

Statement of Rationale:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 11, to incorporate the modifications to the 2024 South Carolina Building Codes, the 2023 Edition of the National Electrical Code.

Document No. 5419

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA 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.
- 93-60. Board of Examiners; Officers and Duties.
- 93-65. Operating a Facility without a License.
- 93-70. Additional combination of education and experience acceptable by the Board; Criminal Background Check; Completion of probation or parole.
- 93-75. Health Services Executive Qualification. (New)
- 93-80. Administrator-in-Training Program Requirements.
- 93-100. Fees [and Fee Schedule].
- 93-110. Examination; Scheduling and Grading.
- 93-120. Initial Licenses.
- 93-130. Provisional Licenses.
- 93-140. Licensure by Endorsement. (New)
- 93-150. Inactive or Retired Status Licenses.
- 93-160. Registration of Licenses.
- 93-170. Display of Certificate and Normal Work Hours.
- 93-200. Continuing Education for Relicensure.
- 93-210. Reinstatement of Lapsed License.
- 93-220. Complaints.
- 93-230. Suspension and Revocation of License.
- 93-240. Hearing Procedure.
- 93-250. Conduct of Hearing.
- 93-260. Applicability, Legal Effect and Severability of Regulations.

Synopsis:

The South Carolina Board of Long Term Health Care Administrators proposes to amend various sections in Chapter 93.

A Notice of Drafting was published in the *State Register* on June 27, 2025.

Instructions:

Print the regulation as shown below. All other items 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:

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A. "Administrator-in-Residency (AIR) program" is a Board-approved training program within a nursing home or a community residential care facility under the supervision of a Board-approved preceptor.

B. "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.

C. "Continuing education credit" is defined as one (1) 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. Continuing education credits are awarded in whole-hour increments, with partial hours rounded down.

D. "Direct Resident Care Responsibilities" means activities performed by a caregiver that are specific to a resident. Direct care activities are as follows:

(1) "Hands-on" care of physical assistance, including, but not limited to, assistance with activities of daily living (e.g. bathing, dressing, eating, range of motion, toileting, transferring, and ambulation); assistance with medical treatments; and/or medication administration;

(2) Assistance with physical or psychosocial assessments; and

(3) Documentation, if conducted for treatment or care purposes.

E. "Dual licensee" or "Dual Licensed Administrator" means a person who holds a license authorizing the licensee to practice as a nursing home administrator and/or a community residential care facility administrator.

F. "Full time" means no fewer than thirty (30) hours per week.

G. "Health Services Executive (HSE)" is an individual who has completed the qualification requirements through the National Association of Long Term Care Administrator Boards (NAB). It is not a license and does not grant the holder of this qualification any additional privilege under the statute.

H. "Inactive license" means a license issued to an administrator who has submitted the appropriate Board-approved application and paid the associated fee to have their license placed in inactive status. A holder of an inactive license is not authorized to work as an administrator in a nursing home and/or community residential care facility.

I. "Licensee" means an approved applicant who has met all qualifications for licensure as prescribed by the Board, has paid all fees, and has been issued a current license by the Board.

J. "Normal business hours" means the hours between 0700 (7:00 a.m.) and 1900 (7:00 p.m.).

K. "On site or available" means accessible directly or by electronic means and able to respond immediately.

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

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

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

O. "Preceptor" is a person who is a licensed nursing home administrator, a licensed community residential care facility administrator, or a dual licensed administrator and meets the requirements of the Board to supervise an administrator-in-residency as delineated in R.93-80.

P. "Provisional license" means a temporary license that is issued when substantiated by need when an applicant who meets licensure qualifications has not passed the required examinations. A provisional license may only be issued to qualified applicants when a licensed facility is unexpectedly without a licensed administrator in charge as delineated in R.93-130.

93-60. Board of Examiners; Officers and Duties.

A. The Board shall elect annually from among its members a Chair and Vice Chair who together shall constitute the executive committee.

B. The Chair shall preside at all meetings of the Board and shall sign all official documents of the Board, unless otherwise assigned to the Board Executive. In the absence of the Chair, the Vice Chair shall preside at meetings and perform all duties usually performed by the Chair.

93-65. Operating a Facility Without a License.

A. No nursing home or community residential care facility within the State may operate except under the supervision of a licensed administrator who must be on site or available during normal business hours.

B. No individual may be the Administrator of more than one (1) nursing home.

(1) An individual may serve as the administrator of multiple Community Residential Care Facilities so long as all of the facilities served are within a forty-mile radius of one another.

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

A. In addition to the requirements in South Carolina Code Ann. Section 40-35-40, the following combination of education and experience shall be acceptable for consideration for licensure but in no way limits the Board from determining that any other combination of education and experience is also acceptable for consideration for licensure by the Board:

(1) For a nursing home administrator, validation by the National Association of Long Term Care Administrator Boards (NAB) as meeting the minimum education or experience requirements to be a qualified Health Services Executive (HSE);

(2) For a community residential care facility administrator:

(a) a South Carolina licensed nursing home administrator that has been a practicing nursing home administrator for two (2) or more years shall not be required to have on-site work experience at a community residential care facility under the supervision of a licensed community residential care facility administrator; or

(b) validation by NAB as meeting the minimum education or experience requirements to be a qualified HSE.

(3) For a dual licensed nursing home and community residential care facility administrator, validation by NAB as meeting the minimum education or experience requirements to be a qualified HSE.

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B. A person applying to become a licensed administrator shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine state criminal history and a federal fingerprint review to be conducted by the Federal Bureau of Investigation to determine other criminal history. If a fee is charged by the Federal Bureau of Investigation for the fingerprint review, it must be paid by the person applying for an administrator license. Where facility licensees are governmental agencies, the criminal background check must be obtained on the individual who is the administrator of the governmental facility. The Board may deny an application for licensure based on the results of a person's criminal history in accordance with South Carolina Code Ann. Section 40-1-140.

C. Any applicant who has been declared ineligible to take the examination shall be given written notification by the Board of the disqualification, the reasons for the disqualification, and written notification of the right to a hearing.

D. If an applicant has been convicted of a felony or misdemeanor directly related to the practice of administration of nursing homes and/or community residential care facilities by any state or federal court of competent jurisdiction thereof, the applicant may not be permitted to take the examination for licensure. If the applicant submits to the Board a copy of the certificate of pardon granted by the board of parole that indicates, among other things, that the applicant has completed all sentences including all periods of probation or parole, the Board may consider this document in its review of prior criminal convictions. In the case of a conviction in any jurisdiction wherein the laws do not provide for a certificate of pardon, an equivalent written statement or document may be submitted.

93-75. Health Services Executive Qualification

A. A dual licensed nursing home administrator and community residential care administrator who obtains Health Services Executive (HSE) qualification from the National Association of Long Term Care Administrator Boards (NAB) may request an HSE designation be added to their dual nursing home administrator and community residential care facility administrator license.

B. In order to be eligible for addition of the HSE designation:

(1) An individual who does not currently hold an active South Carolina license as a dual nursing home administrator and community residential care facility administrator and who has obtained NAB HSE qualification must:

(a) Apply for licensure as a dual nursing home administrator and community care facility administrator license, complying with all initial application requirements, and be approved for such licensure;

(b) Take and pass a Board-approved examination on South Carolina Long Term Health Care law; and

(c) Provide proof of a currently active NAB HSE qualification.

(2) An individual who holds an active South Carolina dual nursing home administrator and community residential care facility administrator license and who has obtained NAB HSE qualification must:

(a) Complete an HSE designation application approved by the Board; and

(b) Provide proof of a currently active NAB HSE qualification.

C. Designation as holding HSE qualification indicates that the licensee has a combination of competencies (education, experience, and examination) that meets or exceeds current requirements of licensure to practice as a nursing home administrator and community residential care facility administrator in the majority of jurisdictions within the United States.

D. Designation as holding HSE qualification does not grant additional privilege to practice as a licensed dual nursing home administrator and community residential care facility administrator in this State.

93-80. Administrator-in-Residency (AIR) Program Requirements.

A. A person shall be permitted to participate in the administrator in residency (AIR) program who submits sound evidence satisfactory to the Board that the participant meets the following criteria. No credit shall be given for any AIR program should the participant fail to obtain the necessary degree for licensure within twelve (12) months of completion of the AIR program.

(1) Nursing home administrator AIR participants must have earned a Baccalaureate degree or higher from an accredited college or university or must be enrolled in a course of study that will award such a degree on completion.

(a) For nursing home administrator AIR participants with a Baccalaureate degree or higher in health care administration or a related health care degree, the duration of an AIR program shall be six (6) months.

(b) For nursing home administrator AIR participants with a Baccalaureate degree other than a health care administration degree, the duration of an AIR program shall be nine (9) months.

(c) For nursing home administrator AIR participants with an Associate's degree, the duration of an AIR program shall be twelve (12) months.

(2) Community residential care facility administrator AIR participants must have earned at least an Associate's degree from an accredited college or university or must be enrolled in a course of study that will award such a degree upon completion.

(a) For community residential care facility administrator AIR participants with a Baccalaureate degree or higher, the duration of the AIR program shall be three (3) months.

(b) For community residential care facility administrator AIR participants with a health-related Associate's degree, the duration of the AIR program shall be six (6) months.

(c) For community residential care facility administrator AIR participants with a non-health-related Associate's degree or who are licensed practical nurses, the duration of the AIR program shall be nine (9) months.

(3) Dual nursing home and community residential care facility administrator AIR participants must have earned a Baccalaureate degree or higher from an accredited college or university.

(a) For dual administrator AIR participants with a Baccalaureate degree or higher in health care administration or a related health care degree, the duration of the AIR program shall be seven (7) months.

(b) For dual administrator AIR participants with a Baccalaureate degree other than a health care administration degree, the duration of the AIR program shall be ten (10) months.

(c) For dual administrator AIR participants with an Associate's degree, the duration of the AIR program shall be thirteen (13) months.

(4) The Board may, in its discretion, determine that any other combination of education and experience qualifies an AIR participant for a specific AIR program.

B. An AIR participant must register with the Board by completing a Board-approved form and submitting the registration fee. After approval, the Board shall issue an AIR program permit to the applicant valid for up to one

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(1) year. If the preceptor or AIR participant terminates the program, the Board will invalidate the permit immediately. The continuing education credit provided to the preceptor, if any, and the AIR experience credit provided to the AIR participant if a program is terminated, if any, will be at the discretion of the Board based upon the reason for the termination and the documented AIR experience.

C. It shall be the responsibility of the AIR participant to contact a Board-approved preceptor to determine if the preceptor will accept the AIR participant. Once a preceptor accepts an AIR participant, this relationship must be reported to the Board on an approved form. A preceptor may supervise up to two (2) AIR participants concurrently.

D. The preceptor shall meet the following criteria:

(1) Currently licensed in this state as a nursing home administrator, a community residential care facility administrator, or a dual licensed administrator based upon the AIR program the preceptor plans to supervise;

(2) Have no disciplinary sanctions against the license;

(3)(a) The nursing home administrator preceptor shall be licensed for three (3) years preceding the date of application as a preceptor, be currently licensed as a nursing home administrator, and be employed by a facility licensed pursuant to the regulations promulgated by the South Carolina Department of Public Health.

(b) The community residential care facility administrator preceptor shall be licensed for two (2) years preceding the date of application as a preceptor, be currently licensed as a community residential care administrator, and be employed by a facility, licensed pursuant to the regulations promulgated by the South Carolina Department of Public Health.

(c) The dual licensed administrator preceptor shall be licensed for (3) years preceding the date of application as a preceptor, be currently licensed as a dual licensed administrator, and be employed by a facility licensed pursuant to the regulations promulgated by the South Carolina Department of Public Health.

E. The preceptor must register with the Board on a Board-approved form. All preceptors are required to complete the Board-approved preceptor training prior to being issued the preceptor permit and again within two (2) months of renewal of the preceptor permit. Renewal of the preceptor permit shall occur concurrent with renewal for the preceptor's professional license. The Board may, for good cause, refuse to approve a preceptor.

F. A preceptor may supervise up to two (2) AIR participants concurrently. The preceptor shall not train an employer or supervisor.

G. The preceptor will evaluate the background and experience of the AIR participant to determine specific areas of concentration for the residency. The preceptor and AIR participant will then design a course of study and present it to the Board for approval. The curriculum shall follow the guidelines set forth in a standards manual approved by the Board.

H. The preceptor shall maintain, in the facility, documentation tracking progress of the AIR program as required by the Board. This documentation may be requested and reviewed at any time by the Board. Upon completion of the program, the documentation shall be submitted with the final report and evaluation.

I. At the end of the AIR program, the preceptor will submit a final report and evaluation of the AIR participant on Board-approved forms stating whether the AIR participant has satisfactorily completed all requirements. The final report and evaluation must be submitted within thirty (30) days of completion of the AIR program and will become part of the AIR participant's permanent record with the Board. Upon completion of the AIR program, participants have one (1) year to apply for licensure and take the Board-approved examination.

J. Any change in preceptor requires notice to and approval by the Board or its designee. An AIR program which has been discontinued by a period of military service shall be allowed to be completed within a year after the service concludes. The Board must receive notice in the event of discontinuance of training for any other reason, and the AIR participant must receive approval from the Board or its designee to continue the program with a new preceptor.

K. During the AIR program, the preceptor shall provide ongoing performance reviews to the AIR participant. If the performance is not acceptable, the preceptor will inform the AIR participant, and the AIR participant will be given the opportunity to correct the deficiencies.

L. Following the completion of the AIR program:

(1) the nursing home administrator AIR participant may apply for licensure as a nursing home administrator as delineated in R.93-70 but is not required to complete any of the qualifying work experience set forth in South Carolina Code Ann. Section 40-35-40(A)(4).

(2) the community residential care facility administrator AIR participant may apply for licensure as a community residential care facility administrator as delineated in R.93-70 but is not required to complete any of the qualifying work experience set forth in South Carolina Code Ann. Section 40-35-40(B)(4).

(3) the dual nursing home administrator and community residential care facility administrator AIR participant may apply for licensure as a dual licensed administrator as delineated in R.93-70 but is not required to complete any of the qualifying work experience required for licensure as either a nursing home administrator or a community residential care facility administrator.

M. AIR participants shall not be left in sole charge of a nursing home or community residential care facility at any time. Violation of this provision may result in cancellation of any and all AIR program hours toward completion of the program that may have been accrued by the AIR participant and may, in the discretion of the Board, cause the Board, after sufficient notice to the AIR participant, to revoke or suspend the program. The AIR preceptor may also be subject to disciplinary action by the Board.

N. Preceptors may request ten (10) hours of continuing education credit for one (1) completed AIR program supervised each biennial renewal cycle. The continuing education credit is the same for each candidate supervised by the preceptor regardless of the length of the AIR program. The preceptor cannot obtain more than ten (10) hours of continuing education credit per biennium regardless of the number of programs they supervise. Continuing education credit hours awarded for precepting an AIR program will not count as Live Instruction as defined in R.93-200.

93-100. Fees.

A. The Board shall set fees in amounts to be sufficient to provide for administering the Long Term Health Care Administrators Practice Act.

B. The Board may charge fees as shown in South Carolina Code of Regulations Chapter 10-21 and on the South Carolina Board of Long Term Health Care Administrators website.

93-110. Examination; Reexamination.

A. The Board shall administer the examinations through a Board-approved testing provider.

(1) Nursing home administrator applicants must sit for examination. The national portion is prepared by the National Association of Long Term Care Administrator Boards (NAB). The South Carolina portion is

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prepared by the Board and examines applicants on regulations promulgated by the Department of Public Health as they relate to nursing homes.

(2) Community residential care facility administrator applicants will sit for an examination. The national portion is prepared by NAB. The South Carolina portion is prepared by the Board relating to regulations promulgated by the Department of Public Health as they relate to community residential care facilities.

(3) Dual licensed administrator applicants will sit for both the national nursing home administrator and community residential care facility administrator examinations as well as the South Carolina examinations.

B. Every applicant for licensure shall be required to pass the NAB examination(s), with passing scores to be determined by NAB. In addition, each applicant must pass the South Carolina examination(s) approved by the Board with a raw score of seventy-five (75%) percent.

C. The Board shall not disclose the examination scores achieved by an applicant to anyone outside the Board except upon written authorization of the applicant.

D. An applicant who receives a passing score on any portion of the national or South Carolina portions of the examination(s) shall be entitled to receive credit for the portion(s) passed and to be re-examined only on the portion(s) not passed.

E. Applicants who fail to pass an examination three (3) times must petition the Board or its designee if they desire to be reexamined. An applicant desiring to be reexamined must submit an application on a form approved by the Board along with the required reexamination fee. The Board may, at its discretion, require the applicant to complete remedial coursework, exam study programs, or similar activities prior to granting the applicant the opportunity to take an examination for the fourth or subsequent time.

93-120. Initial Licenses

A. An applicant who has successfully complied with the requirements of the licensing law and the standards provided for herein, passed the examination provided for herein, and paid the fees for the initial licensure period shall be issued a license as a nursing home administrator, a community residential care administrator, or as a dual licensed administrator. Issuance of the license shall entitle the person to serve, act, practice, or otherwise present themselves as a licensed nursing home administrator, licensed community residential care facility administrator, or dual licensed administrator.

B. A license cannot be transferred to another individual.

93-130. Provisional Licenses.

A. In the event of an unexpected vacancy, the Board may issue a provisional license to an applicant who has met the requirements in South Carolina Code Ann. Section 40-35-40 and as provided in regulation and has paid the initial application fee but who has not passed the required examinations.

B. An applicant for a provisional license shall submit a complete application. The application shall also include an attestation by the owner of the facility or by the facility's board of directors, which includes all of the following:

- (1) Justification of the need for provisional licensure or explanation for the unexpected vacancy;
- (2) The name of the desired appointed administrator; and
- (3) The facility name, physical address, and anticipated date of administrator appointment.

C. An applicant shall remit the provisional license fee after receiving notice that the application has been approved. A provisional license shall be issued after receipt of the fee.

D. The South Carolina Department of Public Health shall be notified of the issuance of each provisional license.

E. A provisional license will expire ninety (90) days from issuance. One request for a ninety (90)-day extension of the provisional license may be granted by the Board. This request must be made in writing prior to the expiration date of the provisional license. Requests for extensions must be from the owner of the facility or from the facility's board of directors and state the following. No additional extensions may be granted.

(1) Justification of the facility's continued absence of a non-provisional licensed administrator;

(2) Justification as to why the provisional licensed administrator has not taken the appropriate examinations or attested to additional study if the provisional licensed administrator has failed the examination; and

(3) Name and license number of the consultant administrator contracted by the facility.

F. In the event an extension is granted, the facility shall engage the services of a consultant administrator for a minimum of sixteen (16) hours per month. The consultant administrator must have a minimum of two (2) years of experience operating a facility.

G. If an applicant for provisional licensure has previously failed either the national or state examinations, the facility must engage the services of a consultant administrator for a minimum of sixteen (16) hours per month beginning the date of issuance of the provisional license.

H. If the provisional licensee fails the same required examination twice, the provisional license will be terminated at the end of the provisional license period and may not be extended.

I. A provisional license cannot be transferred to another individual. Once granted a provisional license, the licensee may not reapply for a provisional license for the same facility. Individual licensees are limited to two (2) provisional license requests per licensure type. If an applicant has attained two (2) provisional licenses for either nursing home administrator or community residential care facility administrator, they are not eligible to apply for a provisional dual administrator license.

93-140. Licensure by Endorsement.

A. An applicant currently holding an active license to practice administration of a long term care facility issued upon examination by a legally constituted board of another state may be eligible for licensure by endorsement if the licensure requirements of the state in which the applicant is licensed are substantially equivalent to those of this State.

B. Such applicant must:

(1) Submit an application in the form prescribed by the Board;

(2) Possess the qualifications necessary for eligibility for licensure in this State, including passage of the applicable NAB examination(s);

(3) Provide verification of licensure from every state where a license has been held, active or inactive, current or expired. Verification must be received directly from the respective state board;

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(4) Have presented to the Board proof that, as of the date of application, any other license granted to the applicant by any other state has not been suspended, revoked, or otherwise restricted for any reason;

(5) Pay the fees specified by the Board; and

(6) Take and pass the South Carolina examination.

C. Applications for endorsement are valid for one (1) year.

93-150. Temporary Inactive Status; Reactivation of License.

A. The Board may consider a request from a licensee to have his or her license placed in inactive status.

B. To qualify for inactive license status, the licensee must affirm that he or she is not employed as the administrator in a nursing home or a community residential care facility in the State.

C. An application for renewal in inactive status shall be submitted to the Board with the associated fee on or before the expiration date of the license.

D. In order to reactivate a license that has been in inactive status for less than three (3) years, an applicant must submit an application on a form approved by the Board, along with the required fee and proof of completion of the required continuing education for each biennial renewal cycle that the license was inactive. The application must be approved, and the license must be placed in active status, prior to the licensee assuming an administrator role in a nursing home or community residential care facility in the State.

E. If a license has been inactive for three (3) years or more, the applicant must resubmit an initial application for licensure and retake and pass the applicable examination(s). Proof of completion of continuing education during the inactive period of three (3) years or more is not required for reactivation.

93-160. Registration of Licenses.

A. Only a person who is licensed as a nursing home administrator, community residential care facility administrator, or a dual licensed administrator pursuant to the provisions of these regulations for the current licensure period shall have the right and privilege of using the title of "Nursing Home Administrator," "Community Residential Care Facility Administrator," or "Dual Licensed Administrator." No other person shall use or shall be designated by title or by abbreviation or any other words, letters, sign, card, or device tending to or intended to indicate that the person is a licensed nursing home administrator, a community residential care facility administrator, or a dual licensed administrator.

B. All licensees must notify the Board in writing within fifteen (15) days of any change of address and employment in a nursing home or community residential care facility.

93-170. Display of Certificate and Normal Work Hours.

A. Every person currently licensed as a nursing home administrator, community residential care facility administrator, or dual licensed administrator shall display the certificate in a conspicuous place in his office or place of business or employment.

B. Licensed administrators must post their normal work hours in a conspicuous place at the nursing home or community residential care facility where the licensee is practicing as the administrator. Work hours may vary from week to week if the posting is updated appropriately. Administrators will maintain records of their posted hours for at least one (1) year and must be made available to the Board upon request.

93-200. Continuing Education for License Renewal.

A. Each applicant for renewal of a license shall present evidence of having earned the required number of hours of continuing education credits as defined in R.93-50(C) and in accordance with the provisions of this regulation.

B. Evidence of continued learning appropriate to facility administration shall consist of one (1) or more of the following:

(1) records of continuing education hours awarded by an accredited college or university or approved association; or

(2) official transcripts and course descriptions of courses taken at an accredited educational institution; or

(3) certificate of attendance received for attending other continuing education programs that have been registered with the Board and approved by the Board for credit.

C. The continuing education course shall meet the following criteria for approval:

(1) Promotional materials (catalog, brochure description if a college course);

(2) Program schedules showing clock hours;

(3) The program shall not include breaks and lunch periods in the calculation of credit for time attended;

(4) Abbreviated vitae (biography) of all faculty, to include academic preparation, work experience, and evidence of expertise in content to be taught; and

(5) Copy of certificate must provide the name of the course, participants name, date, instructor's name and license number, and the total number of course hours received.

D. A nursing home or community residential care facility administrator must have forty (40) hours of continuing education for each biennial renewal. A dual licensed administrator must have fifty (50) hours of continuing education for each biennial renewal cycle. Continuing education credits are only awarded in whole-hour increments (e.g. 3.75 hour program = 3 credit hours).

E. Carry-over: A maximum of ten (10) Continuing Education Hours for any Board-approved program may be carried forward if they are in excess of that required for any licensure period. Such carry-over hours must represent the total earned during the continuing education program and must be used during the following licensure period.

F. The biennial licensure cycle is the two (2) year period beginning July 1st of each even-numbered year and ending on June 30th of every subsequent even-numbered year.

(1) If an administrator is initially licensed in this State during the first year of a licensure cycle (i.e. between July 1st of an even-numbered year and June 30th of the subsequent odd-numbered year), the licensee must comply with all continuing education requirements.

(2) If an administrator is initially licensed in this State during the second year of a licensure cycle (i.e. between July 1st of an odd-numbered year and June 30th of the subsequent even-numbered year), no continuing education is required for the initial, first renewal of the license the subsequent even-numbered year. At the start of the next renewal cycle, the licensee must comply with all continuing education requirements.

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G. Program Delivery Methods.

(1) Live Instruction is a program in which participants engage simultaneously through interaction of a real-time instructor or discussion leader.

(a) On-site Live Instruction Programming consists of live instruction at a specific location.

(b) Online Live Instruction Programming consists of live instruction using technology and/or remote access offered at a scheduled date and time.

(c) A minimum of fifty (50%) percent of required continuing education hours must be obtained via live instruction.

(2) Online Pre-recorded Instruction is a program designed to permit a participant to have control over time, place, and/or pace of learning a given subject through the use of electronic media (including technology applications and processes and computer-based or web-based technology) without interaction with a real-time instructor.

H. A Board member may attend any Board-approved continuing education program for audit purposes, but the Board member may not receive continuing education credit for such attendance. Continuing education providers are not obligated to furnish Board members with any attendance-related benefits (e.g. printed materials, meals, travel, etc.) or to cover any non-de minimis costs associated with the Board member's attendance.

93-210. Reinstatement of Lapsed License.

A. An administrator previously licensed in this State whose license shall not have been revoked or suspended but whose license has lapsed for failure to renew on or before the expiration date of the license may seek to reinstate the license within a one-year period after the expiration date by submitting an application, along with the biennial renewal fee and a penalty fee, proof of meeting the continuing education requirements, and a statement of practice since the license's expiration.

B. If the lapsed license period is more than one (1) year, the individual shall submit an initial application, along with the required fee, showing proof of meeting the current licensure requirements, submit a statement of practice since licensure expiration, and submit the required continuing education hours for each biennial renewal period since the license expired.

C. If the lapsed license period is three (3) or more years, the individual shall submit an initial application, along with the required fee, showing proof of meeting the current initial licensure requirements, submit a statement of practice since licensure expiration, and retake and pass the applicable examination(s).

93-220. Complaints.

A. The Department shall be responsible for investigating complaints, either directly or indirectly, relating to administrators.

B. The Department has the responsibility to evaluate complaints and investigative information received from the South Carolina Department of Public Health or any other source.

C. A complaint received by the Board may be referred to the appropriate agency or agencies for investigation.

D. The administrator must respond in writing to the Board when requested, including filing a written response to the complaint. Failure to do so in a timely manner may be grounds for discipline.

E. The findings and the corrective measures taken by the investigating agency or agencies, with any other information deemed appropriate, shall be reviewed by the Board for the purpose of improving the standards imposed for licensing, for decisions on revocation or suspension of license or other disciplinary actions, and for assessing the qualifications for relicensure of an administrator.

93-230. Suspension and Revocation of License.

The Board may cancel, fine, suspend, or revoke the license of, or otherwise restrict the practice of, an administrator who engages in misconduct, including but not limited to:

- (1) Use of a false, fraudulent, or forged statement or document or committing a fraudulent, deceitful, or dishonest act or omitting a material fact in obtaining licensure under this article;
- (2) Acting in a manner inconsistent with the health or safety of the patients of the nursing home or community residential facility;
- (3) Cancellation, revocation, suspension, or other discipline of a license to practice any regulated profession or occupation in any state or jurisdiction;
- (4) Failing to ensure that the nursing home or community residential care facility in which he is an administrator complies with the provisions of law and regulations of the licensing or supervising authority or agency whether federal, state, or local, having jurisdiction over the operation and licensing of the nursing home or community residential care facility;
- (5) Intentional or knowing, direct or indirect, violation of or the aiding and abetting in the violation of this article or a regulation promulgated under this article;
- (6) Failing to operate a nursing home or community residential care facility in manner which ensures the safety, health, and welfare of the patients;
- (7) Use of a false, fraudulent, or forged statement in the practice of nursing home administration or community residential care facility administration;
- (8) Supervising or aiding an unlicensed person in the practice of nursing home administration or community residential care facility administration;
- (9) Permitting unauthorized disclosure of information relating to a patient in a nursing home or community residential care facility under his administration;
- (10) Obtaining compensation or assisting in obtaining compensation under fraudulent circumstances;
- (11) A dishonorable, unethical, or unprofessional act that is likely to deceive, defraud, or harm the public;
- (12) Use of alcohol, drugs, or controlled substances to such a degree as to adversely affect the ability to act as a nursing home administrator or community residential care facility administrator;
- (13) A mental or physical disability or addiction which renders further practice dangerous to the public or to the residents of the nursing home or community residential care facility; or
- (14) Conviction of, or pleading guilty or nolo contendere to, a felony, as defined under the law of this State, or any crime involving the safety, health, or welfare of a resident, or any other crime directly related to licensure as a nursing home administrator or community residential care facility administrator. The license of a person who is convicted of, or who pleads guilty or nolo contendere to those crimes mentioned in this item immediately

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may be suspended temporarily pending final disposition of a disciplinary proceeding where the Board has probable cause to believe that continued practice as a nursing home administrator or community residential care facility administrator by the licensee constitutes harm to the safety, health, or welfare of patients in a nursing home or community residential care facility. A person so suspended must be reinstated immediately upon submission to the Board evidence that the conviction has been reversed. Reinstatement does not terminate a disciplinary action pending against the person.

93-240. Hearing Procedure.

A. The Department may initiate an investigation as provided in South Carolina Code Ann. Section 40-1-80. A copy of the charges, together with notice of the time and place of the hearing, shall be served on the accused by certified mail directed to his address as recorded in the Board's files at least thirty (30) days before the date fixed for the hearing.

B. Upon conclusion of the hearing, the Board may revoke the license of the accused, may suspend the license for a fixed period of time, may reprimand or take other disciplinary action, issue an order of suspension containing provisions concerning reinstatement of the license, or may dismiss the charges.

93-250. Conduct of Hearing.

A. A disciplinary hearing shall be conducted pursuant to South Carolina Code Ann. Section 40-1-90. At any disciplinary hearing, any party to the proceedings may appear in person and with counsel and shall be given the opportunity to produce evidence and witnesses and to cross-examine witnesses.

B. At any hearing conducted before the Board, if a party shall appear without counsel, the Board shall advise such party of his right to be represented by counsel, to call witnesses, to cross-examine witnesses, and to produce evidence on his behalf.

C. Appearances shall be noted on the official record of hearings.

D. The Board shall have authority to issue subpoenas and subpoenas duces tecum.

E. Upon a determination by the Board that there are grounds for discipline, the Board may take any one or more of the following actions:

(1) Issue a public reprimand;

(2) Impose costs pursuant to South Carolina Code Ann. Section 40-1-170;

(3) Impose a fine not to exceed one thousand dollars for each violation not to exceed a total fine of ten thousand dollars;

(4) Place the licensee on probation for a definite or indefinite time and prescribe conditions to be met during probation;

(5) Suspend the license for a definite or indefinite time, and prescribe conditions to be met before readmission to practice;

(6) Permanently revoke the license; or

(7) Otherwise discipline the licensee in a manner the Board deems appropriate.

93-260. Applicability, Legal Effect, and Severability of Regulations.

A. The regulations of the Board are intended to be consistent with the applicable Federal and State law and shall be so construed, whenever necessary, to achieve such consistency.

B. In the event that any provision of these regulations is declared unconstitutional or invalid or that the application of them to any person or circumstance is held invalid, the applicability of the provision to other persons and circumstances, and the constitutionality or validity of every other provision of these regulations shall not be effected.

C. These regulations shall not effect pending actions or proceedings, civil or criminal, which may be prosecuted or defended in the same manner and with the same effect as though these regulations had not been promulgated.

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 amend terminology, particularly the Administrator-in-Training program which is now referred to as the Administrator in Residency. They will further flesh out licensure requirements for Dual Nursing Home and Community Residential Care Facility Administrator applicants and establish qualification for the Health Services Executive designation. Licensure by endorsement, licenses in an inactive status, and lapsed license requirements are clarified. The regulations are further updated to reflect biennial licensure, including its impact on continuing education hour requirements.

Document No. 5400
DEPARTMENT OF LABOR, LICENSING AND REGULATION
MASSAGE THERAPY BOARD
CHAPTER 77

Statutory Authority: 1976 Code Sections 40-1-70, 40-30-30, 40-30-50, 40-30-113, 40-30-120, 40-30-140,
40-30-150, 40-30-160, 40-30-180, and 40-30-190

77-106. Endorsement.

77-107. Reactivation of an Inactive License.

77-141. Massage Therapy Establishment and Sole Practitioner Establishment Operations.

77-150. Sole Practitioner Establishment Licenses.

77-151. Residential Licensed Establishments.

Synopsis:

The South Carolina Board of Massage Therapy proposes to amend its regulations to update and revise regulations regarding massage therapy, to include but not be limited to endorsement, license renewal, massage therapy establishments and sole practitioner establishments.

A Notice of Drafting was published in the *State Register* on April 25, 2025.

Instructions:

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