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This issue contains notices, proposed regulations, emergency regulations, final form regulations, and other documents filed in the Office of the Legislative Council, pursuant to Article 1, Chapter 23, Title 1, Code of Laws of South Carolina, 1976.

Statement of Rationale:

The updated regulations will reduce regulatory burdens on registrants. First, the regulations would remove language regarding an appeal of a failed examination and the Board's authority to adjust the scoring based on the outcome of an appeal. The regulations would then increase the number of years a registration may be lapsed before a registrant is required to reactivate from five (5) to six (6) years and would remove the requirement that registrants lapsed over six years cannot reactivate and must, instead, file a new application. The regulations would establish the requirements for reactivation after six years, which include: the same requirements as reactivation within five years; a cap on the number of CE requirements that must be satisfied; and a certification that the registrant has not engaged in unlicensed practice during the pendency of the lapse. Finally, the regulations would reduce the number of continuing education contact hour requirements from 32 to 24 per biennium.

Document No. 4891

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS
CHAPTER 76**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-28-90

76-6. Continuing Education.

Synopsis:

The South Carolina Board of Landscape Architectural Examiners proposes to amend R.76-6 to clarify continuing education requirements.

A Notice of Drafting was published in the *State Register* on April 26, 2019.

Instructions:

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

Text:

76-6. Continuing Education.

A. Basic Requirements

1. Continuing Education Hours

a. A continuing education (CE) hour is defined as one continuous instructional hour (50 to 60 minutes of contact) spent in educational activities intended to increase or update the landscape architect's knowledge and competence. Continuing education shall be earned in the categories as described below.

b. Each licensee shall complete twenty (20) contact hours of continuing education activities during the two (2) year period immediately preceding each biennial renewal date as a condition for license renewal.

2. Continuing Education Topic Categories

a. Category 1 – A minimum of fifteen (15) hours of the required twenty (20) hours shall be earned by completing educational activities that directly address health, safety, and welfare. Health/Safety/Welfare (HSW) educational topics should address the performance of landscape architecture as defined in S.C. Code Section 40-28-20(6).

b. Category 2 – A maximum of five (5) hours of the required twenty (20) hours may be completed in practice related topics that enhance and expand the skills, knowledge, and abilities of practicing landscape architects to remain current and render competent professional service to clients and the public.

B. Approved Methods

616 FINAL REGULATIONS

1. Category 1 – Structured educational activities include but are not limited to technical presentations, workshops, or seminars on landscape architectural subjects which are provided by independent sponsors or held in conjunction with colleges, universities, conventions or seminars. Landscape architectural activities such as those organized, sponsored, or approved by ASLA, CLARB, and LA CES are acceptable to the board. Structured educational activities can take place within a traditional classroom style setting, or in an online, interactive presentation. A minimum of fifteen (15) hours of the required twenty (20) hours shall be earned by completing structured educational activities.

2. Category 2 – Self directed study is defined as activities that include:

a. Public service activities that draw upon the Landscape Architect's expertise such as serving on design review boards, planning commissions, building code advisory boards, urban renewal boards, or code study committees.

b. Authoring papers, articles, or books.

c. Individualized seminars, tutorials, or video courses.

d. Teaching landscape architectural courses or seminars. Licensees may not claim credit for teaching the same course more than once per reporting period.

e. A maximum of five (5) of the twenty (20) hours may be earned in self-directed activities.

C. Records

1. Responsibility for documenting the fulfillment of the continuing education requirements rests with the licensee and the licensee must retain for a period of four (4) years evidence to support fulfillment of the requirements. Such evidence shall include certificates of completion, course materials, or sign-in sheets that provide verification of the number of hours of each course or program; or, for other activities which meet the requirements, such documentation as to ascertain their completion.

2. Each licensee shall submit, in a format requested by the board, an affidavit attesting to the fulfillment of continuing education requirements during the preceding period.

3. Each affidavit may be subject to audit for verification of compliance with requirements. Licensees must comply with audit deadlines and requirements.

4. The board has final authority with respect to approval of courses, credit, continuing education hour value of courses, and other value of credit.

5. The board may disallow claimed credit for continuing education hours. The licensee shall have forty-five (45) calendar days after notification of disallowance of credit to substantiate the original claim or earn other continuing education credit which fulfills minimum requirements. These hours will be credited to the delinquent renewal period.

6. Failure to fulfill the continuing education requirements, to file the required report or to comply with audit and verification requests shall be considered a violation of the Landscape Architectural Registration Law.

7. If a licensee exceeds the total continuing education required in any renewal period, the licensee may carry a maximum of ten (10) continuing education (CE) hours of Category 1 structured educational activities into the next renewal period.

D. Exemptions

Continuing education requirements may be waived for the following reasons:

1. New licensees shall be exempt for their initial licensure period.

2. A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding one hundred twenty (120) consecutive days in a year shall be exempt from obtaining the continuing education hours required during that year.

3. Licensees experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the board may be exempt. Supporting documentation must be furnished with any such exemption request made to the board thirty (30) days in advance of the renewal period.

4. Licensees who are Board approved for Emeritus Status shall be exempt from requirements for Continuing Education Hours.

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 updated regulations will clarify continuing education requirements.

Document No. 4892

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS
CHAPTER 93**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-35-60

93-50. General Definitions.

93-70. Additional combination of education and experience acceptable by the Board; Criminal Background Check; Completion of probation or parole.

Synopsis:

The South Carolina Board of Long Term Health Care Administrators proposes to amend R.93-50 to add a definition for Health Services Executive and R.93-70 to include Health Services Executive certificates as satisfying the education and experience requirements for nursing home administrators and community residential care facility administrators.

A Notice of Drafting was published in the *State Register* on June 28, 2019.

Instructions:

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

Text:

93-50. General Definitions.

Whenever used in these regulations, unless expressly stated otherwise, or unless the context or subject matter requires a different meaning, the following terms shall have the respective meanings hereinafter set forth or indicated:

A. "Applicant" means a person who submits all materials necessary for evaluation of credentials including an application form, references, college or university transcripts, fees, and if applicable, a request for a provisional license.

B. "Continuing education credit" is defined as one contact hour of a planned program of teaching-learning that has been approved by an organization empowered by the Board to award credit for continuing education.

C. "Dual licensee" means a person who holds a license as a nursing home administrator and a community residential care facility administrator.

D. "Inactive license" means a license issued to an administrator who is not working as an administrator in a nursing home or as an administrator in a community residential care facility.

E. "Licensee" means an approved applicant who has passed the examination, as prescribed by the Board, has paid all the fees, and has been issued a current license by the Board.

F. "Person" means an individual and does not include the following: a firm, a corporation, an association, a partnership, or any other group of individuals.

G. "Practice of nursing home administration" means the managing, supervising or general administration of a nursing home.

H. "Practice of community residential care facility administration" means the managing, supervising or general administration of a community residential care facility.