

# Medical Affairs Committee

Daniel B. Verdin, III  
Chairman



Gene Hogan  
Research Director

Louise Spong  
Research Assistant

Terra Kelly  
Administrative Assistant

THE SENATE OF SOUTH CAROLINA  
SUITE 412, GRESSETTE OFFICE BUILDING  
P.O. BOX 142  
COLUMBIA, SOUTH CAROLINA 29202-0142  
(803) 212-6250

## Amended Meeting Notice

**To:** Subcommittee Members

Sen. Martin  
Sen. Kimpson

Sen. Gambrell, Chairman  
Sen. Johnson  
Sen. M. B. Matthews

Sen. Corbin  
Sen. Cash

**From:** Senator Danny Verdin, Chairman

**Date:** April 30, 2019

**Subject:** Subcommittee Meeting

A Subcommittee of the Medical Affairs Committee will meet **Wednesday, May 1**  
at **9:00** in **Room 207**.

## **Amended Agenda**

- 
1. [H. 4120](#)\* -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF OCCUPATIONAL THERAPY, RELATING TO REACTIVATION OF INACTIVE OR LAPSED LICENSES; AND CODE OF ETHICS, DESIGNATED AS REGULATION DOCUMENT NUMBER [4854](#), PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE

**Synopsis:** The South Carolina Board of Occupational Therapy proposes to amend R.94-07 to provide more options to allow individuals to reinstate a license, and to amend R.94-10, its code of ethics, to achieve consistency with the national standards.

*\*This item was carried over from the meeting on 3/28.*

(continued on next page)

2. [H. 4365](#) -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO HAZARDOUS WASTE MANAGEMENT REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER [4841](#), PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**Synopsis:** The Department of Health and Environmental Control (“Department”) amends R.61-79, Hazardous Waste Management Regulations, to adopt the Environmental Protection Agency’s (“EPA”) Hazardous Waste Generator Improvements Rule published November 28, 2016, at 81 FR 85732-85829. The amendments support the Department’s goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner.

The amendments reorganize the hazardous waste generator regulations to improve their usability by the regulated community, provide a better understanding of how the Resource Conservation and Recovery Act (“RCRA”) hazardous waste generator regulatory program works, address gaps in existing regulations to strengthen environmental protections, provide greater flexibility for hazardous waste generators to manage their hazardous waste in a cost-effective and protective manner, and make technical corrections to address inadvertent errors and remove obsolete references to programs that no longer exist.

The EPA periodically promulgates regulations that are either mandatory for authorized state programs to adopt or maintain program equivalency or are optional for states because the changes are less stringent than the current federal regulations. While the majority of the EPA’s Hazardous Waste Generator Improvements Rule is equivalent to current state regulations and optional for state adoption, several provisions are more stringent and must be adopted by the Department to maintain federal program authorization. Due to the interrelated nature of the equivalent provisions and the more stringent provisions, the Department has adopted the rule in a single drafting that required General Assembly review.

3. [H. 4370](#) -- Regulations and Administrative Procedures Committee: TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO STANDARDS FOR LICENSING CRISIS STABILIZATION UNIT FACILITIES, DESIGNATED AS REGULATION DOCUMENT NUMBER [4809](#), PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**Synopsis:** The Department of Health and Environmental Control (“Department”) has promulgated a new regulation to establish licensure and regulatory requirements for Crisis Stabilization Unit Facilities. These facilities provide a short-term residential program offering psychiatric stabilization services and brief, intensive crisis services to individuals eighteen (18) years of age or older, twenty-four (24) hours a day, seven (7) days a week.

4. Document Number: [4837](#)  
Agency Name: Department of Health and Environmental Control  
Statutory Authority: 44-29-40  
Subject: South Carolina Immunization Registry

**Synopsis:** The Department of Health and Environmental Control (“Department”) amends R.61-120 to enable the Department to provide specific Healthcare Effectiveness Data and Information Set (“HEDIS”) data from the South Carolina Immunization Registry (“Registry”) to health plans for public health purposes and to measure performance on important dimensions of care and service, including immunization data for clients. The amendments also detail the availability and use of a patient portal, which will be a feature of a new Registry allowing patients to access their personal immunization records. The amendments also remove obsolete language and make general improvements and clarifications to the text.

5. Document Number: [4842](#)

Agency Name: Department of Health and Environmental Control

Statutory Authority: 44-1-140(2), 44-1-150, and 44-1-180

Subject: Retail Food Establishments; and Retail Food Establishment Inspection Fees

**Synopsis:** The intent of R.61-25, Retail Food Establishments, is to safeguard public health and provide consumers safe, unadulterated food and food products at the retail level. This regulation governs restaurants, grocery stores, school cafeterias, and other establishments where food is prepared and served to the public. R.61-25 was last amended in 2014.

The amendments herein will enable the Department of Health and Environmental Control (“Department” or “DHEC”), through regulation, to incorporate standards of the 2017 United States Food and Drug Administration (“FDA”) Food Code. The FDA Food Code is the national standard for state, local, and tribal food protection programs. The FDA Food Code offers practical, science-based guidance that addresses the risk factors known to cause foodborne illness outbreaks in retail food establishment settings. The national Conference for Food Protection, comprised of food safety regulators, food scientists, industry representatives, and members of academia, amends the FDA Food Code every two (2) years and publishes it in full every four (4) years.

These amendments also include revisions to selected sections of R.61-25 to reflect the current business models of the food service industry based on comments and suggestions from the regulated community.

The amendments, furthermore, include combining R.61-25 with revised provisions of R.61-37, Retail Food Establishment Inspection Fees, which was last amended in 2002. Specifically, the Department revises fee schedules currently residing in R.61-37, places the fee schedules in R.61-25, and repeals R.61-37. This provides the retail food industry with one streamlined regulation, while allowing for necessary program support through an increase in inspection fees.

The amendments also include other changes as deemed necessary by the Department to improve the overall clarity, organization, and quality of the regulation. These changes include, but are not limited to, stylistic changes, updates to definitions and exemptions, corrections for clarity, readability, grammar, punctuation, references, and codification, and overall improvement of the text of the regulation.

6. Document Number: [4852](#)

Agency Name: Board of Long Term Health Care Administrators - Labor, Licensing and Regulation

Statutory Authority: 40-1-70 and 40-35-60

Subject: Board of Long Term Health Care Administrators

**Synopsis:** The South Carolina Board of Long Term Health Care Administrators proposes to amend R.93-60 to correct the Board name, 93-70(D) to conform to the mandates of statute, 93-80(D) to clarify employment requirements for preceptors, 93-110(B) to remove a phrase indicating an examination is two parts; 93-110(K) to amend the language to allow the applicant to appear before the Board to request an opportunity to re-take the exam; and 93-130 to delete language regarding the failure to appear for an examination.

7. Document Number: [4855](#)

Agency Name: Board of Examiners in Optometry - Labor, Licensing and Regulation

Statutory Authority: 40-1-70 and 40-37-40(A)(7)

Subject: Licensing Requirements; Continuing Education; and Licensure By Endorsement

(continued on next page)

**Synopsis:** The South Carolina Board of Examiners in Optometry proposes to amend: R.95-3 to eliminate the requirement that all portions of the national examination be passed; R.95-4 to reduce continuing education requirements, require the use of an electronic continuing education tracking service offered through the Agency, and establish the number of hours of online CE credits that may be obtained during the biennial licensure period; and R.95-5 to eliminate and modify certain requirements for obtaining licensure by endorsement.

8. Document Number: [4856](#)

Agency Name: Board of Physical Therapy Examiners - Labor, Licensing and Regulation

Statutory Authority: 40-1-70 and 40-45-60

Subject: Amend Regulations to Conform to Requirements Established by 2018 Act 226, Physical Therapy Licensure Compact

**Synopsis:** The South Carolina Board of Physical Therapy Examiners proposes to amend its regulations to conform to requirements established by 2018 Act No. 226, the Physical Therapy Licensure Compact. The Board proposes to amend R.101-04 and 101-05 to add the requirement for criminal background checks, amend R.101-07 to expand continuing education opportunities to demonstrate continuing professional development and competency outside of the traditional classroom setting, and R.101-16 to adopt the PT Compact Commission Rules.

9. [H. 3728](#) -- Reps. Fry, Alexander, Dillard, Erickson, Hewitt, Huggins, Norrell, Pendarvis, Ridgeway, Rutherford, Spires, Trantham, Weeks, West, Wooten, Yow, Henegan, Cogswell, Mack, R. Williams, Gilliard, Govan and B. Newton: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-130-80 SO AS TO REQUIRE HOSPITAL EMERGENCY DEPARTMENT PHYSICIANS AND PHARMACISTS TO SUBMIT CERTAIN INFORMATION TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL (DHEC) FOR INCLUSION IN THE PRESCRIPTION MONITORING PROGRAM WHEN A PERSON IS ADMINISTERED AN OPIOID ANTIDOTE; TO AMEND SECTION 44-130-60, RELATING TO THE AUTHORITY OF FIRST RESPONDERS TO ADMINISTER OPIOID ANTIDOTES, SO AS TO REQUIRE FIRST RESPONDERS TO SUBMIT CERTAIN INFORMATION TO DHEC FOR INCLUSION IN THE PRESCRIPTION MONITORING PROGRAM; TO AMEND SECTION 44-53-1640, RELATING TO THE PRESCRIPTION MONITORING PROGRAM, SO AS TO REQUIRE THE PROGRAM TO MONITOR THE ADMINISTERING OF OPIOID ANTIDOTES BY FIRST RESPONDERS AND IN EMERGENCY HEALTH CARE SETTINGS; AND TO AMEND SECTION 44-53-1645, RELATING TO THE REQUIREMENT OF PRACTITIONERS TO REVIEW A PATIENT'S CONTROLLED SUBSTANCE PRESCRIPTION HISTORY BEFORE PRESCRIBING A SCHEDULE II CONTROLLED SUBSTANCE, SO AS TO ALSO REQUIRE A REVIEW OF ANY INCIDENTS IN WHICH THE PATIENT HAS BEEN ADMINISTERED AN OPIOID ANTIDOTE BY A FIRST RESPONDER OR IN AN EMERGENCY HEALTH CARE SETTING.

---

Public input will be accepted. Anyone wishing to address the new item may utilize the sign-in sheet available at the time of the meeting. All speakers should be prepared to conclude remarks in three minutes.