

# Legislative Oversight Committee

## Full Committee Study of the Department of Labor, Licensing and Regulation *July 12, 2019*



FULL COMMITTEE OPTIONS STANDARD PRACTICE 12.4	FULL COMMITTEE ACTION(S)	DATE(S) OF FULL COMMITTEE ACTION(S)
(1) Refer the study and investigation back to the Subcommittee or an ad hoc committee for further evaluation; (2) Approve the Subcommittee’s study; or (3) further evaluate the agency as a full Committee, utilizing any of the available tools of legislative oversight	Study available for consideration  Study presentation and discussion  Further discussion and approval of amended study report	November 9, 2018  May 8, 2019  June 25, 2019

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# AGENCY SNAPSHOT

## Department of Labor, Licensing and Regulation

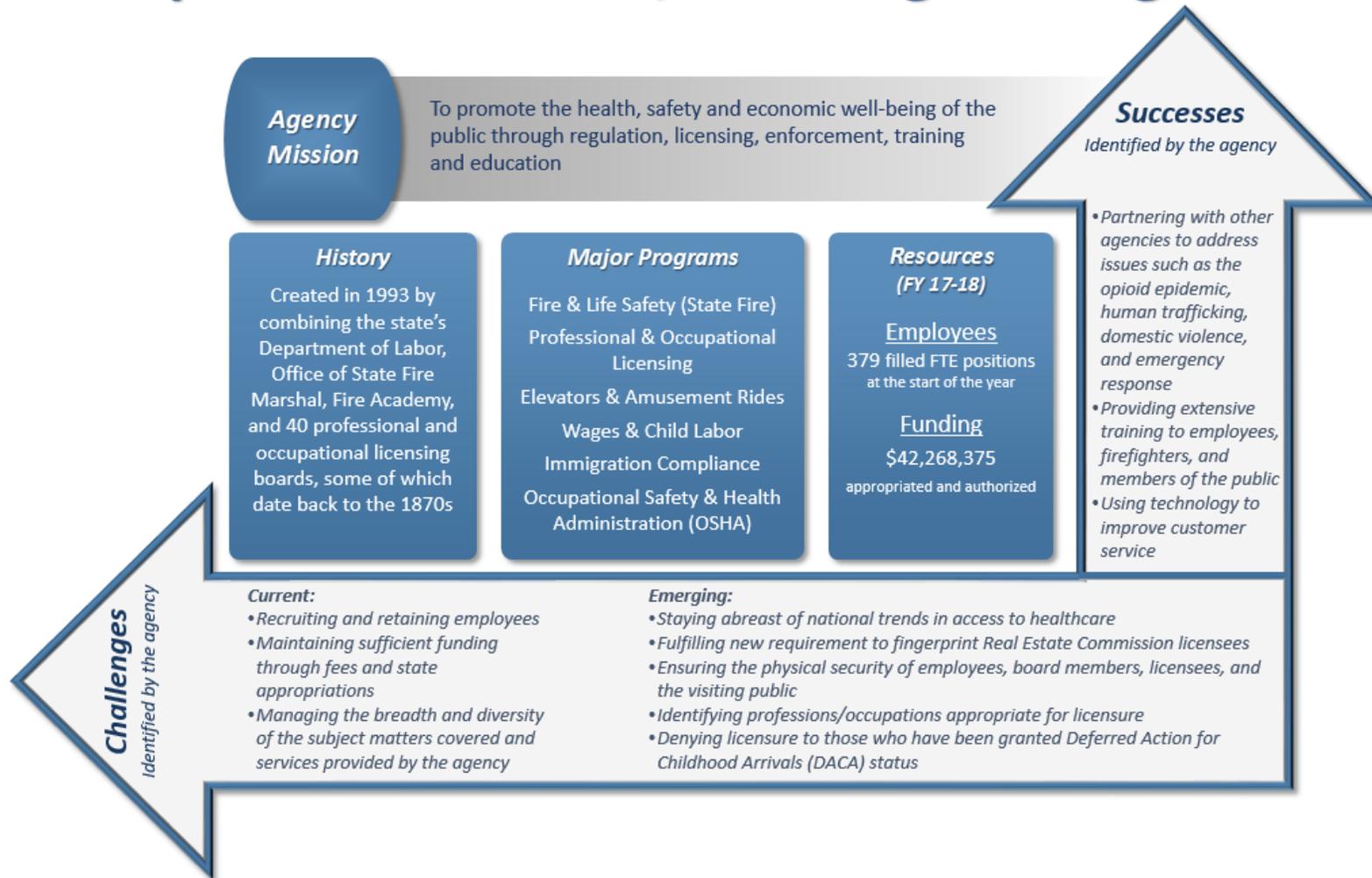


Figure 1. Snapshot of agency's history, mission, major programs, Fiscal Year 2017-18 resources, successes, and challenges.<sup>1</sup>

# EXECUTIVE SUMMARY

## Purpose of Oversight Study

As stated in S.C. Code Ann. § 2-2-20(B), “[t]he **purpose of these oversight studies** and investigations is to **determine if agency laws and programs** within the subject matter jurisdiction of a standing committee: (1) **are being implemented** and carried out **in accordance with the intent of the General Assembly**; and (2) **should be continued, curtailed, or eliminated.**” In making these determinations, the Committee evaluates (1) the application, administration, execution, and effectiveness of the agency’s laws and programs, (2) the organization and operation of the agency, and (3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation pertaining to the agency.<sup>2</sup>

## Study Process

The House Legislative Oversight Committee’s (Committee) process for studying the Department of Labor, Licensing and Regulation (agency or LLR) includes actions by the full Committee; Economic Development, Transportation, and Natural Resources Subcommittee (Subcommittee); the agency; and the public. A summary of the key dates and actions is included below in Figure 2.

### Legislative Oversight Committee Actions

- December 19, 2017 - Prioritizes the agency for study
- January 12, 2018 - Provides the agency with notice about the oversight process
- January 23 - March 1, 2018 - Solicits input from the public about the agency in the form of an online survey
- March 1, 2018 - Holds **Meeting 1** to **obtain public input** about the agency
- May 8, 2019 - Holds **Meeting 6** with the agency to **discuss study** and **receive constituent testimony**
- June 25, 2019 - Holds **Meeting 7** with the agency to **discuss study**; **approves amended report**

### Economic Development, Transportation, and Natural Resources Subcommittee Actions

- August 13, 2018 - Holds **Meeting 2** with the agency to discuss an overview of its **mission, history, resources, major programs, successes, challenges, and emerging issues**
- September 10, 2018 - Holds **Meeting 3** with the agency to tour the **Fire Academy** and discuss the following agency divisions: **Elevators and Amusement Rides and Immigration Compliance, Occupational Safety and Health Administration, and Wages and Child Labor**
- October 3, 2018 - Holds **Meeting 4** with the agency to discuss the following agency divisions: **Fire and Life Safety, and Professional and Occupational Licensing**
- November 1, 2018 - Holds **Meeting 5** with the agency to discuss **support divisions** and Subcommittee **recommendations**

### Department of Labor, Licensing and Regulation Actions

- May 1, 2015 - Submits its **Annual Restructuring and Seven-Year Plan Report**
- February 12, 2016 - Submits its **2016 Annual Restructuring Report**
- September 2016 - Submits its **FY 2015-16 Accountability Report/Annual Restructuring Report**
- September 2017 - Submits its **FY 2016-17 Accountability Report/Annual Restructuring Report**
- April 20, 2018 - Submits its **Program Evaluation Report**
- August 2018 - June 2019 - Meets with and **responds to Committee inquiries**
- September 2018 - Submits its **FY 2017-18 Accountability Report/Annual Restructuring Report**

### Public’s Actions

- January 23 - March 1, 2018 - Provides input about the agency via an **online public survey**
- March 1, 2018 - Provides **testimony** about the agency to the full Committee
- Ongoing - **Submits written comments on the Oversight Committee's webpage** on the General Assembly's website

Figure 2. Summary of key dates and actions of the study process.

## Recommendations

The **Committee has 39 recommendations** arising from its study of the agency. Most involve statutory changes and are directed to the General Assembly. Three recommendations are directed to state agencies. In the table below, the recommendations are sorted by the related agency division or program.

Table 1. Summary of recommendations.

Recommendations to the General Assembly	
Division/Program	Recommendations
Occupational Safety and Health Administration (OSHA)	<ol style="list-style-type: none"> <li>1. Allow the required notice of hearings about employee health and safety regulations to be published in newspapers with electronic circulation by amending S.C. Code Ann. § 41-15-220(A).</li> <li>2. Provide a compliance mechanism for warrants and subpoenas related to OSHA investigations and authorize sanctions for non-compliance by amending S.C. Code Ann. § 41-15-260 and § 41-15-270.</li> <li>3. Clarify the process through which LLR issues citations and penalties for violations of employee health and safety regulations by amending S.C. Code Ann. § 41-15-280 and repealing § 41-15-300.</li> <li>4. Ensure LLR’s ability to maximize federal funding for its labor programs by codifying Proviso 81.7 from the 2018-19 General Appropriations Act.</li> </ol>
Wages and Child Labor	<ol style="list-style-type: none"> <li>5. Increase penalties for violations of laws related to payment of wages by amending S.C. Code Ann. § 41-10-80.</li> <li>6. Clarify penalty options for first-time violations of child labor regulations by amending S.C. Code Ann. § 41-13-25.</li> <li>7. Authorize employers to make use of current technology related to providing employee wage statements by updating S.C. Code Ann. § 41-10-30 and § 41-10-40.</li> </ol>
Elevators and Amusement Rides	<ol style="list-style-type: none"> <li>8. Clarify which amusement rides are subject to LLR permitting by defining “open to the public” in S.C. Code Ann. § 41-18-40.</li> </ol>

## Recommendations to the General Assembly

Division/Program	Recommendations
State Fire	<ol style="list-style-type: none"> <li>9. Authorize the Office of State Fire Marshal to issue fines up to \$1,000 for repeated fire code violations (i.e., those that remain uncorrected after provision of notice and time to correct) creating life safety issues for the public.</li> <li>10. Revise statutes to reflect duties and powers of the Office of State Fire Marshal by amending S.C. Code Ann. § 23-9-20 and repealing § 23-9-40, § 23-9-60, § 23-9-110, and § 23-9-130.</li> <li>11. Clarify the authority of those acting on behalf of the Office of State Fire Marshal and allow the Office of State Fire Marshal to establish procedures to discipline certified fire marshals by amending S.C. Code Ann. § 23-9-30.</li> <li>12. Allow LLR's Division of Fire and Life Safety to receive donations of equipment by amending S.C. Code Ann. § 23-49-120.</li> <li>13. Simplify the grant award process for the Volunteer Strategic Assistance and Fire Equipment (V-SAFE) Program and designate a revenue stream to support administration of the program by amending S.C. Code Ann. § 23-9-25.</li> <li>14. Identify all classes of fire equipment permits and licenses that are regulated by the Office of State Fire Marshal, allow for promulgation of regulations regarding requirements, and correct terminology by amending S.C. Code Ann. § 23-9-45.</li> <li>15. Allow the Office of State Fire Marshal to enter fire or explosion sites without permission in cases of fatalities or serious injuries by amending S.C. Code Ann. § 23-9-50.</li> <li>16. Reflect appropriate fees for duplication and documentation of files and the correct title of the Office of State Fire Marshal by updating S.C. Code Ann. § 40-80-30.</li> <li>17. Eliminate an antiquated statutory reference to historical movement of the Office of State Fire Marshal and reflect current terminology by updating S.C. Code Ann. § 23-9-10.</li> <li>18. Ensure consistent use of terminology related to the State Fire Academy by amending S.C. Code Ann. § 23-10-10.</li> <li>19. Eliminate an unnecessary statute relating to wheelchair access ramps, S.C. Code Ann. § 23-9-35.</li> </ol>

Professional and Occupational Licensing	<ol style="list-style-type: none"> <li>20. Require the Legislative Audit Council to assess, every 10 years, the need for continued regulation of each of the professions and occupations licensed by the boards administered by LLR.</li> <li>21. Eliminate the requirement for the LLR director to recommend professions and occupations for de-regulation by amending S.C. Code Ann. § 40-1-50(A).</li> <li>22. Clarify that LLR, not the professional and occupational licensing boards, selects and hires agency employees by amending S.C. Code Ann. § 40-1-50(A).</li> <li>23. Task licensing boards with advising LLR on statutory revisions and other matters by amending S.C. Code Ann. § 40-1-70.</li> <li>24. Amend disciplinary procedures for the Board of Chiropractic Examiners in S.C. Code Ann. § 40-9-31 to conform to current agency practices.</li> <li>25. Require the LLR attorney representing the state, rather than officers of the professional and occupational licensing boards, to sign and provide notice of formal accusations filed by several boards by amending S.C. Code Ann. § 40-15-180, § 40-55-130, and § 40-75-90</li> <li>26. Allow the Manufactured Housing Board, rather than an administrative hearing officer, to hear a case against a licensee of the board by amending S.C. Code Ann. § 40-29-60.</li> <li>27. Clarify the procedures for service of notice for disciplinary hearings and the role of disciplinary counsel in licensing investigations by amending S.C. Code Ann. § 40-1-90.</li> <li>28. Clarify that a nondisciplinary letter of caution issued by a licensing board is a private order by amending S.C. Code Ann. § 40-1-120.</li> <li>29. Clarify the difference between voluntary surrender and permanent relinquishment of a license by amending S.C. Code Ann. § 40-1-150.</li> <li>30. Clarify the confidentiality standards to be used during different stages of licensing investigations by amending S.C. Code Ann. § 40-1-190.</li> <li>31. Update the list of professional and occupational licensing boards administered by LLR by amending S.C. Code Ann. § 40-1-40(B).</li> <li>32. Authorize the Perpetual Care Cemetery Board to make use of current technology (e.g., email) by amending S.C. Code Ann. § 40-8-160.</li> <li>33. Remove outdated types of optometry licenses from S.C. Code Ann. § 40-37-20 and § 40-37-420.</li> <li>34. Correct a typographical error, an incorrect statutory citation, and a reference to a definition that does not exist in statute by amending S.C. Code Ann. § 40-11-20, § 40-29-100, and § 40-59-270.</li> <li>35. Consider amending state law to allow fingerprints submitted by Real Estate Commission licensees to be kept on file by SLED for subsequent background checks.</li> <li>36. Consider amending state law to allow the Real Estate Commission, with licensees' permission, to utilize fingerprints already on file with other state agencies to perform required background checks.</li> </ol>
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Recommendations to State Agencies		
Division/ Program	Recommendation to...	Recommendations
OSHA	LLR's OSHA division	37. Partner with insurance companies to increase opportunities to educate employers about health and safety and encourage voluntary compliance.
Professional and Occupational Licensing	LLR and the Department of Health and Environmental Control	38. Jointly make a recommendation to the Committee as to which agency should administer the Commission of Hearing Aid Specialists.
	LLR	39. Follow up with the Committee in January 2020 regarding the results of its licensing fee analysis and the steps it is taking to address any problems identified.

There are **no specific recommendations with regards to continuance of agency programs or elimination of agency programs.**

### *Internal Changes Implemented by Agency Related to Study Process*

LLR Director Farr testifies during the study process that the agency has expedited the formalization of its records retention policy and taken further steps to protect private information due in part to Committee questioning about records retention.<sup>3</sup>

In response to questions from Committee members, Director Farr reports the agency is taking the following steps to address concerns about professional and occupational licensing raised by stakeholders during the study process:

- Creating a way for individuals to submit anonymous input to the LLR ombudsman through the agency's website;
- Planning a two-day training and team building session for all licensing board administrators;
- Reaching out to professional associations to discuss concerns about the agency's professional and occupational licensing division; and
- Updating the agency's policy regarding prompt publication of minutes from licensing board meetings.<sup>4</sup>

# AGENCY OVERVIEW

## History

LLR provides the Committee with an overview of the agency's history.<sup>5</sup> In addition, Committee staff confirms the accuracy of assertions of legislative action.

### Creation of Licensing Boards by the General Assembly

**1872**  
Commission for the Port of Charleston Pilotage<sup>7</sup>

**1875**  
Board of Dentistry<sup>8</sup>

**1904**  
Board of Medical Examiners<sup>11</sup>

**1915**  
Board of Accountancy<sup>13</sup>

**1917**  
Board of Architectural Examiners<sup>14</sup>

**1920**  
Board of Veterinary Medical Examiners<sup>15</sup>

**1922**  
Board of Professional Engineers<sup>16</sup>

**1926**  
Board of Pharmaceutical Examiners<sup>17</sup>

### Other Agency Milestones

**1817**

- The General Assembly passes a law requiring each apothecary to obtain a license. The law also establishes examination and license prerequisites for the practice of pharmacy.<sup>6</sup>

**1894**

- The General Assembly gives county boards the authority to license physicians.<sup>9</sup>

**1903**

- The first labor law, addressing the issue of child labor, is adopted by the General Assembly.<sup>10</sup>

**1909**

- The General Assembly creates the South Carolina Department of Agriculture, Commerce and Labor Industries, expanding the duties of the South Carolina Commissioner of Agriculture to include a factory inspection unit.<sup>12</sup> The new division begins inspecting factories for compliance with child labor and sanitation laws.



Figure 3. Representatives Bannister, Norrell, and Collins review preparations for Hurricane Florence with Mr. Ken Kerber, head of the Emergency Response Task Force, at the State Fire Academy on September 10, 2018. Representative Ridgeway is also present, but not pictured.

## Creation of Licensing Boards by the General Assembly

**1932**

Board of Chiropractors  
(previously regulated by  
Board of Medical  
Examiners)<sup>18</sup>

**1934**

Board of Cosmetology<sup>19</sup>

**1935**

Board of Nursing  
(previously regulated by the  
Board of Medical  
Examiners)<sup>20</sup>

**1936**

Contractors' Licensing  
Board<sup>21</sup>

**1937**

Board of Barber Examiners<sup>23</sup>

**1947**

Liquefied Petroleum Gas  
Board<sup>24</sup>

**1952**

Board of Physical Therapy<sup>25</sup>

**1954**

Cemetery Board<sup>26</sup>

**1955**

Board of Funeral Service<sup>27</sup>

**1956**

Real Estate Commission<sup>28</sup>

**1960**

Board of Podiatry  
Examiners<sup>30</sup>

**1961**

Board of Registration for  
Foresters<sup>31</sup>

## Other Agency Milestones

**1936**

- The General Assembly creates the Department of Labor and Governor Johnston appoints the first Commissioner of Labor, John Nates.<sup>22</sup>

**1939**

- Governor Maybank appoints W. Rhett Harley as the new Commissioner of Labor.

**1943**

- Governor Johnston appoints Raymond L. Gamble as the new Commissioner of Labor.

**1948**

- Governor Thurmond appoints W. Fred Ponder as the new Commissioner of Labor.

**1958**

- The General Assembly designates the Commissioner of the South Carolina Department of Insurance as the "State Fire Marshal, ex officio" and empowers him to appoint a Chief Deputy State Fire Marshal.<sup>29</sup> He appoints Jesse C. Johnson, a City of Columbia Fire Department Battalion Chief.

## Creation of Licensing Boards by the General Assembly

## Other Agency Milestones

<b>1966</b> Board of Environmental Certification <sup>32</sup>	<b>1966</b> <ul style="list-style-type: none"><li>• New state law transfers the Office of State Fire Marshal from the South Carolina Department of Insurance to the Division of General Services in the State Budget and Control Board.<sup>33</sup> Deputy State Fire Marshal Jesse C. Johnson becomes the first State Fire Marshal.</li></ul>
<b>1968</b> Board of Examiners in Psychology and Board of Social Work Examiners <sup>34</sup>	<b>1969</b> <ul style="list-style-type: none"><li>• Governor McNair establishes a statewide training program for public sector and private industry firefighters under the state technical education system. Midlands Technical College in Columbia adds a 42-hour firefighting training program to the school's catalogue of vocational classes. Previously, some fire departments and the South Carolina Firefighters' Association provided training to firefighters.</li></ul>
<b>1970</b> Board of Long Term Health Care Administrators <sup>35</sup>	<b>1970</b> <ul style="list-style-type: none"><li>• Congress enacts the federal Occupational Safety and Health Act.<sup>36</sup> Responsibility for enforcement of the law is given to the United States Department of Labor; however, the bill provides that any state wishing to pre-empt federal enforcement can do so by adopting a state program.</li></ul>
<b>1971</b>	<b>1971</b> <ul style="list-style-type: none"><li>• Governor West appoints Edgar L. McGowan as the new Commissioner of Labor.</li><li>• The General Assembly passes the South Carolina Occupational Safety and Health Act, enabling Commissioner McGowan to seek federal approval of a state-administered OSHA program.<sup>37</sup></li></ul>
<b>1972</b> Building Codes Council <sup>38</sup>	<b>1972</b> <ul style="list-style-type: none"><li>• South Carolina becomes the first state to file a state-administered OSHA plan with the United States Department of Labor to enforce OSHA. On November 30, 1972, South Carolina becomes the first state to have its job safety and health plan approved by the United States Department of Labor.</li></ul>
<b>1973</b> Manufactured Housing Board and Board of Examiners in Speech-Language Pathology and Audiology <sup>39</sup>	<b>1973</b> <ul style="list-style-type: none"><li>• Construction begins on a fire training facility near the Columbia airport with funds appropriated by the General Assembly.</li></ul>

## Creation of Licensing Boards by the General Assembly

## Other Agency Milestones

<b>1974</b> Residential Builders Commission <sup>40</sup>	<b>1974</b> <ul style="list-style-type: none"><li>• The South Carolina Institute of Fire Technology opens near Columbia airport under the direction of Midlands Technical College. The facility includes classrooms, a burn building, and a drill tower.</li></ul>
<b>1977</b> Auctioneers Commission <sup>41</sup> and Board of Occupational Therapy <sup>42</sup>	<b>1976</b> <ul style="list-style-type: none"><li>• The General Assembly gives responsibility for firefighter training to the State Technical Education Board, and the South Carolina Institute of Fire Technology is renamed the South Carolina Fire Academy.<sup>43</sup></li></ul>
<b>1978</b> Board of Examiners in Opticianry and Board of Examiners in Optometry <sup>44</sup>	
<b>1979</b> Board of Pyrotechnic Safety <sup>45</sup>	<b>1979</b> <ul style="list-style-type: none"><li>• The General Assembly creates the South Carolina Fire Commission, transfers the Office of State Fire Marshal to the Budget and Control Board, and creates the South Carolina Fire Academy Advisory Committee.<sup>46</sup></li></ul>
<b>1984</b> Athletic Commission <sup>47</sup>	
<b>1985</b> Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists and Psycho-Educational Specialists <sup>48</sup>	<b>1985</b> <ul style="list-style-type: none"><li>• The General Assembly enacts the South Carolina Elevator Code and the South Carolina Amusement Rides Safety Code.<sup>49</sup> Responsibility for administering the laws is given to the South Carolina Department of Labor.</li></ul>
<b>1986</b> Board of Registration for Geologists <sup>50</sup>	<b>1986</b> <ul style="list-style-type: none"><li>• The South Carolina Payment of Wages Act is enacted.<sup>51</sup> The Department of Labor is authorized to make inspections and to issue citations and assess penalties for violations of the Act.</li><li>• The South Carolina Fire Academy is transferred from the State Technical Education Board to the Division of State Fire Marshal in the State Budget and Control Board.<sup>52</sup></li></ul>
<b>1990</b> Cemetery Board terminated <sup>53</sup>	<b>1989</b> <ul style="list-style-type: none"><li>• Governor Campbell appoints Virgil W. Duffie, Jr. as the new Commissioner of Labor.</li></ul>
<b>1991</b> Real Estate Appraisers Board <sup>54</sup>	<b>1991</b> <ul style="list-style-type: none"><li>• The General Assembly passes a bond bill to fund a new firefighter training facility.</li></ul>

## Creation of Licensing Boards by the General Assembly

## Other Agency Milestones

### 1993

- The General Assembly creates the Department of Labor, Licensing and Regulation through the South Carolina State Government Restructuring Act.<sup>55</sup> Effective February 1, 1994, the law merges the former Department of Labor, Office of State Fire Marshal, South Carolina Fire Academy, and 40 professional and occupational licensing boards. The agency head's title is changed from Commissioner of Labor to Director, and Commissioner Duffie becomes the first Director of LLR.
- A ground-breaking ceremony is held for a new state fire academy near Monticello Road in Columbia.
- The South Carolina State Fire Academy receives accreditation from the International Fire Service Accreditation Congress.

### 1995

- Governor Beasley appoints Lewis F. Gossett as the second Director of LLR.
- The 208 acre campus of the South Carolina Fire Academy in northern Richland County holds its grand opening on July 12, 1995. The \$23 million facility provides training for fire service personnel (both paid and volunteer), industrial fire brigades, and rescue professionals. The facility includes classrooms, burn props, air rescue firefighting simulators, auditorium, cafeteria, and dormitory.

### 1996

- The General Assembly passes the "Engine Bill" to define LLR's administrative functions for the 40 professional and occupational licensing boards brought under the agency.<sup>56</sup> The law creates uniformity where applicable in the different licensing acts by consistently using common terms throughout the act within a particularly structured format.

### 1997

Massage/Bodywork Panel<sup>57</sup>

### 1997

- LLR moves its headquarters to the Synergy office complex at 110 Centerview Drive in Columbia. The Labor Division of LLR stays at its location but will move at a later time.
- LLR boards begin posting agendas, meeting minutes, final board orders, and applications online.

### 1999

- Governor Hodges appoints Rita M. McKinney as the new LLR Director.
- The South Carolina State Association of Fire Chiefs unveils the South Carolina Fallen Firefighter Memorial, housed on the grounds of the South Carolina Fire Academy.

## Creation of Licensing Boards by the General Assembly

## Other Agency Milestones

	<b>2000</b> <ul style="list-style-type: none"><li>• LLR boards introduce “Licensee Lookup” on the agency’s website, allowing the public to see if a person they want to do business with is licensed and/or has been disciplined.</li><li>• Governor Hodges appoints Donald Harkins as State Fire Marshal.</li><li>• Governor Hodges appoints Robert O. Polk as State Fire Marshal.</li></ul>
	<b>2001</b> <ul style="list-style-type: none"><li>• LLR begins offering licensees the ability to renew online.</li></ul>
<b>2002</b> Perpetual Care Cemetery Board <sup>58</sup>	<b>2003</b> <ul style="list-style-type: none"><li>• Governor Sanford appoints Adrienne R. Youmans as the new LLR Director.</li></ul>
	<b>2004</b> <ul style="list-style-type: none"><li>• LLR reorganizes the Division of Professional and Occupational Licensing Division by creating the Office of Investigations and Enforcement. This office investigates complaints of alleged misconduct by licensees. Investigators are cross-trained to investigate more than one board. Prior to the creation of this office, investigators were assigned to individual boards.</li><li>• South Carolina OSHA offices move to the main LLR headquarters at 110 Centerview Drive in Columbia.</li></ul>
<b>2005</b> Boiler Safety Program <sup>59</sup>	<b>2005</b> <ul style="list-style-type: none"><li>• The General Assembly adopts the Boiler Safety Act, giving LLR the responsibility of promulgating regulations for the safe installation and inspection of boilers in the state.<sup>60</sup> LLR promulgates regulations effective June 2006.</li><li>• The South Carolina State Fire Academy receives the Board on Fire Service Professional Qualifications (Pro Board) accreditation.</li></ul>
<b>2006</b> Panel for Dietetics <sup>61</sup>	<b>2006</b> <ul style="list-style-type: none"><li>• Governor Sanford appoints Michael Platt as State Fire Marshal.</li></ul>

## Creation of Licensing Boards by the General Assembly

## Other Agency Milestones

2010  
Soil Classifier Advisory  
Council  
and Board of Landscape  
Architectural Examiners<sup>63</sup>  
(previously regulated by  
South Carolina Department  
of Natural Resources)

### 2008

- The General Assembly passes the South Carolina Illegal Immigration Reform Act requiring employers to verify the legal status of new employees using the federal database E-Verify or a valid driver's license.<sup>62</sup> LLR is charged with the responsibility of conducting audits of employers to ensure compliance with the law.
- LLR reorganizes the Professional and Occupational Licensing Division to create the Office of Licensure and Compliance (OLC). This office consolidates processes dealing with initial licensure of applicants, annual and biennial renewal of licenses, and licensees requiring compliance with board orders. In addition, the Customer Care Center is established to assist OLC and the professional and occupational licensing boards.

### 2010

- South Carolina OSHA signs its first workplace safety partnership with a private company - BE&K/Turner Joint Venture - a design-build contractor at the Boeing 787 assembly and delivery site in North Charleston. The partnership is created to provide the safest possible work environment for workers. As part of the partnership, South Carolina OSHA agrees to review safety and health programs, conduct comprehensive on-site inspections, provide training, and help contractors eliminate hazards at worksites.

### 2011

- Governor Haley appoints Catherine B. Templeton as the new LLR Director.
- LLR reorganizes the Office of Elevators and Amusement Rides to allow special certified inspectors licensed by LLR, instead of inspectors on staff with the agency, to conduct inspections. A team of auditors employed by the office conduct audits of the special inspectors' work.
- Governor Haley appoints Adolf A. Zubia as State Fire Marshal.
- LLR reorganizes its Professional and Occupational Licensing Division by eliminating the Office of Licensure and Compliance and the Customer Care Center. The functions of these two offices are returned to the individual professional and occupational licensing boards.

### 2012

- Governor Haley appoints Holly Gillespie Pisarik as the new LLR Director.
- LLR begins offering professional and occupational licensees the ability to file online applications.

**Creation of Licensing Boards  
by the General Assembly**

**Other Agency Milestones**

**2013**

- Governor Haley appoints Shane Ray as State Fire Marshal.

**2014**

- Governor Haley appoints Robert O. Polk as State Fire Marshal.

**2015**

- Governor Haley appoints Richele Taylor as the new Director of LLR.

**2016**

- Governor Haley appoints Emily H. Farr as Interim Director of LLR.

**2017**

- Governor McMaster appoints Emily H. Farr as Director of LLR, and the State Senate confirms her appointment on March 8, 2017.
- Governor McMaster appoints Jonathan Jones as State Fire Marshal.
- South Carolina OSHA moves from LLR's headquarters in the Kingtree Building at 110 Centerview Drive in Columbia, to the second floor of the Congaree Building adjacent to LLR's headquarters.

## *Purpose, Mission, and Vision*

LLR's **purpose** is expressed in several different statutes:

### **S.C. Code Ann. § 23-10-10**

The [State Fire] Academy is operated for the express purpose of upgrading the state's paid, volunteer, and industrial fire service personnel.

### **S.C. Code Ann. § 40-1-40**

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.

### **S.C. Code Ann. § 41-15-210**

The Director of the Department of Labor, Licensing, and Regulation or his designee may promulgate, modify or revoke rules and regulations [...] for the purpose of attaining the highest degree of health and safety protection for any and all employees working within the State of South Carolina, whether employed in the public or private sector.

The agency's **mission** is:<sup>64</sup>

to promote the health, safety and economic well-being of the public through regulation, licensing, enforcement, training and education.

The agency's **vision** is:<sup>65</sup>

LLR will provide responsible regulatory oversight. We will work with licensees, boards, associations, and citizens to achieve the shared goals and interests of our state. LLR will cultivate an atmosphere of trust, integrity, innovation, compliance and accountability with our partners, leading to a better future for citizens. Through the agency's work, LLR will reduce injuries in the workplace, fire-related injuries and fatalities, and licensee misconduct through education and enforcement.

## *Agency Organization*

### *Governing Body*

LLR is a cabinet agency, with a director appointed by the Governor. The 42 professional and occupational licensing boards the agency administers have autonomous decision-making authority.<sup>66</sup> Most of the members of the boards are appointed by the Governor.<sup>67</sup>

## Agency Organizational Units

During the study process the Committee asks the agency about its organization and major operating programs.<sup>68</sup> LLR informs the Committee it has four major programs: State Fire (also known as Fire and Life Safety), Professional and Occupational Licensing, Labor, and Elevators/Amusement Rides. These are broken down into seven organizational units, also known as divisions or offices. There are also three support units. Information about each unit is included in the tables below.

### State Fire

The following three units comprise the State Fire program:

The **Office of the State Fire Marshal** conducts inspections to increase compliance with state fire safety regulations, code consultation, and plan review services. Table 2 provides additional information about the office.

Table 2. State Fire: Office of the State Fire Marshal.

Details:	2014-15	2015-16	2016-17
What is the turnover rate?	9.38%	23.88%	16.90%
Is employee satisfaction evaluated?	X		✓
Is anonymous employee feedback allowed?	X		✓
Do any positions require a certification (e.g., teaching, medical, accounting, etc.)?	✓		✓
Did the agency pay for, or provide classes/instruction needed to maintain all, some, or none of required certifications?	All		All

The **Emergency Response Task Force** supports LLR's role in emergency support functions within the State Emergency Response Plan and day-to-day operations. Table 3 provides additional information about the task force.

Table 3. State Fire: Emergency Response Task Force.

Details:	2014-15	2015-16	2016-17
What is the turnover rate?	7.41%	100%	0%
Is employee satisfaction evaluated?	X		
Is anonymous employee feedback allowed?	X		
Do any positions require a certification (e.g., teaching, medical, accounting, etc.)?	X		
Did the agency pay for, or provide classes/instruction needed to maintain all, some, or none of required certifications?	Some		

The **South Carolina Fire Academy** provides fire and life safety programs and services, including training in-state and out-of-state fire service personnel. Table 4 provides additional information about the Fire Academy.

Table 4. State Fire: South Carolina Fire Academy.

Details:	2014-15	2015-16	2016-17
What is the turnover rate?	13.98%	19.09%	22.97%%
Is employee satisfaction evaluated?	X		
Is anonymous employee feedback allowed?	X		
Do any positions require a certification (e.g., teaching, medical, accounting, etc.)?	✓		
Did the agency pay for, or provide classes/instruction needed to maintain all, some, or none of required certifications?	All		

## Professional and Occupational Licensing

The following two organizational units make up the Division of Professional and Occupational Licensing:

The **Office of Board Services** oversees the administrative and functional needs of 42 professional and occupational licensing boards. Table 5 provides additional information about the office.

Table 5. Professional and Occupational Licensing: Office of Board Services.

Details:	2014-15	2015-16	2016-17
What is the turnover rate?	10.38%	18.57%	14.59%
Is employee satisfaction evaluated?	X		
Is anonymous employee feedback allowed?	X		
Do any positions require a certification (e.g., teaching, medical, accounting, etc.)?	✓		
Did the agency pay for, or provide classes/instruction needed to maintain all, some, or none of required certifications?	Some		

The **Office of Investigations and Enforcement** investigates complaints involving alleged misconduct by licensees. Table 6 provides additional information about the office.

Table 6. Professional and Occupational Licensing: Office of Investigations and Enforcement.

Details:	2014-15	2015-16	2016-17
What is the turnover rate?	19.70%	16.67%	10.60%
Is employee satisfaction evaluated?	X		
Is anonymous employee feedback allowed?	X		
Do any positions require a certification (e.g., teaching, medical, accounting, etc.)?	✓		
Did the agency pay for, or provide classes/instruction needed to maintain all, some, or none of required certifications?	Some		

## Labor Programs

This program is primarily made up of the Occupational Safety and Health Administration division, although LLR's other labor programs include Wages and Child Labor and Immigration Compliance.

The **Occupational Safety and Health Administration (OSHA)** division oversees the application and enforcement of state and federal laws related to occupational health and safety. Table 7 provides additional information about the division.

Table 7. Labor: Occupational Safety and Health Administration Division.

Details:	2014-15	2015-16	2016-17
What is the turnover rate?	10.62%	5.36%	13.91%
Is employee satisfaction evaluated?	X		
Is anonymous employee feedback allowed?	X		
Do any positions require a certification (e.g., teaching, medical, accounting, etc.)?	✓		
Did the agency pay for, or provide classes/instruction needed to maintain all, some, or none of required certifications?	All		

## Elevators and Amusement Rides

This program comprises a single organizational unit, which the agency groups with its Office of Immigration Compliance for the purposes of its Program Evaluation Report:

The **Offices of Elevator and Amusement Rides and Immigration Compliance** oversee the application and enforcement of laws related to elevators/amusement rides and immigration compliance. Table 8 provides additional information about the offices.

Table 8. Offices of Elevator and Amusement Rides and Immigration Compliance.

Details:	2014-15	2015-16	2016-17
What is the turnover rate?	13.33%	9.52%	0%
Is employee satisfaction evaluated?	X		
Is anonymous employee feedback allowed?	X		
Do any positions require a certification (e.g., teaching, medical, accounting, etc.)?	✓		
Did the agency pay for, or provide classes/instruction needed to maintain all, some, or none of required certifications?	All		

## Support Divisions

Three of the agency's organizational units primarily provide support to its other programs:

The **Administration** division includes the director's office, communications, governmental affairs, procurement, finance, human resources, support services, records retention, and training and development. It provides support services to all LLR program divisions, including responding to inquiries from the public and public officials as well as handling legislative affairs. Table 9 provides more information about the division.

Table 9. Support: Administration Division.

Details:	2014-15	2015-16	2016-17
What is the turnover rate?	8%	21.42%	11.32%
Is employee satisfaction evaluated?	X		
Is anonymous employee feedback allowed?	X		
Do any positions require a certification (e.g., teaching, medical, accounting, etc.)?	✓		
Did the agency pay for, or provide classes/instruction needed to maintain all, some, or none of required certifications?	Some		

The **Technology and Security** division administers information systems, end-user computing, and mobile technology. It also ensures the security of agency customers and employees and their data. Table 10 provides additional information about the division.

Table 10. Support: Technology and Security Division.

Details:	2014-15	2015-16	2016-17
What is the turnover rate?	16.67%	7.69%	12.90%
Is employee satisfaction evaluated?	X		
Is anonymous employee feedback allowed?	X		
Do any positions require a certification (e.g., teaching, medical, accounting, etc.)?	X		
Did the agency pay for, or provide classes/instruction needed to maintain all, some, or none of required certifications?	N/A		

The **Legal Services** division includes the Offices of Advice Counsel and Disciplinary Counsel and provides advice and legal services to professional and occupational licensing boards and the agency. It handles disciplinary cases, appeals, injunctions, and emergency suspensions of licenses. It also assists boards in drafting orders, policies, and regulations. Table 11 provides additional information about the division.

Table 11. Support: Legal Services Division.

Details:	2014-15	2015-16	2016-17
What is the turnover rate?	24.14%	33.89%	15.87%
Is employee satisfaction evaluated?	X		
Is anonymous employee feedback allowed?	X		
Do any positions require a certification (e.g., teaching, medical, accounting, etc.)?	✓		
Did the agency pay for, or provide classes/instruction needed to maintain all, some, or none of required certifications?	Some		

Organizational Chart

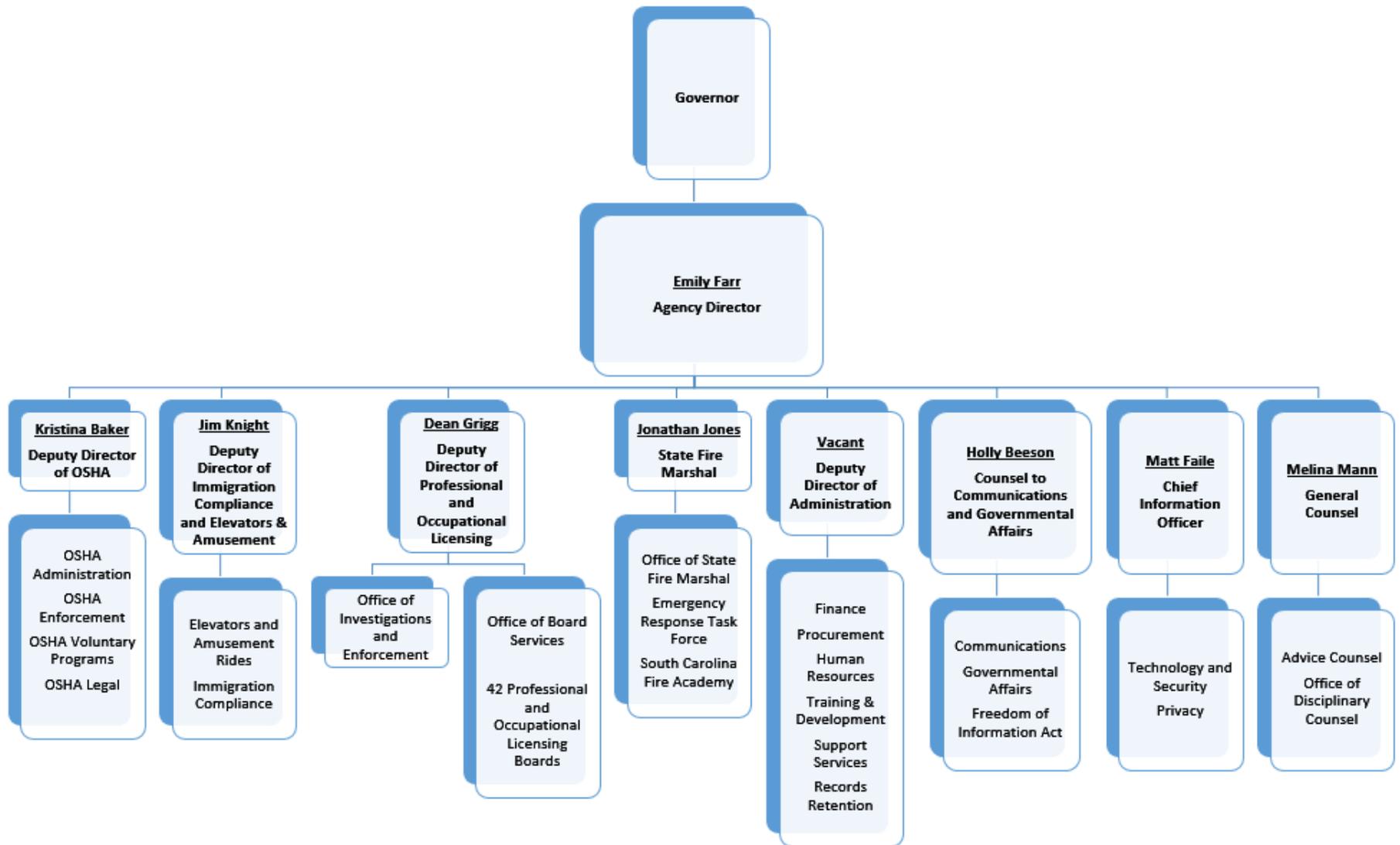


Figure 4. Organizational chart provided by the agency (current as of October 2018).<sup>69</sup>

## *Internal Audit Process*

In the Program Evaluation Report, the Committee asks the agency to provide information about its internal audit process, if it has one. The agency provides the information below.<sup>70</sup>

LLR is a medium-size agency that does not currently employ a full-time auditor; however, the agency regularly conducts finance, human resources, and procurement audits. Beginning in FY 14-15, the agency drafted standard operating procedures in its Administration division to improve the effectiveness of risk management, control and governance.

As a result of establishing internal auditing procedures, we have shown marked improvement with fewer and fewer audit exceptions noted in all functional areas relative to the standard audits conducted by the Office of the State Auditor (annually), Materials Management (every 3 years), and Department of Administration - HR Division (annually).

The agency also provides a table of the types and frequency of internal audits conducted by its Administration division. This table and other details about the internal auditing procedures can be found on pages 22-25 of the agency's Program Evaluation Report.

## *Legal Obligations*

In the Program Evaluation Report, the Committee asks the agency to list the laws applicable to it. LLR's diverse duties are outlined in a number of different statutes and regulations.<sup>71</sup> Table 30 in Appendix B includes the laws establishing the agency's 42 licensing boards and related licensure requirements. Table 31 in Appendix C includes the other laws governing the agency's operations.

## Products and Services

In the Program Evaluation Report the Committee asks the agency to provide information about the products and services it provides.<sup>72</sup> The tables below show the products and services provided by the agency, organized by major program.

Table 12. Products and services provided by State Fire.

State Fire Products/Services <i>As reported by LLR</i>	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	Other agencies where the product/ service may fit (see table note)
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?			
<b>Pyrotechnic safety licenses:</b> Operator Commercial Indoor, Operator Commercial Outdoor, Operator Motion Picture, Operator Rockets, Operator Trainee, Operator Unrestricted, Displays and Operators	Allowed	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to potential environmental hazards, property damage, personal injury, and loss of life.	DHEC, DOR
<b>SCDC facility compliance inspections</b>	Required	✓	X	✓	✓	X	X	Non-compliance creates a risk of bodily injury and environmental hazards.	SCDC
<b>Hydrogen permitting and inspection program</b>	Required	✓	X	X	✓	X	✓	Loss of life and/or property.	DPS, DHEC, SLED
<b>Volunteer Strategic Assistance and Fire Equipment (V-SAFE) grant administration</b>	Required	✓	✓	✓	✓	X	X	Decreased response capabilities for volunteer fire departments.	Dept. of Insurance, DPS, SLED
<b>DSS foster home fire safety and lead inspections, DDSN facility inspections, state building inspections</b>	Allowed	✓	✓	✓	✓	✓	✓	Loss of life and/or property.	Dept of Insurance, DSS, DDSN
<b>Blasters, explosives, and fire equipment dealers permits</b>	Required	✓	X	X	✓	✓	✓	Loss of life and/or property.	DPS, DHEC, SLED
<b>Blasters, explosives, and fire equipment dealers inspections</b>	Allowed	✓	X	X	✓	✓	✓	Loss of life and/or property.	DPS, DHEC, SLED
<b>Fire Marshal training and certificates</b>	Allowed	✓	X	X	✓	X	✓	Untrained and uncertified fire code officials, leading to substandard and inconsistent enforcement of fire and life safety codes.	S.C. Tech. College System; LETC
<b>Fire code enforcement</b>	Required	✓	X	X	✓	X	X	Loss of life and/or property.	Dept. of Insurance, SLED, DPS
<b>Fire cause and origin investigation</b>	Required	✓	X	X	✓	X	X	Cause and circumstance of fire is not determined and prevention efforts are hampered.	Dept. of Insurance, SLED, DPS

State Fire Products/Services <i>As reported by LLR</i>	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	Other agencies where the product/service may fit (see table note)
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?			
Determine eligibility for income tax deduction by volunteers	Required	✓	X	✓	✓	X	X	Decrease in number of volunteer firefighters in SC communities.	DOR
Liquid petroleum gas and pyrotechnic retailer licensing inspections	Required	✓	X	X	✓	✓	✓	Loss of life and/or property.	DPS, DHEC, SLED
Administration of Firefighter Mobilization Plan	Required	✓	✓	X	✓	X	X	Loss of life and/or property.	Adjutant General's Office
Firefighter/industrial training	Required	✓	✓	✓	✓	X	✓	Significant loss of life and/or property, including loss of life of emergency responders.	S.C. Tech. College System; LETC
Registration of firefighters	Required	✓	X	X	✓	X	X	Non-qualified firefighters and/or firefighters with a significant criminal history (including arson) serving our communities.	S.C. Tech. College System; LETC

Table Note:

The following agency abbreviations are used:

DDSN	Department of Disabilities and Special Needs	DSS	Department of Social Services
DHEC	Department of Health and Environmental Control	LETC	Law Enforcement Training Council
DOR	Department of Revenue	SCDC	Department of Corrections
DPS	Department of Public Safety	SLED	S.C. Law Enforcement Division

Table 13. Products and services provided by Professional and Occupational Licensing.

Professional and Occupational Licensing Products/Services <i>As reported by LLR</i>	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	Other agencies where the product/service may fit (see table note)
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?			
Accountancy Board licenses: Accounting Practitioner and Certified Public Accountant	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose clients to financial risks in business transactions or unsuccessful audits.	DOR

Professional and Occupational Licensing Products/Services <i>As reported by LLR</i>	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	Other agencies where the product/ service may fit (see table note)
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?			
<b>Architect licenses</b>	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to the risk of damage to property or bodily harm.	DHEC
<b>Athletic Commission licenses:</b> Athletics–Announcer, Athletics – Judge, Athletics–Manager, Athletics–Matchmaker, Mixed Martial Arts Contestant–Amateur, Mixed Martial Arts Contestant–Professional, Off the Street Boxer, Professional Boxer, Professional Kick Boxer, Promoter, Promoter's Representative, Referee, Second, Timekeeper, Trainer and Wrestler Initial Licenses	Required	✓	✓	✓	✓	✓	✓	Unregulated professionals may give rise to the risk of physical harm to the fighter.	Dept. of Commerce
<b>Auctioneers' Commission licenses:</b> Apprentice Auctioneer, Auctioneer, Purebred Livestock Auctioneer, and Tobacco Auctioneer	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose clients to financial risks in business transactions.	DOR
<b>Barber Examiners licenses:</b> Barber, Barber Apprentice, Barber Instructor, Hair braider, Manicurist Barber Assistant, Master Hair Care Specialist, Shampooist Barber Assistant, and Student Barber	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose clients to unsanitary conditions and biological hazards.	DHEC
<b>Boiler Safety Program licenses:</b> Boiler Installers and Certified Boiler Inspectors	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to the risk of damage to property or bodily harm.	DHEC
<b>Building Codes Council licenses:</b> Building Code Enforcement Officer (provisional), Building Official, Commercial Inspector, Commercial Plans Examiner, Modular Building Manufacturer's Representative, Residential Inspector, Residential Plans Examiner, Single discipline inspector, and Special Inspector	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to the risk of damage to property or bodily harm.	DHEC
<b>Chiropractic Examiners licenses:</b> Chiropractic Preceptor and Chiropractor	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may result in bodily harm to patients.	DHEC, DHHS

Professional and Occupational Licensing Products/Services <i>As reported by LLR</i>	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	Other agencies where the product/ service may fit (see table note)
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?			
<b>Contractors' Licensing Board licenses:</b> Contractors–Concrete Contractor–Primary Qualifying Party, Construction Manager–General, Construction Manager–Mechanical, Electrical Mechanical Contractor–Primary Qualifying Party, Fire Alarm Contractor–Primary Qualifying Agent, Fire Alarm Contractor–Registered Employee, Fire Sprinkler Contractor–Primary Qualifying Party, General Roofing Contractor–Primary Qualifying Party, Glass and Glazing Contractor–Primary Qualifying Party, Heating Mechanical Contractor–Primary Qualifying Party, Highway Asphalt Paving Contractor–Primary Qualifying Party, Highway Bridges Contractor–Primary Qualifying Party, Highway Concrete Paving Contractor–Primary Qualifying Party, Highway General Contractor–Primary Qualifying Party, Highway Grading Contractor–Primary Qualifying Party, Highway incidental Contractor, Primary Qualifying Party, Inspector–Commercial, Interior Renovation Contractor–Primary Qualifying Party, Lighting Protection Systems Mechanical Contractor–Primary Qualifying Party, Marine Contractor–Primary Qualifying Party, Masonry Contractor, Primary Qualifying Party, Packaged Heating and Cooling Equipment Contractor–Primary Qualifying Party, Pipelines Contractor–Primary Qualifying Party, Plumbing Mechanical Contractor, Primary Qualifying Party, Pre-Engineered Metal Buildings Contractor–Primary Qualifying Party, Pressure and Process Piping Mechanical Contractor–Primary Qualifying Party, Public Utility Electrical Contractor–Primary Qualifying Party, Public Utility General Contractor–Primary Qualifying Party, Railroad Lines Contractor–Primary Qualifying Party, Refrigeration Mechanical Contractor–Primary Qualifying Party, Specialty Roofing Contractor–Primary Qualifying Party, Structural Framing Contractor–Primary Qualifying Party, Structural Shapes Contractor–Primary Qualifying Party, Swimming Pools Contractor–Primary Qualifying Party, Water and Sewer Lines General Contractor–Primary Qualifying Party, and Water and Sewer Plants Contractor–Primary Qualifying Party	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may result in property damage or bodily harm.	DHEC
<b>Cosmetology licenses:</b> Cosmetologist, Esthetician, Instructor–Cosmetologist, Instructor–Esthetician, Instructor–Nail Technician, and Nail Technician	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose clients to unsanitary conditions and biological hazards.	DHEC
<b>Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists licenses:</b> Marriage and Family Therapist, Marriage and Family Therapist Intern, Marriage and Family Therapy Supervisor, Professional Counselor, Professional Counselor Intern, Professional Counselor Supervisor, and Psycho-Educational Specialist	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose clients to psychological, mental, or emotional damage.	DHEC, DAODAS, DSS, DMH
<b>Dentistry licenses:</b> Dental Instructor, Restricted (Professor), Dental Assistant, Expanded Duty for Nitrous Oxide Monitoring, Dental Auxiliary Instructor, Restricted (Technical Colleges), Dental Hygienist, Dental Hygienist, Nitrous Oxide Monitoring Certified, Dental Orthodontic Technician, Dental Technician, Dental Hygienist, Local Infiltration Anesthesia Administration Certified, Dentist, Deep Sedation Permitted, Dentist, General, Dentist, Moderate Sedation Permitted, Dentist, Sedation (Deep and Moderate) Provider, Dentist, Specialty (for each specialty recognized by American Dental Association), Mobile and Portable Dental Units	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose patients to risk of personal injury or loss of life.	DHEC, DEA

Professional and Occupational Licensing Products/Services <i>As reported by LLR</i>	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	Other agencies where the product/ service may fit (see table note)
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?			
<b>Dietician licenses</b>	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to risk of personal injury or loss of life.	DHEC
<b>Engineers/Surveyors licenses:</b> Engineer–Associate, Engineer–Professional, Engineer-in-Training, Surveyor-in-Training, Surveyor–Geographic Information Systems (GIS), Surveyor–Land (Tier A), Surveyor–Land (Tier B), and Surveyor–Photogrammetry	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to the risk of damage to property or bodily harm.	DHEC
<b>Environmental Certification licenses:</b> Bottled Water Class Operator, Wastewater Treatment Operator Biological Class D, Wastewater Treatment Operator Physical/Chemical Class B, Wastewater Treatment Operator Physical/Chemical Class C, Wastewater Treatment Operator Physical/Chemical Class D, Wastewater Treatment Operator, Biological Class A, Wastewater Treatment Operator, Biological Class B, Wastewater Treatment Operator, Biological Class C, Wastewater Treatment Operator, Biological Trainee, Wastewater Treatment Operator, Physical/Chemical Class A, Wastewater Treatment Operator, Physical/Chemical Trainee, Water Distribution System Operator Class A, Water Distribution System Operator Class B, Water Distribution System Operator Class C, Water Distribution System Operator Class D, Water Distribution System Trainee, Water Treatment Operator Class E, Water Treatment Operator Trainee, Water Treatment Operator, Class A, Water Treatment Operator, Class B, Water Treatment Operator, Class C, Water Treatment Operator, Class D, Well Driller Borer (Non-Environmental), Well Driller Class A (Can Do All Three Subclassifications), Well Driller, Coastal Class B, Well Driller, Coastal Class C, Well Driller, Coastal Class D, Well Driller, Environmental Class B, Well Driller, Environmental Class C, Well Driller, Environmental Class D, Well Driller, Rock Class B, Well Driller, Rock Class C, Well Driller, And Rock Class D		✓	✓	✓	✓	✓		Unlicensed or unprofessional practice may expose the public to environmental hazards, property damage and personal injury.	DHEC, DNR
<b>Forester licenses</b>	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to property damage.	DHEC, DNR, Forestry Commission
<b>Funeral Service licenses:</b> Embalmer, Embalmer Apprentice, Embalmer Student, Funeral Director, Funeral Director Apprentice, and Funeral Director Student	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to environmental hazards, property damage, personal injury, financial harm, and/or fraud.	DHEC
<b>Landscape Architects licenses</b>	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to property damage.	DHEC, DNR

Professional and Occupational Licensing Products/Services <i>As reported by LLR</i>	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	Other agencies where the product/ service may fit (see table note)
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?			
<b>Liquefied Petroleum Gas Board licenses:</b> LP Gas Appliance and Equipment Installer/SERVICER–Qualifying employee, LPG Cylinder Exchange Facility Qualifying Employee, LPG Dealer–Qualifying Employee, LPG Reseller–Qualifying Employee, LPG Transporter–Qualifying Employee, and LPG Utility Gas Plant–Qualifying Employee	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to environmental hazards, property damage and personal injury.	DHEC, Office of Regulatory Staff Energy Office
<b>Long Term Health Care Administrators licenses:</b> Community Residential Care Administrator, Community Residential Care Administrator Trainee, Community Residential Care Facility Administrator Preceptor, Nursing Home Administrator, Nursing Home Administrator Preceptor, and Nursing Home Administrator Trainee	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose patients to risk of property damage, personal injury or loss of life.	DHEC, DSS, DMH
<b>Manufactured Housing Board licenses:</b> Manufactured Home Contractor, Manufactured Home Dealer - Authorized Official, Manufactured Home Installer, Manufactured Home Multi-Lot Salesperson, Manufactured Home Repairer, Manufactured Home Retail Salesman, and Manufactured Home Salesperson Apprentice	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to risk of property damage, personal injury or loss of life.	DHEC
<b>Massage/Bodywork Therapist licenses</b>	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to risk of property damage or personal injury.	DHEC
<b>Board of Medical Examiners licenses:</b> Acupuncturist, Anesthesiologist's Assistant, Auricular Detoxification Therapist, Auricular Therapist, Cardiovascular Invasive Specialist, Medical Professor (academic license), Physician, Physician Assistant, Physician–Limited (training), and Respiratory Care Practitioner (therapist or technician)	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose patients to risk of property damage, personal injury or loss of life.	DHEC, DSS, DAODAS, DMH
<b>Nursing licenses:</b> Advanced Practice Registered Nurse with Prescription Privileges, Nurse Anesthetist, Nurse Midwife, Nurse Practitioner, Nurse Specialist–Clinical, Nurse–Licensed Practical, and Nurse–Registered	Required	✓	✓	✓		✓		Unlicensed or unprofessional practice may expose patients to risk of property damage, personal injury or loss of life.	DHEC, DSS, DAODAS, DMH

Professional and Occupational Licensing Products/Services <i>As reported by LLR</i>	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	Other agencies where the product/ service may fit (see table note)
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?			
<b>Occupational Therapist and Occupational Therapy Assistant licenses</b>	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose patients to risk of property damage, personal injury or loss of life.	DHEC
<b>Opticianry licenses:</b> Apprentice Optician, Contact Lens Optician, Optician and Optometrist–Therapeutic	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose patients to risk of property damage, personal injury or loss of life.	DHEC
<b>Optometrist licenses</b>	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose patients to risk of property damage, personal injury or loss of life.	DHEC
<b>Pharmacy licenses:</b> Pharmacist, Pharmacy Intern, Pharmacy Technician–Certified, Pharmacy Technician–Registered	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose patients to risk of property damage, personal injury or loss of life.	DHEC, DMH
<b>Physical Therapist, Physical Therapy Assistant licenses</b>	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose patients to risk of property damage, personal injury or loss of life.	DHEC, DHHS
<b>Pilotage licenses:</b> Apprentice Pilot, First Short Branch Pilot, Fourth Short Branch Pilot, Harbor (Full Branch) Pilot, Second Short Branch Pilot–Third Short Branch Pilot	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose patients to risk of property damage, personal injury or loss of life.	DHEC, S.C. Ports Authority
<b>Podiatry Examiners licenses:</b> Podiatrist and Podiatrist, Training (limited license)	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose patients to risk of property damage, personal injury or loss of life.	DHEC
<b>Psychologist licenses</b>	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose clients to psychological, mental or emotional damage.	DHEC, DAODAS, DMH

Professional and Occupational Licensing Products/Services <i>As reported by LLR</i>	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	Other agencies where the product/ service may fit (see table note)
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?			
<b>Real Estate Appraisers licenses:</b> Appraiser–Apprentice, Appraiser–Certified General, Appraiser–Licensed, Appraiser–ass, General Appraiser–Certified Mass, Residential Appraiser–Certified Mass, Residential Appraiser–Mass	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose clients to financial risks in business transactions and/or audits.	DOR
<b>Real Estate Commission licenses:</b> Property Manager, Property Manager–In–Charge, Real Estate Broker, Real Estate Broker–In–Charge, Real Estate Instructor, Real Estate Salesperson, Time Share Salesperson, Time Share Plan and Out of State Subdivided Land Sales Registrations	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to financial risks in business and personal transactions and/or audits, as well as potential property damage and personal injury.	DOR, DHEC
<b>Geologist and Geologist-in-Training licenses</b>	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to potential property damage.	DHEC, DNR
<b>Residential Builders Commission licenses:</b> Residential Home Builder, Residential Home Inspector, Certificate of Authorization, Residential Builder, Specialty Contractor—Residential HVAC Heating and Air Conditioning Installers and Repairers, Residential Stucco Installer, Residential Carpenter, Residential Drywall Installer Contractor, Residential Electrician, Residential Floor Covering Installer, Residential Insulation Installer, Residential Mason, Residential Painter/Wallpaperer, Residential Plumber, Residential Roofer, Residential Vinyl/Aluminum Siding Installer, Builder, Residential Home Inspector, Residential Insulation Installer, Residential Mason, Residential Painter/Wallpaperer, Residential Plumber, Residential Roofer, and Residential Vinyl/Aluminum Siding Installer	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to risk of property damage.	DHEC
<b>Social Work Examiners licenses:</b> Social Worker–Baccalaureate, Social Worker–Clinical Practice Supervisor, Social Worker–Independent Advanced Practice, Social Worker–Independent Clinical Practice, Social Worker–Independent Advanced Practice Supervisor, and Social Worker–Masters	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to psychological, mental, or emotional damage, as well as personal injury.	DHEC, DAODAS, DMH
<b>Soil Classifier, Professional and Soil-Classifier-in-Training licenses</b>	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to potential property damage and personal injury.	DHEC, Dept. of Agriculture, DNR
<b>Speech-Language Pathology and Audiology licenses:</b> Audiology Intern, Speech-Language Pathologist, Speech-Language Pathology Assistant, and Speech-Language Pathology Intern	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to potential personal injury.	DHEC, Dept. of Education, DSS, DHHS

Professional and Occupational Licensing Products/Services <i>As reported by LLR</i>	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	Other agencies where the product/ service may fit (see table note)
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?			
<b>Veterinary Medical Examiners licenses:</b> Veterinarian, Veterinary Technician, and Veterinarian trainee (temporary license for clinical experience)	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to potential property damage, personal injury and loss of life.	DHEC, Dept. of Agriculture, DNR
<b>Facility permits/licenses for:</b> accounting, architectural, auction, engineering, landscape architectural, and surveying firms; contractors and builders; alarm businesses; pharmacies, non-dispensing drug outlets, medical gas and prescription device dispensers; salons; barbershops, cemeteries, funeral establishments; dental sedation offices and mobile dental units; dealer lots for manufactured housing; real estate appraisal management companies; school approvals for nursing schools, cosmetology schools, and barber schools.	Required	✓	✓	✓	✓	✓	X	Failure to inspect will result in risk of required equipment to not be on site and possible injury to the consuming public.	DHEC
<b>Animal shelter registration</b>	Required	X	X	X	✓	X	X	Failure to register animal shelters will enhance nuisance created by stray animals and may create safety concerns in communities.	DNR
<b>Licensure exams for professional and occupational boards</b>	Required	✓	X	✓	✓	✓	✓	Unverified competency prior to licensure may expose the public to risk of property damage, personal injury or loss of life.	DHEC, DOR, DSS, DNR, Dept. of Ag., SLED
<b>Monitor continuing educational requirements for renewal licensure</b>	Allowed	✓	X	✓	✓	✓	X	Unverified demonstration of sustained competency as a condition of license renewal may expose the public to risk of property damage, personal injury or loss of life.	DHEC, DOR, DSS, DNR, Dept of Ag., SLED
<b>Make available registry of licensees upon request</b>	Required	X	X	✓	✓	X	✓	Lack of transparency will diminish public confidence in the professions and occupations.	DHEC, DOR, DSS, DNR, Dept of Ag., SLED
<b>License suspension for Family Independence Act violations</b>	Required	✓	X	X	✓	X	X	Failure to enforce child support obligations leads to destabilization of the family unit and deprives the most vulnerable South Carolinians of basic needs.	DSS

Professional and Occupational Licensing Products/Services <i>As reported by LLR</i>	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	Other agencies where the product/ service may fit (see table note)
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?			
<b>Temporary professional and occupational licenses for military spouses</b>	Allowed	✓	X	X	✓	✓	X	Failure to accommodate qualified spouses of military service members imposes an undue burden on service members stationed in South Carolina.	DHEC, DOR, DSS, DNR, Dept. of Ag., SLED
<b>Maintain naloxonesavessc.org website</b> to facilitate licensed pharmacists to register and dispense Naloxone Hydrochloride products to persons without a prescription under certain conditions	Not mentioned	✓	✓	✓	✓	✓	X	Failure to maintain this website makes it more difficult for pharmacists, those at risk of opioid overdose and/or their caregivers to access information about the opioid antidote and for pharmacists to register to voluntarily participate in the program to dispense Naloxone without a prescription.	DAODAS, DHEC, DMH
<b>Initial, routine, and compliance inspections:</b> Athletic events, pharmacies, salons, barbershops, boilers, funeral establishments, dental sedation offices, cemeteries, manufactured housing dealer lots, and real estate offices	Required	✓	X	X	✓	✓	X	Failure to inspect will result in risk of required equipment to not be on site and possible injury to the consuming public.	DHEC
<b>Investigations of complaints of misconduct against professional and occupational licensees and permit holders</b>	Required	✓	X	X	✓	✓	X	Failure to investigate complaints will result in risk of property damage, personal injury and possible loss of life to the consuming public.	Attorney General's Office, DHEC, SLED

Table Note:

The following agency abbreviations are used:

DAODAS	Department of Alcohol and Other Drug Abuse Services	DMH	Department of Mental Health
DEA	U.S. Drug Enforcement Administration	DNR	Department of Natural Resources
Dept. of Ag.	Department of Agriculture	DOR	Department of Revenue
DHEC	Department of Health and Environmental Control	DSS	Department of Social Services
DHHS	Department of Health and Human Services		

Table 14. Products and services provided by Labor programs.

Labor Programs Products/Services <i>As reported by LLR</i>	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	Other agencies where the product/ service may fit (see table note)
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?			
<b>Consultations (eliminate and prevent workplace injury)</b>	Not explicit	✓	✓	✓	✓	✓	X	Employee illness, injury, and/or death. The agency would also lose the 21d federal grant. <sup>73</sup>	Workers' Comp. Comm.
<b>Trainings-employers/employees</b>	Not explicit	X	X	✓	✓	✓	X	Employee illness, injury, and/or death.	DEW
<b>Closing conference, inspection/investigation citation</b>	Required	X	X	X	X	✓	X	Employee illness, injury, and/or death.	Workers' Comp. Comm.
<b>Reports (injury/illness)</b>	Required	X	X	X	X	✓	X	Employee illness, injury, and/or death. The agency would also lose the Bureau of Labor Statistics federal grant.	Workers' Comp. Comm.
<b>Rulemaking/public hearing/variance</b>	Required	✓	✓	X	✓	✓	X	Employee illness, injury, and/or death. The agency would lose the 23g federal grant, <sup>74</sup> and South Carolina would lose its state OSHA plan.	Workers' Comp. Comm.
<b>Youth Safety Program</b> (OSHA 10 classes, Safety Awareness classes)	Not explicit	X	X	X	✓	✓	X	Employee illness, injury, and/or death	Dept. of Education
<b>Partnerships/alliances</b>	Not explicit	X	X	X	✓	✓	✓	Employee illness, injury, and/or death.	Dept. of Commerce, DEW
<b>Freedom of Information Act (FOIA) responses</b> (protection of confidential, sensitive and/or trade secret information)	Required	✓	✓	X	✓	✓	X	Protected information is released.	Dept. of Archives and History
<b>Customer service</b> (telephone calls, correspondence, in-person contact)	Not explicit	✓	✓	X	✓	✓	X	Public including employers and employees would not feel valued and appreciated.	Dept. of Administration
<b>Compliance assistance</b> (interpretive letters, technical assistance, guidance documents, custom industry information)	Not explicit	X	X	X	✓	✓	X	Employee illness, injury, and/or death.	DEW, Workers' Comp. Comm.
<b>Recognition programs</b> (Voluntary Protection Program/Sharp/Safety Awards)	Not explicit	X	X	X	✓	✓	X	Employee illness, injury, and/or death.	DEW, Workers' Comp. Comm., Dept of Commerce
<b>Inspection/investigation</b> (Eliminate and prevent 11c discrimination <sup>75</sup> and workplace injury)	Required	X	X	X	✓	✓	X	Employee illness, injury, and/or death. The agency would lose the 23g federal grant, <sup>76</sup> and the State of South Carolina would lose its State OSHA plan.	Workers' Comp. Comm., Human Affairs Commission
<b>Informal conference</b>	Required							Employee illness, injury, and/or death.	Workers' Comp. Comm.

Labor Programs Products/Services <i>As reported by LLR</i>	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	Other agencies where the product/ service may fit (see table note)
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?			
<b>E-Verification compliance audits</b>	Not explicit	✓	X	✓	✓	X	✓	Non-compliance may destabilize the workforce, lead to undetected identity theft and less job security for families.	DOR, DSS

Table Note:

The following agency abbreviations are used:

DEW Department of Employment and Workforce  
DOR Department of Revenue

DSS  
Workers' Comp. Comm.

Department of Social Services  
Workers' Compensation Commission

Table 15. Products and services provided by Elevators and Amusement Rides.

Elevators and Amusement Rides Products/Services <i>As reported by LLR</i>	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	Other agencies where the product/ service may fit (see table note)
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?			
<b>Agency permits/certificates (elevator -new installation and alteration permits and certificates of operation and amusement device permits)</b>	Required	✓	X	✓	✓	X	✓	Risk of physical harm and loss of life.	DHEC
<b>New elevator installation and alterations inspections</b>	Required	X	X	✓	✓	X	✓	Risk of physical harm and loss of life.	DHEC
<b>Elevator and amusement ride audits</b>	Not explicit	X	X	X	✓	X	X	Undetected non-compliance may result in risk of physical harm and loss of life.	DHEC
<b>License special inspectors for amusement ride and elevator inspections</b>	Required	✓	X	✓	✓	X	✓	Unlicensed or unprofessional practice may expose the public to potential property damage and personal injury.	DHEC, DOR

Table Note:

The following agency abbreviations are used:

DHEC Department of Health and Environmental Control  
DOR Department of Revenue

Table 16. Products and services provided by support divisions.

Support Divisions Products/Services <i>As reported by LLR</i>	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	Other agencies where the product/ service may fit (see table note)
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?			
<b>Resolution of allegations of misconduct against licensees through the board- specific disciplinary process</b>	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.	Attorney General's Office, DHEC, SLED

Table Note:

The following agency abbreviations are used:

- DHEC      Department of Health and Environmental Control
- SLED      S.C. Law Enforcement Division

## Strategic Resource Allocation and Performance

Annually, each agency submits a strategic plan.<sup>77</sup> Of interest in the oversight process are the total resources available to an agency and how the agency allocates those resources to the goals and objectives in its strategic plan.

### Funding

The General Assembly authorizes LLR to spend just over \$41 million during FY 18-19.<sup>78</sup> During the study, LLR provides the Committee with the following breakdown of its funding sources for this fiscal year:<sup>79</sup>

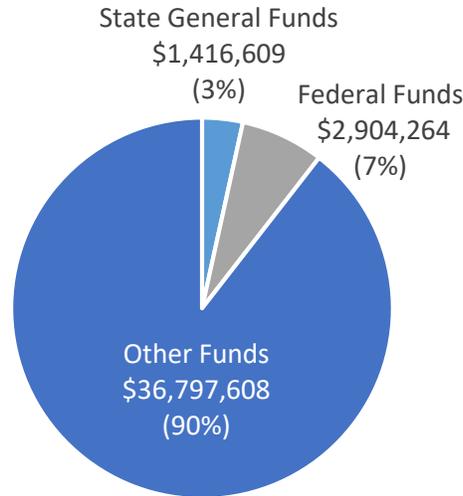


Figure 5. Sources of LLR funding for FY 18-19, as reported by LLR.

As Figure 5 shows, the majority of the agency's revenue comes from sources other than state appropriations and federal funds. Table 17 includes a breakdown, provided by LLR, of the other funds the agency received in FY 17-18. It shows that licensing fees make up the majority of the agency's other funds.<sup>80</sup>

Table 17. Breakdown of the other funds received by LLR in FY 17-18, as reported by LLR.

Types of Other Funds	Amount Received in FY18	Percentage of Total
Licensing renewal fees	\$17,766,973.48	43.4%
Initial licenses/permits/exam fees	\$6,983,216.83	17.1%
Fire Insurance Premium Tax (S.C. Code Ann. § 38-7-30)	\$6,828,624.68	16.7%
Act 60 of 2001 – Fire Insurance Premium Tax	\$4,657,537.00	11.4%
Fire Academy training	\$1,030,997.50	2.5%
Service agreements with other agencies	\$924,601.41	2.3%
Volunteer Strategic Assistance and Fire Equipment (V-SAFE) grant program	\$765,288.68	1.9%
Elevators/amusement rides fees	\$707,925.10	1.7%
Professional and occupational licensing violation fines	\$422,897.19	1.0%
OSHA fines	\$295,375.00	0.7%
Fire Academy Rent/Sale of Goods	\$266,560.69	0.7%
Miscellaneous Revenue	\$227,368.81	0.6%
Wages/Child Labor Program Fines	\$39,683.59	0.1%
<b>TOTAL</b>	<b>\$40,917,049.96</b>	<b>100%</b>

### Employees

In August 2018, LLR reports it has 436 full-time equivalent (FTE) employees and 221 temporary employees.<sup>81</sup> These are distributed among its programs as follows:

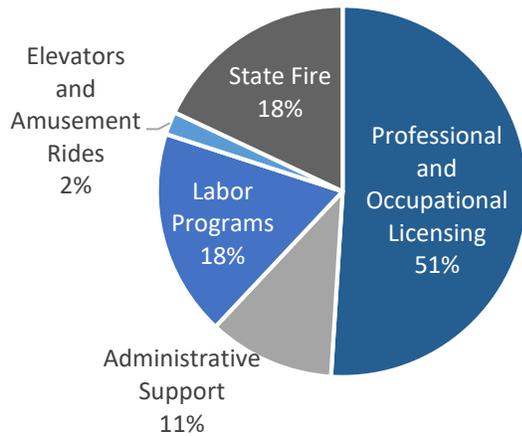


Figure 6. Distribution of LLR's FTE employees, as reported by LLR.

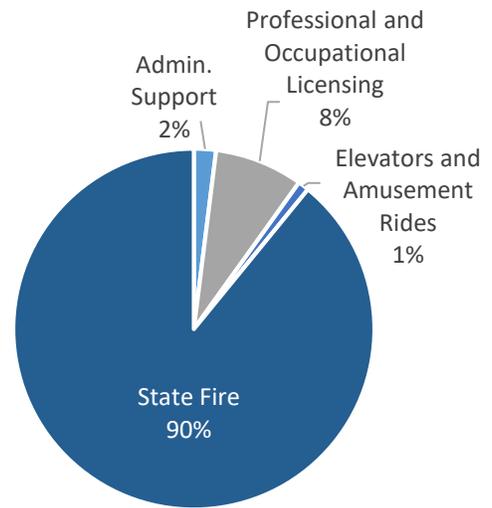


Figure 7. Distribution of LLR's temporary employees, as reported by LLR.

### Strategic Plan

The table below summarizes the financial and human resources the agency uses on each part of its strategic plan in fiscal years 16-17 and 17-18, along with the agency organizational unit associated with each goal, strategy, or objective.

Table 18. Allocation of LLR's resources to its strategic plan, as reported by LLR.

2017-18 Comprehensive Strategic Plan Segments	2016-17			2017-18			Related Agency Program/ Division
	# of FTEs utilized	Amount Spent	% of Total Available to Spend	# of FTEs using	Amount budgeted	% of Total Budget	
<b>Goal 1 - Ensure State Fire is a leader and focal point for service and support in South Carolina to preserve life and property</b>							
Strategy 1.1: Prevent fires and save lives and property through quality education and efficient enforcement, licensing, permitting, and engineering services.	30.98	\$3,264,752.06	7%	31.98	\$3,692,235.90	9%	State Fire
Strategy 1.2: Save lives and minimize property loss by enhancing and coordinating firefighting and rescue resources to respond to statewide and local emergencies.	5.17	\$907,941.49	2%	5.17	\$1,015,348.45	2%	State Fire
Strategy 1.3: Enhance the training and capabilities of South Carolina's paid, volunteer, and industrial fire service personnel.	37.18	\$7,534,133.72	17%	40.18	\$8,069,147.10	19%	State Fire
<b>Goal 2 - Protect the public by ensuring efficient and effective licensing, permitting, inspection and enforcement operations for the State's regulated professions and occupations</b>							
Strategy 2.1: Ensure the public's health and safety by issuing licenses to qualified members of the public who meet the educational and statutorily-required standards and by issuing permits to facilities that likewise demonstrate compliance with legal requirements and standards.	127.66	\$11,693,576.11	27%	132.66	\$12,329,445.05	29%	Professional and Occupational Licensing
Strategy 2.2: Ensure the public's health and safety by inspecting facilities for compliance with standards required by law.	14.82	\$802,731.00	2%	14.82	\$935,187.03	2%	Professional and Occupational Licensing
Strategy 2.3: Ensure the public's health and safety by investigating complaints of allegations of misconduct against licensees whose acts may not have met the standards established by the professional or occupational board or commission and allegations of unlicensed practice in the state.	43.27	\$2,517,785.08	6%	45.27	\$2,976,706.98	7%	Professional and Occupational Licensing
<b>Goal 3 - Improve and protect the safety and health of South Carolina workers while ensuring employers' compliance with state law</b>							
Strategy 3.1: Develop, implement, and facilitate programming that will aid in the improvement and protection of worker safety and health throughout the state.	9.05	\$581,444.49	1%	9.05	\$534,995.73	1%	OSHA

2017-18 Comprehensive Strategic Plan Segments	2016-17			2017-18			Related Agency Program/ Division
	# of FTEs utilized	Amount Spent	% of Total Available to Spend	# of FTEs using	Amount budgeted	% of Total Budget	
Strategy 3.2: Implement and enforce OSHA standards throughout the state to ensure that South Carolina workers are safe at work.	35.53	\$2,907,571.42	7%	37.53	\$2,715,744.60	6%	OSHA
Strategy 3.3: Train and educate South Carolina workforce and employers with respect to OSHA health and safety guidelines and standards.	18.3	\$1,568,666.96	4%	18.3	\$1,457,148.96	3%	OSHA
Strategy 3.4: Provide legal support and guidance to all labor programs within the agency to aid in the continued safety, health, and legal compliance of South Carolina worksites.	5.54	\$540,843.42	1%	5.54	\$493,562.25	1%	OSHA
Strategy 3.5: Ensure South Carolina employers' lawful compliance with state immigration law.	2.52	\$286,219.07	1%	2.52	\$271,894.44	1%	Labor: Immigration Compliance
Strategy 3.6 - Ensure lawful treatment of employees under state law by investigating complaints alleging violations of the Payment of Wages Act and Child Labor Laws.	6.67	\$612,169.44	1%	6.67	\$708,351.48	2%	Labor: Wages and Child Labor
<b>Goal 4 - Protect the riding public and industry personnel in the enjoyment and use of public amusement ride devices and elevators in South Carolina</b>							
Strategy 4.1: Provide oversight of the state's Elevator and Amusement Ride Safety programs.	8.72	\$753,706.88	2%	9.72	\$802,186.44	2%	Elevators and Amusement Rides
<b>Goal 5- Ensure the agency performs at a high level by offering its divisions high quality legal and administrative services; employee training and development; investment in technology and infrastructure; and by fostering a culture of excellence</b>							
Strategy: 5.1 - Provide effective and quality prosecutorial legal support and advice to the agency.	20.56	\$1,409,581.18	3%	24.56	\$1,414,284.23	3%	Support
Strategy 5.2: Provide exemplary in-house legal services to the agency's divisions and professional and occupational boards.	10.56	\$977,683.76	2%	11.56	\$1,001,976.22	2%	Support

## Performance Measures

Also of interest during the study process is how the agency measures its performance in implementing its strategic plan. Tables 19 through 23 provide information on the data the agency tracks to measure its performance, sorted by agency program. Please note, since this information is from the agency's Program Evaluation Report, submitted in April 2018, the data for 2018 reflect a partial year.

Table 19. Performance measures for State Fire, as reported by LLR.

State Fire Performance Measures <i>As reported by LLR</i>	Required or Selected?	Time Period		2013	2014	2015	2016	2017	2018 partial year	Trend in Results 2013-2017
Request for proposal for new records management system	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	1	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	DNE	1	
Percentage of licenses and permit applications submitted electronically	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	15%	
			Actual:	0%	0%	0%	0%	0%	0%	
Number of fire-related fatalities	Agency Selected	Jan. - Dec.	Target:	DNE	DNE	DNE	DNE	DNE	78	
			Actual:	71	96	78	77	102	34	
Increase the percentage of S.C. fire departments that actively provide data to the National Fire Incident Reporting System (NFIRS)	State government + Agency Selected	Jan. - Dec.	Target:	DNE	DNE	DNE	DNE	DNE	75%	
			Actual:	DNE	DNE	68%	69%	69%	70%	
Decrease the number of errors reported to NFIRS reports by active fire departments.	Agency Selected	Jan. - Dec.	Target:	DNE	DNE	DNE	DNE	DNE	10%	
			Actual:	DNE	DNE	14.55%	11.15%	10.65%	10.19%	
Number of county Fire Safe S.C. meetings	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	46	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	DNE	22	
Training video for Department of Disabilities and Special Needs and Department of Social Services	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	1	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	DNE	0	
Training video for fire school safety inspections	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	1	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	DNE	0	
Number of days for engineer review of fire sprinkler plans	Agency Selected	Jan. - Dec.	Target:	DNE	DNE	DNE	DNE	DNE	12	
			Actual:	DNE	DNE	9.4	12.2	17.5	16	
Percentage of Emergency Response Task Force assets in inventory system	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	45%	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	DNE	100%	
Increase Emergency Response Task Force membership	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	120	120	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	88	108	

State Fire Performance Measures <i>As reported by LLR</i>	Required or Selected?	Time Period		2013	2014	2015	2016	2017	2018 partial year	Trend in Results 2013-2017
Number of programs accredited by International Fire Service Accreditation Congress/Pro Board	Agency Selected	July - June	Target:	18	18	18	18	18	19	
			Actual:	18	18	18	18	18	19	
Number of S.C. Fire Academy courses developed/updated	Agency Selected	July - June	Target:	DNE	17	12	17	8	17	
			Actual:	DNE	17	12	17	8	13	
Number of students taught	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	31,000	
			Actual:	DNE	30,941	30,765	32,311	30,563	19,604	
Policy drafted	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	1	insufficient data
			Actual:	DNE	DNE	DNE	DNE	DNE	1	
Report issued	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	1	insufficient data
			Actual:	DNE	DNE	DNE	DNE	DNE	0	
Number of counties with firefighting programs at high schools/County Transportation Committees	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	46	insufficient data
			Actual:	DNE	DNE	DNE	16	19	21	
Student completion rates	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	95%	95%	
			Actual:	91%	87%	92%	90%	88%	87%	
Number of classes completed	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	2,000	
			Actual:	DNE	1,973	2,259	2,132	1,851	1,076	
Number of executive leadership/planning programs	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	1	insufficient data
			Actual:	DNE	DNE	DNE	DNE	DNE	0	
Number of Emergency Medical Technician Instructors	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	12	insufficient data
			Actual:	DNE	DNE	DNE	DNE	DNE	0	
Number of Emergency Medical Technician Students	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	24	insufficient data
			Actual:	DNE	DNE	DNE	DNE	DNE	12	
<b><i>Measures the agency is considering using in the future:</i></b>										
Reduce turnaround time to conduct inspections	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	insufficient data
			Actual:	DNE	DNE	DNE	DNE	DNE	DNE	
Instructor and customer survey response rate	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	75%	insufficient data
			Actual:	DNE	DNE	DNE	DNE	DNE	DNE	

**Table Notes:**

DNE = Does/did not exist

A notation of "insufficient data" indicates that there are fewer than three data points with which to construct a trend line.

Table 20. Performance measures for Professional and Occupational Licensing, as reported by LLR.

Professional and Occupational Licensing Performance Measures <i>As reported by LLR</i>	Required or Selected?	Time Period		2013	2014	2015	2016	2017	2018 partial year	Trend in Results 2013-2017
Number of applications available online-individual	Agency selected	July - June	Target:	DNE	DNE	212	137	69	52	
			Actual:	DNE	DNE	75	68	17	0	
Number of initial applications received (online and paper)	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	39,265	41,107	43,009	41,669	45,913	34,283	
Number of initial licenses/ permits issued	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	33,071	35,575	38,001	40,336	44,177	32,467	
Total number of agency licensees who have FBI background checks conducted	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	7,957	9,508	10,034	10,496	11,379	8,043	
Number of renewals issued	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	DNE	166,211	158,916	182,689	166,468	89,400	
Number of board meetings held	Agency selected	July - June	Target:	84	84	84	84	84	84	
			Actual:	225	219	218	205	207	147	
Number of customer satisfaction surveys received	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	10,111	12,393	14,616	17,043	19,391	21,726	
Number of online verification requests filled	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	8,077	5,871	6,675	6,960	7,401	5,660	
Number of boards utilizing continuing education tracker	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	4	8	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	0	3	5 (10 pending)	
Number of dental practices inspected/permited	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	DNE	46	
Number of dental practices pending inspection/permitting	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	DNE	25	
Number of initial/opening inspections completed	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	DNE	254	349	329	344	190	
Number of routine inspections conducted	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	13,650	8,531	7,516	9,292	9,292	8,227	
Number of citations issued	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	649	879	813	1,129	1,327	687	

Professional and Occupational Licensing Performance Measures <i>As reported by LLR</i>				Required or Selected?	Time Period	2013	2014	2015	2016	2017	2018 partial year	Trend in Results 2013-2017
Number of cease and desist orders issued	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	224	172	261	285	356	230			
Number of complaint based inspections completed	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	80	78	118	63	98	39			
Number of complaints received	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	4,900	4,939	5,183	6,758	6,689	5,031			
Numbers of investigations opened	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	3,906	3,796	3,692	4,877	4,623	3,535			
Average time to complete investigation (business days)	Agency selected	July - June	Target:	150	150	150	150	150	150	150	150	
			Actual:	114	92	110	110	118	125			
Number of cases closed	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	4,677	4,690	5,492	6,122	6,661	4,958			
Number of board meetings held	Agency selected	July - June	Target:	84	84	84	84	84	84	84	84	
			Actual:	225	219	218	205	207	147			
Number of emergency orders served	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	199	174	150	133	124	121			
						Nov. '17	Dec. '17	Jan. '18	Feb. '18	March '18	April 2018 partial month	Trend in Results Nov.-March
Average license turnaround time (business days)	Agency selected	Monthly	Target:	7-10	7-10	7-10	7-10	7-10	7-10	7-10	7-10	
			Actual:	8	8	8	7	8	8			
<i>Measures the agency is considering using in the future:</i>						2013	2014	2015	2016	2017	2018 partial year	Trend in Results 2013-2017
Number of applications available online- business	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	DNE	148	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	DNE	DNE			

**Table Notes:**

*DNE = Does/did not exist*

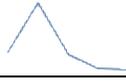
*A notation of "insufficient data" indicates that there are fewer than three data points with which to construct a trend line.*

Table 21. Performance measures for Labor programs, as reported by LLR.

Labor Programs Performance Measures <i>As reported by LLR</i>	Required or Selected?	Time Period		2013	2014	2015	2016	2017	2018 partial year	Trend in Results 2013-2017
Number of public hearings	Required by Federal	October 1 - September 30	Target:	2	2	2	2	2	2	
			Actual:	2	2	2	2	2	0	
Number of classes conducted	Agency Selected	October 1 - September 30	Target:	2	2	2	2	2	2	
			Actual:	2	2	2	2	2	1	
Number of tweets	Agency Selected	October 1 - September 30	Target:	DNE	DNE	DNE	DNE	20	20	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	20	21	
Number of e-blasts	Agency Selected	October 1 - September 30	Target:	DNE	DNE	DNE	DNE	12	12	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	7	2	
Number of outside presentations/meetings	Agency Selected	October 1 - September 30	Target:	DNE	DNE	DNE	DNE	3	3	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	5	3	
Number of website updates (new information)	Agency Selected	October 1 - September 30	Target:	DNE	DNE	DNE	DNE	12	12	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	20	4	
Decrease in injury and illness rates	Required by Federal	October 1 - September 30	Target:	2%	2%	2%	2%	1%	1%	<i>insufficient data</i>
			Actual:	>2%	>2%	>2%	>2%	>1%	DNE	
Percentage of employees receiving 40 or more hours of annual training	Required by Federal	October 1 - September 30	Target:	DNE	DNE	DNE	DNE	100%	100%	<i>insufficient data</i>
			Actual:	N /A	DNE	DNE	DNE	100%	DNE	
Percentage of required employers contacted for annual survey/audit	Required by Federal	October 1 - September 30	Target:	85%	85%	85%	85%	85%	85%	
			Actual:	>85%	>85%	>85%	>85%	>85%	>85%	
Number of training classes	Agency Selected	October 1 - September 30	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	461	400	436	322	268	178	
Number of employers trained	Agency Selected	October 1 - September 30	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	3,328	2,737	2,449	2,325	1,953	1,009	
Number of employees trained	Agency Selected	October 1 - September 30	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	12,604	7,905	8,032	5,702	2,223	4,769	
Number of consultations	Agency Selected	October 1 - September 30	Target:	788	755	755	755	800	688	
			Actual:	919	837	919	862	870	373	
Number of employers	Agency Selected	October 1 - September 30	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	919	837	919	862	870	373	

Labor Programs Performance Measures <i>As reported by LLR</i>	Required or Selected?	Time Period		2013	2014	2015	2016	2017	2018 partial year	Trend in Results 2013-2017
Amount of fines saved	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	\$1,537,438	\$1,635,366	\$1,852,570	\$1,721,075	\$1,420,226	\$1,429,870	
Number of Voluntary Protection Program sites	Agency Selected	October 1 - September 30	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	42	40	41	40	40	41	
Number of Safety and Health Recognition Program sites (new)	Agency Selected	October 1 - September 30	Target:	2	2	2	2	1	1	
			Actual:	2	2	1	1	0	0	
Number of students trained (Youth Safety Program)	Agency Selected	October 1 - September 30	Target:	DNE	DNE	DNE	DNE	250	500	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	370	850	
Number of classes conducted (Youth Safety Program)	Agency Selected	October 1 - September 30	Target:	DNE	DNE	DNE	DNE	1	5	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	1	3	
Number of counties (Youth Safety Program)	Agency Selected	October 1 - September 30	Target:	DNE	DNE	DNE	DNE	1	3	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	1	1	
Number of active Voluntary Protection Program sites (Youth Safety Program)	Agency Selected	October 1 - September 30	Target:	DNE	DNE	DNE	DNE	5	20	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	9	21	
Number of contested cases filed	Agency Selected	January - December	Target:	DNE	DNE	DNE	DNE	DNE	12	
			Actual:	12	18	20	23	14	2	
Number of wage and labor claims received	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	1,160	1,008	1,125	1,815	2,023	1,133	
Number of wage and labor investigations opened	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	1,092	926	1,091	1,788	1,982	1,112	
Number of wage and labor citations issued	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	424	338	437	712	781	439	
Amount of penalties assessed for wage violations	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	\$164,450	\$81,600	\$97,751	\$139,099	\$151,300	\$93,790	

Labor Programs Performance Measures <i>As reported by LLR</i>	Required or Selected?	Time Period		January- March 2017	April-June 2017	July- September 2017	October- December 2017	January- March 2018	April-June 2018	Trend in Results January '17 - March '18
				Target:	Actual:	Target:	Actual:	Target:	Actual:	Target:
Number of programmed inspections	Required by Federal	Quarterly	Target:	45	45	45	45	37	37	
			Actual:	59	54	52	70	52	70	
Number of affected employees (programmed)	Agency Selected	Quarterly	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	557	938	532	899	655	948	
Number of unprogrammed investigations	Required by Federal	Quarterly	Target:	25	25	25	25	20	20	
			Actual:	68	56	56	65	55	36	
Number of affected employees (unprogrammed)	Agency Selected	Quarterly	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	3,977	3,178	1,576	4,522	3,902	5,629	
Percentage of complaints responded to within seven days	Required by Federal	Quarterly	Target:	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	
			Actual:	87.5%	100.0%	85.7%	88.9%	66.7%	100.0%	
Number of focused inspections	Agency Selected	Quarterly	Target:	DNE	DNE	DNE	DNE	DNE	20	
			Actual:	0	0	16	22	0	25	
Number of affected employees (focus)	Agency Selected	Quarterly	Target:	DNE	DNE	DNE	DNE	DNE	175	
			Actual:	0	0	141	108	0	185	
				Nov. '17	Dec. '17	Jan. '18	Feb. '18	March '18	April 2018 partial month	Trend in Results Nov.-March
Number of affected employees (consultations)	Agency Selected	Monthly	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	820	1153	285	515	485	1,179	
Number of contested cases resolved	Agency Selected	Monthly	Target:	DNE	DNE	DNE	DNE	1	1	
			Actual:	0	1	2	2	1	0	
Number of 11c whistleblower complaints filed	Agency Selected	Monthly	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	5	5	9	4	6	9	
Number of whistleblower complaints resolved	Agency Selected	Monthly	Target:	DNE	DNE	DNE	DNE	DNE	7	
			Actual:	11	4	2	20	4	8	
Number of informal conferences	Agency Selected	Monthly	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	11	4	7	3	4	8	
Number of contested cases filed after an informal conference	Agency Selected	Monthly	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	11	10	13	17	9	0	
Number of Occupational Safety and Health Administration (OSHA) Freedom of Information Act requests	Agency Selected	Monthly	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	15	16	8	8	12	18	

Labor Programs Performance measures under consideration for the future <i>As reported by LLR</i>				2013	2014	2015	2016	2017	2018 partial year	Trend in Results 2013-2017
Number of employer/employee requests	Agency Selected	October 1 - September 30	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:	2,329	3,051	2,321	2,136	2,097	893	
Number of employees recruited	Agency Selected	October 1 - September 30	Target:	DNE	DNE	DNE	DNE	DNE	DNE	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	9	10	
Number of employees retained (within 2 years)	Required by Federal	October 1 - September 30	Target:	DNE	DNE	DNE	DNE	DNE	DNE	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	DNE	DNE	
				January- March 2017	April-June 2017	July- September 2017	October- December 2017	January- March 2018	April-June 2018	Trend in Results January '17 - March '18
Lapse time between request and consultation	Agency Selected	Quarterly	Target:	DNE	DNE	DNE	DNE	DNE	DNE	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	DNE	DNE	
				Nov. '17	Dec. '17	Jan. '18	Feb. '18	March '18	April 2018 partial month	Trend in Results Nov.-March
Number of settlements	Agency Selected	Monthly	Target:	DNE	DNE	DNE	DNE	DNE	DNE	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	DNE	DNE	

*Table Notes:*

*DNE = Does/did not exist*

*A notation of "insufficient data" indicates that there are fewer than three data points with which to construct a trend line.*

Table 22. Performance measures for Elevators and Amusement Rides, as reported by LLR.

Elevators and Amusement Rides Performance Measures <i>As reported by LLR</i>				Required or Selected?	Time Period		2013	2014	2015	2016	2017	2018 partial year	Trend in Results 2013-2017
Number of aliens verified through Systematic Alien Verification for Entitlements (SAVE)	Agency selected	January - December	Target:			DNE	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:			DNE	DNE	1,094	1,428	1,677	421		
Number of elevators registered in the state	Agency selected	July - June	Target:			DNE	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:			12,129	12,379	12,778	13,115	13,710	13,916		
Number of elevators inspected	Agency selected	July - June	Target:			DNE	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:			9,269	8,812	10,324	10,473	10,332	8,300		
Number of amusement rides inspected and permitted	Agency selected	July - June	Target:			DNE	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:			715	700	494	501	716	315		
Number of permits issued for alteration/installation of elevators	Agency selected	July - June	Target:			DNE	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:			344	256	714	423	728	513		
							Nov. '17	Dec. '17	Jan. '18	Feb. '18	March '18	April 2018 partial month	Trend in Results Nov.-March
Number of E-Verify audits conducted	Agency selected	Monthly	Target:			DNE	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:			268	141	294	293	299	178		
Percentage of employers E-Verifying new hires	Agency selected	Monthly	Target:			DNE	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:			90%	96%	85%	90%	87%	86%		
Small business E-Verify compliance rate	Agency selected	Monthly	Target:			DNE	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:			88%	61%	83%	81%	79%	82%		
Number of registered immigration assistance providers	Agency selected	Monthly	Target:			DNE	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:			24	24	24	24	25	25		
Number of elevators with outstanding abatements	Agency selected	Monthly	Target:			DNE	DNE	DNE	DNE	DNE	DNE	DNE	
			Actual:			1,789	1,346	1,170	1,302	1,270	1,116		

Table Notes:

DNE = Does/did not exist

A notation of "insufficient data" indicates that there are fewer than three data points with which to construct a trend line.

Table 23. Performance measures for support programs, as reported by LLR.

Support Programs Performance Measures <i>As reported by LLR</i>	Required or Selected?	Time Period		2013	2014	2015	2016	2017	2018 partial year	Trend in Results 2013-2017
Weekly legislative updates to boards	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	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	Agency selected	July -June	Target:	1	1	1	1	1	1	
			Actual:	1	1	1	1	1	0	
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	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	2	2	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	0	2	
Solicit feedback from new employees regarding recruitment and onboarding processes	Agency Selected	July - June	Target:	DNE	DNE	100% Sent (Q1)	100% Sent (Q2)	100% Sent (Q3)	100%	<i>insufficient data</i>
			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	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	5%	5%	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	50%	DNE	
Create, schedule and conduct interviewing technique class	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	15	10	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	3	1	
Explore and implement mandatory training for employees transitioning to supervisor role at time of hire	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	4	4	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	4	4	
Creation of online license verification portal	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	1	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	DNE	0	
Number of applications available online- individual	Agency selected	July - June	Target:	DNE	DNE	212	137	69	52	
			Actual:	DNE	DNE	75	68	17	0	

Support Programs Performance Measures <i>As reported by LLR</i>	Required or Selected?	Time Period		2013	2014	2015	2016	2017	2018 partial year	Trend in Results 2013-2017
Bulk license verification program launch	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	1	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	DNE	0	
Percentage of open cases closed in one year	Agency Selected	July - June	Target:	1,303	943	982	1,181	1,207	323	
			Actual:	805	1,084	1,193	943	1,361	290	
Average age of cases from open to Investigative Review Committee	Agency Selected	July - June	Target:	200	200	200	200	200	200	
			Actual:	211	204	220	228	231	254	
Final orders prepared by Office of Advice Counsel	Required by State	Jan 1-Dec 31	Target:	DNE	576	1,021	785	899	0	
			Actual:	DNE	576	1,021	785	899	224	
Average number of days between proceedings and execution of final orders prepared by Office of Advice Counsel	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 Office of Advice Counsel	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	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/cease and desist orders prepared by Office of Advice Counsel	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	Agency Selected	Jan 1-Dec 31	Target:	DNE	N/A	45	45	30	30	
			Actual:	DNE	2.8	6.1	1.8	1.4	<i>not provided</i>	

Support Programs Performance measures under consideration for the future <i>As reported by LLR</i>				2013	2014	2015	2016	2017	2018 partial year	Trend in Results 2013-2017
Increase the number of training sessions offered to professional and occupational licensing boards and commissions per fiscal year	Agency Selected	July-June	Target:	DNE	DNE	DNE	DNE	DNE	24	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	DNE	DNE	
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	Agency Selected	July -June	Target:	DNE	DNE	DNE	DNE	100%	50%	<i>insufficient data</i>
			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	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	100%	50%	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	50%	50%	
Number of applications available online - business	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	148	<i>insufficient data</i>
			Actual:	DNE	DNE	DNE	DNE	DNE	DNE	

*Table Notes:*

*DNE = Does/did not exist*

*A notation of "insufficient data" indicates that there are fewer than three data points with which to construct a trend line.*

# STUDY PROCESS

## *Agency Selection*

LLR is an agency subject to legislative oversight.<sup>82</sup> On December 19, 2017, during the 122<sup>nd</sup> General Assembly, the Committee prioritizes the agency for study.<sup>83</sup>

As the Committee encourages **collaboration in its legislative oversight process**, the Committee notifies the following individuals about the agency study: Speaker of the House, standing committee chairs in the House, members of the House, Clerk of the Senate, and Governor.

## *Subcommittee Membership*

The **Economic Development, Transportation, and Natural Resources Subcommittee of the House Legislative Oversight Committee studies the agency** during the 122<sup>nd</sup> General Assembly.<sup>84</sup> Throughout the study, the Honorable Bruce W. Bannister serves as chair. Other Subcommittee Members include:

- The Honorable Neal A. Collins;
- The Honorable Mandy Powers Norrell; and
- The Honorable Robert L. Ridgeway, III.

## *Agency Reports to Legislative Oversight Committee*

During the legislative oversight process, the **Committee asks the agency to conduct self-analysis** by requiring it to complete and submit annual Restructuring Reports, a Seven-Year Plan for cost savings and increased efficiencies, and a Program Evaluation Report. The Committee posts each report on the agency page of the Committee's website.

### *Restructuring Report*

The Annual Restructuring Report fulfills the requirement in S.C. Code Ann. §1-30-10(G)(1) that annually each agency report to the General Assembly "detailed and comprehensive recommendations for the purposes of merging or eliminating duplicative or unnecessary divisions, programs, or personnel within each department to provide a more efficient administration of government services." The report, at a minimum, includes information in the following areas - history, mission and vision, laws, strategic plan, human and financial resources, performance measures, and restructuring recommendations.

LLR submits its Annual Restructuring Reports on May 1, 2015, and February 12, 2016.<sup>85</sup> Starting in September 2016, the Annual Accountability Reports the agency has submitted to the Governor and General Assembly serve as its Annual Restructuring Reports.<sup>86</sup>

### *Seven-Year Plan for Cost Savings and Increased Efficiencies*

S.C. Code Ann. §1-30-10 requires agencies to submit "a seven year plan that provides initiatives and/or planned actions that implement cost savings and increased efficiencies of services and responsibilities within the projected seven-year period."<sup>87</sup> LLR submits its plan on May 1, 2015.<sup>88</sup>

## *Program Evaluation Report*

When an agency is selected for study, the Committee may acquire evidence or information by any lawful means, including, but not limited to, "requiring the agency to prepare and submit to the investigating committee a program evaluation report by a date specified by the investigating committee." S.C. Code Ann. §2-2-60 outlines what an investigating committee's request for a program evaluation report must contain. It also provides a list of information an investigating committee may request. The Committee sends guidelines for LLR's Program Evaluation Report (PER) on January 23, 2018. The agency submits its report on April 20, 2018.<sup>89</sup>

The PER includes information in the following areas: agency successes and challenges, legal directives, strategic plan, resources, performance, agency ideas/recommendations, agency organization, and additional documents submitted by the agency. The **Program Evaluation Report serves as the base document for the Committee's study of the agency.**

## *Information from the Public*

**Public input is a cornerstone of the House Legislative Oversight Committee's process.** There are a variety of opportunities for public input during the legislative oversight process. Members of the public have an opportunity to participate anonymously in a public survey, provide comments anonymously via a link on the Committee's website, and appear in person before the Committee.<sup>90</sup> During the study, media articles related to the agency are compiled for member review.

### *Public Survey*

From January 23 - March 1, 2018, the Committee posts an **online survey to solicit comments from the public about LLR** and five other agencies. The Committee sends information about this survey to all House members to forward to their constituents. Additionally, in an effort to communicate this public input opportunity widely, the Committee issues a statewide media release.<sup>91</sup>

There are 501 responses to the survey, with 114 of these relating to the agency. The responses relating to the agency come from 23 of South Carolina's 46 counties.<sup>92</sup> These comments are not considered testimony.<sup>93</sup> As the survey notes, "input and observations from those citizens who [chose] to provide responses are very important . . . because they may help direct the Committee to potential areas for improvement with these agencies."<sup>94</sup> The Committee posts the survey results on the Committee's website. The **public is informed it may continue to submit written comments about agencies online** after the public survey closes.<sup>95</sup>

Over three-quarters of respondents report a **positive or very positive opinion of LLR.**<sup>96</sup>

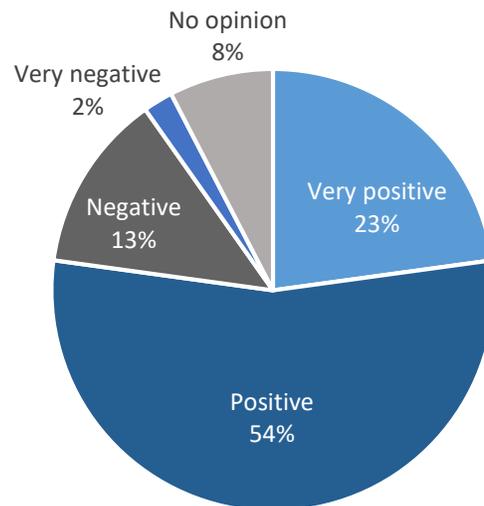


Figure 8. January 2018 public survey respondent opinion of LLR.

Over three-quarters of respondents report basing their opinions on personal or business experience with the agency. A majority of those responding about LLR indicate that they are state employees. Responses include comments on **the usefulness of the agency’s website, employee responsiveness to licensees and the public, placement of the Division of Fire and Life Safety, OSHA, and physician medication dispensing.**<sup>97</sup>

#### *Public Input via Committee Website*

Throughout the course of the study, people are able to submit comments anonymously on the Committee website. The Committee posts comments verbatim to the website, but they are not the comment or expression of the House Legislative Oversight Committee, any of its Subcommittees, or the House of Representatives.<sup>98</sup> The Committee receives two comments about LLR in this manner, both of which are positive.<sup>99</sup>

#### *Public Input via In-Person Testimony*

During the study, the Committee offers the opportunity for the public to appear and provide sworn testimony.<sup>100</sup> A press release announcing this opportunity is sent to media outlets statewide on February 9, 2018.<sup>101</sup> The Committee holds a meeting dedicated to public input about LLR and other agencies on March 1, 2018.<sup>102</sup> Further detail on the public input meeting is in the meetings section of this report.

## Meetings Regarding the Agency

The Committee meets with, or about, the agency on four occasions, and the Subcommittee meets with, or about, the agency on four occasions. All meetings are open to the public and stream live online; also, the videos are archived and the minutes are available online. A timeline of meetings is set forth in Figure 2.

### 122<sup>nd</sup> General Assembly (2017-2018)

#### December 2017

On **December 19, 2017**, the full Committee selects the agency for study.<sup>103</sup>

#### March 2018

On **March 1, 2018**, the full Committee holds **Meeting 1** with LLR to **receive public testimony** about it, the Department of Parks, Recreation, and Tourism, and the Department of Revenue.<sup>104</sup> Nine people testify about LLR. Topics of testimony include:

- Occupational Safety and Health Administration (OSHA) Voluntary Protection Program;
- Agency relationship with the State Firefighters' Association;
- LLR Recovering Professionals Program; and
- Training of licensing board members.

LLR Director Emily H. Farr makes brief comments to the Committee and answers questions from Committee members.

#### August 2018

On **August 13, 2018**, the Economic Development, Transportation, and Natural Resources Subcommittee holds **Meeting 2** with the agency.<sup>105</sup> Mr. Ronnie Steele, a retired fire officer from Charleston, S.C., testifies about his concerns related to the response to the 2011 fire in Charleston that killed nine firefighters.

Director Farr presents an **overview of the agency**, including the following topics:

- Mission and vision;
- Historical highlights;
- Funding and expenditures;
- Employees;
- Agency organization;
- Major programs; and
- Successes, challenges, and emerging issues.

During and after her testimony, Director Farr responds to member questions on the following topics:

- Federal funding for OSHA;
- Social media presence; and
- Denial of licenses to applicants with Deferred Action for Childhood Arrivals (DACA) status.

*September 2018*

On **September 10, 2018**, the Economic Development, Transportation, and Natural Resources Subcommittee holds **Meeting 3** with the agency.<sup>106</sup> Mr. Anthony Thomas testifies about his concerns related to the role of LLR's OSHA division in an investigation into an injury he suffered in his workplace.

Director Farr discusses the finances and employees of the agency as a whole and of the following agency divisions/offices:

- OSHA;
- Wages and Child Labor Enforcement;
- Immigration Compliance; and
- Elevators and Amusement Rides.

Director Farr answers questions from Subcommittee members on the use of licensing fees to fund labor programs and the agency's carryforward funds.

Ms. Kristina Baker, LLR Deputy Director for OSHA, testifies about the goals and legal requirements of the OSHA Division and the Office of Wages and Child Labor. She also explains the agency's law recommendations related to both offices. She answers questions from Subcommittee members on the following topics:

- Pros and cons of having a state OSHA plan;
- Division turnover;
- Employee feedback;
- Partnerships with insurance companies;
- Enforcement of agency subpoenas;
- Compliance inspections;
- State injury and illness rate;
- OSHA responsibilities following workplace injuries; and
- Handling of investigation files.

Mr. Jim Knight, LLR Deputy Director of Immigration Compliance and Elevators and Amusement Rides, discusses the goals and legal requirements of the Office of Immigration Compliance and the Office of Elevators and Amusement Rides. He also explains the agency's law recommendation related to the Office of Elevators and Amusement Rides. He answers member questions on the following topics:

- Agency actions related to DACA recipients;
- Hotline for reporting immigration violations to be established by the S.C. Commission for Minority Affairs; and
- Elevator and amusement ride inspections.

State Fire Marshal Jonathan Jones, Fire Academy Superintendent/Assistant State Fire Marshal Dennis Ray, and Director Farr lead the Subcommittee members on a tour of the S.C. State Fire Academy. They provide an overview of the training and other activities that take place at the Academy and answer questions from Subcommittee members about equipment, training, and facilities.

### *October 2018*

On **October 3, 2018**, the Economic Development, Transportation, and Natural Resources Subcommittee holds **Meeting 4** with the agency.<sup>107</sup> Director 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. She also presents a video about State Fire's efforts to respond to storms such as Hurricane Florence.

State Fire Marshal Jones 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. He and Director Farr respond to Subcommittee member questions on the following topics:

- Recommendations of the S.C. Legislative Audit Council;
- Lives lost during Hurricane Florence;
- Fire Academy training costs and fees;
- Long-term plan for Fire Academy revenue generation;
- Inspections of sprinkler system plans;
- Fire fatalities; and
- Emergency Response Task Force turnover.

Director Farr provides an overview of the employees and expenditures of the agency's Professional and Occupational Licensing program. Mr. Dean Grigg, LLR Deputy Director of Professional and Occupational Licensing, provides an overview of the program, including its goals, applicable laws, partners, major programs, and recent internal changes. He and Director Farr respond to Subcommittee member questions on the following topics:

- Rejection of licensure applications;
- License validity period;
- Investigation of complaints;
- Facility inspections; and
- Need for additional staff to handle increasing number of licensees.

### *November 2018*

On **November 1, 2018**, the Economic Development, Transportation, and Natural Resources Subcommittee holds **Meeting 5** with the agency.<sup>108</sup> Ms. Melina Mann, LLR General Counsel, presents an overview of the Legal Services offices. She also presents a number of the agency's law change recommendations related to the Professional and Occupational Licensing division. She and Director Farr respond to questions from Subcommittee members on the following topics:

- Handling of complaints;
- Staff responsibilities;
- Agency methods of communication;
- Confidentiality of complaints;
- Hiring of licensing staff;
- Required report from the director identifying opportunities for de-regulation of occupations and professions; and
- Other entities that may license professions/occupations.

Director Farr provides an overview of the Administration division's employees and expenditures. Ms. Holly Beeson, Counsel for the Office of Communications and Governmental Affairs, provides an overview of the

office. She presents two agency law change recommendations, then answers questions from Subcommittee members about the agency's recommendation to add the ability to make recommendations for statutory revisions to the powers and duties of licensing boards.

Mr. Matt Faile, LLR Chief Information Officer, provides an overview of the Department of Technology and Security. He and Director Farr answer Subcommittee member questions on the following topics:

- Agency systems;
- Department funding and employees; and
- Security measures.

Ms. Kathryn Britt, LLR Director of Human Resources, provides an overview of the Office of Human Resources and presents data about agency recruitment and turnover. She and Director Farr respond to questions from Subcommittee members on the following topics:

- Employee turnover;
- Employee workload; and
- Salaries.

Additionally, Director Farr answers a Subcommittee member question about changes the agency has implemented as a result of the study process.

The Subcommittee members discuss potential recommendations to the General Assembly, the agency, and other entities. Director Farr and other agency representatives respond to questions about those recommendations. The Subcommittee members vote on and approve several motions adopting study recommendations. These recommendations are detailed in the *Recommendations* section.

## *123<sup>rd</sup> General Assembly (2019-2020)*

### *May 2019*

On **May 8, 2019**, the full Committee holds **Meeting 6** with the agency.<sup>109</sup> Rep. Robert L. Ridgeway, III presents an **overview of the Subcommittee study**. Six **constituents**, including licensees and representatives of professional associations, **testify** about their experiences with various professional and occupational licensing boards and their LLR staff.<sup>110</sup> Finally, **Director Farr addresses the Committee** and answers members' questions.

### *June 2019*

On **June 25, 2019**, the full Committee holds **Meeting 7** with the agency.<sup>111</sup> Director Farr responds to **questions from Committee members**. The Committee amends the Subcommittee study by adding three recommendations and then **adopts the amended study**.

## *Next Steps*

To support the Committee's ongoing oversight by maintaining current information about the agency, the agency may receive an annual Request for Information.

# RECOMMENDATIONS

The following **recommendations include areas** the Committee identifies **for potential improvement**. The Committee recognizes these recommendations will not address every issue or potential area of improvement at the agency. These recommendations are based on the agency’s self-analysis requested by the Committee, discussions with the agency during multiple meetings, and analysis of the information obtained by the Committee. This information, including, but not limited to, the Program Evaluation Report, Accountability Report, Restructuring Report and videos of meetings with the agency, is available on the Committee’s website.

## Continue

The Committee does not have any specific recommendations with regards to continuance of agency programs.

## Revise

The Committee has 39 recommendations for revisions. All of the Committee recommendations are adopted at its June 25, 2019 meeting.<sup>112</sup> Most involve statutory changes and are directed to the General Assembly. Two recommendations are directed to state agencies. An overview of these recommendations is provided in Table 1. Details about the recommendations are listed below, sorted by the related agency division or program.

### Occupational Safety and Health Administration (OSHA)

The Committee has four recommendations for statutory changes related to the agency’s OSHA division.

Table 24. Recommendations to the General Assembly related to OSHA.

Occupational Safety and Health Administration (OSHA)	<ol style="list-style-type: none"> <li>1. Allow the required notice of hearings about employee health and safety regulations to be published in newspapers with electronic circulation by amending S.C. Code Ann. § 41-15-220(A).</li> <li>2. Provide a compliance mechanism for warrants and subpoenas related to OSHA investigations and authorize sanctions for non-compliance by amending S.C. Code Ann. § 41-15-260 and § 41-15-270.</li> <li>3. Clarify the process through which LLR issues citations and penalties for violations of employee health and safety regulations by amending S.C. Code Ann. § 41-15-280 and repealing § 41-15-300.</li> <li>4. Ensure LLR’s ability to maximize federal funding for its labor programs by codifying Proviso 81.7 from the 2018-19 General Appropriations Act.</li> </ol>
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1. The Committee recommends the General Assembly allow the required notice of hearings about employee health and safety regulations to be published in newspapers with electronic circulation by amending S.C. Code Ann. § 41-15-220(A), as proposed by the agency. This proposed change may increase effectiveness by enhancing the accessibility of notices for the public and employers.<sup>113</sup> See the recommended draft language in [Appendix A](#).
2. The Committee recommends the General Assembly provide a compliance mechanism for warrants and subpoenas related to OSHA investigations and authorize sanctions for non-compliance by amending S.C. Code Ann. § 41-15-260 and § 41-15-270, as proposed by the agency. This change may address circumstances in which an employer refuses to comply with a warrant and deter employers from ignoring subpoenas.<sup>114</sup> See the recommended draft language in [Appendix A](#).
3. The Committee recommends the General Assembly clarify the process through which LLR issues citations and penalties for violations of employee health and safety regulations by amending S.C. Code Ann. § 41-15-280 and repealing § 41-15-300, as proposed by the agency. The proposed amendments update terminology, clarify that citations and penalties for these violations are issued at the same time, and allow the agency additional time to investigate violations when employers have concealed them. LLR asserts that clearly outlining the process in statute protects the public while providing due process to employers.<sup>115</sup> See the recommended draft language in [Appendix A](#).
4. The Committee recommends the General Assembly ensure LLR’s ability to maximize federal funding for its labor programs by codifying Proviso 81.7 from the 2018-19 General Appropriations Act. This proviso, which has been included in the last ten general appropriations acts, allows LLR to use earmarked and restricted funds to maintain its OSHA programs.<sup>116</sup> Director Farr testifies that LLR annually uses about \$1 million of licensing and permitting funds to supplement OSHA and other labor programs, ensuring that it can meet the match requirements for its federal grants.<sup>117</sup>

### *Wages and Child Labor*

The Committee has three recommendations for statutory changes related to LLR’s Wages and Child Labor division.

*Table 25. Recommendations to the General Assembly related to Wages and Child Labor.*

Wages and Child Labor	<ol style="list-style-type: none"> <li>5. Increase penalties for violations of laws related to payment of wages by amending S.C. Code Ann. § 41-10-80.</li> <li>6. Clarify penalty options for first-time violations of child labor regulations by amending S.C. Code Ann. § 41-13-25.</li> <li>7. Authorize employers to make use of current technology related to providing employee wage statements by updating S.C. Code Ann. § 41-10-30 and § 41-10-40.</li> </ol>
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5. The Committee recommends the General Assembly increase penalties for violations of laws related to payment of wages by amending S.C. Code Ann. § 41-10-80, as proposed by the agency. This proposed change may enhance compliance mechanisms for violations.<sup>118</sup> See the recommended draft language in [Appendix A](#).

6. **The Committee recommends the General Assembly clarify penalty options for first-time violations of child labor regulations by amending S.C. Code Ann. § 41-13-25, as proposed by the agency.** This statutory change may provide better information to the public and assist those employers wishing to avoid such penalties.<sup>119</sup> See the recommended draft language in [Appendix A](#).
7. **The Committee recommends the General Assembly authorize employers to make use of current technology related to providing employee wage statements by updating S.C. Code Ann. § 41-10-30 and § 41-10-40, as proposed by the agency.** These proposed amendments recognize the ability of employers to provide electronic pay statements to employees and to pay wages in forms other than the standard check, such as by electronic funds transfer.<sup>120</sup> See the recommended draft language in [Appendix A](#).

### ***Elevators and Amusement Rides***

The Committee has one recommended statutory change related to the agency’s Elevators and Amusement Rides division.

*Table 26. Recommendation to the General Assembly related to Elevators and Amusement Rides.*

<b>Elevators and Amusement Rides</b>	8. Clarify which amusement rides are subject to LLR permitting by defining “open to the public” in S.C. Code Ann. § 41-18-40.
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8. **The Committee recommends the General Assembly clarify which amusement rides are subject to LLR permitting by defining “open to the public” in S.C. Code Ann. § 41-18-40, as proposed by the agency.** The South Carolina Amusement Rides Safety Code, S.C. Code Ann. § 41-18-10 *et seq.*, applies to amusement rides at places “open to the public,” but that phrase is not defined. LLR defines the term in S.C. Code Ann. Regs. 71-4000(F), but asserts it is still facing questions from the public and the legislature regarding whether the agency’s definition includes church camps.<sup>121</sup>

### ***State Fire***

The Committee has eleven recommendations for statutory changes related to State Fire, also known as the Division of Fire and Life Safety.

*Table 27. Recommendations to the General Assembly related to State Fire.*

<b>State Fire</b>	<ol style="list-style-type: none"> <li>9. Authorize the Office of State Fire Marshal to issue fines up to \$1,000 for repeated fire code violations (i.e., those that remain uncorrected after provision of notice and time to correct) creating life safety issues for the public.</li> <li>10. Revise statutes to reflect duties and powers of the Office of State Fire Marshal by amending S.C. Code Ann. § 23-9-20 and repealing § 23-9-40, § 23-9-60, § 23-9-110, and § 23-9-130.</li> <li>11. Clarify the authority of those acting on behalf of the Office of State Fire Marshal and allow the Office of State Fire Marshal to establish procedures to discipline certified fire marshals by amending S.C. Code Ann. § 23-9-30.</li> </ol>
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	<p>12. Allow LLR's Division of Fire and Life Safety to receive donations of equipment by amending S.C. Code Ann. § 23-49-120.</p> <p>13. Simplify the grant award process for the Volunteer Strategic Assistance and Fire Equipment (V-SAFE) Program and designate a revenue stream to support administration of the program by amending S.C. Code Ann. § 23-9-25.</p> <p>14. Identify all classes of fire equipment permits and licenses that are regulated by the Office of State Fire Marshal, allow for promulgation of regulations regarding requirements, and correct terminology by amending S.C. Code Ann. § 23-9-45.</p> <p>15. Allow the Office of State Fire Marshal to enter fire or explosion sites without permission in cases of fatalities or serious injuries by amending S.C. Code Ann. § 23-9-50.</p> <p>16. Reflect appropriate fees for duplication and documentation of files and the correct title of the Office of State Fire Marshal by updating S.C. Code Ann. § 40-80-30.</p> <p>17. Eliminate an antiquated statutory reference to historical movement of the Office of State Fire Marshal and reflect current terminology by updating S.C. Code Ann. § 23-9-10.</p> <p>18. Ensure consistent use of terminology related to the State Fire Academy by amending S.C. Code Ann. § 23-10-10.</p> <p>19. Eliminate an unnecessary statute relating to wheelchair access ramps, S.C. Code Ann. § 23-9-35.</p>
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9. **The Committee recommends the General Assembly authorize the Office of State Fire Marshal to issue fines up to \$1,000 for repeated fire code violations (i.e., those that remain uncorrected after provision of notice and time to correct) creating life safety issues for the public.** In a January 2018 audit, the Legislative Audit Council (LAC) reports only about half of the fire code violations the Office of State Fire Marshal identifies in buildings such as state facilities and public schools are corrected.<sup>122</sup> The LAC cites a number of troubling examples of longstanding violations, such as emergency lighting in a school not working for three years and an outdated fire alarm system in a prison for seven years.<sup>123</sup>

The LAC notes the enforcement mechanisms currently in statute, which include seeking a court order from the Administrative Law Court and causing a building to be demolished, may be unclear or impractical and recommends the agency have the ability to issue fines.<sup>124</sup> LLR staff recommend a \$1,000 maximum for such fines.<sup>125</sup>

Public buildings and businesses are subject to inspection by authorities of the city, town, or county in which they are located, and LLR representatives testify local fire authorities may have the ability to issue fines for violations through local ordinances.<sup>126</sup> However, S.C. Code Ann. § 23-9-50(b) also gives the State Fire Marshal the authority to inspect buildings that are public or used for public purposes. State Fire Marshal Jonathan Jones indicates the office inspects state-owned buildings, prisons and detention facilities, consumer fireworks retailers, pyrotechnic display operators, public

schools (mostly in cooperation with the Department of Education's Office of School Facilities for new construction or renovation projects), propane gas facilities, and public fireworks displays.<sup>127</sup>

In response to questions from Committee members, LLR representatives note the Office of State Fire Marshal inspects foster homes and Department of Disabilities and Special Needs (DDSN) facilities through contractual relationships with the Department of Social Services and DDSN, as part of those agencies' licensing processes. Consequences for code violations in these locations are imposed by the licensing agencies. Therefore, LLR believes foster homes and DDSN facilities would not be subject to fines for violations even if the Office of State Fire Marshal is granted the authority to issue fines for violations in public buildings.<sup>128</sup>

10. **The Committee recommends the General Assembly revise statutes to reflect duties and powers of the Office of State Fire Marshal by amending S.C. Code Ann. § 23-9-20 and repealing § 23-9-40, § 23-9-60, § 23-9-110, and § 23-9-130, as proposed by the agency.** Combining Sections 23-9-20, 23-9-40, 23-9-60, 23-9-110, and 23-9-130 of the S.C. Code of Laws would allow the complete authority of the State Fire Marshal to be set forth in a single statutory section. This recommendation also adds duties not currently in statute. Further, clarifying the enforcement authority of the State Fire Marshal would implement part of a recommendation made by the Legislative Audit Council in January 2018.<sup>129</sup> See the recommended draft language in [Appendix A](#).
11. **The Committee recommends the General Assembly clarify the authority of those acting on behalf of the Office of State Fire Marshal and allow the Office of State Fire Marshal to establish procedures to discipline certified fire marshals by amending S.C. Code Ann. § 23-9-30, as proposed by the agency.** The Legislative Audit Council notes resident fire marshals, who serve by virtue of their employment as chief of a fire department or county fire marshal, are not required to be certified by the State Fire Marshal, but may choose to seek certification. When local fire marshals are certified, there is no provision allowing the State Fire Marshal to revoke those certificates for cause. The Legislative Audit Council notes instances in which serious violations were missed during inspections by local fire marshals. This statutory change has been recommended by the Legislative Audit Council as well as LLR.<sup>130</sup> See the recommended draft language in [Appendix A](#).
12. **The Committee recommends the General Assembly allow LLR's Division of Fire and Life Safety to receive donations of equipment by amending S.C. Code Ann. § 23-49-120, as proposed by the agency.** Current law allows the South Carolina Forestry Commission to accept donations of fire protection, control, and rescue equipment and exempts the donors from liability related to the use of the donated equipment. LLR asserts its Division of Fire and Life Safety, also known as State Fire, can utilize direct donations or distribute them to the appropriate local departments in need. However, the agency states many entities are not willing to donate to LLR without immunity from liability.<sup>131</sup> This change is also recommended by the Legislative Audit Council in its January 2018 audit of the Division of Fire and Life Safety.<sup>132</sup> See the recommended draft language in [Appendix A](#).
13. **The Committee recommends the General Assembly simplify the grant award process for the Volunteer Strategic Assistance and Fire Equipment (V-SAFE) Program and designate a revenue stream to support administration of the program by amending S.C. Code Ann. § 23-9-25, as proposed by the agency.** LLR representatives testify this proposed change mirrors practices that have worked well in federal grant processes. It allows the peer-review panel selecting grant recipients to set annual funding priorities and permits the panel to consider grant amendments after an award. It

also designates 3% of the total grant funding to remain with the State Fire Marshal to support the administration of the program.<sup>133</sup> See the recommended draft language in [Appendix A](#).

14. **The Committee recommends the General Assembly identify all classes of fire equipment permits and licenses that are regulated by the Office of State Fire Marshal, allow for promulgation of regulations regarding requirements, and correct terminology by amending S.C. Code Ann. § 23-9-45, as proposed by the agency.** This proposed change identifies all classes of equipment and allows the agency to promulgate regulations to ensure the competence of licensees. It also amends the statute to reflect the correct title of the office.<sup>134</sup> See the recommended draft language in [Appendix A](#).
15. **The Committee recommends the General Assembly allow the Office of State Fire Marshal to enter fire or explosion sites without permission in cases of fatalities or serious injuries by amending S.C. Code Ann. § 23-9-50, as proposed by the agency.** Current statute allows entry into premises or dwellings without consent only in particular situations. This change would clarify those situations and expand them to include cases of fatality or serious injury resulting from a fire, explosion, or arson.<sup>135</sup> See the recommended draft language in [Appendix A](#).
16. **The Committee recommends the General Assembly reflect appropriate fees for duplication and documentation of files and the correct title of the Office of State Fire Marshal by updating S.C. Code Ann. § 40-80-30, as proposed by the agency.** LLR asserts the proposed fees match current practice and fair rates for the process.<sup>136</sup> See the recommended draft language in [Appendix A](#).
17. **The Committee recommends the General Assembly eliminate an antiquated statutory reference to historical movement of the Office of State Fire Marshal and reflect current terminology by updating S.C. Code Ann. § 23-9-10, as proposed by the agency.** This change would eliminate antiquated information and reflect the commonly-used name for the division.<sup>137</sup> See the recommended draft language in [Appendix A](#).
18. **The Committee recommends the General Assembly ensure consistent use of terminology related to the State Fire Academy by amending S.C. Code Ann. § 23-10-10, as proposed by the agency.** This proposed change reflects the title used in the field, State Fire Academy, as well as correct names of associated institutions and titles of personnel, committees, and divisions.<sup>138</sup> These updates are also recommended by the Legislative Audit Council in its January 2018 report.<sup>139</sup> See the recommended draft language in [Appendix A](#).
19. **The Committee recommends the General Assembly eliminate an unnecessary statute relating to wheelchair access ramps, S.C. Code Ann. § 23-9-35, as proposed by the agency.** This section allows the Office of State Fire Marshal to build wheelchair access ramps without paying fees or obtaining permits. Agency representatives assert the section is unnecessary because LLR does not build ramps.<sup>140</sup>

## Professional and Occupational Licensing (POL)

The Committee has seventeen recommendations for law changes related to the agency's POL division.

Table 28. Recommendations to the General Assembly related to Professional and Occupational Licensing.

Professional and Occupational Licensing	<ol style="list-style-type: none"><li>20. Require the Legislative Audit Council to assess, every 10 years, the need for continued regulation of each of the professions and occupations licensed by the boards administered by LLR.</li><li>21. Eliminate the requirement for the LLR director to recommend professions and occupations for de-regulation by amending S.C. Code Ann. § 40-1-50(A).</li><li>22. Clarify that LLR, not the professional and occupational licensing boards, selects and hires agency employees by amending S.C. Code Ann. § 40-1-50(A).</li><li>23. Task licensing boards with advising LLR on statutory revisions and other matters by amending S.C. Code Ann. § 40-1-70.</li><li>24. Amend disciplinary procedures for the Board of Chiropractic Examiners in S.C. Code Ann. § 40-9-31 to conform to current agency practices.</li><li>25. Require the LLR attorney representing the state, rather than officers of the professional and occupational licensing boards, to sign and provide notice of formal accusations filed by several boards by amending S.C. Code Ann. § 40-15-180, § 40-55-130, and § 40-75-90.</li><li>26. Allow the Manufactured Housing Board, rather than an administrative hearing officer, to hear a case against a licensee of the board by amending S.C. Code Ann. § 40-29-60.</li><li>27. Clarify the procedures for service of notice for disciplinary hearings and the role of disciplinary counsel in licensing investigations by amending S.C. Code Ann. § 40-1-90.</li><li>28. Clarify that a nondisciplinary letter of caution issued by a licensing board is a private order by amending S.C. Code Ann. § 40-1-120.</li><li>29. Clarify the difference between voluntary surrender and permanent relinquishment of a license by amending S.C. Code Ann. § 40-1-150.</li><li>30. Clarify the confidentiality standards to be used during different stages of licensing investigations by amending S.C. Code Ann. § 40-1-190.</li><li>31. Update the list of professional and occupational licensing boards administered by LLR by amending S.C. Code Ann. § 40-1-40(B).</li><li>32. Authorize the Perpetual Care Cemetery Board to make use of current technology (e.g., email) by amending S.C. Code Ann. § 40-8-160.</li><li>33. Remove outdated types of optometry licenses from S.C. Code Ann. § 40-37-20 and § 40-37-420.</li><li>34. Correct a typographical error, an incorrect statutory citation, and a reference to a definition that does not exist in statute by amending S.C. Code Ann. § 40-11-20, § 40-29-100, and § 40-59-270.</li><li>35. Consider amending state law to allow fingerprints submitted by Real Estate Commission licensees to be kept on file by SLED for subsequent background checks.</li><li>36. Consider amending state law to allow the Real Estate Commission, with licensees' permission, to utilize fingerprints already on file with other state agencies to perform required background checks.</li></ol>
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20. **The Committee recommends the General Assembly require the Legislative Audit Council to assess, every 10 years, the need for continued regulation of each of the professions and occupations licensed by the boards administered by LLR.** LLR currently administers 42 professional and occupational licensing boards, and the agency notes in its Program Evaluation Report (PER) that many other professions lobby to become regulated.<sup>141</sup> No licensing board under LLR has been permanently sunsetted since the agency's creation in 1993.<sup>142</sup> However, as noted by a Committee member at the meeting on March 1, 2018, as well as in the agency's PER, occupational licensure can present a barrier to entry into a profession for those who may be disqualified due to finances, education, experience, or criminal history.<sup>143</sup> It also affects those relocating from other states, such as military spouses.<sup>144</sup>

The agency identifies the lack of a formal mechanism for the General Assembly to consider the continued need to regulate programs as an emerging issue that will have an impact on the agency in the next five years.<sup>145</sup> Currently, S.C. Code Ann. § 40-1-10(B) lays out four criteria for a profession or occupation to qualify for regulation, and S.C. Code Ann. § 40-1-50(A) requires the LLR director to notify the General Assembly of industries that should be deregulated. However, LLR notes this requirement presents a conflict of interest between the agency and the boards it supports.<sup>146</sup> Regular, independent reviews by the Legislative Audit Council could ensure the General Assembly has the information it needs to make informed policy decisions about this issue.

21. **The Committee recommends the General Assembly eliminate the requirement for the LLR director to recommend professions and occupations for de-regulation by amending S.C. Code Ann. § 40-1-50(A), as proposed by the agency.** The LLR director is currently required to submit an annual report to the legislature and the governor that identifies any professions or occupations currently regulated by LLR's licensing boards that do not meet the criteria for regulation outlined in S.C. Code Ann. § 40-1-10. LLR asserts that this provision has the potential to put the director in an adversarial relationship with a board she is statutorily bound to administer, and that deregulation is a policy decision best left to the legislature.<sup>147</sup> See the recommended draft language in [Appendix A](#).
22. **The Committee recommends the General Assembly clarify that LLR, not the professional and occupational licensing boards, selects and hires agency employees by amending S.C. Code Ann. § 40-1-50(A), as proposed by the agency.** LLR employs the staff that provide administrative support to the professional and occupational licensing (POL) boards. Current statute outlines a procedure in which the appropriate licensing board chooses a short list of candidates for a position from those deemed qualified by the agency's human resources department. However, most POL staff members work with multiple boards. This change would reflect the agency's current practice of following the hiring laws that apply to all state agencies.<sup>148</sup> See the recommended draft language in [Appendix A](#).
23. **The Committee recommends the General Assembly task licensing boards with advising LLR on statutory revisions and other matters by amending S.C. Code Ann. § 40-1-70, as proposed by the agency.** LLR notes that although some boards have this authority in statute, many do not.<sup>149</sup> See the recommended draft language in [Appendix A](#).
24. **The Committee recommends the General Assembly amend disciplinary procedures for the Board of Chiropractic Examiners in S.C. Code Ann. § 40-9-31 to conform to current agency practices, as proposed by the agency.** This proposed change reflects the current agency practice of the Office of General Counsel, rather than the Attorney General's office, prosecuting cases. Also, this change

clarifies allegations of misconduct are brought against a licensee by the state, not for a complainant. Additionally, the change brings procedures for a stay pending appeal into line with court rules, statutes relating to other boards, and S.C. Code Ann. § 40-1-160.<sup>150</sup> The Office of the Attorney General has no objection to this change.<sup>151</sup> See the recommended draft language in [Appendix A](#).

25. **The Committee recommends the General Assembly require the LLR attorney representing the state, rather than officers of the professional and occupational licensing boards, to sign and provide notice of formal accusations filed by several boards by amending S.C. Code Ann. § 40-15-180, § 40-55-130, and § 40-75-90, as proposed by the agency.** This recommendation applies to the Board of Dentistry, the Board of Examiners in Psychology, and the Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-educational Specialists. This change would protect the board president from having access to the allegations against a respondent before the hearing.<sup>152</sup> See the recommended draft language in [Appendix A](#).
26. **The Committee recommends the General Assembly allow the Manufactured Housing Board, rather than an administrative hearing officer, to hear a case against a licensee of the board by amending S.C. Code Ann. § 40-29-60, as proposed by the agency.** This change would conform statute to the current board practice.<sup>153</sup> See the recommended draft language in [Appendix A](#).
27. **The Committee recommends the General Assembly clarify the procedures for service of notice for disciplinary hearings and the role of disciplinary counsel in licensing investigations by amending S.C. Code Ann. § 40-1-90, as proposed by the agency.** This proposed change sets forth the law regarding service of notice, which is not currently included in statute for every board.<sup>154</sup> See the recommended draft language in [Appendix A](#).
28. **The Committee recommends the General Assembly clarify that a nondisciplinary letter of caution issued by a licensing board is a private order by amending S.C. Code Ann. § 40-1-120, as proposed by the agency.** An LLR representative testifies it is unclear to the agency whether these letters should be subject to release under the Freedom of Information Act; the proposed change is to clearly state they are not.<sup>155</sup> See the recommended draft language in [Appendix A](#).
29. **The Committee recommends the General Assembly clarify the difference between voluntary surrender and permanent relinquishment of a license by amending S.C. Code Ann. § 40-1-150, as proposed by the agency.** The current statute uses these two terms interchangeably, but there is a difference: a surrender may be temporary and a relinquishment is described as permanent in the statutes for some boards.<sup>156</sup> See the recommended draft language in [Appendix A](#).
30. **The Committee recommends the General Assembly clarify the confidentiality standards to be used during different stages of licensing investigations by amending S.C. Code Ann. § 40-1-190, as proposed by the agency.** Initial complaints are confidential to maintain privacy for licensees/respondents found to be compliant with the law. Once the threshold of a formal complaint has been crossed, matters are presumed to be public, but still subject to reasonable protections pursuant to controlling law. The proposed change clarifies a respondent has access to the complaint and evidence.<sup>157</sup> See the recommended draft language in [Appendix A](#).

31. **The Committee recommends the General Assembly update the list of professional and occupational licensing boards administered by LLR by amending S.C. Code Ann. § 40-1-40(B), as proposed by the agency.** This proposed change updates board names, removes titles of programs subsumed under other boards, and lists all boards currently administered by the agency.<sup>158</sup> See the recommended draft language in [Appendix A](#).
32. **The Committee recommends the General Assembly authorize the Perpetual Care Cemetery Board to make use of current technology (e.g., email) by amending S.C. Code Ann. § 40-8-160, as proposed by the agency.** This change would allow the agency to send final orders electronically to local and state professional associations. This would reduce mailing costs and further public protection by ensuring board orders are disseminated quickly. It would not change the means of disseminating a final order to a respondent.<sup>159</sup> See the recommended draft language in [Appendix A](#).
33. **The Committee recommends the General Assembly remove outdated types of optometry licenses from S.C. Code Ann. § 40-37-20 and § 40-37-420, as proposed by the agency.** The basic certified optometrist and diagnostic certified optometrist licenses were phased out in 2008, as outlined in S.C. Code Ann. § 40-37-420. Optometrists are now required to be therapeutic certified optometrists. This proposed change removes both the definitions of the old license types and the description of the period in which they were phased out.<sup>160</sup> See the recommended draft language in [Appendix A](#).
34. **The Committee recommends the General Assembly correct a typographical error, an incorrect statutory citation, and a reference to a definition that does not exist in statute by amending S.C. Code Ann. § 40-11-20, § 40-29-100, and § 40-59-270, as proposed by the agency.** LLR proposes these changes to the Committee in its PER.<sup>161</sup> See the recommended draft language in [Appendix A](#).
35. **The Committee recommends the General Assembly consider amending state law to allow fingerprints submitted by Real Estate Commission licensees to be kept on file by SLED for subsequent required background checks.** Beginning in 2020, individuals applying for initial licensure as a salesperson, broker, broker-in-charge, property manager, or property manager-in-charge under the Real Estate Commission will be required to have fingerprint-based state and national criminal records checks.<sup>162</sup> These background checks will be repeated at every third renewal (i.e., every six years).<sup>163</sup> It is LLR's position that, under current law, fingerprints submitted by applicants will not be retained and licensees will be required to submit a new set of fingerprints each time a background check is required.<sup>164</sup>
36. **The Committee recommends the General Assembly consider amending state law to allow the Real Estate Commission, with licensees' permission, to utilize fingerprints already on file with other state agencies to perform required background checks.** At least one South Carolina state agency, the Department of Insurance, collects fingerprints from licensees that are then retained by the state.<sup>165</sup> It is LLR's position that, under current law, applicants for licensure under the Real Estate Commission will be required to submit a new set of fingerprints each time a background check is required even if another state agency already has their fingerprints on file.<sup>166</sup>

## Recommendations to State Agencies

The Committee directs two recommendations to LLR and one jointly to LLR and the Department of Health and Environmental Control.

Table 29. Recommendations to state agencies.

Division/ Program	Recommendation to...	Recommendations
OSHA	LLR's OSHA division	37. Partner with insurance companies to increase opportunities to educate employers about health and safety and encourage voluntary compliance.
Professional and Occupational Licensing	LLR and the Department of Health and Environmental Control	38. Jointly make a recommendation to the Committee as to which agency should administer the Commission of Hearing Aid Specialists.
	LLR	39. Follow up with the Committee in January 2020 regarding the results of its licensing fee analysis and the steps it is taking to address any problems identified.

37. **The Committee recommends LLR's division of Occupational Safety and Health Administration (OSHA) partner with insurance companies to increase opportunities to educate employers about health and safety and encourage voluntary compliance.** During the study, agency representatives testify the OSHA division works with school districts and employers to educate employees and employers about health and safety, but does not currently have formal partnerships with insurance companies.<sup>167</sup> Insurance companies that have close relationships with either employers or employees and share an interest in promoting employee health and safety could provide unique ways for OSHA to communicate information about regulations, programs, and best practices.
38. **The Committee recommends LLR and the Department of Health and Environmental Control jointly make a recommendation to the Committee as to which agency should administer the Commission of Hearing Aid Specialists.** S.C. Code Ann. § 40-25-10 *et seq.* authorize the Department of Health and Environmental Control (DHEC), with advice from the Commission of Hearing Aid Specialists, to license qualified persons to engage in the practice of specializing in hearing aids; oversee the examination of persons seeking licensure; conduct periodic inspections of persons, facilities, and equipment; and take enforcement action as authorized by statute. In response to member questioning during the study of DHEC by the Healthcare and Regulatory Subcommittee, DHEC representatives testify their responsibilities related to this licensure program are administrative, such as tracking licensees' continuing education, and are very similar to LLR's responsibilities related to its professional and occupational licensing boards.<sup>168</sup>

The Committee made a recommendation similar to this as a result of the DHEC study, which was completed in December 2017.<sup>169</sup> The Committee requests the agencies' recommendation be delivered in the form of a letter to the Committee.

39. The Committee recommends LLR follow up with the Committee in January 2020 regarding the results of its licensing fee analysis and the steps it is taking to address any problems identified. During the study, LLR informs the Committee it is currently undertaking a comprehensive analysis of licensing board fees and finances that will culminate in regulatory changes to be proposed during the 2020 legislative session.<sup>170</sup>

## *Eliminate*

The Committee does not have any specific recommendations with regards to elimination of agency programs.

# INTERNAL CHANGES IMPLEMENTED BY AGENCY RELATED TO STUDY PROCESS

LLR Director Farr testifies during the study process that the agency has expedited the formalization of its records retention policy and has taken further steps to protect private information due in part to Committee questioning about records retention.<sup>171</sup>

In response to questions from Committee members, Director Farr reports the agency is taking the following steps to address concerns about professional and occupational licensing raised by stakeholders during the study process:<sup>172</sup>

- Creating a way for individuals to submit anonymous input to the LLR ombudsman through the agency's website;
- Planning a two-day training and team building session for all licensing board administrators;
- Reaching out to professional associations to discuss concerns about the agency's professional and occupational licensing division; and
- Updating the agency's policy regarding prompt publication of minutes from licensing board meetings.

## SELECTED AGENCY INFORMATION

**Department of Labor, Licensing and Regulation. “Program Evaluation Report, 2018.”**

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/LLR/PER\\_PDF%2042318.PDF](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/LLR/PER_PDF%2042318.PDF) (accessed October 26, 2018).

**Department of Labor, Licensing and Regulation. “Restructuring and Seven-Year Plan Report, 2015.”**

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2015AgencyRestructuringandSevenYearPlanReports/2015%20Department%20of%20Labor,%20Licensing%20and%20Regulation.pdf> (accessed October 26, 2018).

**Department of Labor, Licensing and Regulation. “Agency Accountability Report, 2017.”**

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/LLR/Reports%20&%20Audits%20-%20Reports%20and%20Reviews/Accountability%20Report%20-%202016-2017.pdf> (accessed October 26, 2018).

**S.C. House of Representatives, Legislative Oversight Committee. “January-March 2018 Survey Results.”**

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/LLR/Public\\_Survey\\_January\\_February\\_2018.PDF](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/LLR/Public_Survey_January_February_2018.PDF) (accessed October 26, 2018).

# APPENDICES

## Appendix A. Draft Language for Recommended Statutory Changes

### Recommendation 1

Allow the required notice of hearings about employee health and safety regulations to be published in newspapers with electronic circulation by amending S.C. Code Ann. § 41-15-220(A).

#### § 41-15-220

(A) Before the promulgation, modification, or revocation of a regulation issued pursuant to this article, the commissioner shall conduct a public hearing at which all interested persons, including employer and employee representatives, must be provided an opportunity to appear and present their comments orally or written, or both. Notice of the hearing must be published in the State Register and may be published in at least three newspapers, at least one of which has circulation in upper, lower, and middle South Carolina, or through electronic means, once a week for three weeks. The notice must contain the date, time, and place of the hearing and a brief description of the proposed regulation.

*[remainder of statute unchanged]*

### Recommendation 2

Provide a compliance mechanism for warrants and subpoenas related to OSHA investigations and authorize sanctions for non-compliance by amending S.C. Code Ann. § 41-15-260 and § 41-15-270.

#### § 41-15-260

(B)(3) A warrant issued pursuant to this section shall be served within ten days and returned within thirty days of its date of issue. A person authorized by the Director of the Department of Labor, Licensing and Regulation or designee may seek contempt and/or sanctions, in the event of noncompliance with a warrant. Assistance may also be sought by law enforcement during the service of the warrant. The circuit judge who has issued a warrant under this section shall attach to the warrant a copy of the return and all papers filed in connection therewith and shall cause them to be filed with the court which issued such warrant.

*[remainder of statute unchanged]*

#### § 41-15-270

(A) The Director of the Department of Labor, Licensing and Regulation or his designee may subpoena witnesses, documents, take and preserve testimony, examine witnesses, administer oaths and, upon proper presentation of credentials to the owner, manager or agent of the employer, enter any place, site or areas where employment comes under the jurisdiction of the Commissioner and interrogate any person employed therein or connected therewith or the proper officers of a corporation or employer, or he may file a written or printed list of interrogatories and require full and complete answers to them to be returned under oath within fifteen days of the receipt of such list. In the event of non-compliance, the Director or his designee may seek contempt and/or sanctions by the circuit judge having jurisdiction where the inspection and investigation is being conducted.

(B) Upon proper presentation of credentials to the owner, manager or agent of the employer, the Director of the Department of Labor, Licensing and Regulation or his designee may enter any place, site or area where employment comes under the jurisdiction of the Director and interrogate any person employed therein or connected therewith or the proper officers of a corporation or employer. In the event of non-compliance, the Director of the Department of Labor, Licensing and Regulation or his designee may seek a warrant pursuant to the provisions in Section 41-15-260.

### **Recommendation 3**

Clarify the process through which LLR issues citations and penalties for violations of employee health and safety regulations by amending S.C. Code Ann. § 41-15-280 and repealing § 41-15-300.

#### **§ 41-15-280. Citation and notification of penalty for violation; notice in lieu of citation.**

If, upon inspection or investigation, the ~~Commissioner~~ Director or his authorized representative ascertains that an employer has violated a requirement of any rule or regulation promulgated pursuant to this article, he shall with reasonable promptness issue a citation and notification of penalty to the employer. Each citation and notification of penalty shall be in writing and shall describe with particularity the nature of the violation or violations, including a reference to any statute or rule or regulation alleged to have been violated. The citation and notification of penalty shall fix a reasonable time for the abatement of the violation. The ~~Commissioner~~ Director may prescribe procedures for the issuance of a notice in lieu of a citation with respect to de minimis violations which have no direct or immediate relationship to safety or health. Such notice shall have the effect of a recommendation to the employer; compliance will not be required.

Each citation and notification of penalty issued under this section, or a copy or copies thereof, shall be prominently posted, as prescribed in regulations issued by the ~~Commissioner~~ Director, at or near each place a violation referred to in the citation occurred.

No citation may be issued under this section after the expiration of six months following the occurrence of any violation. Where the actions or omissions of the employer or its designee conceal the existence of the violation or conditions leading to the violation, this limitation is tolled until such time as the agency learns or could have learned of the violation or conditions.

#### **§ 41-15-300. Notice of penalties.**

~~If, after an inspection or investigation, the Commissioner issues a citation, he shall within a reasonable time after the termination of such inspection or investigation notify the employer by certified mail of the penalty, if any, assessed under Section 41-15-320.~~

### Recommendation 5

Increase penalties for violations of laws related to payment of wages by amending S.C. Code Ann. § 41-10-80.

#### § 41-10-80

(A) Any employer who violates the provisions of Section 41-10-30 must be given a written warning by the Director of the Department of Labor, Licensing and Regulation or his designee for the first offense and must be assessed a civil penalty of not more than ~~one~~ two hundred fifty dollars for each subsequent offense.

(B) Any employer who violates the provisions of Section 41-10-40 and Section 41-10-50 must be assessed a civil penalty of not more than one ~~hundred~~ thousand dollars for each violation. Each failure to pay constitutes a separate offense. . . .

(D) The Director of the Department of Labor, Licensing and Regulation or his designee shall promulgate regulations to establish a procedure for the assessment of penalties and the administrative review of any civil penalty as assessed ~~by the commissioner~~.

*[remainder of statute unchanged]*

### Recommendation 6

Clarify penalty options for first-time violations of child labor regulations by amending S.C. Code Ann. § 41-13-25.

#### § 41-13-25.

(A) As determined by the Director of the Department of Labor, Licensing and Regulation or the director's designee, an employer who violates a child labor regulation promulgated pursuant to this chapter must be given a written warning of the violation for a first offense or ~~may be~~ fined not more than one thousand dollars. For second or subsequent offenses, an employer may be fined not more than five thousand dollars for each offense. The director shall determine the amount of the penalty pursuant to procedures promulgated by the department in regulation for assessing penalties under this chapter. These regulations shall include the method for determining penalties based on the size of the business of the employer being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations of the employer.

*[remainder of statute unchanged]*

### Recommendation 7

Authorize employers to make use of current technology related to providing employee wage statements by updating S.C. Code Ann. § 41-10-30 and § 41-10-40.

#### § 41-10-30

(C) Every employer shall furnish each employee with access to an itemized statement showing his gross pay and the deductions made from his wages for each pay period.

*[remainder of statute unchanged]*

#### § 41-10-40

(A) Every employer in the State shall pay all wages due in lawful United States ~~money or by negotiable warrant or check bearing even date with the payday~~ currency.

*[remainder of statute unchanged]*

### Recommendation 10

Revise statutes to reflect duties and powers of the Office of State Fire Marshal by amending S.C. Code Ann. § 23-9-20 and repealing § 23-9-40, § 23-9-60, § 23-9-110, and § 23-9-130.

~~§ 23-9-20. Additional~~ Duties, jurisdiction, and authority of State Fire Marshal.

The State Fire Marshal shall have jurisdiction and authority statewide, on behalf of the State, in matters including but not limited to the following functions and activities:

(1) Enforcement of all laws and ordinances of the State with reference to the following:

(a) The prevention of fires;

(b) The storage, sale and use of combustibles and explosives;

(c) The installation and maintenance of fire alarm systems and fire extinguishing systems and equipment;

(d) The means of egress from all buildings, except for one- and two-family dwellings, unless otherwise required or permitted through statute or regulation;

(e) Investigation of the cause, origin and circumstances of fire;

(f) Requiring conformance with the fire prevention and protection codes and standards based upon nationally recognized codes and standards as may be prescribed by law or regulation for the prevention of fires and the protection of life and property;

(g) Facilitation of the reporting of fires through the National Fire Incident Reporting System (NFIRS);

(h) Collection of information concerning the causes, prevention and reduction of damage from fire and other forms of community loss. The Office of State Fire Marshal may, from time to time, disseminate this information in an appropriate manner as needed to aid in public protection or training of firefighters; and

(i) Other fire-related activities not inconsistent with the mission of State Fire or otherwise proscribed by law.

~~(12) supervise~~ Enforcement of the laws and regulations of the Liquefied Petroleum Gas Board and the South Carolina Hydrogen Permitting Program, and

~~(23) shall Employment and supervision of personnel necessary to carry out the duties of his office.~~

~~(4) Implementation of licensing, permitting and certification programs based upon nationally recognized codes and standards, and promulgation of regulations for:~~

- ~~\_\_\_\_\_ (a) Explosives;~~
- ~~\_\_\_\_\_ (b) Pyrotechnic displays and shooters, not inconsistent with the powers reserved to the State Board of Pyrotechnic Safety;~~
- ~~\_\_\_\_\_ (c) Fire protection systems and all classes of equipment; and~~
- ~~\_\_\_\_\_ (d) Persons performing fire inspections under the authority of §23-9-30.~~

~~(5) Promulgation of fire prevention and protection regulations based upon nationally recognized codes and standards for the protection of life and property of the residents of the State from fire.~~

~~(6) Administrative and operational responsibilities for all program areas of State Fire, including the Office of State Fire Marshal, the State Fire Academy, and the Emergency Response Task Force.~~

#### **§ 23-9-40**

~~— It shall be the duty of the State Fire Marshal to enforce all laws and ordinances of the State, and the several counties, cities, and political subdivisions thereof, with reference to the following:~~

- ~~\_\_\_\_\_ (a) The prevention of fires;~~
- ~~\_\_\_\_\_ (b) The storage, sale and use of combustibles and explosives;~~
- ~~\_\_\_\_\_ (c) The installation and maintenance of automatic or other fire alarm systems and fire extinguishing equipment;~~
- ~~\_\_\_\_\_ (d) The construction, maintenance and regulation of fire escapes;~~
- ~~\_\_\_\_\_ (e) The means and adequacy of exits, in case of fire, from factories, asylums, hospitals, churches, schools, halls, theaters, amphitheaters and all other places in which numbers of persons work, live or congregate from time to time for any purpose;~~
- ~~\_\_\_\_\_ (f) Investigation of the cause, origin and circumstances of fire.~~

#### **§ 23-9-60**

~~— The State Fire Marshal shall require conformance with the fire prevention and protection standards based upon nationally recognized standards as may be prescribed by law or regulation for the prevention of fires and the protection of life and property. The Division of the State Fire Marshal shall have the authority to promulgate fire prevention and protection regulations based upon nationally recognized standards for the protection of life and property of the residents of the State from fire.~~

#### **§ 23-9-110**

~~— The State Fire Marshal shall keep on file in his office all reports of fires made to him pursuant to this chapter. Such records shall at all times during business hours be open to public inspection; except, that any testimony taken in a fire investigation may, in the discretion of the State Fire Marshal, be withheld from public scrutiny. The State Fire Marshal may destroy any such report after three years from its date.~~

#### **§ 23-9-130**

~~— The State Fire Marshal may from time to time disseminate within this State information concerning the causes, prevention and reduction of damage from fire.~~

### **Recommendation 11**

Clarify the authority of those acting under the authority of the Office of State Fire Marshal and allow the Office of State Fire Marshal to establish procedures to discipline certified local fire marshals by amending S.C. Code Ann. § 23-9-30.

**§ 23-9-30. Resident fire marshals;** ~~Persons~~ persons who may act under authority of State Fire Marshal.

(a) The chief of any organized fire department or county fire marshal is an ex officio resident fire marshal; however, this chapter does not repeal, amend, or otherwise affect Chapter 25 of Title 5.

(b) All ~~powers and duties of investigation, inspection and enforcement~~ vested in the State Fire Marshal may be exercised or discharged ~~by any deputy state fire marshal, county fire marshal, or resident fire marshal~~ within the area of his service, by any deputy state fire marshal, ex officio resident fire marshal or any state or local governmental employee certified by the State Fire Marshal ~~whose duties include inspection and enforcement of state or local fire safety codes and standards, acting under the authority of the State Fire Marshal.~~

(c) The State Fire Marshal shall have the authority to promulgate regulations regarding the training, certification and recertification of fire marshals, and disciplinary procedures, up to and including revocation of certification for cause.

### **Recommendation 12**

Allow LLR's Division of Fire and Life Safety to receive donations of equipment by amending S.C. Code Ann. § 23-49-120.

#### **§ 23-49-120**

(A) For purposes of this chapter, "fire protection, control, and rescue equipment" or "equipment" means, but is not limited to, a vehicle, a firefighting tool, protective gear, breathing apparatus, and any other tools or supplies commonly used or capable of use in fire prevention, firefighting, or fire rescue.

(B) The South Carolina Forestry Commission and Department of Labor, Licensing and Regulation, Division of Fire and Life Safety may accept donations of new or used fire protection, control, and rescue equipment from individuals or organizations. Donated equipment accepted by the commission or department may be retained for use by the commission or department or distributed to county, municipal, or other fire departments in this State or to other state or local emergency service or rescue organizations. A fire department or other organization accepting donated breathing apparatus from the commission or department shall cause the breathing apparatus to be recertified according to the manufacturer's specifications by the manufacturer or a technician certified by the manufacturer before it is placed into service or used by the fire department or other organization.

(C) A donor or donor organization acting in good faith when donating new or used equipment that is apparently fit for use by humans and for its intended purpose is not subject to criminal penalties or civil liability for death or injuries to persons or property arising from a disclosed defect in the equipment, from an unknown defect in the

equipment, or from the condition of the donated equipment, unless the death or injury to persons or property is caused by gross negligence, recklessness, or intentional misconduct of the donor.

**Recommendation 13**

Simplify the grant award process for the Volunteer Strategic Assistance and Fire Equipment (V-SAFE) Program and designate a revenue stream to support administration of the program by amending S.C. Code Ann. § 23-9-25.

**§ 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;

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

~~(d)~~ (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.

#### **Recommendation 14**

Identify all classes of fire equipment permits and licenses that are regulated by the Office of State Fire Marshal, allow for promulgation of regulations regarding requirements, and correct terminology by amending S.C. Code Ann. § 23-9-45.

**§ 23-9-45.** ~~Class D~~ Fire equipment dealer license or fire equipment permit; ~~proof of training~~; fees.

(A) An applicant for a Class A, B, C, Class D, and E fire equipment dealer license or a ~~Class D~~ fire equipment permit, or both, shall provide proof of a current manufacturer's training certificate for each type of preengineered fire extinguishing system and meet additional fire, life and safety requirements as set forth in regulation. However, if the applicant can provide proof of a current manufacturer's training certificate for at least one type of preengineered fire extinguishing system, the applicant may submit a sworn affidavit for each additional type of preengineered fire extinguishing system for which a license or permit, or both, is requested.

(B) The affidavit shall attest to the applicant's ability to obtain the proper manufacturer's installation and maintenance manuals and provide testament that all installations and maintenance shall be performed in compliance with the manufacturer's installation and maintenance manuals, and the codes adopted by the South Carolina Building Codes Council. ~~with the exception of the manufacturer's training certificate, and in compliance with National Fire Protection Association standards 10, 11, 12, 13, 17, 17A, 96, 211, and 2001, as they exist as of January 1, 2006, including the use of replacement parts listed in conformity with National Fire Protection Association standards.~~ Any violation of the affidavit is grounds for the revocation of the ~~Class D~~ fire equipment dealer license or ~~the Class D~~ fire equipment permit, or both.

(C) ~~The Division of State Fire Marshal is authorized to charge a license fee for all classes of fire equipment licenses issued by the Division of State Fire Marshal and a permit fee for all classes of fire equipment permits issued by the Division of State Fire Marshal. Fees may be set by regulation not more than once each two years and must be based upon the costs of administering the provisions of this chapter and must give due regard to the time spent by division personnel in performing duties. The initial fees established by the State Fire Marshal may not exceed one hundred dollars for licenses and twenty five dollars for permits.~~ Qualifications and requirements of licensees and permittees shall be described in regulation.

### **Recommendation 15**

Allow the Office of State Fire Marshal to enter fire or explosion sites without permission in cases of fatalities or serious injuries by amending S.C. Code Ann. § 23-9-50.

#### **§ 23-9-50**

(a) The State Fire Marshal shall have authority at all times of the day or night, in the performance of duties imposed by this chapter, to enter upon and examine any building or premises where any fire or explosion has occurred and other buildings or adjoining premises ~~adjoining~~. Provided, that the State Fire Marshal may enter a private dwelling or premise only with the permission of the owner or occupant, or if: (1) unless there is probable cause to believe that a violation of the provisions respecting fire laws exists; ~~that there exists imminent danger to the occupants thereof or arson. (2) there is probable cause of imminent danger to the occupants thereof; or (3) a fatality or serious injury has occurred as a result of fire, explosion, or arson.~~

*[remainder of statute unchanged]*

### *Recommendation 16*

Reflect appropriate fees for duplication and documentation of files and the correct title of the Office of State Fire Marshal by updating S.C. Code Ann. § 40-80-30.

#### **§ 40-80-30**

(A) No later than sixty days after the start of his employment date as a paid or volunteer firefighter, each firefighter must be registered with the Office of ~~the~~ State Fire Marshal by his fire chief or other employer. The criminal background check required by Section 40-80-20 must be conducted before registration.

(B) The Office of ~~the~~ State Fire Marshal must maintain a file on each registered firefighter in this State that includes all information required to be kept by this chapter, and must assign a firefighter identification number to each registered firefighter which corresponds with the firefighter's social security number.

(C) Upon request the information in the file of an individual firefighter may be released in its entirety to a potential employer as defined in this chapter and may be used as a basis for employment. The requesting department or employer must maintain this information in a confidential manner.

(D) Any registered firefighter may at any time request and obtain a copy of his or her file. An unofficial version of a firefighter's file is available at no cost via secured web access. The fee for an official copy of a firefighter's file transcript is five three dollars payable to the Office of ~~the~~ State Fire Marshal. The fee for a reprinted certificate is five dollars payable to the Office of State Fire Marshal.

### *Recommendation 17*

Eliminate an antiquated statutory reference to historical movement of the Office of State Fire Marshal and reflect current terminology by updating S.C. Code Ann. § 23-9-10.

**§ 23-9-10.** ~~Transfer of office of State Fire Marshal to Department of Labor, Licensing and Regulation; duties and responsibilities of Marshal; qualifications. State Fire Marshal qualifications; name of the division.~~

~~Effective July 1, 1979, the Division of State Fire Marshal is hereby transferred to the Department of Labor, Licensing and Regulation to operate as a division under the Office of Director. The State Fire Marshal shall have all of the duties and responsibilities formerly exercised by the Chief Insurance Commissioner as State Fire Marshal, ex officio. Notwithstanding another provision of law, after January 20, 2011, the~~The State Fire Marshal shall have a master's degree from an accredited institution of higher learning and at least four years' experience in fire prevention and control or a bachelor's degree and eight years' experience in fire prevention and control. The Governor shall appoint the State Fire Marshal who shall serve as the Deputy Director of the Division of Fire and Life Safety of the Department of Labor, Licensing and Regulation. The Division of Fire and Life Safety shall, in the alternative, be referred to as State Fire and shall consist of the following primary program areas: Office of State Fire Marshal, State Fire Academy and Emergency Response Task Force.

### Recommendation 18

Ensure consistent use of terminology related to the State Fire Academy by amending S.C. Code Ann. § 23-10-10.

## CHAPTER 10 South Carolina State Fire Academy

§ 23-10-10. Operation of ~~South Carolina~~State Fire Academy; State Fire Academy advisory committee created; membership.

The State Fire Marshal has the sole responsibility for the operation of the ~~South Carolina~~State Fire Academy (Academy). The Academy is operated for the express purpose of upgrading the State's paid, volunteer, and industrial fire service personnel. All buildings, facilities, equipment, property, and instructional materials which are now or become a part of the Academy are assigned to the Academy and may not be integrated with any other local or state agency, association, department, or technical education center, without the consent of the Director of the Department of Labor, Licensing and Regulation or his designee.

There is created the ~~South Carolina~~State Fire Academy Advisory Committee which shall advise and assist the State Fire Marshal in developing a comprehensive training program based upon the needs of the fire service in this State. Membership on the committee includes:

(A) the Chairman and appointed members of the Training & Education ~~Fire School~~ Committee of the South Carolina State Firefighters' Firemen's Association. The Chairman of the ~~Fire School~~Training & Education Committee also shall serve as the Chairman of the ~~South Carolina~~State Fire Academy Advisory Committee;

(B) one member from the South Carolina State Association of Fire Chiefs' Association appointed by the president of the association;

(C) one member from the South Carolina Fire ~~Inspectors~~Marshals Association appointed by the president of the association;

(D) one member from the South Carolina Society of Fire Service Instructors Association appointed by the president of the society;

(E) one member from the Professional Firefighters Association appointed by the president of the association;

(F) one member from the South Carolina Chapter of International Association of Arson Investigators appointed by the president of the chapter;

(G) the Superintendent~~Director~~ of the State~~South Carolina~~ Fire Academy who shall serve as secretary without voting privileges. Membership from the State~~South Carolina~~ Fire Academy is limited to the Superintendent~~director~~ only;

(H) one industrial fire protection representative appointed by the president of the South Carolina Chapter of the American Society of Safety Engineers;

(I) the Executive Director of the South Carolina State Firefighters' ~~Firemen's~~ Association who shall serve as a member ex officio without voting privileges;

(J) the State Fire Marshal as a member ex officio without voting privileges;

(K) one member from higher education having experience and training in curriculum development appointed by the Director of the Department of Labor, Licensing and Regulation; and

(L) one member from the ~~South Carolina Fire and~~ Life Safety Education Section of the South Carolina State Firefighters' Association appointed by the president of the section.

### **Recommendation 21**

Eliminate the requirement for the LLR director to recommend professions and occupations for de-regulation by amending S.C. Code Ann. § 40-1-50(A).

#### **§ 40-1-50(A)**

(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.

[...]

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).

~~—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.~~

The director may perform any additional administrative functions requested by the boards.

### **Recommendation 22**

Clarify that LLR, not the professional and occupational licensing boards, selects and hires agency employees by amending S.C. Code Ann. § 40-1-50(A).

#### **§ 40-1-50(A)**

(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.

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.

[...]

### *Recommendation 23*

Task licensing boards with advising LLR on statutory revisions and other matters by amending S.C. Code Ann. § 40-1-70.

#### **§ 40-1-70**

The powers and duties of regulatory boards include, but are not limited to:

- (1) determining the eligibility of applicants for examination and licensure;
- (2) examining applicants for licensure including, but not limited to:
  - (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;
- (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.

### **Recommendation 24**

Amend disciplinary procedures for the Board of Chiropractic Examiners in S.C. Code Ann. § 40-9-31 to conform to current agency practices.

#### **§ 40-9-31.**

(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 Office of General Counsel ~~Attorney General's office, upon request of the board,~~ shall present the case on behalf of the State 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 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 does not stay the board's decision pending completion of the appellate process, unless and until an administrative law judge grants a petition for stay or the parties agree to the stay.

(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.

## Recommendation 25

Require the LLR attorney representing the state, rather than officers of the professional and occupational licensing boards, to sign and provide notice of formal accusations filed by several boards by amending S.C. Code Ann. § 40-15-180, § 40-55-130, and § 40-75-90.

### § 40-15-180. (Dentistry)

(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 attorney representing the State~~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 State~~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.

*[remainder of statute unchanged]*

### § 40-55-130. (Psychologists)

(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. The accusation shall be signed by the attorney representing the State who has reviewed the charges against the licensee. ~~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~~chairman~~ 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.

*[remainder of statute unchanged]*

### § 40-75-90. (Counselors)

(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. The accusation shall be signed by the attorney representing the State who has reviewed the charges against the licensee. ~~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.

*[remainder of statute unchanged]*

### **Recommendation 26**

Allow the Manufactured Housing Board, rather than an administrative hearing officer, to hear a case against a licensee of the board by amending S.C. Code Ann. § 40-29-60.

#### **§ 40-29-60.**

(A) A licensee who violates a provision of this chapter or regulation pertaining to warranty requirements, deposits, or rescission 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 or shall appear before the full board upon issuance of a formal complaint by the State. Upon the finding of a violation, the hearing officer:

(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.

If the full board hears the case, it may impose such sanctions as are allowable under the law.

(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.

Appeals from ~~the~~ decision of the board may be made to an administrative law judge pursuant to the Administrative Procedures Act.

(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:

(1) impose a fine of not more than two thousand five hundred dollars or suspend or revoke the license or any combination thereof; and

(2) order an increase in surety bonding or other approved security requirements.

(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.

### ***Recommendation 27***

Clarify the procedures for service of notice for disciplinary hearings and the role of disciplinary counsel in licensing investigations by amending S.C. Code Ann. § 40-1-90.

#### **§ 40-1-90. Disciplinary action proceedings; service of notice.**

(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.

(B) 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.

(C) 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.

(D) 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.

(E) 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.

### *Recommendation 28*

Clarify that a nondisciplinary letter of caution issued by a licensing board is a private order by amending S.C. Code Ann. § 40-1-120.

#### **§ 40-1-120.** Sanctions.

(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:

(1) issue a public reprimand;

(2) impose a fine not to exceed five hundred dollars unless otherwise specified by statute or regulation of the board;

(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;

(4) permanently revoke the license.

(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.

(C) A final order of a board disciplining a licensee under this section is public information.

(D) Upon a determination by a board that discipline is not appropriate, the board may issue a nondisciplinary letter of caution- that is not subject to disclosure under the Freedom of Information Act.

(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.

### *Recommendation 29*

Clarify the difference between voluntary surrender and permanent relinquishment of a license by amending S.C. Code Ann. § 40-1-150.

**§ 40-1-150.** Voluntary surrender or relinquishment of authorization to practice.

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~~ surrender, 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. A voluntary surrender of a license is public information.

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.

### *Recommendation 30*

Clarify the confidentiality standards to be used during different stages of licensing investigations by amending S.C. Code Ann. § 40-1-190.

**§ 40-1-190.** Privileged communications; confidentiality of initial investigations; formal complaints open to public; respondent's due process rights preserved.

(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.

(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.

(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.

(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.

(E) 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.

(F) Notwithstanding the provisions of this section, a final order of a board disciplining a licensee is public.

### **Recommendation 31**

Update the list of professional and occupational licensing boards administered by LLR by amending S.C. Code Ann. § 40-1-40(B).

#### **§ 40-1-40(B).**

(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:

- Board of Accountancy
- Board of Architectural Examiners
- Athletic Commission
- Auctioneers' Commission
- Board of Barber Examiners
- Perpetual Care Cemetery Board
- ~~Accessibility Committee of the Building Codes Council~~
- Building Codes Council
- Board of Chiropractic Examiners
- Contractor's' Licensing Board
- Board of Cosmetology
- Board of Dentistry
- Panel for Dietetics
- Board of Registration for Professional Engineers and Land Surveyors Board
- Environmental Certification Board
- Board of Registration for Foresters
- Board of Funeral Service
- Board of Registration for Geologists
- Board of Landscape Architectural Examiners
- Liquefied Petroleum Gas Board
- Manufactured Housing Board
- Panel for Massage/Bodywork
- Board of Medical Examiners
- ~~Modular Buildings Board of Appeals~~
- Board of Nursing
- Board of Long Term Health Care Administrators Board
- Board of Occupational Therapy
- Board of Examiners in Opticianry
- Board of Examiners in Optometry
- Board of Pharmacy
- Board of Physical Therapy Examiners
- ~~Pilotage Commission~~
- Commissioners of Pilotage for the Lower Coastal Area
- Commissioners of Pilotage for the Upper Coastal Area
- Board of Podiatry Examiners
- Board of Examiners for the Licensure of Professional Counselors, Marriage and  
~~Marital~~ and Family Therapists, and Psycho-educational Specialists
- Board of Examiners in Psychology
- Board of Pyrotechnic Safety
- Real Estate Appraisers Board

Real Estate Commission  
Residential Builders Commission  
Board of Social Work Examiners  
Soil Classifiers Advisory Council  
Board of Examiners in Speech-Language Pathology and Audiology  
Board of Veterinary Medical Examiners

### **Recommendation 32**

Authorize the Perpetual Care Cemetery Board to make use of current technology (e.g., email) by amending S.C. Code Ann. § 40-8-160.

#### **§ 40-8-160.**

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 or emailed 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.

### **Recommendation 33**

Remove outdated types of optometry licenses from S.C. Code Ann. § 40-37-20 and § 40-37-420.

#### **§ 40-37-20.**

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.

**§ 40-37-420.** Existing licensees; transition; ~~Time~~ Time frame for fulfilling licensing requirements of chapter.

~~(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:~~

~~— (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;~~

~~(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:~~

~~— (a) complied with the educational requirements promulgated by the board; and~~

~~— (b) passed a pharmaceutical agent examination which must be approved by the board.~~

~~(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:~~

~~— (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 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.~~

~~(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.~~

~~(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.~~

### **Recommendation 34**

Correct a typographical error, an incorrect statutory citation, and a reference to a definition that does not exist in statute by amending S.C. Code Ann. § 40-11-20, § 40-29-100, and § 40-59-270.

#### **§ 40-11-20(1).**

For purposes of this chapter: (1) "Board" means the South Carolina Contractor's Licensing Board.

*[remainder of statute unchanged]*

#### **§ 40-29-100.**

In addition to the sanctions the board may impose against a person pursuant to Section 40-29-~~110~~60, the board may take disciplinary action as provided for in Section 40-1-120.

#### **§ 40-59-270**

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.

## Appendix B. Laws Relating to Licensure

Table 30. Laws establishing licensing boards and licensure requirements.<sup>173</sup>

Board	Applicable Laws	
	Statutes	Regulations
Accountancy	40-2-10 to 40-2-340	Chapter 1-01 to 1-12
Architectural Examiners	40-3-5 to 40-3-330	Chapter 11-1 to 11-14
Athletic Commission	40-81-10 to 40-81-520	Chapter 20-1.1 to 20-27.23
Auctioneers' Commission	40-6-10 to 40-6-370	Chapter 14-1 to 14-17
Barber Examiners	40-7-5 to 40-7-400	Chapter 17-1 to 17-51
Boiler Safety Program	41-14-10 to 41-14-150	Chapter 71-9100
Building Codes Council	6-8-10 to 6-8-70 6-9-5 to 6-9-130 23-43-10 to 23-43-200 10-5-210 to 10-5-320	Chapter 8-105 to 8-185 Chapter 8-205 to 8-248 Chapter 8-600 to 8-626 Chapter 8-700 to 8-703
Chiropractic Examiners	40-9-10 to 40-9-110	Chapter 25-1 to 25-9
Cemetery Board	40-8-10 to 40-8-240	Chapter 21-1 to 21-64
Contractors' Licensing Board	40-10-05 to 40-10-300 40-11-5 to 40-11-430 40-26-10 to 40-26-60 40-79-5 to 40-79-320	Chapter 29-70 to 29-110 Chapter 29-1 to 29-12
Cosmetology	40-13-5 to 40-13-370	Chapter 35-1 to 35-26
Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists	40-75-5 to 40-75-310	Chapter 36-01 to 36-23
Dentistry	40-15-10 to 40-15-380	Chapter 39-1 to 39-18
Dietetics	40-20-5 to 40-20-130	Chapter 40-1 to 40-17
Engineers/Surveyors	40-22-2 to 40-22-320	Chapter 49-100 to 49-610
Environmental Certification	40-23-5 to 40-23-340	Chapter 51-1 to 51-7
Foresters	48-27-10 to 48-27-260	Chapter 53-1 to 53-30
Funeral Service	40-19-5 to 40-19-320	Chapter 57-01 to 57-15
Registration for Geologists	40-77-5 to 40-77-320	Chapter 131-01 to 131-15
Landscape Architectural Examiners	40-28-10 to 40-28-220	Chapter 76-1 to 76-9
Liquefied Petroleum Gas Board	40-82-5 to 40-82-330	Chapter 71-8304.1 to 71-8304.5
Long Term Health Care Administrators	40-35-5 to 40-35-260	Chapter 93-50 to 93-260
Manufactured Housing Board	40-29-5 to 40-29-380	Chapter 79-1 to 79-44

Board	Applicable Laws	
	Statutes	Regulations
Massage/Bodywork Therapy	40-30-10 to 40-30-320	Chapter 77-100 to 77-140
Medical Examiners	40-47-5 to 40-47-1620 40-24-10 to 40-24-20	Chapter 81-1 to 81-300
Nursing	40-33-10 to 40-33-1365	Chapter 91-1 to 91-32
Occupational Therapy	40-36-5 to 40-36-310	Chapter 94-01 to 94-10
Opticianry	40-38-10 to 40-38-340	Chapter 96-101 to 96-110
Optometry	40-37-5 to 40-37-420 40-24-10 to 40-24-20	Chapter 95-1 to 95-6
Pharmacy	40-43-10 to 40-43-200 Proviso 81.11 (LLR: Board of Pharmacy), 2017-2018 S.C. Appropriations Act, Part 1B.	Chapter 99-15 to 99-46
Physical Therapy Examiners	40-45-5 to 40-45-330	Chapter 101-01 to 101-15
Pilotage	54-15-10 to 54-15 -360	Chapter 136-001 to 136-99 and 136-701 to 136-799
Podiatry Examiners	40-51-10 to 40-51-270	Chapter 134-10 to 134-50
Psychology	40-55-40 to 40-55-190	Chapter 100-1 to 100-10
Pyrotechnic Safety	40-56-1 to 40-56-270	Chapter 71-7405 Chapter 71-8305
Real Estate Commission	40-57-10 to 40-57-810	Chapter 105-4 to 105-13
Real Estate Appraisers Board	40-60-5 to 40-60-230 40-60-310 to 40-60-560 Proviso 81.2 (LLR: Real Estate - Special Account), 2017-2018 S.C. Appropriations Act, Part 1B. *12 USCA 3331 et seq. *12 CFR 225.31	Chapter 137-100 to 137- 900.09
Residential Builders Commission	40-59-5 to 40-59-600	Chapter 106-1 to 106-5
Social Work Examiners	40-63-5 to 40-63-300	Chapter 110-1 to 110-20
Soil Classifier Advisory Council	40-65-5 to 40-65-220	Chapter 108-1 to 108-8
Speech-Language Pathology and Audiology	40-67-5 to 40-67-350	Chapter 115-1 to 115-7
Veterinary Medical Examiners	40-69-5 to 40-69-305	Chapter 120-1 to 120-14

## Appendix C. Other Laws Related to LLR

Table 31. Other laws applicable to LLR.<sup>174</sup>

Law Number <i>(Statute or Reg.)</i>	Requirement	Customer <i>(if specified)</i>
<b>Licensing &amp; Agency Organization</b>		
40-1-10 (A), (B), (C)	Establishes the right of persons to engage in a lawful profession or occupation, limits abridgement of that right, and sets standards for determining the proper degree of regulation of professions and occupations; and outlines the factors the General Assembly needs to weigh when determining if an occupation or profession needs to be regulated.	N/A
40-1-20	Sets forth definitions used in Title 40, Chapter 1 (sometimes referred to as the Engine Act).	N/A
40-1-30	Provides that it is unlawful to engage in a profession or occupation regulated by an LLR administered board or commission without holding a valid authorization to practice, and provides that such authorizations are valid for up to two years and are renewable.	N/A
40-1-40(A),(B),(C)	Creates the Division of Professional and Occupational Licensing and provides that the Boards listed in 40-1-40(B) are to be administered by LLR, but that each regulatory board within LLR is a separate board.	N/A
40-1-40(D)	Establishes LLR as a member of the Governor's Cabinet and provides the Director, who supervises the department, is appointed by the Governor with the advice and consent of the Senate.	N/A
40-1-45	Directs that public and consumer members of professional and occupational licensing boards may not be current, former, active or inactive members of the regulated profession or occupation, and that they generally have the same rights as other board members.	N/A
40-1-50(A)	Establishes authority of the Department and Director with respect to the boards. Mandates the Director to annually prepare a report to the Governor and General Assembly indicating those regulated trades, occupations, and professions that do not meet the criteria for regulation.	The boards and commissions outlined in 40-1-40.
40-1-50(B)(C)	Requires LLR to provide records of board proceedings and registry of all licensees and applicants upon request and payment of a fee.	Members of the public who have requested the information.
40-1-50(D)	Establishes the framework for the boards' fee structures and future adjustment of fees.	The boards and commissions outlined in 40-1-40.
40-1-50(E)	Authorizes the Director to implement biennial licensure renewal.	N/A
40-1-50(F)	Allows licensing boards to delegate licensing decisions to LLR within established guidelines.	N/A

Law Number <i>(Statute or Reg.)</i>	Requirement	Customer <i>(if specified)</i>
40-1-50(G)	Authorizes the department to suspend a license for use of a financial instrument that is not honored by the financial institution named.	N/A
40-1-50(H)	Authorizes the Department to suspend a license for a person found to be in violation of the Family Independence Act as it relates to child support enforcement.	Individuals or state agency seeking relief pursuant to the Family Independence Act.
40-1-50(I)	Authorizes LLR to prepare an annual report to the Governor and requires the LLR Director to seek approval of LLR administered boards and commissions at least 30 days before filing with the Legislative Council any proposed changes in rules or regulations which may affect the practice or service of the licensing board or commission.	The Governor
40-1-60 (A), (B),(C), (D)	Provides for election of board officers, minimum number of meetings, quorum requirements, and attendance at meetings by board members	N/A
40-1-70	Establishes the powers and duties of the regulatory boards within LLR.	N/A
40-1-80 (A), (B)	Authorizes the Department to conduct investigations for allegations of professional misconduct, and outlines the Department's investigative subpoena powers.	N/A
40-1-90 (A), (B)	Authorizes the boards to take disciplinary action for allegations of professional misconduct, and authorizes the Department to administer oaths and subpoenas as part of a disciplinary action proceeding.	N/A
40-1-100 (A), (B)	Authorizes the boards to issue cease and desist orders to a person who is violating or intends to violate one of the practice acts and permits the board to seek a temporary restraining order. Also grants the board and Agency immunity for a wrongful temporary restraining order.	N/A
40-1-110	Establishes the additional grounds for a board to take disciplinary action against a licensee.	N/A
40-1-115	Establishes the term of board jurisdiction over actions committed or omitted by current and former licensees during the entire period of licensure.	N/A
40-1-120 (A), (B), (C), (D), and (E)	Authorizes and outlines board sanctions after a finding of misconduct pursuant to a board's licensing act.	N/A
40-1-130	Authorizes a board to deny authorization to practice to an applicant who has committed an act that would be grounds for disciplinary action.	N/A
40-1-140	States circumstances under which an authorization to practice may be denied because of a prior criminal conviction.	N/A
40-1-150	Provides for voluntary surrender of an authorization to practice.	N/A
40-1-160	Provides for appeal of a board decision to the Administrative Law Court.	N/A
40-1-170 (A), (B), (C), (D), and (E)	Authorizes assessment of costs of investigation and prosecution for disciplinary cases against licensees.	N/A

Law Number <i>(Statute or Reg.)</i>	Requirement	Customer <i>(if specified)</i>
40-1-180 (A), (B)	Establishes consequences of failure to pay fines or costs and requires LLR to remit collected fines and costs to the State Treasurer for deposit in a special fund for LLR's use to defray costs of investigations and hearings.	N/A
40-1-190 (A), (B), and (C)	Provides that any communications by a board or LLR are privileged; permits respondent to have access to the charges and evidence filed; and provides that final orders are public information.	N/A
40-1-200	Makes unlicensed practice or fraudulently obtaining a license a misdemeanor punishable by up to a year imprisonment or a fine of up to \$50,000.	N/A
40-1-210	Authorizes the Agency to institute a proceeding for injunctive relief against a person violating Title 40 or an order of the board.	N/A
40-1-220	Provides that the invalidity of a portion of Chapter 1 of Title 40 does not invalidate the remaining unaffected provisions.	N/A
40-1-610 to 40-1-640	Licensure Provisions for Military Personnel and Spouses. Exempts licensees on active military duty from continuing education requirements and license fees, authorizes temporary licenses for spouses of active duty U.S. military assigned to a duty station in SC, and authorizes licensing boards to consider certain military education, training and experience for satisfaction of licensing requirements.	Military personnel and spouses who meet the statutory requirements.
Chapter 10-1 to 10-42	Chapter 10 establishes in regulation the fees charged by most of the professional and occupational licensing boards and commissions administered by LLR	Agency Licensees
<b><i>Amusement Rides</i></b>		
41-18-10 to 41-18-360	Amusement Rides; "South Carolina Amusement Rides Safety Code" establishes the division's authority to regulate the safe operation of the state's amusement rides and related equipment.	Amusement device owners and operators
71-4000 to 71-4950	Amusement Rides; establishes how the Division exercises its authority to regulate the safe operation of the state's amusement rides and related equipment.	Amusement device owners and operators
Proviso 81.13 (LLR: Amusement Park Rides), 2017-2018 S.C. Appropriations Act, Part 1B.	For the current fiscal year, prohibits LLR from enforcing provisions contained in Chapter 18, Title 41 of the 1976 Code, relating to amusement park rides, against open-wheel motorsport vehicles, karts, superkarts, gearbox or shifter karts, or go karts used for racing at speeds in excess of fifty miles per hour.	N/A
<b><i>Elevators</i></b>		
41-16-10 to 41-16-180	Elevators; "South Carolina Elevator Code" establishes the Division's authority to regulate and issue annual certificates regarding the safe installation, maintenance and operation of the state's elevators and related equipment.	Elevator owners and operators

Law Number <i>(Statute or Reg.)</i>	Requirement	Customer <i>(if specified)</i>
71-5000 to 71-5900	Elevators; establishes how the Division exercises its authority to regulate the safe operation of the state's elevators and related equipment.	Elevator owners and operators
<b>Immigration</b>		
41-8-10 to 41-8-140	Immigration - Illegal Aliens and Private Employment; establishes this Division's authority to regulate the verification of workers within the state.	Licensees and individuals who file a complaint.
71-10000 to 71-10003	Establishes how the Division exercises its authority to discipline employers who fail to E-Verify employees and immigration assistance services who fail to comply with the law.	N/A
8-29-10 (A) - (L)	Requires LLR verify the lawful presence in the U.S. through SAVE of any alien 18 years of age or older who has applied for a state benefit (occupational or professional license).	Applicants for a professional or occupational license who are aliens 18 years of age or older.
Proviso 81.8 (LLR: Immigration Bill Funding Report), 2017-2018 S.C. Appropriations Act, Part 1B.	Prior to any funds carried forward from the prior fiscal year in Subfund 3135 being transferred to fund any other purpose, requires LLR to retain \$250,000 to fund the department's responsibilities under the South Carolina Illegal Immigration Reform Act. Requires LLR to compile an accountability report outlining expenditures of the Immigration Bill funding to be issued to the President Pro Tempore of the Senate, the Chairman of the Senate Finance Committee, the Chairman of the Senate Finance Natural Resources and Economic Development Subcommittee, the Speaker of the House of Representatives, the Chairman of the House Ways and Means Committee, and the Chairman of the House Ways and Means Transportation and Regulatory Subcommittee. That report must be issued on the first Tuesday of February in the current fiscal year.	President Pro Tempore of the Senate, Chairman of the Senate Finance Committee, Chairman of the Senate Finance Natural Resources and Economic Development Subcommittee, the Speaker of the House of Representatives, the Chairman of the House Ways and Means Committee, and the Chairman of the House Ways and Means Transportation and Regulatory Subcommittee
Proviso 81.10 (LLR: Illegal Immigration Hotline Assistance), 2017-2018 S.C. Appropriations Act, Part 1B.	Upon the request of the Commission on Minority Affairs, the Department of Labor, Licensing, and Regulation shall provide assistance to establish and maintain a twenty-four hour toll free telephone number and electronic website to receive, record, collect, and report allegations of violations of federal immigration laws or related provisions of South Carolina law by any non-United States citizen or immigrant, and allegations of violations of any federal immigration laws or related provisions in South Carolina law against any non-United States citizen or immigrant.	N/A

Law Number <i>(Statute or Reg.)</i>	Requirement	Customer <i>(if specified)</i>
<b>Occupational Safety and Health Administration (OSHA)</b>		
41-15-80 To 41-15-100	OSHA; establishes the Division's authority to maintain/regulate the health and safety of the state's workers in the workplace.	Licensees and individuals who file a complaint.
41-15-80 to 41-15-100	OSHA, establishes the Division's authority to maintain/regulate the health and safety of the state's workers in the workplace.	State workforce (employers and employees)
41-15-210 to 41-15-330	OSHA; establishes Division's authority to promulgate, modify and/or revoke the rules and regulations to be utilized in the maintenance and regulation of the health and safety of the state's workers as well as identifies such rules used.	State workforce (employers and employees)
41-15-510 and 41-15-520	OSHA; establishes the Division's authority to address the rights and remedies of aggrieved employees through the whistleblower program.	State workforce (employers and employees)
71-100 to 71-113	OSHA; establishes how the Division can exercise its authority to maintain/regulate the health and safety of the state's workers in the workplace in more detail.	State workforce (employers and employees)
71-200 to 71-223	OSHA; establishes how the Division can exercise its authority to maintain/regulate the health and safety of the state's workers in the workplace specifically dealing with the requests for variances, limitations, variations, tolerance and other exemptions.	State workforce (employers and employees)
71-300 to 71-346	OSHA; establishes how the Division can exercise its authority to maintain/regulate the health and safety of the state's workers in the workplace specifically dealing with recordkeeping and reporting of specific injuries and illnesses.	State workforce (employers and employees)
71-400 to 71--411	OSHA; establishes how the Division can exercise its authority to maintain/regulate the health and safety of the state's workers in the workplace specifically dealing with the enforcement of violations.	State workforce (employers and employees)
71-500 to 71-512	OSHA; establishes how the Division can exercise its authority to maintain/regulate the health and safety of the state's workers in the workplace specifically dealing with the inspection process and procedures.	State workforce (employers and employees)
Chapter 71, Article 1, Subarticle 6	OSHA; identical to federal regulations in 29 CFR 1910 but editor's note includes the "modifications"; establishes health and safety standards for general industry employers.	General Industry employers and employees, Public Sector Marine Terminal employers and employees
Chapter 71, Article 1, Subarticle 7	OSHA; identical to federal regulations in 29 CFR 1926 but editor's note includes the "modifications"; establishes health and safety standards for construction employers.	Construction employers and employees

Law Number <i>(Statute or Reg.)</i>	Requirement	Customer <i>(if specified)</i>
Chapter 71, Article 1, Subarticle 8	OSHA; identical to federal regulations in 29 CFR 1928; establishes health and safety standards for agriculture employers.	Agriculture employers and employees
71-900 to 71-912	OSHA; establishes how the Division can exercise its authority to maintain/regulate the health and safety of the state's workers in the workplace, specifically dealing with access to employee medical records.	State workforce (employers and employees)
71-1001 to 71-1021	OSHA; establishes how the Division can exercise its authority to address the rights and remedies of aggrieved employees in discrimination cases.	State workforce (employers and employees)
71-1100 to 71-1108	OSHA; establishes how the Division can exercise its authority to maintain/regulate the health and safety of the state's workers in the workplace specifically dealing with the release and/or disclosure of sensitive, secret and/or confidential information.	State workforce (employers and employees)
29 CFR 1910	OSHA; all applicable standards which have been adopted and/or modified by the state (See #9/State regulations that mirror) establish specific health and safety standards for general industry employers.	General Industry employers and employees, Public Sector Marine Terminal employers and employees
29 CFR 1926	OSHA; all applicable standards which have been adopted and/or modified by the state (See #10/State regulations that mirror) establish specific health and safety standards for construction employers.	Construction employers and employees
29 CFR 1928	OSHA; all applicable standards which have been adopted by the state (See #11/State regulations that mirror) establish specific health and safety standards for agriculture employers.	Agriculture employers and employees
29 USC 2	OSHA/Labor; establishes BLS and annual generation of injury and illness reports.	Industry, Government Agency
Proviso 81.7 (LLR: Flexibility), 2017-2018 S.C. Appropriations Act, Part 1B.	Authorizes LLR to spend Agency earmarked and restricted accounts to maintain OSHA programs previously funded with general fund appropriations. Any increase in spending authorization for these purposes must receive the prior approval of the Executive Budget Office.	N/A
<b>State Fire Marshal</b>		
23-9-20	Establishes the duties and authority of the State Fire Marshal.	N/A
23-9-25(A) to (G)	Establishes the Volunteer Strategic Assistance and Fire Equipment Program and authorizes the Fire Marshal to administer the grants.	Chartered Fire Departments
23-9-30 (a),(b)	Authorizes the State Fire Marshal to certify resident fire marshals to act under the authority of the State Fire Marshal.	Resident fire marshals and those seeking to become resident fire marshals.

Law Number <i>(Statute or Reg.)</i>	Requirement	Customer <i>(if specified)</i>
23-9-40 (a) to (f)	Establishes the laws and ordinances the Fire Marshal is statutorily obligated to enforce.	N/A
23-9-45 (A) to(C)	Authorizes the Fire Marshal to issue and charge a fee for fire equipment licenses and permits.	Applicants and current Class D fire equipment dealer licensees or permit holders.
23-9-50(a) to (c); 23-9-60	Establishes the Fire Marshal's authority to inspect buildings or premises; and mandates the Fire Marshal require conformance with fire prevention and protections based on nationally recognized standards.	N/A
23-9-65	Authorizes the Fire Marshal to promulgate regulations to implement the automatic fueling clips on self-service gasoline dispensers.	N/A
23-9-70 to 23-9-120	Outlines the appeal process from an order of the State Fire Marshal; authorizes assessments of penalties; establishes subpoena power; establishes a duty to report to local law enforcement; and establishes public's access to records and retention schedule.	N/A
23-9-130 to 23-9-140	Authorizes State Fire Marshal to disseminate information concerning causes and prevention of fires, and provides the expenses are to be paid by the State.	N/A
23-9-150	Establishes procedure for Fire Marshal's declaration of "Unsafe Building."	N/A
23-9-155	Authorizes the Fire Marshal to promulgate regulations governing the installation of smoke detectors in apartments and houses having no fire protection system.	N/A
23-9-157 to 23-8-180	Establishes procedure for Fire Marshal to issue a "Notice of Violation" concerning an unsafe building, and allows the Fire Marshal to seek injunctive relief.	N/A
23-9-190	Establishes Fire Marshal's emergency powers concerning unsafe buildings.	N/A
23-9-510 to 23-9-570	Establishes the South Carolina Hydrogen Permitting Program, and authorizes the Fire Marshal to permit, license, and inspect.	Members of the public and they hydrogen and fuel cell industry.

Law Number <i>(Statute or Reg.)</i>	Requirement	Customer <i>(if specified)</i>
71-8300	Fire and Life Safety Regulations establish the codes and standards for fire prevention and life safety for construction, occupancy and use of buildings other than one or two family dwellings, authorize the State Fire Marshal to investigate complaints for violations of such regulations, and to seek injunctive relief for violations; authorizes the State Fire Marshal to declare buildings unsafe and order evacuation; authorizes the State Fire Marshal to accept alternative methods of compliance; provides for incident reporting to the State Fire Marshal; and provides for State Fire Marshal review of construction documents and shop drawings of fire sprinkler systems, LP Gas systems, hydrogen facilities, and facilities that the State Fire Marshal is contractually obligated to review.	Members of the public, Fire sprinkler contractors
71-8302	Explosive regulations establish codes and standards applicable to the manufacture, transportation, handling, use and storage of explosives other than sale or storage of fireworks regulated by the Board of Pyrotechnic Safety; provide for licensing of blasters and issuance of permits for blasting by the State Fire Marshal and fees for the same; establish recordkeeping requirements for blasts; establish safety and operational requirements for blasting; provide for investigations by the State Fire Marshal; and authorize the State Fire Marshal to grant, modify and revoke variances of certain provisions of the regulations.	Certain users of fireworks and explosives
71-8301	Fire and Life Safety Regulations for Special Occupancies establish the codes and standards for fire prevention and life safety for day care facilities and foster homes; and require the State Fire Marshal to work with local resident fire marshals to ensure regular fire and life safety inspections are conducted for all public schools that are subject to the regulations and to work in conjunction with the State Department of Education to ensure inspection of each new school is conducted prior to occupancy.	Schools, daycare facilities and individuals who wish to become foster parents
71-8303	Portable Fire Extinguishers and Fixed Fire Extinguishing Systems regulations regulate the leasing, renting, reselling, servicing and testing of portable fire extinguishers and installation, testing and servicing of fixed fire extinguishing systems; and establish the State Fire Marshal's mandatory licensing and permitting requirements of individuals and firms; provide for the investigation of complaints against licensed persons or permit holders, and the imposition of fines, administrative sanctions or suspension or revocation of licenses and permits.	licensees
71-8306	Hydrogen Facilities regulations regulate the handling, use storage, transfer and dispensing at a hydrogen facility; establish the applicable codes and standards; and provide for Fire Marshal review of plans and specifications for hydrogen facilities, licensing and permitting and inspection of hydrogen facilities, and applicable fees.	Hydrogen facility licensees

Law Number <i>(Statute or Reg.)</i>	Requirement	Customer <i>(if specified)</i>
23-49-10 to 23-49-120	Creates the South Carolina Firefighter Mobilization Committee and requires the committee to establish the Firefighter Mobilization Plan and Emergency Response Task Force Plan.	N/A
23-10-10 to 23-10-20	Establishes the South Carolina Fire Academy and Fire Academy Advisory Committee; and allows for purchase of uniforms.	South Carolina's paid, volunteer, and industrial fire service personnel.
23-35-45; 23-35-150	Regulates the use of pyrotechnic materials indoors; and outlines penalties for violation of chapter.	Owner or operator of establishment where the indoor pyrotechnics are used.
23-51-10 to 23-51-110	Reduced Cigarette Ignition Propensity Standards and Firefighter Protection Act.	N/A
23-36-10 to 23-36-170	Establishes the license and permit structure for dealers and blasters of explosive materials.	Class I and Class II Dealers, and Blasters.
40-80-10 to 40-80-70	Requires the State Fire Marshal to maintain a file on each registered firefighter that includes certain information.	South Carolina firefighters
5-190	Provides that heaters or heating elements used at the State Farmers Market are subject to inspection by the Fire Marshal's Office.	N/A
6-9-110	Requires the State Fire Marshal to certify designated personnel of the State Engineer's Office, after completing training, to exercise the powers and jurisdictional authority of the State Fire Marshal for state buildings	Designated personnel of the State Engineer's Office
24-9-20	Requires a representative of the State Fire Marshal in conjunction with the Jail and Prison Inspection Division of the Department of Corrections to annually inspect jails and prisons for fire safety, and to prepare a written report.	N/A
Act 60 of 2001, Section 2	Directs the Department of Insurance to impose a tax of thirty-five one-hundredths percent on fire insurance companies for capital improvements to the State Fire Academy.	N/A
Proviso 81.1 (LLR: Fire Marshal-Authorization to Charge Fees for Training), 2017-2018 S.C. Appropriations Act, Part 1B.	The Fire Academy may charge participants a fee to cover the cost of education, training programs, and operations. The revenue generated may be applied to the cost of operations, and any unexpended balance may be carried forward to the current fiscal year and utilized for the same purposes.	N/A

Law Number <i>(Statute or Reg.)</i>	Requirement	Customer <i>(if specified)</i>
Proviso 81.4 (LLR: Fire Marshal Fallen Firefighters Memorial), 2017-2018 S.C. Appropriations Act, Part 1B.	Division of the State Fire Marshal is authorized to accept gifts or grants of services, properties, or monies from individuals or public and private organizations to honor South Carolina firefighters who have died in the line of duty. All excess monies collected to erect a memorial are to be placed in a fund for upkeep and maintenance. Any later contributions are to be used for upkeep and maintenance.	N/A
Proviso 81.5 (LLR: Firefighter Mobilization Project), 2017-2018 S.C. Appropriations Act, Part 1B.	Directs LLR to utilize \$165,000 of the funds derived under Section 2 of Act 1377 of 1968, as amended by Act 60 of 2001 from the tax of thirty-five one-hundredths percent imposed annually on the gross premium receipts less premiums returned on canceled policy contracts and less dividends and returns of unabsorbed premium deposits of all fire insurance companies doing business in the State to fund the Firefighter Mobilization Project.	N/A
Proviso 81.12 (LLR: Office of State Fire Marshal-Clothing), 2017-2018 S.C. Appropriations Act, Part 1B.	LLR is authorized to purchase and issue clothing to the non-administrative staff of the Office of the State Fire Marshal that are field personnel working in a regulatory aspect and/or certified to be a resident state fire marshal.	N/A
<b><i>Wages and Child Labor</i></b>		
41-13-5 to 41-13-60	Child Labor; establishes the Division's authority to manage/regulate child labor in the state.	State's children
71-3100 to 71-3111	Child Labor; establishes how the Division exercises its authority to manage/regulate child labor in the state.	State's children
41-10-10 to 41-10-110	Payment of Wages; establishes the division's authority to manage/regulate the payment of wages to employees within the state.	State workforce (employers and employees)
71-6000	Payment of Wages; establishes how the division exercises its authority to manage/regulate the payment of wages within the state.	State workforce (employers and employees)
<b><i>Miscellaneous</i></b>		
27-29-10 to 27-29-210	Uniform Land Sales Practices Act. Requires registration with the Real Estate Commission prior to sale in this state of undeveloped, subdivided land located out of state, and review by the Commission of that registration. Annual renewal reports are also required. Applications include among other things, public offering statements, copies of deeds, statement of condition of title and other information relevant to purchasers of the property; provides for investigative power by the Commission, and creates a procedure for revocation of a registration.	Registrants for undeveloped, subdivided land located out-of-state that meet the criteria outlined in Chapter 29 of Title 27.

Law Number (Statute or Reg.)	Requirement	Customer (if specified)
27-32-10 to -27-32-360	Vacation Time Sharing Plans. Requires the registration of time sharing plans with the Real Estate Commission prior to sale in this state and provides for review by the Commission; sets forth requirements for sale and closing of timeshare interests, including contract requirements, disclosure and rescission rights, and escrow funds; creates the Time Sharing Recovery Fund administered by the Commission; provides for investigative power by the Commission and creates a procedure for revocation of a registration. Also requires the registration of persons selling timeshares, excluding regular employees of the seller of the timeshares.	Time share plan entities and sellers; purchasers of time share plans.
Chapter 105-2 to 105-3	Timeshare Regulations of the Real Estate Commission clarify certain types ownership interests that are considered time sharing ownership or interval ownership plans and provide that the act does not prevent sale of time sharing plan receivables.	N/A
44-130-40	Allows pharmacists to dispense Naloxone pursuant to a written joint protocol issued by the South Carolina Board of Medical Examiners and the South Carolina Board of Pharmacy. That protocol allows pharmacists to register as voluntary participants via the <a href="http://www.naloxonesavessc.org">www.naloxonesavessc.org</a> website, which was created by and is maintained by LLR.	Pharmacists
Act 268 of 204, Section 6	Directs the LLR Director to submit an annual report to Chairmen of the Senate and House Committees concerning the workload of the Administrator for the Accountancy Board.	Chairmen of the House and Senate LCI Committees
Proviso 81.3 (LLR: POLA - Ten Percent, Other Funds), 2017-2018 S.C. Appropriations Act, Part 1B.	Remission of Funds in Program II.F. Professional and Occupational Licensing must remit annually an amount equal to ten percent of the expenditures to the general fund. The Contractor's Licensing Board must remit all revenues above their expenditures to the general fund. The revenue remitted by the Contractor's Licensing Board to the general fund includes the ten percent.	N/A
Proviso 81.6 (LLR: Match for Federal Funds), 2017-2018 S.C. Appropriations Act, Part 1B.	State appropriations to the Department of Labor, Licensing and Regulation that are required to provide a match for federal grant programs in the prior fiscal year may be carried forward into the current fiscal year and expended for the same purpose as originally appropriated.	N/A
Proviso 81.9 (LLR: Authorized Reimbursement), 2017-2018 S.C. Appropriations Act, Part 1B.	Prohibits LLR from authorizing reimbursement under Section 40-1-50(A) of the 1976 Code to members of any board listed in Section 40-1-40(B) for meetings held at any location other than the offices of the Department unless there has been a determination that the Department is unable to provide space for the meeting in a state-owned or leased facility in Richland or Lexington County.	N/A

# CONTACT INFORMATION

## Committee Contact Information

### Physical:

South Carolina House of Representatives  
Legislative Oversight Committee  
1105 Pendleton Street, Blatt Building Room 228

### Mailing:

Post Office Box 11867  
Columbia, South Carolina 29211

Telephone: 803-212-6810

### Online:

You may visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.gov>) and click on "Citizens' Interest" then click on "House Legislative Oversight Committee Postings and Reports". This will list the information posted online for the Committee; click on the information you would like to review. Also, a direct link to Committee information is <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>.

## Agency Contact Information

### Address:

South Carolina Department of Labor, Licensing  
and Regulation  
110 Centerview Dr.  
Columbia, South Carolina 29210

Telephone: 803-896-4300

Online: <https://www.llr.sc.gov/>

# ENDNOTES

<sup>1</sup> Visual Summary Figure 1 is compiled from information in the Department of Labor, Licensing and Regulation study materials available online under "Citizens' Interest," under "House Legislative Oversight Committee Postings and Reports," and then under "Labor, Licensing and Regulation, Department of (LLR)"

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/LLR.php> (accessed October 24, 2018).

<sup>2</sup> S.C. Code Ann. § 2-2-20(C).

<sup>3</sup> S.C. House of Representatives, House Legislative Oversight Committee, "Meeting Minutes" (November 1, 2018), under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Labor, Licensing and Regulation, Department of (LLR)," and under "Meetings,"

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/EconomicSub/11.1.18\\_Minutes-EDTNR.PDF](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/EconomicSub/11.1.18_Minutes-EDTNR.PDF) (accessed June 26, 2019). A video of the meeting is available at

<https://www.scstatehouse.gov/video/archives.php?key=8568&part=1>. Hereinafter, "11/1/18 Meeting Minutes and Video." See Part 1 of video at 1:48:40.

<sup>4</sup> S.C. House of Representatives, House Legislative Oversight Committee, "LLR Response to Committee (June 14, 2019)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Labor, Licensing and Regulation, Department of (LLR)," and under "Correspondence,"

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/LLR/LLR\\_Response-06.14.19.pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/LLR/LLR_Response-06.14.19.pdf) (accessed June 27, 2019). Hereinafter, "6/14/19 LLR Response Letter." See p. 14.

<sup>5</sup> S.C. House of Representatives, House Legislative Oversight Committee, "Program Evaluation Report (April 20, 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," and under "Labor, Licensing and Regulation, Department of (LLR)"

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/LLR/PER\\_PDF%2042318.PDF](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/LLR/PER_PDF%2042318.PDF) (accessed October 24, 2018). Hereinafter, "Agency PER (April 20, 2018)."

<sup>6</sup> 1817 Act No. 2139.

<sup>7</sup> 1872 Act No. 47.

<sup>8</sup> 1875 Act No. 683.

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- <sup>9</sup> 1894 Act No. 550.  
<sup>10</sup> 1903 Act No. 74.  
<sup>11</sup> 1904 Act No. 292.  
<sup>12</sup> 1909 Act No. 74.  
<sup>13</sup> 1915 Act No. 116.  
<sup>14</sup> 1917 Act No. 106.  
<sup>15</sup> 1920 Act No. 499.  
<sup>16</sup> 1922 Act No. 580.  
<sup>17</sup> 1926 Act No. 28.  
<sup>18</sup> 1932 Act No. 892.  
<sup>19</sup> 1934 Act No. 771.  
<sup>20</sup> 1935 Act No. 173.  
<sup>21</sup> 1936 Act No. 913.  
<sup>22</sup> 1936 Act No. 871.  
<sup>23</sup> 1937 Act No. 223.  
<sup>24</sup> 1947 Act No. 64.  
<sup>25</sup> 1952 Act No. 790.  
<sup>26</sup> 1954 Act No. 704.  
<sup>27</sup> 1955 Act No. 272.  
<sup>28</sup> 1956 Act No. 833.  
<sup>29</sup> 1958 Act No. 870.  
<sup>30</sup> 1960 Act No. 738.  
<sup>31</sup> 1961 Act No. 367.  
<sup>32</sup> 1966 Act No. 1047.  
<sup>33</sup> 1966 Act No. 994, § 7.  
<sup>34</sup> 1968 Act No. 1006.  
<sup>35</sup> 1970 Act No. 984, § 8.  
<sup>36</sup> 29 U.S.C.A. § 651, *et seq.*  
<sup>37</sup> 1971 Act No. 379.  
<sup>38</sup> 1972 Act No. 1415.  
<sup>39</sup> 1973 Act No. 341.  
<sup>40</sup> 1974 Act No. 897.  
<sup>41</sup> 1977 Act No. 111.  
<sup>42</sup> 1977 Act No. 134.  
<sup>43</sup> 1976 Act No. 654.  
<sup>44</sup> 1978 Act No. 570.  
<sup>45</sup> 1979 Act No. 190.  
<sup>46</sup> 1979 Act No. 190.  
<sup>47</sup> 1984 Act No. 352.  
<sup>48</sup> 1985 Act No. 191.  
<sup>49</sup> 1985 Act No. 103.  
<sup>50</sup> 1986 Act No. 507.  
<sup>51</sup> 1986 Act No. 380.  
<sup>52</sup> 1986 Act No. 347.  
<sup>53</sup> 1990 Act No. 611.  
<sup>54</sup> 1991 Act No. 12.  
<sup>55</sup> 1993 Act No. 181.  
<sup>56</sup> 1996 Act No. 453.  
<sup>57</sup> 1997 Act No. 387.  
<sup>58</sup> 2002 Act No. 322.  
<sup>59</sup> 2005 Act No. 59.  
<sup>60</sup> 2005 Act No. 59.  
<sup>61</sup> 2006 Act No. 392.  
<sup>62</sup> 2008 Act No. 280.  
<sup>63</sup> 2010 Act No. 249.  
<sup>64</sup> Agency PER (April 20, 2018), Strategic Plan Summary chart.  
<sup>65</sup> Agency PER (April 20, 2018), Strategic Plan Summary chart.  
<sup>66</sup> Agency PER (April 20, 2018), pp. 10 and 21.

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<sup>67</sup> Telephone conversation between Melina Mann of LLR and Kendra Wilkerson, Legislative Oversight Committee staff, on October 26, 2018.

<sup>68</sup> Agency PER (April 20, 2018), Organizational Units chart.

<sup>69</sup> S.C. House of Representatives, House Legislative Oversight Committee, “October 2018 Organizational Chart” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Labor, Licensing and Regulation, Department of (LLR),” and under “History and Organization of Agency,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/LLR/LLR\\_Org\\_Chart\\_October2018.pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/LLR/LLR_Org_Chart_October2018.pdf) (accessed November 5, 2018).

<sup>70</sup> Agency PER (April 20, 2018), p. 22.

<sup>71</sup> Agency PER (April 20, 2018), Laws Chart.

<sup>72</sup> Agency PER (April 20, 2018), Deliverables and Deliverables-Potential Harm Charts.

<sup>73</sup> This federal funding is granted to states that have On-site Consultation Cooperative Agreements with the U.S. OSHA under Section 21(d) of the Occupational Safety and Health Act of 1970. The states are responsible for providing consultation services, including training and education, to employers, particularly smaller businesses and high-hazard workplaces. See U.S. Department of Labor, “OSHA Notice, Directive Number CSP 02-17-06,” 4/24/2017, [https://www.osha.gov/OshDoc/Directive\\_pdf/CSP\\_02-17-06.pdf](https://www.osha.gov/OshDoc/Directive_pdf/CSP_02-17-06.pdf) (accessed October 31, 2018).

<sup>74</sup> This federal funding is granted to states such as South Carolina that have state OSHA plans. See U.S. Department of Labor, “OSHA Notice, Directive Number CSP 02-17-05,” 4/24/2017, [https://www.osha.gov/OshDoc/Directive\\_pdf/CSP\\_02-17-05.pdf](https://www.osha.gov/OshDoc/Directive_pdf/CSP_02-17-05.pdf) (accessed October 31, 2018).

<sup>75</sup> “11c discrimination” refers to section 11(c) of the federal Occupational Safety and Health Act of 1970. This section provides that “no person shall discharge or in any manner discriminate against any employee because the employee has:

- (a) Filed any complaint under or related to the Act;
- (b) Instituted or caused to be instituted any proceeding under or related to the Act;
- (c) Testified or is about to testify in any proceeding under the Act or related to the Act; or
- (d) Exercised on his own behalf or on behalf of others any right afforded by the Act.”

See United States Department of Labor, “1977.3 – General Requirements of Section 11(c) of the Act,” under “By Standard Number,” <https://www.osha.gov/laws-regs/regulations/standardnumber/1977/1977.3> (accessed October 31, 2018).

<sup>76</sup> This federal funding is granted to states such as South Carolina that have state OSHA plans. See U.S. Department of Labor, “OSHA Notice, Directive Number CSP 02-17-05,” 4/24/2017, [https://www.osha.gov/OshDoc/Directive\\_pdf/CSP\\_02-17-05.pdf](https://www.osha.gov/OshDoc/Directive_pdf/CSP_02-17-05.pdf) (accessed October 31, 2018).

<sup>77</sup> Department of Labor, Licensing and Regulation, “Fiscal Year 2017-18 Accountability Report,” under “Publications,” under “Current State Agency Reports,” under “State Agency Accountability Reports for Fiscal Year 2017-2018,” and under “Labor, Licensing and Regulation, Department of” <https://www.scstatehouse.gov/reports/aar2017/R360.pdf> (accessed October 25, 2018). Hereinafter, “FY 2017-18 Agency Accountability Report.” See pp. 12-13.

<sup>78</sup> Act 264 of 2018.

<sup>79</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Agency Presentation” (September 10, 2018), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Labor, Licensing and Regulation, Department of (LLR),” under “Meetings,” and under “September 10, 2018,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/LLR/LLR\\_Presentation\\_9\\_10\\_Mtg.pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/LLR/LLR_Presentation_9_10_Mtg.pdf) (accessed October 24, 2018). Hereinafter, “Agency Presentation (September 10, 2018).” See slide 3.

<sup>80</sup> Agency Presentation (September 10, 2018), slide 4.

<sup>81</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Agency Presentation” (August 13, 2018), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Labor, Licensing and Regulation, Department of (LLR),” under “Meetings,” and under “August 13, 2018,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/LLR/LLR\\_Presentation\\_8\\_13.18.pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/LLR/LLR_Presentation_8_13.18.pdf) (accessed October 24, 2018). Hereinafter, “Agency Presentation (August 13, 2018).” See slides 13-14.

<sup>82</sup> S.C. Code Ann. § 2-2-10(1).

<sup>83</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (December 19, 2017), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Labor, Licensing and Regulation, Department of (LLR),” and under “Meetings,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/12.19.17\\_Meeting\\_Minutes\\_Full\\_Comm.pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/12.19.17_Meeting_Minutes_Full_Comm.pdf) (accessed September 18, 2018). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=7461>. Hereinafter, “12/19/17 Meeting Minutes and Video.”

<sup>84</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Subcommittees -2018,” under “Committee Information,” under “House Legislative Oversight Committee,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Subcommittee\\_2018\\_71518.pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Subcommittee_2018_71518.pdf) (accessed September 18, 2018).

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<sup>85</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Restructuring and Seven Year Plan Report” (May 1, 2015), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Labor, Licensing and Regulation, Department of (LLR),” and under “Other Reports, Reviews, and Audits,”  
<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2015AgencyRestructuringandSevenYearPlanReports/2015%20Department%20of%20Labor,%20Licensing%20and%20Regulation.pdf> (accessed October 26, 2018);

S.C. House of Representatives, House Legislative Oversight Committee, “2016 Annual Restructuring Report” (February 12, 2016), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Labor, Licensing and Regulation, Department of (LLR),” and under “Other Reports, Reviews, and Audits,”  
<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2016%20ARR/2016%20ARR%20-%20Extension%20-%20LLR.PDF> (accessed October 26, 2018).

<sup>86</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Oversight Reports” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Labor, Licensing and Regulation, Department of (LLR),” and under “Other Reports, Reviews, and Audits,”  
<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/LLR.php> (accessed October 26, 2018).

<sup>87</sup> S.C. Code Ann. § 1-30-10.

<sup>88</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Restructuring and Seven Year Plan Report” (May 1, 2015), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Labor, Licensing and Regulation, Department of (LLR),” and under “Other Reports, Reviews, and Audits,”  
<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/2015AgencyRestructuringandSevenYearPlanReports/2015%20Department%20of%20Labor,%20Licensing%20and%20Regulation.pdf> (accessed October 26, 2018).

<sup>89</sup> Agency PER (April 20, 2018).

<sup>90</sup> A brochure about the House Legislative Oversight’s Committee process is available online  
<http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/Brochure%205.18.17.pdf> (accessed September 18, 2018).

Also, there are ongoing opportunities to request notification when meetings are scheduled and to provide feedback about state agencies under study that can be found on the Committee’s website at

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php> (accessed September 18, 2018).

<sup>91</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Press Release announcing Public Survey (January 23, 2018),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Labor, Licensing and Regulation, Department of (LLR),” and under “Public Survey and Public Input,”  
[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DOR/Press\\_Release\\_Announcing\\_Public\\_Survey\\_1.23.18.PDF](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DOR/Press_Release_Announcing_Public_Survey_1.23.18.PDF) (accessed September 18, 2018). Hereinafter, “Press Release announcing Public Survey (January 23, 2018).”

<sup>92</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Survey Results (January 23 – March 1, 2018),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Labor, Licensing and Regulation, Department of (LLR),” and under “Public Survey and Public Input,”  
[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/LLR/Public\\_Survey\\_January\\_February\\_2018.PDF](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/LLR/Public_Survey_January_February_2018.PDF) (accessed September 18, 2018). Hereinafter, “Survey Results (January 23 – March 1, 2018).”

<sup>93</sup> Committee Standard Practice 10.4.

<sup>94</sup> This text is included in the online survey as seen by survey respondents, and is not available after the survey closes.

<sup>95</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Submit Public Input,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” and under “Public Participation”  
<https://www.research.net/r/ProvideInputtotheSCHouseLegislativeOversightCommittee> (accessed September 18, 2018).

<sup>96</sup> Survey Results (January 23 – March 1, 2018).

<sup>97</sup> Survey Results (January 23 – March 1, 2018).

<sup>98</sup> Committee Standard Practice 10.4.5 allows for the redaction of profanity.

<sup>99</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Public Input received via House Legislative Oversight Committee webpage” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Labor, Licensing and Regulation, Department of (LLR),” and under “Public Survey and Public Input,”  
<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/LLR.php> (accessed October 26, 2018).

<sup>100</sup> Also, the chair of any Committee or Subcommittee meeting has the discretion to allow testimony during meetings.

<sup>101</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Statewide Media Release Inviting the Public to Provide Testimony about Six Agencies Under Study (February 9, 2018)” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Labor, Licensing and Regulation, Department of (LLR),” and under “Public Survey and Public Input,”

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[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ETV/Statewide%20Media%20Release%20Inviting%20the%20Public%20to%20Provide%20Testimony%20about%20Six%20Agencies%20Under%20Study%20\(February%209,%202018\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ETV/Statewide%20Media%20Release%20Inviting%20the%20Public%20to%20Provide%20Testimony%20about%20Six%20Agencies%20Under%20Study%20(February%209,%202018).pdf) (accessed October 26, 2018).

<sup>102</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (March 1, 2018), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Labor, Licensing and Regulation, Department of (LLR),” and under “Meetings,”

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/3.1.18\\_Meeting\\_Minutes\\_HLOC\\_Full.pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/3.1.18_Meeting_Minutes_HLOC_Full.pdf) (accessed October 26, 2018). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=7820>. Hereinafter, “3/1/18 Meeting Minutes and Video.”

<sup>103</sup> 12/19/17 Meeting Minutes and Video.

<sup>104</sup> 3/1/18 Meeting Minutes and Video.

<sup>105</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (August 13, 2018), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Labor, Licensing and Regulation, Department of (LLR),” and under “Meetings,”

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/EconomicSub/8.13.18\\_Minutes\\_EDTNR.pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/EconomicSub/8.13.18_Minutes_EDTNR.pdf) (accessed October 26, 2018). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=8509>. Hereinafter, “8/13/18 Meeting Minutes and Video.”

<sup>106</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (September 10, 2018), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Labor, Licensing and Regulation, Department of (LLR),” and under “Meetings,”

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/LLR.php> (accessed October 26, 2018). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=8531>. Hereinafter, “9/10/18 Meeting Minutes and Video.”

<sup>107</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (October 3, 2018), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Labor, Licensing and Regulation, Department of (LLR),” and under “Meetings,”

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/EconomicSub/10.3.18\\_Minutes\\_EDTNR.pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/EconomicSub/10.3.18_Minutes_EDTNR.pdf) (accessed November 5, 2018). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=8533>. Hereinafter, “10/3/18 Meeting Minutes and Video.”

<sup>108</sup> 11/1/18 Meeting Minutes and Video.

<sup>109</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (May 8, 2019), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Labor, Licensing and Regulation, Department of (LLR),” and under “Meetings,”

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/05.08.19%20Meeting%20Minutes%20\[Full%20Committee\].pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/FullCommitteeMinutes/05.08.19%20Meeting%20Minutes%20[Full%20Committee].pdf) (accessed July 10, 2019). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=9569&part=1>. Hereinafter, “5/8/19 Meeting Minutes and Video.”

<sup>110</sup> 5/8/19 Meeting Minutes and Video. Constituents testify about the Board of Occupational Therapy, the Real Estate Commission, the Board of Accountancy, and the Board of Veterinary Medical Examiners.

<sup>111</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Meeting Minutes” (June 29, 2019), under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Labor, Licensing and Regulation, Department of (LLR),” and under “Meetings,”

<https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/LLR.php> (accessed June 26, 2019). Minutes will be posted when approved by the Committee. A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=9716&part=1>. Hereinafter, “6/25/19 Meeting Minutes and Video.”

<sup>112</sup> 6/25/19 Meeting Minutes and Video.

<sup>113</sup> Agency PER, Law Recommendation 30.

<sup>114</sup> Agency PER, Law Recommendations 31-32.

<sup>115</sup> Agency PER, Law Recommendations 33-34.

<sup>116</sup> 2018-2019 General Appropriations Act, Proviso 81.7; 2009-2010 General Appropriations Act, Proviso 65.10.

<sup>117</sup> 9/10/18 Meeting Minutes and Video at 00:26:00 and 00:31:15.

<sup>118</sup> Agency PER, Law Recommendation 39.

<sup>119</sup> Agency PER, Law Recommendation 36.

<sup>120</sup> Agency PER, Law Recommendations 37-38.

<sup>121</sup> Agency PER, Law Recommendation 46.

<sup>122</sup> S.C. Legislative Audit Council, “S.C. Department of Labor, Licensing and Regulation: A Limited Review of the Division of Fire and Life Safety,” January 2018, [https://lac.sc.gov/sites/default/files/Documents/Legislative%20Audit%20Council/Reports/L-Z/LLR\\_DFLS.pdf](https://lac.sc.gov/sites/default/files/Documents/Legislative%20Audit%20Council/Reports/L-Z/LLR_DFLS.pdf) (accessed October 17, 2018). Hereinafter, “LAC Audit (January 2018).” See pp. 21-24 and Recommendation 6 on

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p. 26. From p. 22: “A review of DFLS’s violation summary report for calendar year 2016 showed that, of 7,336 total violations cited by DFLS, 4,159 were corrected (57%). From January to August 2017, 1,896 of 4,340 violations had been corrected (44%).”

<sup>123</sup> LAC Audit (January 2018), pp. 21-24 and 26.

<sup>124</sup> LAC Audit (January 2018), pp. 21-24 and 26.

<sup>125</sup> 11/1/18 Meeting Minutes and Video Part 2 at 12:10.

<sup>126</sup> S.C. Code Ann. § 23-9-360 and 11/1/18 Meeting Minutes and Video Part 2 at 14:30.

<sup>127</sup> Email between Kendra Wilkerson, Legislative Oversight Committee staff, and Jonathan Jones, State Fire Marshal, November 2, 2018.

<sup>128</sup> 11/1/18 Meeting Minutes and Video Part 2 at 13:00; and

Email between Kendra Wilkerson, Legislative Oversight Committee staff, and Jonathan Jones, State Fire Marshal, November 2, 2018.

<sup>129</sup> Agency PER, Law Recommendations 40-44;

S.C. Legislative Audit Council, “S.C. Department of Labor, Licensing and Regulation: A Limited Review of the Division of Fire and Life Safety,” January 2018, [https://lac.sc.gov/sites/default/files/Documents/Legislative%20Audit%20Council/Reports/L-Z/LLR\\_DFLS.pdf](https://lac.sc.gov/sites/default/files/Documents/Legislative%20Audit%20Council/Reports/L-Z/LLR_DFLS.pdf) (accessed October 17, 2018). Hereinafter, “LAC Audit (January 2018).” See Recommendation 6 on p. 26.

<sup>130</sup> LAC Audit (January 2018). See November 2010 Recommendation 11, p. 116;

Agency PER, Law Recommendation 13.

<sup>131</sup> Agency PER, Law Recommendation 10.

<sup>132</sup> LAC Audit (January 2018). See Recommendation 23 on p. 57.

<sup>133</sup> 10/3/18 Meeting Minutes and Video at 46:35;

S.C. House of Representatives, House Legislative Oversight Committee, “LLR Response to Subcommittee (October 18, 2018)” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Labor, Licensing and Regulation, Department of (LLR),” and under “Correspondence,”

[https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/LLR/10.18.18\\_LLRR\\_Response.PDF](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/LLR/10.18.18_LLRR_Response.PDF) (accessed November 5, 2018).

<sup>134</sup> Agency PER, Law Recommendation 15.

<sup>135</sup> Agency PER, Law Recommendation 16.

<sup>136</sup> Agency PER, Law Recommendation 11.

<sup>137</sup> Agency PER, Law Recommendation 12.

<sup>138</sup> Agency PER, Law Recommendation 9.

<sup>139</sup> LAC Audit (January 2018). See Recommendation 52.

<sup>140</sup> Agency PER, Law Recommendation 14; Email from Melina Mann of LLR, to Kendra Wilkerson, Legislative Oversight Committee staff, October 26, 2018.

<sup>141</sup> Agency PER, p. 14.

<sup>142</sup> Email between Kendra Wilkerson, Legislative Oversight Committee staff, and Rebecca Leach of LLR, October 2, 2018.

<sup>143</sup> 3/1/18 Meeting Minutes and Video, Part 2 at 17:50;

Agency PER, p. 14;

See also: National Conference of State Legislatures, “The State of Occupational Licensing: Research, State Policies, and Trends.” October 11, 2017. <http://www.ncsl.org/research/labor-and-employment/report-the-state-of-occupational-licensing.aspx> (Accessed October 18, 2018).

<sup>144</sup> Agency PER, p. 14;

See also: National Conference of State Legislatures, “The State of Occupational Licensing: Research, State Policies, and Trends.” October 11, 2017. <http://www.ncsl.org/research/labor-and-employment/report-the-state-of-occupational-licensing.aspx> (Accessed October 18, 2018).

<sup>145</sup> Agency PER, p. 14.

<sup>146</sup> Agency PER, p. 14 and Law Recommendation 3.

<sup>147</sup> Agency PER, Law Recommendation 3.

<sup>148</sup> Agency PER, Law Recommendation 3.

<sup>149</sup> Agency PER, Law Recommendation 4.

<sup>150</sup> Agency PER, Law Recommendation 18.

<sup>151</sup> Email between Kendra Wilkerson, Legislative Oversight Committee staff, and Matt Gates, Deputy Attorney General, Office of the Attorney General, October 25, 2018.

<sup>152</sup> Agency PER, Law Recommendations 20, 25, 26.

<sup>153</sup> Agency PER, Law Recommendation 21.

<sup>154</sup> Agency PER, Law Recommendation 5.

<sup>155</sup> 11/1/18 Meeting Minutes and Video Part 1 at 55:30.

<sup>156</sup> Agency PER, Law Recommendation 7.

<sup>157</sup> Agency PER, Law Recommendation 8.

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- <sup>158</sup> Agency PER, Law Recommendation 2.
- <sup>159</sup> Agency PER, Law Recommendation 17.
- <sup>160</sup> Agency PER, Law Recommendations 23 and 24.
- <sup>161</sup> Agency PER, Law Recommendations 19, 22, and 27.
- <sup>162</sup> S.C. Code of Laws § 40-57-115.
- <sup>163</sup> S.C. Code of Laws §§ 40-57-340 and 40-57-510.
- <sup>164</sup> 6/14/19 LLR Response Letter, p. 16.
- <sup>165</sup> S.C. Department of Insurance, “Fingerprinting,” under “Licensing & CE,” <https://doi.sc.gov/879/Fingerprinting> (accessed July 10, 2019).
- <sup>166</sup> 6/14/19 LLR Response Letter, p. 16.
- <sup>167</sup> 9/10/18 Meeting Minutes and Video at 00:40:40 and 1:12:35.
- <sup>168</sup> S.C. House of Representatives, House Legislative Oversight Committee, “July 19, 2017 - Meeting Minutes,” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Health and Environmental Control, Department of (DHEC),” and under “Meetings,” <https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/SubcommitteeMinutes/HealthcareSub/July%2019,%202017%20-%20Meeting%20Minutes.pdf> (accessed November 5, 2018). A video of the meeting is available at <https://www.scstatehouse.gov/video/archives.php?key=7193>. See video at 1:09:00.
- <sup>169</sup> S.C. House of Representatives, House Legislative Oversight Committee, “Study of the Department of Health and Environmental Control,” under “House Legislative Oversight Committee,” under “Health and Environmental Control, Department of (DHEC),” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DHEC/Final%20Full%20Committee%20Study%2012\\_29.PDF](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/DHEC/Final%20Full%20Committee%20Study%2012_29.PDF) (accessed November 5, 2018), Recommendation 16.
- <sup>170</sup> 6/14/19 LLR Response Letter, p. 15.
- <sup>171</sup> 11/1/18 Meeting Minutes and Video Part 1 at 1:48:40.
- <sup>172</sup> 6/14/19 LLR Response Letter, p. 14.
- <sup>173</sup> Agency PER (April 20, 2018), Laws Chart.
- <sup>174</sup> *Ibid.*