

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
MESSAGE 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.

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Text:

77-106. Endorsement.

1. An applicant for an endorsement license must:

(a) submit proof of having a current, active and unrestricted massage therapy license in good standing issued by another state, District of Columbia, or any other United States territory, that had requirements, as of the date of initial licensure, at least substantially equivalent to the requirements in effect in South Carolina at the time of application; however, substantially equivalent education may be shown by submitting proof of having taken and passed a Board-approved national examination, or another state's licensing examination, as approved by the Board; and

(b) submit a completed application on a Board-approved form along with the required fees; and

(c) provide a state criminal history records check, supported by fingerprints, by the South Carolina Law Enforcement Division, and a national criminal records check, supported by fingerprints, by the Federal Bureau of Investigation. The results of the records checks shall be handled in accordance with the requirements for initial application criminal history records checks.

2. An applicant seeking endorsement licensure who was licensed in another state, the District of Columbia, or any other United States territory prior to July 1, 2007, is deemed to have met substantially equivalent education and examination licensing standards, and is eligible for endorsement licensure upon meeting the requirements in (1)(b) and (c) above, and submitting proof of having a current, active and unrestricted massage therapy license in good standing issued by another state, the District of Columbia, or any other United States territory.

77-107. License Renewal, and Reactivation of an Inactive License.

1. A licensee seeking to renew a license must:

(a) submit a complete application on a Board-approved form with the required fee; and

(b) submit proof of having completed twelve hours of Board-approved continuing education during the licensure period.

2. An individual seeking to reactivate an inactive license must:

(a) submit a complete application on a Board-approved form with the required fee; and

(b) submit proof of having completed six hours of Board-approved continuing education for each year the license is inactive; and

(c) provide an updated state criminal history records checks, supported by fingerprints, by the South Carolina Law Enforcement Division, and an updated national criminal record check, supported by fingerprints, by the Federal Bureau of Investigation. The results of the records checks shall be handled in accordance with the requirements for initial application criminal history records checks.

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

1. Licensed massage therapy establishments and licensed sole practitioner establishments shall comply with the following requirements:

(a) The establishment license, and the licenses of all licensed massage therapists practicing in the establishment, shall be conspicuously displayed in public view.

(b) The establishment must comply with all applicable state and local building code requirements and fire safety codes.

(c) Each establishment shall have adequately-equipped restroom facilities accessible for use by the licensees, employees, and clients.

(d) The establishment shall have available either a sink with running water, soap, and sanitary towels for hand drying, or hand sanitizer or other sanitizing hand cleaning solution designed to clean without the use of running water.

(e) The establishment and equipment shall be kept clean and in good repair.

(f) Clean linens, such as gowns, towels, sheets, or drapes, shall be used on each client. Linens must be laundered before re-use. Clean linens must be stored separately from used or dirty linens.

(g) Sheets, towels, fleece, or other materials used as table coverings shall be changed after each client, and laundered before re-use. Massage table surfaces shall be disinfected after each use. If table coverings are non-removable or cannot be laundered or disinfected, a non-porous barrier must be used on top of the coverings. The non-porous barrier must be changed or disinfected after each client.

(h) Massage oils, lubricants, and lotions shall be stored in enclosed containers and shall be dispensed from clean containers in such a manner as to prevent contamination. The outside of the containers shall be cleaned after each use to prevent cross-contamination.

(i) All tools and implements used by the therapist must be cleaned and/or disinfected after each use.

(j) If client treatment records are kept, they shall be maintained in a manner to safeguard the confidentiality of the records, in accordance with applicable laws.

2. Regarding known infections or communicable diseases or conditions of either the client or the massage therapist, the therapist must employ appropriate Standard Universal Precautions.

3. Beds are prohibited in massage therapy establishments and in sole practitioner establishments, and no portion of a massage therapy establishment or a sole practitioner establishment may be used as living or sleeping quarters, unless it is a sole practitioner residential licensed establishment that is in compliance with Regulation 77-151.

77-150. Sole Practitioner Establishment Licenses.

A sole practitioner establishment license is required for the fixed place of business, including but not limited to, a rental space or residence, where the licensed massage therapist provides massage therapy services to clients who come to that specific location to receive those services. A sole practitioner establishment must be controlled by a licensed massage therapist who is not an employee or contractor of the sole practitioner establishment. A massage therapist controlling a sole practitioner establishment cannot contract with or employ another licensed massage therapist to work in that sole practitioner establishment. The sole practitioner establishment must comply with the Board's establishment licensing, operation, and inspection requirements.

77-151. Residential Licensed Establishments.

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A licensed sole practitioner establishment may be operated in the residence of that licensed massage therapist, if the massage therapy services are provided in an area of the residence that is not used for sleeping purposes, and that provides for the privacy of the client. The licensed practice space within a residence is subject to inspection by the department and must comply with all establishment regulations in Regulation 77-141.

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 simplify endorsement licensure requirements, adding that an endorsement license applicant's state of licensure must have had substantially equivalent license requirements at the time of application but that substantially equivalent education may be shown by proof of passage of a national or state exam as approved by the Board. The regulations further add that an endorsement licensure applicant licensed in another state or territory prior to July 1, 2007 will be deemed to have met education and examination equivalency licensing standards and must only meeting (1)(b) and (c) and show proof of a current, active and unrestricted license in another state or territory to be licensed in this state. The regulations further add renewal requirements for clarity, adding that CE must be board-approved, must be obtained during the licensure period and must reflect biennial renewal hours, doubling the hours from six to twelve. The regulations add sanitation guidance, as a public health and safety measure, requiring that linens must be laundered before re-use and clean linens must be stored separately from used or dirty linens. The regulations add fleece to list of materials that must be changed after each client and add that they must be laundered before re-use. The regulations further add instructions for cleaning table coverings that are non-removable or cannot be laundered or disinfected, and also require that all tools and implements used by the therapist be cleaned and/or disinfected after each use. Finally, the regulations are necessary to address questions raised following the recent regulation of establishments. They clarify that beds are prohibited in establishments and no portion of establishments may be used as living or sleeping quarters except as prescribed in Regulation 77-151. They clarify that a sole practitioner establishment must be controlled by a licensed massage therapist who is not an employee or contractor of the sole practitioner establishment, and clarify that the massage therapist controlling a sole practitioner establishment cannot contract with or employ another license massage therapist to work in the sole practitioner establishment. Finally, as to Residential Licensed Establishments, they clarify that the section refers to licensed sole practitioner establishments and add that the license practice space within a residence is subject to inspection by the Department and must comply with all establishment regulations in Regulation 77-141.

Document No. 5401

DEPARTMENT OF LABOR, LICENSING AND REGULATION STATE BOARD OF MEDICAL EXAMINERS

CHAPTER 81

Statutory Authority: 1976 Code Sections 40-1-70, 40-47-5, 40-47-10, 40-47-70, and 40-47-1230

81-600. Code of Ethics for Anesthesiologist's Assistants. (New)

Synopsis:

The South Carolina Board of Medical Examiners proposes adding regulations regarding anesthesiologist's assistants including, but not limited to, a code of ethics.

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

Instructions: