available to Spend	# of FTEs using	Amount budgeted	% of Total Budget				
Goal 5- Ensure the agency performs at a high level by offering its division's high quality legal and administrative services; employee training and development; investment in technology and infrastructure; and by fostering a culture of excellence.											
<i>Strategy 5.4 - Streamline the information technology infrastructure and continue to allow for automation of the many agency functions.</i>		<i>Strategy Totals:</i>			16.12	\$1,368,683.16	3%	16.12	\$1,364,302.88	3%	
Objective 5.4.1 - Enhance the agency's software application portfolio to continue to strengthen coordination and performance across agency programs.	Increase communication across program areas for data sharing and security controls upon Agency data.	5.28	\$342,170.79	0.79%	5.28	\$341,075.72	0.81%	State Government			
Objective 5.4.2 - Improve customer and partner experience through enhanced online services.	Increase public access to Agency services through a safe and secure medium.	4.28	\$342,170.79	0.79%	4.28	\$341,075.72	0.81%	State Government; Private Business			
Objective 5.4.3 - Expand the capacity and increase the reliability of the agency's IT infrastructure.	Provide reliable access to Agency services.	3.78	\$342,170.79	0.79%	3.78	\$341,075.72	0.81%	State Government			
Objective 5.4.4 - Ensure the physical and information security of agency employees and data.	Increase controls and monitoring surrounding data the Agency is secure.	2.78	\$342,170.79	0.79%	2.78	\$341,075.72	0.81%	State Government			

Related Performance Measures

Performance Measure	Type	Required or Selected?	Time Period		Time Period 1	Time Period 2	Time Period 3	Time Period 4	Time Period 5 (last completed)	Time Period 6 (current)	Trend in Results (Pds 1-5)
Creation of online license verification portal	Output	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	1	
				Actual:	DNE	DNE	DNE	DNE	DNE	0	
Number of applications available online-individual	Input/activity	Agency selected	July - June	Target:	DNE	DNE	212	137	69	52	
				Actual:	DNE	DNE	75	68	17	0	
Number of applications available online-business* <i>*Considering using in future</i>	Input/activity	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	148	
				Actual:	DNE	DNE	DNE	DNE	DNE	DNE	
Bulk license verification program launch	Output	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	1	
				Actual:	DNE	DNE	DNE	DNE	DNE	0	

Related Internal Change Recommendations from Agency

Internal Change #15: More Secure Online Payments

- Internal Change: Payments currently made online in the form of e-checks are routed through Wells Fargo for fulfillment. The current process is secure, but requires the agency to store pieces of the transactions locally in an encrypted format for reconciliation. The agency has worked with the Office of the State Treasurer to extend the current e-commerce contract to allow the use of TeleCheck inside the current state contracted payment portal. This change will result in no pieces of the e-check transaction being stored locally, as well as one unified reconciliation for all online payments.
- Stage of Change Analysis: Plan for implementation set.
- Performance Measures Impacted and Predicted Impact: No performance measure is impacted, however this will result in a more secure process for the customer.
- Objective(s) Costs Impacted and Anticipated Impact: Objective 5.4.1- Enhance the agency's software application portfolio to continue to strengthen coordination and performance across agency programs. Objective 5.4.2- Improve customer and partner experience through enhanced online services. Switching to TeleCheck results in a more secure transaction for online customers because no sensitive financial information is stored on agency equipment.
- Anticipated Implementation Date: May 2018

Legislative Oversight Committee



South Carolina House of Representatives

Committee Mission

Determine if agency laws and programs are being implemented and carried out in accordance with the intent of the General Assembly and whether they should be continued, curtailed or eliminated. Inform the public about state agencies.

Website: <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>

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Location: Blatt Building, Room 228