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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 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.

618 FINAL REGULATIONS

I. "Provisional license" means a temporary license that is issued when substantiated by need when an applicant who meets examination qualifications has been appointed the administrator of a nursing home or a community residential care facility which is without a licensed administrator in charge.

J. "Administrator-in-Training (AIT)" is a person participating in a Board approved training program within a nursing home or a community residential care facility under the supervision of a Board approved preceptor.

K. "Preceptor" is a person who is a licensed nursing home administrator or a licensed community residential care facility administrator and meets the requirements of the Board to supervise an administrator-in-training during the training period as delineated in 93-80.

L. "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.

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

A. The Board shall elect annually from among its members a chairman and vice-chairman who together shall constitute the executive committee.

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

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.

B. Violation of the following standards will be considered an unprofessional act that is likely to harm the public.

(1) For combinations of Community Residential Care Facilities and/or other licensed facilities, having the same licensee, on one property, regardless of the number of beds, one full-time licensed administrator must be on site or available during normal business hours.

(2) For one Community Residential Care Facility with more than ten beds on one property, there must be a full-time licensed administrator on site or available during normal business hours.

(3) For one Community Residential Care Facility with ten beds or fewer on one property, there must be an administrator who is on site a minimum of twenty hours per week with time spent in the facility during normal business hours, equitably distributed daily.

(4) When a combination situation exists that does not comply with item (1) above, a second facility must be ten or fewer beds and no further than a forty mile radius of the combination site, and the work hours of the administrator must be equitably distributed daily during normal business hours.

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:

(1) For a nursing home administrator, validation by the NAB as meeting the minimum education and experience requirements to be a qualified 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 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 and experience requirements to be a qualified HSE.

B. A person applying to become an administrator of a facility licensed under this article including, but not limited to, nursing homes and community residential care facilities 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 administrator. 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 where the results of the check meet the misconduct provisions of these regulations.

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

D. If an applicant has been convicted of a felony or misdemeanor involving moral turpitude 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.

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 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.

Document No. 4893
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH
 CHAPTER 71
 Statutory Authority: 1976 Code Section 41-15-220

Chapter 71, Article 1, Subarticle 3. Recording and Reporting Occupational Injuries and Illnesses.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health, proposes to amend Chapter 71, Article 1, Subarticle 3, the Occupational Injury and Illness Recording and Reporting regulation, by rescinding the requirement for establishments with 250 or more employees to electronically submit their OSHA Form 300 (Log of Work-Related Injuries and Illnesses) and Form 301 (Injury and Illness Incident Report) to OSHA on an annual basis. South Carolina OSHA is also amending Chapter 71, Article 1, Subarticle 3, to require covered employers to electronically submit their employer identification number (EIN) with Form 300A to make the data more useful for OSHA and the Bureau of Labor Statistics (BLS) and to potentially reduce duplicative reporting burdens on employers in the future.

A Notice of Drafting was published in the *State Register* on February 22, 2019.

Instructions:

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

Text:

SUBARTICLE 3