

## Session 119 - (2011-2012)

### H 4593 General Bill, By Sandifer, Erickson, Brady, Gambrell and Toole

**Summary:** Department of Labor, Licensing and Regulation

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-1-85 SO AS TO PROVIDE FOR THE DISCLOSURE OF CERTAIN INFORMATION RELATING TO PROCEEDINGS BEFORE A PROFESSIONAL OR OCCUPATIONAL LICENSING BOARD UNDER THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, AMONG OTHER THINGS; BY ADDING SECTION 40-1-215 SO AS TO PROVIDE ADMINISTRATIVE CITATIONS, PENALTIES, AND APPEALS FOR A VIOLATION; TO AMEND SECTION 40-1-50, RELATING TO THE AUTHORITY OF THE DEPARTMENT, SO AS TO DELETE CERTAIN REQUIREMENTS THE DIRECTOR OF THE DEPARTMENT SHALL FOLLOW WHEN HIRING CERTAIN PERSONNEL OF A PROFESSIONAL OR OCCUPATIONAL LICENSING BOARD, AND TO PROVIDE THE DEPARTMENT MAY PROMULGATE CERTAIN REGULATIONS; TO AMEND SECTION 40-1-70, RELATING TO POWERS AND DUTIES OF THESE BOARDS, SO AS TO PROVIDE THESE BOARDS MAY DELEGATE ANY DUTY, RIGHT, OR RESPONSIBILITY OF THE BOARD TO THE DEPARTMENT; TO AMEND SECTION 40-1-80, RELATING TO INVESTIGATIONS BY THESE BOARDS, SO AS TO PROVIDE A PERSON FILING A WRITTEN COMPLAINT WITH A BOARD OR THE DIRECTOR MAY REQUEST HIS IDENTITY BE WITHHELD FROM THE LICENSEE AGAINST WHOM THE COMPLAINT IS MADE FOR A GOOD CAUSE, AND TO PROVIDE THAT THE APPROPRIATE BODY MUST HOLD A HEARING ON THE MOTION AND RENDER A DECISION ON THE MOTION WITHIN THIRTY DAYS AFTER THE MOTION IS FILED; TO AMEND SECTION 40-1-90, RELATING TO DISCIPLINARY ACTION PROCEEDINGS BEFORE A BOARD, SO AS TO PROVIDE AN ALTERNATE MEANS OF SERVING NOTICE TO A LICENSEE, AND TO PROVIDE THAT IN THE ABSENCE OF A QUORUM OF THE BOARD IN A DISCIPLINARY HEARING DUE TO RECUSALS OF BOARD MEMBERS, THE DIRECTOR OR HIS DESIGNEE MAY APPOINT AN IMPARTIAL TRIBUNAL TO REACH A FINAL DETERMINATION OF THE PENDING DISCIPLINARY MATTER; TO AMEND SECTION 40-1-100, RELATING TO IMMUNITIES OF THE DIRECTOR AND THE MEMBERS OF THE BOARD, SO AS TO PROVIDE THE DIRECTOR OR INDIVIDUAL BOARD MEMBERS MAY NOT BE INDIVIDUALLY LIABLE FOR ACTIONS THEY TAKE IN THEIR OFFICIAL CAPACITIES EXCEPT UPON A SHOWING OF ACTUAL MALICE; AND TO AMEND SECTION 40-1-115, RELATING TO JURISDICTION OF A BOARD, SO AS TO PROVIDE A BOARD MAY FINE A LICENSE APPLICANT FOR UNAUTHORIZED PRACTICE AS A CONDITION OF LICENSURE OR RENEWAL OF A LICENSE IF THE APPLICANT HAS PRACTICED WITHOUT A LICENSE OR WITH A LAPSED, SUSPENDED, OR REVOKED LICENSE.

**01/12/12 House Introduced and read first time (House Journal-page 126)**

**01/12/12 House Referred to Committee on Labor, Commerce and Industry (House Journal-page 126)**