

Session 123 - (2019-2020)

H 4826 General Bill, By Hixon and Ridgeway

Summary: Department of Labor, Licensing and Regulation Oversight Recommendation Implementation Act

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE DEPARTMENT OF LABOR, LICENSING AND REGULATION OVERSIGHT RECOMMENDATION IMPLEMENTATION ACT, TO AMEND SECTION 40-1-40, RELATING TO BOARD OF PROFESSIONS AND OCCUPATIONS ADMINISTERED BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, SO AS TO INCLUDE AND REMOVE VARIOUS BOARDS ADMINISTERED BY THE DEPARTMENT; TO AMEND SECTION 40-1-50, RELATING TO THE GENERAL AUTHORITY OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, SO AS TO CLARIFY THAT THE DEPARTMENT HAS SOLE AUTHORITY TO HIRE AGENCY EMPLOYEES, AND TO REMOVE CERTAIN REPORTING REQUIREMENTS; TO AMEND SECTION 40-1-70, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF PROFESSIONAL AND OCCUPATIONAL LICENSING BOARDS, SO AS TO CLARIFY THAT THE BOARDS ARE AUTHORIZED TO ADVISE AND RECOMMEND ACTION TO THE DEPARTMENT CONCERNING THE DEVELOPMENT OF STATUTORY REVISIONS AND OTHER CERTAIN ADMINISTRATIVE MATTERS; TO AMEND SECTION 40-1-90, RELATING TO DISCIPLINARY PROCEEDINGS APPLICABLE TO THE BOARDS, SO AS TO INCLUDE PROVISIONS CONCERNING SERVICE OF NOTICE TO RESPONDENTS IN THESE PROCEEDINGS; TO AMEND SECTION 40-1-120, RELATING TO SANCTIONS FOR DISCIPLINARY VIOLATIONS, SO AS TO PROVIDE NONDISCIPLINARY LETTERS OF CAUTION ARE NOT SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT; TO AMEND SECTION 40-1-150, RELATING TO VOLUNTARY SURRENDERS OF LICENSES ISSUED BY THE BOARDS, SO AS TO PROVIDE THESE VOLUNTARY SURRENDERS ARE PUBLIC INFORMATION, AND TO PROVIDE THE ALTERNATIVE OF THE VOLUNTARY PERMANENT RELINQUISHMENT OF THE AUTHORIZATION TO PRACTICE; TO AMEND SECTION 40-8-160, RELATING TO THE DISSEMINATION OF DISCIPLINARY ORDERS ISSUED BY THE PERPETUAL CARE CEMETERY BOARD, SO AS TO PROVIDE SUCH DISSEMINATION MAY BE EMAILED AS AN ALTERNATIVE TO DISSEMINATING THEM BY MEANS OF TRADITIONAL MAIL; TO AMEND SECTION 40-9-31, RELATING TO PROCEDURES FOR REVOKING OR SUSPENDING LICENSES ISSUED BY THE BOARD OF CHIROPRACTIC EXAMINERS, SO AS TO PROVIDE THE OFFICE OF GENERAL COUNSEL OF THE DEPARTMENT SHALL PERFORM CERTAIN RELATED FUNCTIONS ON BEHALF OF THE STATE, AND TO REMOVE AN AUTOMATIC STAY PROVISION; TO AMEND SECTION 40-15-180, RELATING TO FORMAL ACCUSATIONS ARISING FROM COMPLAINTS AGAINST LICENSEES OF THE BOARD OF DENTISTRY, SO AS TO PROVIDE ALL SUCH COMPLAINTS MUST BE SIGNED BY ATTORNEYS REPRESENTING THE STATE INSTEAD OF OFFICERS OF THE BOARD; TO AMEND SECTION 40-29-60, RELATING TO HEARINGS ON COMPLAINTS AGAINST LICENSEES OF THE MANUFACTURED HOUSING BOARD, SO AS TO PROVIDE THAT THE FULL BOARD MAY CONDUCT HEARINGS UPON ISSUANCE OF FORMAL COMPLAINTS BY THE STATE, AND TO PROVIDE THE FULL BOARD MAY IMPOSE SANCTIONS ALLOWED UNDER STATE LAW; TO AMEND SECTION 40-37-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF OPTOMETRY, SO AS TO REMOVE OBSOLETE DEFINITIONS; TO AMEND SECTION 40-37-420, RELATING TO PROVISIONS CONCERNING THE TRANSITION FROM PREVIOUS LICENSING REQUIREMENTS, SO AS TO REMOVE OBSOLETE LANGUAGE; TO AMEND SECTION 40-55-130, RELATING TO FORMAL ACCUSATIONS ARISING FROM COMPLAINTS AGAINST LICENSEES OF THE BOARD OF EXAMINERS IN PSYCHOLOGY, SO AS TO PROVIDE ALL SUCH COMPLAINTS MUST BE SIGNED BY ATTORNEYS REPRESENTING THE STATE INSTEAD OF OFFICERS OF THE BOARD; TO AMEND SECTION 40-75-90, RELATING TO FORMAL ACCUSATIONS ARISING FROM COMPLAINTS AGAINST LICENSEES OF THE BOARD OF EXAMINERS FOR THE LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, ADDICTION COUNSELORS, AND PSYCHOEDUCATIONAL SPECIALISTS, SO AS TO PROVIDE ALL SUCH COMPLAINTS MUST BE SIGNED BY ATTORNEYS REPRESENTING THE STATE INSTEAD OF OFFICERS OF THE BOARD; TO AMEND SECTION 41-10-30, RELATING TO THE REQUIREMENT THAT EMPLOYERS PROVIDE EMPLOYEES WITH ITEMIZED STATEMENTS SHOWING GROSS PAY AND DEDUCTIONS FOR EACH PAY PERIOD, SO AS TO PROVIDE EMPLOYERS ONLY ARE REQUIRED TO PROVIDE EMPLOYEES ACCESS TO SUCH INFORMATION; TO AMEND SECTION 41-10-40, RELATING TO THE VARIOUS ACCEPTABLE MEDIUMS OF PAYMENT OF WAGES, SO AS TO INSTEAD PROVIDE SUCH PAYMENTS MUST BE MADE IN LAWFUL CURRENCY OF THE UNITED STATES; TO AMEND SECTION 41-13-25, RELATING TO PENALTIES FOR VIOLATIONS OF CHILD LABOR REGULATIONS, SO AS TO PROVIDE SUCH PENALTIES FOR FIRST OFFENSES MUST BE THE ISSUANCE OF A WRITTEN WARNING OR A CERTAIN FINE; TO AMEND SECTION 41-15-220, RELATING TO CERTAIN HEARING NOTICE REQUIREMENTS FOR THE PROMULGATION OF REGULATIONS CONCERNING OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY THE DEPARTMENT, SO AS TO PROVIDE SUCH NOTICE MAY BE PUBLISHED IN LOCAL NEWSPAPERS OR BY ELECTRONIC MEANS; TO AMEND

SECTION 41-15-260, RELATING TO WARRANTS FOR OCCUPATIONAL HEALTH AND SAFETY INSPECTIONS, SO AS TO MAKE CERTAIN REMEDIES FOR NONCOMPLIANCE WITH SUCH WARRANTS; TO AMEND SECTION 41-15-270, RELATING TO THE AUTHORITY OF THE DEPARTMENT TO CONDUCT CERTAIN DISCOVERY IN THE COURSE OF OCCUPATIONAL HEALTH AND SAFETY INSPECTIONS, SO AS TO PROVIDE REMEDIES FOR NONCOMPLIANCE; AND TO AMEND SECTION 41-15-280, RELATING TO CITATIONS ISSUED BY THE DEPARTMENT FOR VIOLATIONS OF OCCUPATIONAL HEALTH AND SAFETY RULES AND REGULATIONS, SO AS TO REQUIRE NOTICE OF PENALTIES TO EMPLOYERS, AND TO TOLL A STATUTE OF LIMITATIONS WHEN EMPLOYER ACTIONS OR OMISSIONS CONCEALED THE EXISTENCE OF VIOLATIONS; AND TO REPEAL SECTION 41-15-300 RELATING TO THE REQUIREMENT THAT THE DIRECTOR PROVIDE NOTICE OF PENALTIES TO EMPLOYERS BY MEANS OF CERTIFIED MAIL.

01/14/20 House Introduced and read first time (House Journal-page 119)

01/14/20 House Referred to Committee on Labor, Commerce and Industry (House Journal-page 119)