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

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Subject: Election Procedures for the State Board of Medical Examiners and the Medical Disciplinary Commission

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- 01/12/2021 Received by Lt. Gov & Speaker 05/12/2021

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provided for in the Regulation

Document No. 4986

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**

**BOARD OF MEDICAL EXAMINERS**

CHAPTER 81

Statutory Authority: 1976 Code Sections 40‑1‑70, 40‑47‑10, and 40‑47‑110

81‑91. Election Procedures for the State Board of Medical Examiners and the Medical Disciplinary Commission.

**Synopsis:**

The South Carolina Board of Medical Examiners proposes to amend R.81‑91 regarding election procedures for the Board of Medical Examiners and the Medical Disciplinary Commission.

A Notice of Drafting was published in the *State Register* on February 28, 2020.

**Instructions:**

Replace regulation as shown below. All other items and sections remain unchanged.

**Text:**

ARTICLE 9.5

Election Procedures

81‑91. Election Procedures for the State Board of Medical Examiners and the Medical Disciplinary Commission.

Notice of the election of Board Members shall be provided to each physician possessing a permanent license and eligible to vote, according to records of the Board. Physicians wishing to offer their candidacy for the Board must submit a written petition signed by not less than fifteen (15) physicians possessing a permanent license and eligible to vote in the particular election contest which the petitioner seeks to enter; provided however, this provision does not apply to the election for the doctor of osteopathy at‑large. All signatures must be on petitions provided by the Board; physicians eligible to vote in the election may sign the petition of more than one candidate. Petitions must be received by the Board within thirty‑five days of the date of the notice announcing the election. Any person submitting the required number of petition signatures may subsequently withdraw his name upon written notice to the Board. If only one candidate receives the required number of petition signatures, he shall be declared the winner in that particular contest, and certified as nominee to the Governor. If more than one candidate submits the required number of petition signatures, ballots shall be prepared with the names of the candidates in alphabetical order.

Ballots shall be provided to every physician possessing a permanent license and qualified to vote in that particular election. The candidate receiving a majority of the votes received by the Board in the allotted time period shall be certified as nominee to the Governor. If no candidate receives a majority of the votes cast, a run‑off election involving the two candidates receiving the most votes will be held. Voters shall be allowed fifteen days to submit their ballots to the Board.

For purposes of this Section, the notice of election and all other notices required herein may be sent to the physician’s email address on file with the Board. Physicians eligible to vote in the election may submit their ballots electronically. Those who wish to submit a paper ballot may request one from the Board.

**Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

**Statement of Rationale:**

The South Carolina Board of Medical Examiners proposes to amend R.81‑91 regarding election procedures for the Board of Medical Examiners and the Medical Disciplinary Commission. Specifically, the proposed regulation changes would permit, but not require, electronic voting, which would save both time and money for the State. The proposed regulation would further replace fifty (50) with fifteen (15) regarding the number of written petitions that must be submitted by physicians wishing to offer their candidacy for the Board. The proposed regulation changes would also strike the language regarding the election of members to the Medical Disciplinary Commission (MDC) members as it is inconsistent with S.C. Code Section 40‑47‑11 which provides the physician members of the Board appoint Commission members; there is no reference to an election.