

118 PROPOSED REGULATIONS

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The Board of Registration for Professional Engineers and Land Surveyors has determined it is necessary to amend R.49-603(5) to correct a scrivener's error made during a prior update to the regulations. Specifically, R.49-603(5) should be revised to reference R.49-602C(4) as opposed to 49-602(C)(5). The amendment is reasonable in that it limits changes to what is required to align cross-references with the existing provisions of the regulation.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The Board of Registration for Professional Engineers and Land Surveyors proposes to amend R.603(5) to correct a scrivener's error. Specifically, R.49-603(5) should be revised to reference R.49-602C(4) as opposed to 49-602(C)(5).

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5311

DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA BOARD OF GENETIC COUNSELORS
CHAPTER 41

Statutory Authority: 1976 Code Sections 40-1-70 and 40-85-10(B)(1)(d)

41-1. Definitions. (New)

41.10. American Board of Genetic Counseling Certified Genetic Counselor Credential Recertification. (New)

41-20. American Board of Genetic Counseling Discipline. (New)

41-30. Continuing Education Requirements. (New)

41-40. License Renewal. (New)

41-50. Reinstatement of Lapsed Licenses. (New)

41-60. Limited Licenses. (New)

41-70. Name and Address Changes. (New)

- 41-80. Code of Ethics. (New)
- 41-90. Opinion Testimony. (New)
- 41-100. Recordkeeping and Patient Confidentiality. (New)
- 41-110. Applicability, Legal Effect, and Severability of Regulations. (New)

Preamble:

The Board of Genetic Counselors is proposing regulations to implement the requirements of Act 187 of the 2024 legislative session, which established the South Carolina Board of Genetic Counselors as a board administered by the Department of Labor, Licensing and Regulation, including but not limited to establishing minimum continuing education requirements, documentation requirements for supervisors of limited licensees, and requirements for reinstatement of lapsed licenses.

Section-by-Section Discussion:

- 41-1. Adding definitions for terms used in regulations.
- 41.10. Adding language instructing licensees on licensure if American Board of Genetic Counseling Certified Genetic Counselor Credential lapses.
- 41-20. Adding language instructing licensees on discipline if American Board of Genetic Counseling disciplines certification.
- 41-30. Clarifying continuing education requirements.
- 41-40. Implementing license renewal provisions of statute.
- 41-50. Implementing reinstatement of lapsed license provision of statute.
- 41-60. Establishing requirements for limited licenses.
- 41-70. Providing guidance on name and address change notification.
- 41-80. Adopting a code of ethics.
- 41-90. Establishing parameters of offering opinion testimony.
- 41-100. Establishing rules for recordkeeping and patient confidentiality.
- 41-110. Adding interpretation language.

The Notice of Drafting was published in the *State Register* on August 23, 2024.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 2:00 PM on January 8, 2025. Written comments may be directed to Pam Dunkin, Board Executive, Board of Genetic Counselors, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., on October 28, 2024. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The General Assembly passed Act 187 during the 2024 legislative session, establishing the Board of Genetic Counselors as a board under the umbrella of the South Carolina Department of Labor, Licensing and Regulation. The basic elements of licensure were incorporated into the law by way of the Act, but the regulations herein are necessary to implement the law and establish guidance on licensure, continuing education, ethics and discipline, at a minimum, for licensees of the board. The regulations herein are reasonable in that they are consistent with

120 PROPOSED REGULATIONS

regulations promulgated for other professional and occupational licensing boards establishing minimum continuing education requirements, documentation requirements for supervisors of limited licensees, and requirements for reinstatement of lapsed licenses. They are also reasonable in that they are consistent with the grant of authority established by Act 187.

DESCRIPTION OF REGULATION:

Purpose: The Board of Genetic Counselors is proposing regulations to implement the requirements of Act 187 of the 2024 legislative session, which established the South Carolina Board of Genetic Counselors as a board administered by the Department of Labor, Licensing and Regulation, including but not limited to establishing minimum continuing education requirements, documentation requirements for supervisors of limited licensees, and requirements for reinstatement of lapsed licenses.

Legal Authority: 1976 Code Sections 40-1-70 and 40-85-10(B)(1)(d).

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment or public health if these regulations are not implemented. However, the General Assembly determined it was appropriate to regulate this profession, and these regulations are necessary to implement the law that established regulatory requirements. Therefore these regulations are vital to carrying out the will of the General Assembly as established by law.

Statement of Rationale:

The Board of Genetic Counselors is proposing regulations to implement the requirements of Act 187 of the 2024 legislative session, which established the South Carolina Board of Genetic Counselors as a board administered by the Department of Labor, Licensing and Regulation, including but not limited to establishing minimum continuing education requirements, documentation requirements for supervisors of limited licensees, and requirements for reinstatement of lapsed licenses.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5312
DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF MEDICAL EXAMINERS
 CHAPTER 81

Statutory Authority: 1976 Code Sections 40-1-70, 40-47-10, 40-47-110, and 40-47-1010

81-120. Continued Professional Education for Physician Assistants. (New)

Preamble:

The State Board of Medical Examiners proposes adding regulations establishing continuing education requirements for PAs.

Section-by-Section Discussion:

81-120(A)-(C). New section establishing continuing education requirements for PAs.

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

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 AM on December 19, 2024. Written comments may be directed to Bob Horner, Counsel, Board of Medical Examiners, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11289, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., October 28, 2024. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are necessitated by S.C. Code Section 40-47-1010, which provides that a license issued to a PA may be renewed biennially if the PA has demonstrated continuing education as required by Article 7. Article 7 establishes two guideposts for continuing education: (1) Section 40-47-965(B) (2), which provides that every two years, a PA must document four hours of continuing education related to approved procedures of prescribing and monitoring controlled substances, Schedules II-IV; and (2) Section 40-47-930(C)(6), which provides that the PA Committee may recommend requirements for continuing education to the Board. The regulations are reasonable in that the Board has adopted the recommendations of the PA Committee, which are based on certification requirements established by the certifying body for PAs, the National Commission on Certification of Physician Assistants (NNCPA) and on the existing statutory requirement set forth in Section 40-47-965(B)(2).

DESCRIPTION OF REGULATION: