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May 23, 2019

Via Email

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

Dear Director Farr:

The Legislative Oversight Committee appreciates your continued cooperation with the oversight process. At the Committee meeting on May 8, 2019, licensees and the professional associations that represent them raised concerns related to their experiences with the Department of Labor, Licensing and Regulation (LLR) and the licensing boards it administers. I would ask you to work with these stakeholders to identify any solutions that may address the issues they have, including but not limited to the following:

- Communication between licensees/professional associations and board members/staff;
- Notification of licensees about board meetings and decisions;
- Ability of boards to provide guidance to licensees about professional behavior; and
- Fluctuations in staffing that delay the licensure and investigation processes or lead to an inability to sufficiently review qualifications such as continuing professional education.

We look forward to hearing about your discussions with these stakeholders at the next full Committee meeting on Tuesday, June 25, 2019. In addition, by Friday, June 14, 2019, please provide answers to the following questions that Committee members were unable to ask at the meeting due to time constraints.

Agency Staffing

1. Have any licensing boards requested additional staff? If yes, which ones, and how were the requests addressed by the agency?
2. What is the agency's staff breakdown by race, gender, ethnicity, and age? Please include information for each major division/department if possible.
3. How many employees have left the agency since your appointment as Interim Director in 2016? Please provide the number of employee separations per month since that time.

Licensee Services

4. How do the boards and/or agency staff address constituent concerns about licensure delays?
5. For each board, what was the average time between receipt of a licensure application and issuance/denial of that license in FY18? Please feel free to differentiate between different types of licenses (e.g., initial and renewal) and provide explanations of outliers as appropriate.
6. Do you have a goal for staff response time to licensee inquiries? Do you track the response time? If so, please provide any recent data you have, broken down by board if available.
7. Does the agency provide licensee mailing lists to professional associations or others for the purposes of disseminating information about continuing education opportunities? If not, why not?
8. What problems may arise when a licensee's name changes?
9. Please address the concern raised at the meeting that board decisions are not shared with the licensees affected by those decisions.
10. Do all boards comply with FOIA requirements for notifications of public meetings? How does the agency announce meetings? Please provide the date and time on which each of the last five public meetings of the Board of Accountancy, or any subdivisions, was announced.
11. What plans, if any, do you have to improve relationships that licensing boards and staff have with licensees and their professional associations? What plans, if any, do you have to meet with all boards and discuss how to better serve their licensees?

Licensing Fees and Finances

12. For each of the 11 boards that have had negative cash balances for more than one consecutive year, to what do you attribute this persistent deficit (e.g., unusually low fees, unusually high expenses, low number of licensees, etc.)?
13. What is the agency's plan to address the persistent budget deficits of several boards?
14. In your [March 15, 2019, response](#) to Rep. Hixon's Question 10, you indicated that although the agency accounts for board revenue with separate cost centers in SCEIS, "[a]ll revenue collected in the POL division of the Agency is deposited in its account with the State Treasurer." S.C. Code of Laws § 40-1-50(D) states that "[f]ees must be deposited in accounts established for each respective board." Please explain the agency's position on whether it is in compliance with this statutory requirement.

Director Farr

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Fingerprint Background Checks

15. The Committee understands that the Department of Insurance collects fingerprints once from licensed insurance agents and that the fingerprints are thereafter kept on file by SLED and periodically rechecked. Does the agency believe it will be able to follow a similar procedure with the fingerprint background checks of licensees under the Real Estate Commission? If not, why not?
16. Will Real Estate Commission licensees whose fingerprints are already on file with SLED, such as those who are also licensed insurance agents, need to submit additional fingerprints?

Other Licensing Issues

17. Which practice acts authorize the issuance of advisory opinions? Do any boards issue advisory opinions without explicit statutory authorization? If not, why not?
18. Does the agency anticipate any problems would be caused by a statutory requirement that licensees include their license number on communications with the public (e.g., business cards and advertisements) in order to facilitate verification of licensure?
19. If available, please break down the licensees of the Board of Nursing and the Real Estate Commission by county of residence.

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 and your team for your service to the people 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 meeting.

Sincerely,



Wm. Weston J. Newton

cc: House Legislative Oversight Committee Members