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

Statement of Rationale:

The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists proposes to its regulations regarding licensure requirements to clarify the requirement for at least a 60-hour graduate degree and to strike the grandfathering provision that is no longer needed. Similar changes are proposed for licensed professional supervisors to allow those with doctoral degrees a more direct pathway to licensure as a supervisor. The regulation also adds an hour of continuing education in suicide assessment, treatment and management treatment to conform to Act 158 of the 2024 legislative session.

Document No. 5355
DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF DENTISTRY
CHAPTER 39

Statutory Authority: 1976 Code Section 40-15-40

39-5. Registration of Licenses or Certificates.

39-19. Temporary Restricted License for Live Patient Continuing Education. (New)

Synopsis:

The South Carolina Board of Dentistry proposes to amend its regulations, appearing in Chapter 39 of the South Carolina Code of Regulations, following a comprehensive review conducted pursuant to S.C. Code Section 1-23-120(J). Proposed changes include, but are not limited to, continuing education credit for dental instructors, updated procedures allowed by dental hygienists, dental assistants and enhanced dental assistants, and temporary live-patient CE dental license.

The Notice of Drafting was published in the State Register on May 24, 2024.

Instructions:

Print the regulation as shown below. All other items remain unchanged.

Text:

39-5. Registration of Licenses or Certificates.

A. Every licensed dentist or dental hygienist and every registered technician shall keep the Board informed of their current mailing address.

B. The Board will notify any dentist, dental hygienist or technician of the expiration of his/her license or certificate.

C. Any person whose license or certificate has expired and who wishes to have the same reinstated must notify the Board of this in writing. Such notification must set forth the reasons for seeking to have the same reinstated and the reasons why the same has expired. Thereafter the Board may require a reexamination of the person whose license or certificate has expired or may require the person to appear before the Board and explain why the license or certificate has expired.

D. In Section 40-15-170 of the Code of Laws of South Carolina, 1976, there is a requirement that affects your license: "The license of a dentist or dental hygienist who does not either reside or practice in South Carolina for a period of six successive years shall be deemed inactive. Provided, that the time spent in active service by any person in the armed forces or public health service of the United States or with the Veterans' Administration

shall not be construed as absence from or failure to practice in the State. Relicensing after an absence of over six years can be made at the discretion of the Board upon proof of high professional fitness and moral character.”

E. Relicensing can be made at the discretion of the Board upon proof of high professional fitness and moral character.

F. Each licensed dentist, licensed dental hygienist and registered dental technician shall complete as a requirement for relicensure the following accredited continuing education on the two-year renewal cycle basis. The licensee/registrant shall certify on the relicensure or registration form that he/she has taken and can verify the required number of hours specified below. Verification shall be in the form of a record of courses taken, continuing hours earned, the date, sponsor and subject matter of the courses. This material shall be maintained for a period of three years from the date of verification to the Board upon licensure/reregistration and, upon request of the State Board or its representative, the licensee/registrant shall provide documentation in the form of certificates or attendance or letters from course sponsors as proof of attendance.

(1) All dentists shall complete a minimum of fourteen (14) continuing education hours per year or twenty-eight (28) continuing education hours over two (2) years; dental hygienists shall complete a minimum of seven (7) continuing education hours per year or fourteen (14) continuing education hours over two (2) years; dental technicians shall complete a minimum of four (4) continuing education hours per year or eight (8) continuing education hours over two (2) years, in order to be eligible for relicensure or reregistration. Upon licensure by examination of this State, dentists, dental hygienists and dental technicians shall be exempt from continuing education requirements for the first relicensure period. Fifty percent (50%) of the required continuing education hours must be obtained via live, in-person attendance. Interactive webinars are considered live or in-person continuing education hours. The remaining fifty percent (50%) of the required continuing education hours can be earned via online computer seminars.

(a) “One continuing education (CE) hour” shall mean a minimum of fifty (50) minutes of interactive instruction or organized learning.

(b) All licensed dentists and dental hygienists must have at least one (1) hour of their required continuing education be dedicated to sterilization and infection control.

(c) It is the responsibility of all dentists to ensure that their auxiliary staff who may be exposed to blood and other body fluids require and provide one (1) hour biennially of continuing education on sterilization and infection control and maintain records of such training.

(d) A dentist teaching a course at a CODA-approved dental college or a dental hygienist teaching in a CODA-approved dental hygiene program may receive CE hours equal to the number of hours received by the students taking the course, up to 25% of the CE hours required by S.C. Reg. 39-5(F), subject to receiving credit once per renewal cycle. A person receiving credit under this subsection may not also receive credit under subsection (e) for a CE seminar based upon the same course taught by the licensee.

(e) A dentist or dental hygienist teaching an approved CE seminar may receive CE hours equal to the number of hours taught in the seminar, up to 25% of the CE hours required by S.C. Reg. 39-5(F), subject to receiving credit once per renewal cycle. An approved CE seminar is a program approved or endorsed by an organization set forth in S.C. Reg. 39-5(F)(4)(a), (b), and (c).

(f) In no case shall a licensee earn more than 25% of the total number of CE hours allowed whether individually under subsection (d) and (e) or combined.

(2) The continuing education hours must be courses related to the procedures approved for each licensee/registrant such as

- (a) medical and scientific subjects;
- (b) clinical and technical subjects;
- (c) risk management and infection control;
- (d) dental radiology;
- (e) CPR, diet and nutrition.

(3) All dentists and dental hygienists must have completed an approved CPR course within two (2) years of licensure or renewal. Thereafter, all dentists and dental hygienists must be recertified in CPR once every two (2) years. Yearly recertification is not required, but can be used as continuing education hours any time. The maximum allowable number of CE hours for a CPR course is four (4) hours.

(4) Programs that meet the general requirement of Section 2 may be developed and/or endorsed by organizations and agencies such as:

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(a) the American Dental Association, Academy of General Dentistry, American Dental Hygienists' Association, American Dental Assistants' Association, National Association of Dental Laboratories, or their local societies and associations;

(b) national, state, local, district dental specialty organizations recognized by the American Dental Association;

(c) dental colleges or schools accredited by the American Dental Association;

(d) other organizations, schools, and agencies approved by the State Board of Dentistry.

(5) Each dentist, dental hygienist and dental technician licensed/registered by the Board who is not exempt from this regulation, at the time of filing his application for renewal of his license/registration, shall certify on the reregistration form that he/she has taken and can verify the required number of hours. A record of the courses taken, continuing education hours earned, date, sponsor, and subject matter shall be retained for a minimum of three (3) years from the date of attendance. Upon request, the applicant shall provide documentation in the form of certificates of attendance or letters from course sponsors, to the Board as proof of attendance.

(6) Failure to comply with this mandatory continuing education requirement may result in disciplinary action by the Board against the applicant.

(7) In individual cases involving extraordinary hardship or extenuating circumstances, disability or illness, all or any part of the requirements may be waived, modified or extended by the Board. Any applicant shall be eligible for waiver or extension who, upon written application to the Board and for good cause shown, demonstrates that they are unable to participate in a sufficient number of regular continuing educational programs for licensure/registration.

(8) The Board shall have the authority to decide if a course meets its accreditation criterion, if a question arises.

39-19. Temporary Restricted License for Live Patient Continuing Education.

A. The South Carolina Board of Dentistry may issue in its discretion a temporary restricted license to a dentist not licensed in this state to allow a licensed dentist, currently licensed in another state, the District of Columbia, or a territory of the United States, to engage in the lawful practice of dentistry solely for the purpose of obtaining continuing education credits in a live patient course.

(1) A temporary restricted license may be issued without examination or payment of a fee for a period of time not to exceed seven consecutive days and shall automatically expire at that time or upon the conclusion of the continuing education course. The Board may issue two restricted temporary licenses to a dentist per calendar year, with discretion to issue a third license. If a dentist is unable to attend the live-patient continuing education course for which he has registered, he shall immediately notify the Board before the continuing education course is scheduled to begin and such license shall not count against the total licenses available for that calendar year.

B. The Applicant must provide proof that the applicant:

(1) has graduated and received either a D.D.S. or D.M.D. degree from a dental school;

(2) is currently licensed in another state, the District of Columbia, or a territory of the United States, provided that such licensure followed successful completion of a general dentistry clinical examination administered by another state or regional examining board;

(3) is currently in good standing and is not the subject of a pending disciplinary action in any jurisdiction in which the dentist is or has been licensed;

(4) has been actively engaged in one or more of the following immediately preceding the application:

(a) The practice of dentistry;

(b) An approved dental residency training program;

(c) Postgraduate training deemed by the Board equivalent to an approved dental residency training program.

(5) has malpractice insurance or confirmation that the hosting entity has malpractice insurance in place for patients seen as part of the continuing education course or provide confirmation from the hosting entity that the dentist is covered under the hosting entity's malpractice insurance;

(6) has a pending contract or other proof of enrollment with an approved hosting entity that is sponsoring the continuing education course;

(7) has proof of current basic life support (BLS) or cardiac pulmonary resuscitation (CPR) certification accepted by the American Heart Association, the American Red Cross, or the American Safety and Health Institute (ASHI); this certification cannot be a self-study course and must be obtained in person;

(8) Dentists holding a temporary restricted license pursuant to this section may only practice at the site of the hosting entity and only while under the supervision of a South Carolina licensed dentist identified by the hosting entity to the Board as an instructor for the course for which the attendee is appearing;

(9) Dentists holding a temporary restricted license under this section may only perform local anesthesia or administer nitrous oxide but no other form of sedation.

C. Before a live-education continuing education course can proceed with dentists holding a temporary restricted license, the following criteria must be met:

(1) Patients treated at a Board-approved hosting entity who are to be treated in whole or part by dentists holding a temporary restricted license must be low-income patients, subject to the exception provided by the Board;

(a) "Low-income" means: (i) a person who is Medicaid eligible under the laws of this state; (ii) a person who is without health or dental insurance whose family income does not exceed 200 percent of the federal poverty level as defined annually by the Federal Office of Management and Budget; or (iii) who has health or dental insurance that does not cover the injury, illness, or condition for which treatment is sought and whose family income does not exceed 200 percent of the federal poverty level as defined annually by the Federal Office of Management and Budget.

(b) The only exception to this requirement is if a low-income patient scheduled for the course cancels or refuses to proceed and the only patient available at that time is one who does not meet this criteria, in which case the care must still be provided without cost to the patient.

(2) A prospective hosting entity must submit the following information to the Board and be approved by the Board or its designee prior to hosting a live patient continuing education course:

(a) The live-patient continuing education courses must be accredited by The Commission on Dental Accreditation (CODA), The American Dental Association (ADA) Continuing Education Recognition Program (CERP), The Academy of General Dentistry (AGD) Program Approval for Continuing Education (PACE), The American Medical Association (AMA), or other accrediting body acceptable to the Board.

(b) The hosting entity must provide proof of current dental malpractice insurance and coverage limits.

(c) The hosting entity must provide a description of the course and procedures to be performed, including whether anesthesia will be used and the level of sedation that will be achieved. Once a hosting entity has been approved, but seeks to perform new or additional courses or procedures, the hosting entity must update the Board with this information prior to the new continuing education seminar proceeding. All hosting entities must have current sedation permits for the facility at which the course will be taught.

(d) The hosting entity shall provide the identification and qualifications of all instructors who will be teaching the continuing education course and supervising temporary restricted licensees. All instructors must have an unrestricted South Carolina license.

(e) The hosting entity shall submit to the board a certifying statement that all dental procedures shall be performed on a free and uncompensated basis to low-income patients, except as provided herein.

(f) The hosting entity must certify to the Board that it has arranged to provide emergency follow-up care that may result from a procedure done at these events and/or arrange to have South Carolina licensed dentists provide such emergency care as well as any follow-up care naturally occurring from the procedures performed.

(g) The hosting entity must report to the Board in compliance with S.C. Reg. 39-17, Reporting of Adverse Occurrences.

(h) The hosting entity must maintain patient records in compliance with S.C. Code § 40-14-450.

(3) The hosting facility must observe the following guidelines in hosting live-patient continuing education courses:

(a) For surgical courses, the instructor-to-attendee ratio cannot not exceed 1:2. For nonsurgical courses, the instructor-to-attendee ratio cannot not exceed 1:4. The maximum number of attendees at any one course is limited to 20 attendees.

(b) Instructors with outstanding discipline on their license or who have a pending disciplinary action are not eligible to be an instructor at a live CE course until such time as their discipline is resolved or their license is in good standing. For purposes of this subsection, "pending disciplinary action" means an action or proceeding

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for which a Board has authorized a formal complaint. "Licensed in good standing" means that one's authorization to practice has not been revoked, suspended in any way, or placed on probation, and there are no restrictions or limitations currently in effect.

Fiscal Impact Statement:

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

Statement of Rationale:

The South Carolina Board of Dentistry proposes to amend its regulations, appearing in Chapter 39 of the South Carolina Code of Regulations, following a comprehensive review conducted pursuant to S.C. Code Section 1-23-120(J). Proposed changes include, but are not limited to, continuing education credit for dental instructors, updated procedures allowed by dental hygienists, dental assistants and enhanced dental assistants, and temporary live-patient CE dental license.

Document No. 5353
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF ELEVATORS AND AMUSEMENT RIDES
CHAPTER 71
Statutory Authority: 1976 Code Sections 41-16-140 and 41-18-120

- 71-4000. Purpose and Definitions.
- 71-4100. Maintenance of On-Site Information.
- 71-4200. Operation Procedures for Amusement Devices; Owners/Operator's Responsibility.
- 71-4300. Operational Testing.
- 71-4400. Maintenance Procedures for Amusement Devices.
- 71-4450. Miscellaneous Safety Requirements for Amusement Rides.
- 71-4500. Insurance Bond, or Other Security.
- 71-4600. Permit Required.
- 71-4610. Permit Application Requirements.
- 71-4700. Fee Schedule.
- 71-4800. Qualifications of Approved Special Inspectors.
- 71-4910. Procedure for Hearing Contested Notices of Non-Compliance and Assessments of Penalty.
- 71-4920. Procedure for Applications for Variance.
- 71-4950. Information to be Made Available to Commissioner.
- 71-5000. Purpose and Definitions.
- 71-5100. Safety Standards for New Installations.
- 71-5200. Safety Standards for Existing Facilities.
- 71-5300. Permits and Certificate Required.
- 71-5310. Application for Construction Permit, Elevator Registration, and Operating Certificate.
- 71-5400. Qualification of Special Instructors.
- 71-5500. Inspections.
- 71-5550. Accidents and Dangerous Facilities.
- 71-5600. Fee Schedules.
- 71-5700. Procedure for Hearing Contested Citations and Assessments of Penalty.
- 71-5800. Procedure for Application for Variance.
- 71-5900. Effective Date.

Synopsis: