

ECONOMIC DEVELOPMENT, TRANSPORTATION, AND NATURAL RESOURCES SUBCOMMITTEE MEETING

Wednesday, October 3, 2018

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AGENDA

South Carolina
House of Representatives



Legislative Oversight Committee

***ECONOMIC DEVELOPMENT, TRANSPORTATION,
AND NATURAL RESOURCES SUBCOMMITTEE***

The Honorable Bruce W. Bannister, Chair

The Honorable Neal A. Collins

The Honorable Mandy Powers Norrell

The Honorable Robert L. Ridgeway III

Wednesday, October 3, 2018

9:00 a.m.

110 - Blatt Building

Pursuant to Committee Rule 6.8, S.C. ETV shall be allowed access for internet streaming whenever technologically feasible.

AMENDED AGENDA

- I. Approval of Minutes**
- II. Discussion of the study of the Department of Labor, Licensing, and Regulation**
- III. Adjournment**

MINUTES FROM PREVIOUS MEETING

Chair Wm. Weston J. Newton

*First Vice-Chair:
Laurie Slade Funderburk*

Legislative Oversight Committee

*Katherine E. (Katie) Arrington
William K. (Bill) Bowers
Neal A. Collins
MaryGail K. Douglas
William M. (Bill) Hixon
Jeffrey E. (Jeff) Johnson
Robert L. Ridgeway, III
Bill Taylor
John Taliaferro (Jay) West, IV*



South Carolina House of Representatives

*Bruce W. Bannister
Gary E. Clary
Chandra E. Dillard
Phyllis J. Henderson
Joseph H. Jefferson, Jr.
Mandy Powers Norrell
Tommy M. Stringer
Edward R. Tallon, Sr.
Robert Q. Williams*

*Jennifer L. Dobson
Research Director*

*Cathy A. Greer
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*Charles L. Appleby, IV
Legal Counsel*

*Carmen J. McCutcheon Simon
Research Analyst/Auditor*

*Kendra H. Wilkerson
Fiscal/Research Analyst*

Economic Development, Transportation, and Natural Resources Subcommittee

Monday, September 10, 2018

10:00 a.m.

Blatt Room 110

Archived Video Available

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

Attendance

- I. The Economic Development, Transportation, and Natural Resources Subcommittee meeting was called to order by Chair Bruce W. Bannister on Monday, September 10, 2018, in Room 110 of the Blatt Building. The following other members of the Subcommittee were present for either all or a portion of the meeting: Representative Neal Collins, Representative Mandy Powers Norrell, and Representative Robert L. Ridgeway III.

Minutes

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.

- II. Representative Collins makes a motion to approve the minutes from the August 13, 2018, meeting. A roll call vote is held, and the motion passes.

Rep. Collins' motion to approve the minutes from the August 13, 2018, meeting:	Yea	Nay	Not Voting
Rep. Collins	✓		
Rep. Norrell			✓ (absent)
Rep. Ridgeway	✓		
Rep. Bannister	✓		

Discussion of the Department of Labor, Licensing and Regulation (LLR)

- I. After being sworn in by Chair Bannister, Mr. Anthony Thomas addresses the Subcommittee. He testifies about his concerns related to the role of LLR's Occupational Safety and Health Administration (OSHA) in an investigation into an injury he suffered in his workplace.
- II. Chair Bannister swears in the following LLR employees:
- a. Kristina Baker, Deputy Director, OSHA
 - b. Jim Knight, Deputy Director, Immigration Compliance and Elevators and Amusement
- III. The following LLR representatives testify:
- a. LLR Director Emily Farr discusses the finances and employees of the agency as a whole and several agency divisions/offices (OSHA, Wages and Child Labor Enforcement, Immigration Compliance, and Elevators and Amusement Rides).
 - b. Deputy Director Baker discusses the goals and legal requirements of the OSHA Division and the Office of Wages and Child Labor. She also explains the agency's law recommendations related to both offices.
 - c. Deputy Director Knight discusses the goals and legal requirements of the Office of Immigration Compliance and the Office of Elevators and Amusement Rides. He also explains the agency's law recommendation related to the Office of Elevators and Amusement Rides.

They each respond to questions from Subcommittee members during and after their testimony.

Discussion of the Department of Revenue (DOR)

- I. Chair Bannister explains that the purpose of this portion of the meeting is to consider Subcommittee recommendations for the study of DOR.
- II. DOR Director Hartley Powell responds to opening questions from Subcommittee members.
- III. Subcommittee members discuss the agency’s recommendations for law changes. Director Powell answers questions during the discussions. The following motions are made and pass by roll call vote:

Rep. Ridgeway’s motion that the Subcommittee recommend that the General Assembly amend S.C. Code § 12-54-265 to allow DOR to participate in the Financial Institution Data Match (FIDM) program to share data files with financial institutions to identify financial assets of debtors with past due liabilities, using the draft language proposed by DOR:	Yea	Nay	Not Voting
Rep. Collins	✓		
Rep. Norrell			✓ (absent)
Rep. Ridgeway	✓		
Rep. Bannister	✓		

Rep. Ridgeway’s motion that the Subcommittee recommend that the General Assembly amend S.C. Code § 12-54-122(G) to allow DOR to implement a centralized system of filing and indexing of tax liens that is accessible to the public through SCDOR’s website, using the draft language proposed by DOR:	Yea	Nay	Not Voting
Rep. Collins	✓		
Rep. Norrell			✓ (absent)
Rep. Ridgeway	✓		
Rep. Bannister	✓		

Rep. Ridgeway’s motion that the Subcommittee recommend that the General Assembly amend S.C. Code § 61-2-145 to allow the liability coverage provided by the tort claims act for governmental entities to satisfy the liability coverage required for a governmental entity to hold an alcohol beverage on premise consumption license, using the draft language proposed by DOR:	Yea	Nay	Not Voting
Rep. Collins			✓
Rep. Norrell			✓ (absent)
Rep. Ridgeway	✓		
Rep. Bannister	✓		

Rep. Bannister's motion that the Subcommittee include for information purposes the agency's recommendation that the General Assembly amend S.C. Code Title 61, Chapter 2 to provide consistent statutory guidance for the SCDOR and the courts in applying penalties for alcohol licensing violations, using the draft language proposed by DOR:	Yea	Nay	Not Voting
Rep. Collins	✓		
Rep. Norrell			✓ (absent)
Rep. Ridgeway	✓		
Rep. Bannister	✓		

Rep. Ridgeway's motion that the Subcommittee recommend that the General Assembly amend S.C. Code Title 12, Chapter 6 to provide clear guidelines to determine eligibility for the income tax credit for the purchase of new energy efficient vehicles, using the draft language proposed by DOR:	Yea	Nay	Not Voting
Rep. Collins	✓		
Rep. Norrell			✓ (absent)
Rep. Ridgeway	✓		
Rep. Bannister	✓		

Rep. Bannister's motion that the Subcommittee recommend that the General Assembly amend definitions in S.C. Code § 12-36-70 to ensure that third party sales will be subject to tax, using the draft language proposed by DOR:	Yea	Nay	Not Voting
Rep. Collins	✓		
Rep. Norrell			✓ (absent)
Rep. Ridgeway	✓		
Rep. Bannister	✓		

- IV. The following motion regarding an additional Subcommittee recommendation is made, and passes by roll call vote:

Rep. Bannister’s motion that the Subcommittee recommend that DOR investigate the costs and benefits of giving local governments the option of collecting local taxes through the MyDORWAY system and update the Committee on its findings within 6 months of the publication of the full Committee report:	Yea	Nay	Not Voting
Rep. Collins	✓		
Rep. Norrell			✓ (absent)
Rep. Ridgeway	✓		
Rep. Bannister	✓		

- V. Chair Bannister directs Committee staff to draft the report of the study of DOR and provide it to Subcommittee members by October 1, 2018.

Tour of the South Carolina Fire Academy (LLR)

- I. State Fire Marshal Jonathan Jones, Fire Academy Superintendent/Assistant State Fire Marshal Dennis Ray, and LLR Director Farr lead the Subcommittee members in a tour of the South Carolina Fire Academy. They provide an overview of the training and other activities that take place at the Academy and answer questions from Subcommittee members.
- II. There being no further business, the meeting is adjourned.

Study Timeline - Department of Labor, Licensing, and Regulation

- May 1, 2015 - Agency submits its **Annual Restructuring and Seven-Year Plan Report**, which is available online.
- February 12, 2016 - Agency submits its **2016 Annual Restructuring Report**, which is available online.
- December 19, 2017 - **Full committee votes to schedule the Department of Labor, Licensing, and Regulation (LLR) for study.** Video of the meeting is available online.
- January 23, 2018-March 1, 2018 - Committee solicits input from the public about the agency in the form of an **online public survey.** The results of the public survey are available online.
- March 1, 2018 - Committee holds **public input meeting** about LLR; Department of Parks, Recreation, and Tourism; and Department of Revenue. Video of the meeting is available online.
- April 20, 2018 - Agency submits its **Program Evaluation Report**, which is available online.
- August 13, 2018 - Subcommittee meets with the agency to discuss an **overview of its mission, history, resources, major programs, successes, challenges, and emerging issues.**
- September 10, 2018 - Subcommittee meets with agency to tour the S.C. Fire Academy and discuss the following agency divisions: **Offices of Elevators and Amusement Rides and Immigration Compliance, Division of Occupational Safety and Health Administration (OSHA), and Wages and Child Labor.**
- Ongoing - Public may submit written comments on the Oversight Committee's webpage on the General Assembly's website (www.scstatehouse.gov).

SUBCOMMITTEE FOLLOW-UP LETTER TO LLR

Chair Wm. Weston J. Newton

*First Vice-Chair:
Laurie Slade Funderburk*

Legislative Oversight Committee

*Katherine E. "Katie" Arrington
William K. "Bill" Bowers
Neal Collins
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*Kendra H. Wilkerson
Fiscal/Research Analyst*

September 17, 2018

Via Email

Emily Farr, Director
South Carolina Department of Labor, Licensing and Regulation
110 Centerview Dr.
Columbia, South Carolina 29210

RE: Follow up from Subcommittee's September 10, 2018, meeting with the agency

Dear Director Farr:

The Economic Development, Transportation, and Natural Resources Subcommittee appreciates the agency's continued partnership in the oversight process. As follow-up from the meeting on September 10, 2018, please provide the Subcommittee with the following information by Wednesday, September 26, 2018:

1. Is it the agency's practice to check out original copies of OSHA files to members of the public, as indicated in public testimony on September 10, 2018?
2. In each of the last three fiscal years, what percentage of the agency's audits of special inspections of elevators and amusement rides revealed a problem?
3. Is there a procedure for revoking a special inspector's license for cause? If so, please provide the following:
 - a) A description of that procedure and the circumstances that might trigger a revocation;
 - b) The number of special inspectors that are currently licensed for elevators and amusement rides; and
 - c) The number of special inspector licenses that have been revoked in each of the last three fiscal years.

Thank you for your service to the citizens of South Carolina and for your continued cooperation with the legislative oversight process. We look forward to continuing our discussion of the Department of Labor, Licensing and Regulation at the next Subcommittee meeting on October 1, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Bannister". The signature is written in a cursive style with a large initial "B" and a long, sweeping tail.

Bruce W. Bannister
Subcommittee Chair

cc: Economic Development, Transportation, and Natural Resources Subcommittee Members



Henry D. McMaster
Governor

Emily H. Farr
Director

South Carolina
Department of Labor, Licensing and Regulation



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LLR RESPONSE TO
FOLLOW-UP LETTER

September 24, 2018

The Honorable Bruce W. Bannister
South Carolina House of Representatives
Legislative Oversight Committee
Economic Development, Transportation, and Natural Resources Subcommittee
Post Office Box 11867
Columbia, South Carolina 29211

Dear Chairman Bannister,

Thank you for the opportunity to provide additional information to the Economic Development, Transportation, and Natural Resources Subcommittee regarding the OSHA and Elevator and Amusement Rides Divisions of the Department of Labor, Licensing and Regulation. In response to your letter dated September 17, 2018, I provide the following response to the questions asked.

1. Is it the agency's practice to check out original copies of OSHA files to members of the public, as indicated in public testimony on September 10, 2018?

It is not the agency's policy to check out original copies of OSHA files to members of the public. If a member of the public would like a copy of an OSHA file, then that member can submit a FOIA request and copies of any information deemed releasable will be provided.

The public testimony provided on September 10, 2018, correctly stated an email was sent to Mr. Thomas requesting he return an original OSHA file that he had previously checked out; however, that email was sent in error as Mr. Thomas holds the identical first name as an actual OSHA employee who regularly checks out files to use in his course of work and for whom the email was intended. Once the error was discovered, staff emailed Mr. Thomas directly and instructed him to please disregard the email as it had been sent in error. Mr. Thomas did not confirm receipt or provide a response to that request. Mr. Thomas never had access to an original OSHA file.

2. In each of the last three fiscal years, what percentage of the agency's audits of special inspections of elevators and amusement rides revealed a problem?

Following the annual inspection of an elevator, the special inspector conducts a closing conference with the elevator owner to discuss his or her findings. After the inspection is completed, the agency receives an electronic copy of the inspection report. If the inspection report contains violations, the owner has 30 days to correct the issues. Once corrected, the owner is required to send a signed abatement form informing the agency that all violations are fixed. The agency will not issue an elevator certificate of operation until the abatement process is completed.

The Subcommittee asked the agency to identify the percentage of the audits of special inspectors that revealed "a problem." The range of issues an elevator or amusement ride may have falls into various categories - from non-serious to serious. When auditing a special inspector's work, a finding would be considered "a problem" if, in the course of his inspection, the inspector did not identify a code violation that has the potential for causing injury to the public. In fiscal years 2016, 2017, and 2018, our audits did not find violations that rose to this level. We did identify missed code violations that could become a safety risk if not corrected and required the elevator owners to address them. Examples include a burned-out light in an elevator, an inoperable alarm or telephone, housekeeping issues in the elevator pit (trash, water, or oil), annual testing of the elevator not conducted, missing maintenance logs, switches not labeled properly, missing signage, emergency evacuation plan not found, etc. In fiscal year 2016, LLR auditors identified code violations that could become a safety risk if not corrected in 28% of audits; in 2017, 32%; and in 2018, 33%. If a pattern of missing code violations is identified for a particular special inspector, an LLR auditor contacts the special inspector to discuss the missed violations.

Audits conducted of special inspectors of amusement rides reveal that code violations are missed in less than 3% of the audits. These missed code violations were not issues that would likely result in serious injury or death to a patron.

3. Is there a procedure for revoking a special inspector's license for cause? If so, please provide the following:

- a) A description of that procedure and the circumstances that might trigger a revocation;**
- b) The number of special inspectors that are currently licensed for elevators and amusement rides; and**
- c) The number of special inspector licenses that have been revoked in each of the last three fiscal years.**

Currently, the agency licenses 21 special inspectors who conduct inspections of elevators and 11 special inspectors who conduct amusement ride inspections. A special inspector's license would be revoked as a result of a substantiated, serious complaint filed with the agency against the special inspector. When a complaint is received, an investigation is conducted to determine if a special inspector violated any statute or regulation governing the industry. If a determination is made that a violation did occur, appropriate sanctions are determined which could include the revocation of the Special Inspector's license. In the last three fiscal years, the department has not received any complaints against an inspector and, as a result, has not revoked any special inspector licenses.

As set forth by regulation, the department is able to revoke or suspend a license for the following reasons:

- Repeated failure to identify and cite elevator/amusement ride safety code violations that are likely to cause serious injury or death to the riding public;

- Violation of Section 41-16-75 that prohibits a special inspector from performing inspections of elevators or amusement rides on which he or his employer has a current service or warranty contract;
- Failure to maintain professional certifications for conducting elevator or amusement ride inspections;
- Failure to maintain errors and omissions or approved general liability insurance, covering inspections of elevators and amusement rides in an amount of no less than \$500,000 per occurrence;
- Failure to complete an inspection form as prescribed by the Department of LLR;
- Using or disclosing information gained in the course of, or by reason of, his official position for any purpose other than making official inspections;
- Receiving compensation to influence his inspections;
- Using a false, fraudulent, or forged statement or document or committing a fraudulent, deceitful, or dishonest act or omitting a material fact in obtaining licensure as a special inspector;
- Having had a license to practice a regulated profession or occupation, including special inspector, in another state or jurisdiction canceled, revoked, or suspended or who has otherwise been disciplined;
- Intentionally or knowingly, directly or indirectly, violating or aiding and abetting in the violation or conspiracy to violate the South Carolina Elevator Code or Amusement Ride Safety Code;
- Intentionally using a fraudulent statement in a document connected with practice as a special inspector;
- Committing a dishonorable, unethical, or unprofessional act that is likely to deceive, defraud, or harm the public;
- Obtaining fees or assisting in obtaining fees under fraudulent circumstances;
- Lacking the professional or ethical competence to practice as a special inspector;
- Having been convicted or having pled guilty to or nolo contendere to a felony or a crime involving drugs or moral turpitude;
- Having practiced as a special inspector while under the influence of alcohol or drugs or having used alcohol or drugs to such a degree as to render him unfit to practice as a special inspector; and
- Having sustained a physical or mental disability which renders further practice dangerous to the public.

Please let me know if you have any additional questions.

Sincerely yours,



Emily H. Farr
Director

FIRE AND LIFE SAFETY – OFFICE OF STATE FIRE MARSHAL

Division Purpose

The **Office of State Fire Marshal** conducts inspections to increase compliance with state fire safety regulations. It also conducts code consultation and plan review services.

Division Employees

	<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>
Turnover rate – all employees	9.38%	23.88%	16.90%
Turnover rate – FTEs only	11.11%	17.86%	13.11%
Is employee satisfaction evaluated?	No		Yes
Is anonymous employee feedback allowed?	No		Yes
Do any positions require a certification?	Yes		
Did the agency pay for or provide classes/instruction needed to maintain required certifications?	All		

Applicable Strategic Plan Segments

2017-18 Comprehensive Strategic Plan Segments	Intended Public Benefit/Outcome	2016-17			2017-18			Partner(s), by segment	
		# of FTEs utilized	Amount Spent	% of Total Available to Spend	# of FTEs using	Amount budgeted	% of Total Budget		
Goal 1 - Ensure State Fire is a leader and focal point for service and support in South Carolina to preserve life and property									
<i>Strategy 1.1: Prevent fires and save lives and property through quality education and efficient enforcement, licensing, permitting, and engineering services.</i>		<i>Strategy Totals:</i>	30.98	\$3,264,752.06	7%	31.98	\$3,692,235.90	9%	
Objective 1.1.1 - Review and process permit and license applications for regulated industries.	Businesses within regulated industries have a positive economic impact on their communities. The public is provided with a safe environment to work, live and play.	4.87	\$487,532.62	1.12%	4.87	\$548,921.14	1.30%	Private Business	
Objective 1.1.2 - Provide effective and comprehensive Community Risk Reduction programs throughout the State.	The public is provided with education and resources that reduce fire ignitions, and ultimately, fire-related fatalities.	5.18	\$536,978.73	1.23%	6.18	\$605,210.07	1.43%	Federal Govt; State Govt; Local Govt; Non-Profit Entities; Private Businesses; Individuals	
Objective 1.1.3 - Provide efficient and quality inspections when required by law or requested by local or state officials.	The number of fire ignitions are reduced within occupancies inspected by OSFM and the public is provided with a safe environment to work, live and play.	14.37	\$1,590,395.86	3.65%	14.37	\$1,804,409.02	4.27%	State Govt; Local Govt; K-12 Institutions; Private Business	
Objective 1.1.4 - Ensure the public's fire and life safety by conducting plan reviews for fire sprinkler systems, building construction, L.P. gas systems, aboveground storage of flammable and combustible liquids, and hydrogen fueling systems for fire code compliance.	Regulated systems are designed and installed correctly, providing the public with a safe environment to work, live and play.	6.56	\$649,844.85	1.49%	6.56	\$733,695.67	1.74%	State Govt; Local Govt; K-12 Institutions; Private Business; Non-Profit Entities	

Division Deliverables

Deliverable	Required /allowed by law?	Does agency track...		Does agency know...			Agency allowed to charge a fee?	Greatest potential harm to the public if deliverable is not provided	Recommendations to the General Assembly to help avoid the greatest potential harm	Other agencies where the product/ service may fit
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?				
Pyrotechnic Safety Licenses: Pyrotechnic Operator Commercial Indoor, Pyrotechnic Operator Commercial Outdoor, Pyrotechnic Operator Motion Picture, Pyrotechnic Operator Rockets, Pyrotechnic Operator Trainee, Pyrotechnic Operator Unrestricted, Pyrotechnic displays and Operators	Allowed	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to potential environmental hazards, property damage, personal injury and loss of life.	Maintain statutory and regulatory authority.	DHEC, DOR
SCDC facility compliance inspections	Required	✓	X	✓	✓	X	X	Non-compliance creates a risk of bodily injury and environmental hazards.	Maintain statutory and regulatory authority.	SCDC
Hydrogen Permitting and Inspection Program	Required	✓	X	X	✓	X	✓	Loss of life and/or property.	Maintain statutory and regulatory authority.	DPS, DHEC, SLED
V-SAFE Grant Administration	Required	✓	✓	✓	✓	X	X	Decrease response capabilities for volunteer fire departments.	1. Allow peer review panel to establish annual funding priorities for the grant program. 2. Allow OSFM to utilize 3% of the available grant funds, to cover the costs associated with the administration of the program.	Dept of Insurance, DPS, SLED
DSS foster home fire safety and lead inspections, DDSN facility inspections, State Building Inspections	Allowed	✓	✓	✓	✓	✓	✓	Loss of life and/or property.	Maintain support of contractual relationship between agencies.	Dept of Insurance, DSS, DDSN
Blasters, Explosives, and Fire Equipment Dealers Permits	Required	✓	X	X	✓	✓	✓	Loss of life and/or property.	Maintain statutory and regulatory authority.	DPS, DHEC, SLED
Blasters, Explosives, and Fire Equipment Dealers Inspections	Allowed	✓	X	X	✓	✓	✓	Loss of life and/or property.	Maintain statutory and regulatory authority.	DPS, DHEC, SLED

Deliverable	Required /allowed by law?	Does agency track...		Does agency know...			Agency allowed to charge a fee?	Greatest potential harm to the public if deliverable is not provided	Recommendations to the General Assembly to help avoid the greatest potential harm	Other agencies where the product/ service may fit
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?				
Fire Marshal Training and Certificates	Allowed	✓	X	X	✓	X	✓	Untrained and uncertified fire code officials, leading to substandard and inconsistent enforcement of fire & life safety codes.	Maintain statutory and regulatory authority.	SC Tech. College System; Law Enf. Training Council
Fire Code Enforcement	Required	✓	X	X	✓	X	X	Loss of life and/or property.	Better define the enforcement authority of the State Fire Marshal, to include the ability to issue fines for certain violations.	Dept of Insurance, SLED, DPS
Fire Cause and Origin Investigation	Required	✓	X	X	✓	X	X	Cause and circumstance of fire is not determined and prevention efforts are hampered.	Broaden the scope of Title 23, Chapter 9, Article 2 to include fire cause and origin investigation for fires not caused by arson.	Dept of Insurance, SLED, DPS
Determine Eligibility for Income Tax Deduction by Volunteers	Required	✓	X	✓	✓	X	X	Decrease in number of volunteer firefighters in SC communities.	Maintain statutory and regulatory authority.	DOR
LP Gas and Pyrotechnic Retailer Licensing Inspections	Required	✓	X	X	✓	✓	✓	Loss of life and/or property.	Maintain statutory and regulatory authority.	DPS, DHEC, SLED

Related Performance Measures

Performance Measure	Type	Required or Selected?	Time Period		Time Period 1	Time Period 2	Time Period 3	Time Period 4	Time Period 5 (last completed)	Time Period 6 (current)	Trend in Results (Pds 1-5)
RFP for bid for new records management system	Output	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	1	
				Actual:	DNE	DNE	DNE	DNE	DNE	1	
% of licenses and permit applications submitted electronically	Efficiency	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	15%	
				Actual:	0%	0%	0%	0%	0%	0%	
Number of fire-related fatalities	Outcome	Agency Selected	Jan. - Dec.	Target:	DNE	DNE	DNE	DNE	DNE	78	
				Actual:	71	96	78	77	102	34	
Increase the percentage of SC fire departments that actively provide data to the National Fire Incident Reporting System (NFIRS)	Input/Activity	State government + Agency Selected	Jan. - Dec.	Target:	DNE	DNE	DNE	DNE	DNE	75%	
				Actual:	DNE	DNE	68%	69%	69%	70%	
Decrease the number of errors reported to NFIRS reports by active fire departments.	Input/Activity	Agency Selected	Jan. - Dec.	Target:	DNE	DNE	DNE	DNE	DNE	10%	
				Actual:	DNE	DNE	14.55%	11.15%	10.65%	10.19%	
Number of county Fire Safe SC meetings	Output	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	46	
				Actual:	DNE	DNE	DNE	DNE	DNE	22	
Training video for DDSN and DSS	Output	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	1	
				Actual:	DNE	DNE	DNE	DNE	DNE	0	
Training video for fire school safety inspections	Output	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	1	
				Actual:	DNE	DNE	DNE	DNE	DNE	0	
Reduce turnaround time to conduct inspections* <i>*Considering using in future</i>	Efficiency	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	DNE	DNE	DNE	DNE	DNE	DNE	
Number of days for engineer review of fire sprinkler plans	Efficiency	Agency Selected	Jan. - Dec.	Target:	DNE	DNE	DNE	DNE	DNE	12	
				Actual:	DNE	DNE	9.4	12.2	17.5	16	

DNE = Does/did not exist

Related Internal Change Recommendations from Agency

Internal Change #3: Implement Inspection Software with Scheduling Component

- Internal Change: Replace the existing mobile inspection information system for the Fire Marshal inspection process. The current system is not mobile friendly and has a separate scheduling component.
- Stage of Change Analysis: Plan for implementation set. Draft RFP has been submitted to MMO.
- Performance Measures Impacted and Predicted Impact: Performance measures include number of days for engineer review of fire sprinkler plans, percent of licenses and permit applications submitted electronically, turnaround time to conduct inspections, and RFP for new records management system. The new records management system will eliminate the need for three separate systems, which are currently used to manage multiple program areas in OSFM. The new system will automate cumbersome human-dependent processes and increase efficiency. It is anticipated that the implementation of the new system will decrease the number of days for the review of sprinkler plans by 5 days. Paper applications for a license or permit will be significantly reduced and electronic applications will automatically populate an inspection request. Inspection requests will be processed more efficiently, reducing the overall turnaround time to conduct inspections.
- Objective(s) Costs Impacted and Anticipated Impact : Objectives 1.1.1, 1.1.3, and 1.1.4 - In fiscal year 2018-2019, will have an increase in software expenses for the initial purchase of the new records management system. The actual financial impact is unknown until bids are received. Increased efficiencies and streamlined processes will save the public time and money.
- Anticipated Implementation Date: January 2019

Related Law Change Recommendations from Agency

Law Recommendation #10

Law number and title	S.C. Code Ann. § 23-49-120. Donations of fire protection, control and rescue equipment.
Summary of current law	Allows the Forestry Commission to receive donations of equipment.
Recommendation and rationale	Amends the statute to allow LLR's Division of Fire and Life Safety (in addition to Forestry) to receive donations of equipment . LLR's Division of Fire and Life Safety is in a better position to be able to utilize direct donations or to direct them to the appropriate local departments in need. The statute provides that the entity making the donation be immune from liability, which many donors require before donating equipment. Under state law agencies may not enter into contracts of indemnification.
Wording of law	<p>(A) For purposes of this chapter, "fire protection, control, and rescue equipment" or "equipment" means, but is not limited to, a vehicle, a firefighting tool, protective gear, breathing apparatus, and any other tools or supplies commonly used or capable of use in fire prevention, firefighting, or fire rescue.</p> <p>(B) The South Carolina Forestry Commission <u>and Department of Labor, Licensing and Regulation, Division of Fire and Life Safety</u> may accept donations of new or used fire protection, control, and rescue equipment from individuals or organizations. Donated equipment accepted by the <u>commission or department</u> may be retained for use by the <u>commission or department</u> or distributed to county, municipal, or other fire departments in this State or to other state or local emergency service or rescue organizations. A fire department or other organization accepting donated breathing apparatus from the <u>commission or department</u> shall cause the breathing apparatus to be recertified according to the manufacturer's specifications by the manufacturer or a technician certified by the manufacturer before it is placed into service or used by the fire department or other organization.</p> <p>(C) A donor or donor organization acting in good faith when donating new or used equipment that is apparently fit for use by humans and for its intended purpose is not subject to criminal penalties or civil liability for death or injuries to persons or property arising from a disclosed defect in the equipment, from an unknown defect in the equipment, or from the condition of the donated equipment, unless the death or injury to persons or property is caused by gross negligence, recklessness, or intentional misconduct of the donor.</p>
Other agencies that may be impacted	South Carolina Forestry Commission

Law Recommendation #11

Law number and title	S.C. Code Ann. § 40-80-30. Registration, maintenance, and availability of information.
Summary of current law	Describes the information required to be maintained by the Fire Marshal and timing of registration with the office.
Recommendation and rationale	Amends the statute to reflect the correct title of the office, to ensure consistency of terminology . Sets appropriate fees for duplication and documentation of files to match current practice and fair rates for the process.
Wording of law	<p>(A) No later than sixty days after the start of his employment date as a paid or volunteer firefighter, each firefighter must be registered with the Office of the State Fire Marshal by his fire chief or other employer. The criminal background check required by Section 40-80-20 must be conducted before registration.</p> <p>(B) The Office of the State Fire Marshal must maintain a file on each registered firefighter in this State that includes all information required to be kept by this chapter, and must assign a firefighter identification number to each registered firefighter which corresponds with the firefighter's social security number.</p> <p>(C) Upon request the information in the file of an individual firefighter may be released in its entirety to a potential employer as defined in this chapter and may be used as a basis for employment. The requesting department or employer must maintain this information in a confidential manner.</p> <p>(D) Any registered firefighter may at any time request and obtain a copy of his or her file. <u>An unofficial version of a firefighter's file is available at no cost via secured web access.</u> The fee for <u>an official</u> copy of a firefighter's file <u>transcript</u> is five <u>three</u> dollars payable to the Office of the State Fire Marshal. <u>The fee for a reprinted certificate is five dollars payable to the Office of State Fire Marshal.</u></p>
Other agencies that may be impacted	N/A

Law Recommendation #12

Law number and title	S.C. Code Ann. § 23-9-10. Transfer of Office of State Fire Marshal to Department of Labor, Licensing and Regulation; duties and responsibilities of Marshal; qualifications.
Summary of current law	Transfers the Office of State Fire Marshal to the department, giving the Marshal the duties and responsibilities of the former Chief Insurance Commissioner. Sets out the minimum qualifications of the State Fire Marshal.
Recommendation and rationale	<p>Eliminates historical movement of the office and qualifications; states the current requirements to be State Fire Marshal. Historical information will still be available in the amendment history, but is unnecessary in the statute.</p> <p>Amends the statute to reflect current terminology for the department and its division, as well as gives the commonly-used name for the division.</p>
Wording of law	<p>SECTION 23-9-10. Transfer of office of State Fire Marshal to Department of Labor, Licensing and Regulation; duties and responsibilities of Marshal; qualifications. State Fire Marshal qualifications; name of the division.</p> <p>Effective July 1, 1979, the Division of State Fire Marshal is hereby transferred to the Department of Labor, Licensing and Regulation to operate as a division under the Office of Director. The State Fire Marshal shall have all of the duties and responsibilities formerly exercised by the Chief Insurance Commissioner as State Fire Marshal, ex officio. Notwithstanding another provision of law, after January 20, 2011, theThe State Fire Marshal shall have a master’s degree from an accredited institution of higher learning and at least four years’ experience in fire prevention and control or a bachelor’s degree and eight years’ experience in fire prevention and control. The Governor shall appoint the State Fire Marshal who shall serve as the Deputy Director of the <u>Division of Fire and Life Safety of the Department of Labor, Licensing and Regulation</u>. <u>The Division of Fire and Life Safety shall, in the alternative, be referred to as State Fire and shall consist of the following primary program areas: Office of State Fire Marshal, State Fire Academy and Emergency Response Task Force.</u></p>
Other agencies that may be impacted	N/A

Law Recommendation #13

Law number and title	S.C. Code Ann. § 23-9-30. Resident fire marshals; persons who may act under authority of State Fire Marshal.
Summary of current law	Sets out the authority of the State Fire Marshal and those who act under the authority of the State Fire Marshal.
Recommendation and rationale	Amends the statute to define the authority of the State Fire Marshal and those acting under the authority of the State Fire Marshal. Allows the State Fire Marshal to establish procedures to discipline a certified State Fire Marshal because the authority already exists to certify an individual as a certified state fire marshal.
Wording of law	SECTION 23-9-30. Resident fire marshals; persons who may act under authority of State Fire Marshal. (a) The chief of any organized fire department or county fire marshal is <u>an</u> ex officio resident fire marshal; however, this chapter does not repeal, amend, or otherwise affect Chapter 25 of Title 5. (b) All powers and duties of investigation, inspection and enforcement vested in the State Fire Marshal may be exercised or discharged by any deputy state fire marshal, county fire marshal, or resident fire marshal within the area of his service; <u>by any deputy state fire marshal, ex officio resident fire marshal</u> or any state or local governmental employee certified by the State Fire Marshal whose duties include inspection and enforcement of state or local fire safety codes and standards, acting under the authority of the State Fire Marshal. (c) <u>The State Fire Marshal shall have the authority to promulgate regulations regarding the training, certification and recertification of fire marshals, and disciplinary procedures, up to and including revocation of certification for cause.</u>
Other agencies that may be impacted	N/A

Law Recommendation #14

Law number and title	S.C. Code Ann. § 23-9-35. Handicapped ramps; fees and permits.
Summary of current law	Allows the State Fire Marshal to construct ramps without fees or permits.
Recommendation and rationale	Eliminate as an unnecessary and duplicative statute . S.C. Code Ann. § 6-9-14 already waives fees and permits for ramps.
Wording of law	SECTION 23-9-35. Handicapped ramps; fees and permits. ————— The Division of State Fire Marshall is authorized to construct and place handicapped ramps without incurring fees or securing a permit for the construction and placement of handicapped ramps.
Other agencies that may be impacted	N/A

Law Recommendation #15

Law number and title	S.C. Code Ann. § 23-9-45. Class D fire equipment dealer license or fire equipment permit; proof of training; fees.
Summary of current law	Sets out Class D license and permit requirements and sets fees thereto.
Recommendation and rationale	Amends the statute to identify all classes of fire equipment permits and licenses that are regulated by the Fire Marshal Office. Allows all classes to be correctly identified and the capability of licensees to be safely proven through requirements to be clarified through regulation. Amends the statute to reflect the correct title of the office, to ensure consistency of terminology .
Wording of law	<p>SECTION 23-9-45. Class D fire fire equipment dealer license or fire equipment permit; proof of training; fees.</p> <p>(A) An applicant for a <u>Class A, B, C, Class D, and E</u> fire equipment dealer license or a Class D fire equipment permit, or both, shall provide proof of a current manufacturer's training certificate for each type of preengineered fire extinguishing system <u>and meet additional fire, life and safety requirements as set forth in regulation</u>. However, if the applicant can provide proof of a current manufacturer's training certificate for at least one type of preengineered fire extinguishing system, the applicant may submit a sworn affidavit for each additional type of preengineered fire extinguishing system for which a license or permit, or both, is requested.</p> <p>(B) The affidavit shall attest to the applicant's ability to obtain the proper manufacturer's installation and maintenance manuals and provide testament that all installations and maintenance shall be performed in compliance with the manufacturer's installation and maintenance manuals <u>and the codes adopted by the South Carolina Building Codes Council, with the exception of the manufacturer's training certificate, and in compliance with National Fire Protection Association standards 10, 11, 12, 13, 17, 17A, 96, 211, and 2001, as they exist as of January 1, 2006, including the use of replacement parts listed in conformity with National Fire Protection Association standards.</u> Any violation of the affidavit is grounds for the revocation of the Class D fire equipment dealer license or the Class D fire equipment permit, or both.</p> <p>(C) The Division of State Fire Marshal is authorized to charge a license fee for all <u>classes of</u> fire equipment licenses issued by the Division of State Fire Marshal and a permit fee for all classes of fire equipment permits issued by the Division of State Fire Marshal. Fees may be set by regulation not more than once each two years and must be based upon the costs of administering the provisions of this chapter and must give due regard to the time spent by division personnel in performing duties. The initial fees established by the State Fire Marshal may not exceed one hundred dollars for licenses and twenty five dollars for permits. <u>Qualifications and requirements of licensees and permittees shall be described in regulation.</u></p>
Other agencies that may be impacted	N/A

Law Recommendation #16

Law number and title	S.C. Code Ann. § 23-9-50. Authority to inspect buildings or premises.
Summary of current law	Sets out the State Fire Marshal's authority to inspect buildings or premises.
Recommendation and rationale	Amends the statute to require probable cause for entry into premises or dwellings if no consent given or if no fatality or serious injury has occurred. Gives due process consideration to entry into a private location.
Wording of law	(a) The State Fire Marshal shall have authority at all times of the day or night, in the performance of duties imposed by this chapter, to enter upon and examine any building or premises where any fire <u>or explosion</u> has occurred and other buildings or <u>adjoining</u> premises. Provided, that the <u>State</u> Fire Marshal may enter a private dwelling or premise only with the permission of the owner or occupant, <u>or if: (1) unless</u> there is probable cause to believe that a violation of the provisions respecting fire laws exists; that there exists imminent danger to the occupants thereof or arson. (2) there is probable cause of imminent danger to the occupants thereof; or (3) a fatality or serious injury has occurred as a result of fire, explosion, or arson. <u>as a result of fire, explosion, or arson.</u> <i>[remainder of statute unchanged]</i>
Other agencies that may be impacted	N/A

Law Recommendation #40

Law number and title	S.C. Code Ann. § 23-9-20. Additional duties of State Fire Marshal.
Summary of current law	Sets out the duties of the State Fire Marshal.
Recommendation and rationale	Amends the statute to include the full range of duties and powers of the State Fire Marshal . Pursuant to the Legislative Audit Council recommendations issued in January 2018 , “The South Carolina General Assembly should amend state law to clarify the enforcement authority of the Division of Fire and Life Safety, including allowing the Division of Fire and Life Safety the ability to issue fines.” Combining sections 23-9-20, 23-9-40, 23-9-60, 23-9-110, and 23-9-130 allows the authority to be set forth in a single statute.
Wording of law	<p>SECTION 23-9-20. Additional <u>Duties, jurisdiction, and authority</u> of State Fire Marshal.</p> <p>The State Fire Marshal shall <u>have jurisdiction and authority statewide, on behalf of the State, in matters including but not limited to the following functions and activities:</u></p> <p><u>(1) Enforcement of all laws and ordinances of the State with reference to the following:</u></p> <p><u>(a) The prevention of fires;</u></p> <p><u>(b) The storage, sale and use of combustibles and explosives;</u></p> <p><u>(c) The installation and maintenance of fire alarm systems and fire extinguishing systems and equipment;</u></p> <p><u>(d) The means of egress from all buildings, except for one- and two-family dwellings, unless otherwise required or permitted through statute or regulation;</u></p> <p><u>(e) Investigation of the cause, origin and circumstances of fire;</u></p> <p><u>(f) Requiring conformance with the fire prevention and protection codes and standards based upon nationally recognized codes and standards as may be prescribed by law or regulation for the prevention of fires and the protection of life and property;</u></p> <p><u>(g) Facilitation of the reporting of fires through the National Fire Incident Reporting System (NFIRS);</u></p> <p><u>(h) Collection of information concerning the causes, prevention and reduction of damage from fire and other forms of community loss. The Office of State Fire Marshal may, from time to time, disseminate this information in an appropriate manner as needed to aid in public protection or training of firefighters; and</u></p> <p><u>(i) Other fire-related activities not inconsistent with the mission of State Fire or otherwise proscribed by law.</u></p> <p>(12) supervise <u>(12) Enforcement of the laws and regulations of the Liquefied Petroleum Gas Board and the South Carolina Hydrogen Permitting Program;</u> and</p> <p>(23) shall <u>(23) Employment and supervision of personnel necessary to carry out the duties of his office.</u></p> <p><u>(4) Implementation of licensing, permitting and certification programs based upon nationally recognized codes and standards, and promulgation of regulations for:</u></p> <p><u>(a) Explosives;</u></p> <p><u>(b) Pyrotechnic displays and shooters, not inconsistent with the powers reserved to the State Board of Pyrotechnic Safety;</u></p> <p><u>(c) Fire protection systems and all classes of equipment; and</u></p> <p><u>(d) Persons performing fire inspections under the authority of §23-9-30.</u></p> <p><u>(5) Promulgation of fire prevention and protection regulations based upon nationally recognized codes and standards for the protection of life and property of the residents of the State from fire.</u></p> <p><u>(6) Administrative and operational responsibilities for all program areas of State Fire, including the Office of State Fire Marshal, the State Fire Academy, and the Emergency Response Task Force.</u></p>

Other agencies that may be impacted	N/A
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Law Recommendation #41

Law number and title	S.C. Code Ann. § 23-9-40. Duty of State Fire Marshal to enforce certain laws and ordinances.
Summary of current law	Sets out duties of the State Fire Marshal.
Recommendation and rationale	Repeals this statute as duplicative of the new section 23-9-20 . Combining sections 23-9-20, 23-9-40, 23-9-60, 23-9-110, and 23-9-130 allows the authority to be set forth in a single statute.
Wording of law	It shall be the duty of the State Fire Marshal to enforce all laws and ordinances of the State, and the several counties, cities, and political subdivisions thereof, with reference to the following: (a) The prevention of fires; (b) The storage, sale and use of combustibles and explosives; (c) The installation and maintenance of automatic or other fire alarm systems and fire extinguishing equipment; (d) The construction, maintenance and regulation of fire escapes; (e) The means and adequacy of exits, in case of fire, from factories, asylums, hospitals, churches, schools, halls, theaters, amphitheatres and all other places in which numbers of persons work, live or congregate from time to time for any purpose; (f) Investigation of the cause, origin and circumstances of fire.
Other agencies that may be impacted	N/A

Law Recommendation #42

Law number and title	S.C. Code Ann. § 23-9-60. Duty to require conformance with minimum fire prevention and protection standards.
Summary of current law	Sets out a duty of the State Fire Marshal.
Recommendation and rationale	Repeals this statute as duplicative of the new section 23-9-20 . Combining sections 23-9-20, 23-9-40, 23-9-60, 23-9-110, and 23-9-130 allows the authority to be set forth in a single statute.
Wording of law	The State Fire Marshal shall require conformance with the fire prevention and protection standards based upon nationally recognized standards as may be prescribed by law or regulation for the prevention of fires and the protection of life and property. The Division of the State Fire Marshal shall have the authority to promulgate fire prevention and protection regulations based upon nationally recognized standards for the protection of life and property of the residents of the State from fire.

Other agencies that may be impacted	N/A
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Law Recommendation #43

Law number and title	S.C. Code Ann. § 23-9-110. File of fire reports; public inspection; destruction.
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Summary of current law	Sets out a duty of the State Fire Marshal.
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Recommendation and rationale	Repeals this statute as duplicative of the new section 23-9-20. Combining sections 23-9-20, 23-9-40, 23-9-60, 23-9-110, and 23-9-130 allows the authority to be set forth in a single statute.
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Wording of law	———— The State Fire Marshal shall keep on file in his office all reports of fires made to him pursuant to this chapter. Such records shall at all times during business hours be open to public inspection; except, that any testimony taken in a fire investigation may, in the discretion of the State Fire Marshal, be withheld from public scrutiny. The State Fire Marshal may destroy any such report after three years from its date.
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Other agencies that may be impacted	N/A
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Law Recommendation #44

Law number and title	S.C. Code Ann. § 23-9-130. Dissemination of information relating to fires.
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Summary of current law	Sets out a duty of the State Fire Marshal.
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Recommendation and rationale	Repeals this statute as duplicative of the new section 23-9-20. Combining sections 23-9-20, 23-9-40, 23-9-60, 23-9-110, and 23-9-130 allows the authority to be set forth in a single statute.
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Wording of law	———— The State Fire Marshal may from time to time disseminate within this State information concerning the causes, prevention and reduction of damage from fire.
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Other agencies that may be impacted	N/A
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Law Recommendation #45

Law number and title	S.C. Code Ann. § 23-9-65. Automatic fueling clips on self-service gasoline dispensers permitted.
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Summary of current law	Allows automatic fueling clips only pursuant to fire codes applicable at the time of implementation of the statute.
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Recommendation and rationale	Repeals this statute as archaic . Statute does not need to be updated to new fire code, because new code does not prohibit automatic fueling clips.
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Wording of law	———— Automatic fueling clips on self-service gasoline dispensers that are permitted in the National Fire Protection Association Pamphlet 30A, 1987 Edition, are permitted to be
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	used in this State. The Division of the State Fire Marshal shall promulgate regulations necessary to implement the provisions of this section.
Other agencies that may be impacted	N/A

FIRE AND LIFE SAFETY – EMERGENCY RESPONSE TASK FORCE

Division Purpose

The **Fire and Life Safety - Emergency Response Task Force** division supports LLR's role in emergency support functions within the State Emergency Response Plan and day-to-day operations.

Division Employees

	2014-15	2015-16	2016-17
Turnover rate – all employees	7.41%	100%	0%
Turnover rate – FTEs only	0.00%	100%	0%
Is employee satisfaction evaluated?	No		
Is anonymous employee feedback allowed?	No		
Do any positions require a certification?	No		
Did the agency pay for or provide classes/instruction needed to maintain required certifications?	Some		

Applicable Strategic Plan Segments

2017-18 Comprehensive Strategic Plan Segments	Intended Public Benefit/Outcome	2016-17			2017-18			Partner(s), by segment
		# of FTEs utilized	Amount Spent	% of Total Available to Spend	# of FTEs using	Amount budgeted	% of Total Budget	
Goal 1 - Ensure State Fire is a leader and focal point for service and support in South Carolina to preserve life and property								
<i>Strategy 1.2: Save lives and minimize property loss by enhancing and coordinating firefighting and rescue resources to respond to statewide and local emergencies.</i>		<i>Strategy Totals:</i>						
		5.17	\$907,941.49	2%	5.17	\$1,015,348.45	2%	
Objective 1.2.1 - Coordinate, administer, and ensure the operational readiness of firefighting and rescue resources through the Firefighter Mobilization Plan.	Fire departments are able to receive aid from other fire departments across the state, once their resources have been depleted, resulting in a force multiplier for fire and rescue resource needs.	1.96	\$256,425.80	0.59%	1.96	\$285,831.57	0.68%	State Government; Local Government; Non-Profit Entities
Objective 1.2.2 - Coordinate, administer, and ensure the operational readiness of the Emergency Response Task Force.	Local emergency response agencies are supplemented by a well-trained and well-equipped response force, providing specialized capabilities not typically available at the local level.	2.53	\$584,275.01	1.34%	2.53	\$659,051.65	1.56%	State Government; Local Government; Non-Profit Entities
Objective 1.2.3 - Coordinate and lead the agency's emergency support functions in the State Emergency Management Operations Plan and provide support and response to other state and local entities during emergencies.	Firefighting and/or search and rescue resources are directed to the area of greatest public need in times of a statewide or regional disaster.	0.68	\$67,240.68	0.15%	0.68	\$70,465.23	0.17%	Federal Government; State Government; Local Government

Division Deliverables

Deliverable	Required/allowed by law?	Does agency track...		Does agency know...			Agency allowed to charge a fee?	Greatest potential harm to the public if deliverable is not provided	Recommendations to the General Assembly to help avoid the greatest potential harm	Other agencies where the product/ service may fit
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?				
Administration of Firefighter Mobilization Plan	Required	✓	✓	X	✓	X	X	Loss of life and/or property.	Maintain statutory and regulatory authority.	Adjutant General's Office

Related Performance Measures

Performance Measure	Type	Required or Selected?	Time Period		Time Period 1	Time Period 2	Time Period 3	Time Period 4	Time Period 5 (last completed)	Time Period 6 (current)
% of ERTF assets in inventory system	Outcome	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	45%
				Actual:	DNE	DNE	DNE	DNE	DNE	100%
Increase ERTF membership	Outcome	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	120	120
				Actual:	DNE	DNE	DNE	DNE	88	108

DNE = Does/did not exist

FIRE AND LIFE SAFETY – SC FIRE ACADEMY

Division Purpose

The **South Carolina Fire Academy** provides fire and life safety programs and services, including training in-state and out-of-state fire service personnel.

Division Employees

	<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>
Turnover rate – all employees	13.98%	19.09%	22.97%
Turnover rate – FTEs only	21.88%	14.93%	12.11%
Is employee satisfaction evaluated?	No		
Is anonymous employee feedback allowed?	No		
Do any positions require a certification?	Yes		
Did the agency pay for or provide classes/instruction needed to maintain required certifications?	All		

Applicable Strategic Plan Segments

2017-18 Comprehensive Strategic Plan Segments	Intended Public Benefit/Outcome	2016-17			2017-18			Partner(s), by segment
		# of FTEs utilized	Amount Spent	% of Total Available to Spend	# of FTEs using	Amount budgeted	% of Total Budget	
Goal 1 - Ensure State Fire is a leader and focal point for service and support in South Carolina to preserve life and property								
<i>Strategy 1.3: Enhance the training and capabilities of South Carolina's paid, volunteer, and industrial fire service personnel.</i>		<i>Strategy Totals:</i>						
		37.18	\$7,534,133.72	17%	40.18	\$8,069,147.10	19%	
Objective 1.3.1 - Develop course curriculum that meets the needs of the state's fire and rescue community while ensuring testing standards that maintain course accreditation through the International Fire Service Accreditation Congress and the National Board on Fire Service Professional Qualifications.	Firefighters and rescue personnel are provided with training and certifications that prepare them for the types of responses encountered within their communities.	8.43	\$1,443,132.45	3.31%	8.43	\$1,636,765.90	3.87%	State Govt; Local Govt; K-12 Institutions; Private Business; Non-Profit Entities
Objective 1.3.2 - Provide state-of-the-art facilities and equipment for the delivery of modern, relevant and realistic fire and rescue training.	Firefighters and rescue personnel are provided with training and certifications that prepare them for the types of responses encountered within their communities.	7.23	\$1,890,114.79	4.34%	7.23	\$1,662,298.05	3.93%	State Govt; Local Govt; Private Business; Non-Profit Entities
Objective 1.3.3 - Deliver on-campus and regional training programs that meet the needs of the state's fire service community and enhance the operational readiness of South Carolina's fire and rescue personnel.	Firefighters and rescue personnel are provided with training and certifications that prepare them for the types of responses encountered within their communities.	19.71	\$3,918,662.71	9.00%	22.71	\$4,454,883.44	10.54%	State Govt; Local Govt; K-12 Institutions; Private Business; Non-Profit Entities
Objective 1.3.4 - Deliver on-campus and regional EMS education and training to meet the growing needs of the fire service and to contribute to an adequate EMS response force in South Carolina.	Firefighters and rescue personnel are provided with training and certifications that prepare them for the types of responses encountered within their communities.	1.81	\$282,223.77	0.65%	1.81	\$315,199.71	0.75%	State Govt; Local Govt; Non-Profit Entities

Division Deliverables

Deliverable	Required/ allowed by law?	Does agency track...		Does agency know...			Agency allowed to charge a fee?	Greatest potential harm to the public if deliverable is not provided	Recommendations to the General Assembly to help avoid the greatest potential harm	Other agencies where the product/ service may fit
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?				
Firefighter/Industrial training	Required	✓	✓	✓	✓	X	✓	Significant loss of life and/or property, including loss of life of emergency responders.	Maintain statutory and regulatory authority.	SC Tech. College System; Law Enf. Training Council
Registration of Firefighters	Required	✓	X	X	✓	X	X	Non-qualified firefighters and/or firefighters with a significant criminal history (including arson) serving our communities.	Define minimum training standards for firefighters, fire chiefs, and other rescue personnel, based on the activities each group is expected to perform.	SC Tech. College System; Law Enf. Training Council

Related Performance Measures

Performance Measure	Type	Required or Selected?	Time Period		Time Period 1	Time Period 2	Time Period 3	Time Period 4	Time Period 5 (last completed)	Time Period 6 (current)	Trend in Results (Pds 1-5)
Number of IFSAC/Pro Board accredited programs	Outcome	Agency Selected	July - June	Target:	18	18	18	18	18	19	
				Actual:	18	18	18	18	18	19	
Number of SCFA course developed/updated	Outcome	Agency Selected	July - June	Target:	DNE	17	12	17	8	17	
				Actual:	DNE	17	12	17	8	13	
Number of students taught	Outcome	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	31,000	
				Actual:	DNE	30,941	30,765	32,311	30,563	19,604	
Policy drafted	Output	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	1	
				Actual:	DNE	DNE	DNE	DNE	DNE	1	
Report issued	Output	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	1	
				Actual:	DNE	DNE	DNE	DNE	DNE	0	
Number of counties with FF programs at high schools/CTCs	Outcome	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	46	
				Actual:	DNE	DNE	DNE	16	19	21	
Instructor and customer survey response rate* <i>*Considering using in future</i>	Input/Activity	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	75%	
				Actual:	DNE	DNE	DNE	DNE	DNE	DNE	
Student completion rates	Outcome	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	95%	95%	
				Actual:	91%	87%	92%	90%	88%	87%	
Number of classes completed	Outcome	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	2000	
				Actual:	DNE	1973	2259	2132	1851	1076	
Number of executive leadership/planning programs	Output	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	1	
				Actual:	DNE	DNE	DNE	DNE	DNE	0	
Number of EMT Instructors	Output	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	12	
				Actual:	DNE	DNE	DNE	DNE	DNE	0	
Number of EMT Students	Output	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	24	
				Actual:	DNE	DNE	DNE	DNE	DNE	12	

DNE = Does/did not exist

Related Internal Change Recommendations from Agency

Internal Change #4: Update of Information Systems

- Internal Change: Modify the Fire Academy maintenance information system to tie work orders to a specific Fire Academy prop. The change will allow for maintenance costs to be tracked over time relative to each prop as opposed to a generic work order that previously had no prop affiliation.
- Stage of Change Analysis: Plan for implementation set.
- Performance Measures Impacted and Predicted Impact: Develop and implement a policy and procedure for tracking and evaluating the condition, safety, and effectiveness of training props on Fire Academy campus. The enhanced Fire Academy maintenance information system will allow for tracking cost and time spent on each training prop and each room within each campus building. This will improve efficiency of preventative and fix maintenance requests and allow for more data-driven decision-making regarding repairs versus replacement.
- Objective(s) Costs Impacted and Anticipated Impact: There will be no direct costs. The change will result in better cost accounting and forecasting of prop upgrades and replacement. It is anticipated that significant cost savings relative to Objective 1.3.2 will be realized by a well-defined preventative maintenance program, decreased instances of deferred maintenance projects, and a comprehensive replacement plan. More detailed knowledge of cost savings will be available after multiple years of use.
- Anticipated Implementation Date: May 1, 2018

Internal Change #12: Physical Security Upgrade

- Internal Change: Improve physical security at State Fire by adding badge readers at the State Fire Academy to access control rooms that contain networking equipment and by adding cameras for the campus gates.
- Stage of Change Analysis: Plan for implementation set.
- Performance Measures Impacted and Predicted Impact: This does not have a direct impact on performance measures. It will improve physical security for facility, equipment, and network infrastructure.
- Objective(s) Costs Impacted and Anticipated Impact: Objective 1.3.2 - In fiscal year 2016-2017, LLR spent approximately \$30,000 for system upgrades and badge readers to control access to rooms containing network equipment. In fiscal year 2017-2018, approximately \$13,000 will be spent to install security cameras at campus gates. Improved security will also reduce the likelihood of equipment theft or tampering of network equipment.
- Anticipated Implementation Date: May 2018

Internal Change #14: Internal Software Change for Tracking Fire Academy Revenue

- Internal Change: Financial journaling rewrite for Fire Academy information system, so it can better communicate with SCEIS.
- Stage of Change Analysis: Plan for implementation set.
- Performance Measures Impacted and Predicted Impact: Revamp and modify components to LLR's internal application software (State Fire Finance) to ensure a more user-friendly environment for the end user and a more transparent financial outcome for State Fire stakeholder finance reports. Presently the financial journaling is coded based on the Fire Academy system and is not consistent with agency finance reporting. This change will result in consistent coding for transactions which are in turn sent to the state's current financial system (SCEIS) as well as consistent reporting across agency program areas for transactions.
- Objective(s) Costs Impacted and Anticipated Impact: Objective 5.5.1- Promote operational excellence in finance, human resources and the procurement of goods and services by instituting policies and procedures and utilizing practices that ensure timely execution and fiscal responsibility of agency projects. The financial impact will be minimal but will result in more consistent reporting for financial data.
- Anticipated Implementation Date: July 2018.

Related Law Change Recommendations from Agency

Law Recommendation #9

Law number and title	S.C. Code Ann. § 23-10-10. Operation of South Carolina Fire Academy; Fire Academy advisory committee created; membership.
Summary of current law	Defines Fire Academy operation and make-up of its advisory committee.
Recommendation and rationale	Amends the chapter title and § 23-10-10 to reflect the title used in the field, State Fire Academy, as well as correct names of associated institutions and titles of personnel, committees, and divisions. Ensures consistency of terminology throughout all uses of State Fire Academy, State Fire Marshal, etc.
Wording of law	<p style="text-align: center;">CHAPTER 10 South Carolina <u>State</u> Fire Academy</p> <p>SECTION 23-10-10. Operation of South Carolina <u>State</u> Fire Academy; <u>State</u> Fire Academy advisory committee created; membership.</p> <p>The State Fire Marshal has the sole responsibility for the operation of the South Carolina <u>State</u> Fire Academy (Academy). The Academy is operated for the express purpose of upgrading the State's paid, volunteer, and industrial fire service personnel. All buildings, facilities, equipment, property, and instructional materials which are now or become a part of the Academy are assigned to the Academy and may not be integrated with any other local or state agency, association, department, or technical education center, without the consent of the Director of the Department of Labor, Licensing and Regulation or his designee.</p> <p>There is created the South Carolina <u>State</u> Fire Academy Advisory Committee which shall advise and assist the State Fire Marshal in developing a comprehensive training program based upon the needs of the fire service in this State. Membership on the committee includes:</p> <p>(A) the Chairman and appointed members of the <u>Training & Education</u> Fire School Committee of the South Carolina State Firefighters' Firemen's Association. The Chairman of the Fire School <u>Training & Education</u> Committee also shall serve as the Chairman of the South Carolina <u>State</u> Fire Academy Advisory Committee;</p> <p>(B) one member from the South Carolina <u>State Association of Fire Chief's Association</u> appointed by the president <u>of the association</u>;</p> <p>(C) one member from the South Carolina Fire Inspectors <u>Marshals</u> Association appointed by the president <u>of the association</u>;</p> <p>(D) one member from the South Carolina Society of Fire Service Instructors Association appointed by the president <u>of the society</u>;</p> <p>(E) one member from the Professional Firefighters Association appointed by the president <u>of the association</u>;</p> <p>(F) one member from the South Carolina Chapter of International Association of Arson Investigators appointed by the president <u>of the chapter</u>;</p> <p>(G) the SuperintendentDirector of the StateSouth Carolina Fire Academy who shall serve as secretary without voting privileges. Membership from the StateSouth Carolina Fire Academy is limited to the Superintendentdirector only;</p> <p>(H) one industrial fire protection representative appointed by the president of the South Carolina Chapter of the American Society of Safety Engineers;</p> <p>(I) the Executive Director of the South Carolina State Firefighters' Firemen's Association who shall serve as a member ex officio without voting privileges;</p>

	<p>(J) the State Fire Marshal as a member ex officio without voting privileges;</p> <p>(K) one member from higher education having experience and training in curriculum development appointed by the Director of the Department of Labor, Licensing and Regulation; and</p> <p>(L) one member from the South Carolina Fire and <u>South Carolina Fire and Life Safety Education Section of the South Carolina State Firefighters' Association</u> appointed by the president <u>of the section.</u></p>
Other agencies that may be impacted	N/A

PROFESSIONAL AND OCCUPATIONAL LICENSING (POL) – BOARD SERVICES

Division Purpose

The **POL Office of Board Services** oversees the administrative and functional needs of 42 professional and occupational licensing boards.

Division Employees

	2014-15	2015-16	2016-17
Turnover rate – all employees	10.38%	18.57%	14.59%
Turnover rate – FTEs only	8.74%	12.03%	15.09%
Is employee satisfaction evaluated?	No		
Is anonymous employee feedback allowed?	No		
Do any positions require a certification?	Yes		
Did the agency pay for or provide classes/instruction needed to maintain required certifications?	Some		

Applicable Strategic Plan Segments

2017-18 Comprehensive Strategic Plan Segments	Intended Public Benefit/Outcome	2016-17			2017-18			Partner(s), by segment
		# of FTEs utilized	Amount Spent	% of Total Available to Spend	# of FTEs using	Amount budgeted	% of Total Budget	
Goal 2 - Protect the public by ensuring efficient and effective licensing, permitting, inspection and enforcement operations for the State's regulated professions and occupations.								
<i>Strategy 2.1: Ensure the public's health and safety by issuing licenses to qualified members of the public who meet the educational- and statutorily-required standards and by issuing permits to facilities that likewise demonstrate compliance with legal requirements and standards.</i>		<i>Strategy Totals:</i>						
		127.66	\$11,693,576.11	27%	132.66	\$12,329,445.05	29%	
Objective 2.1.1 - Review initial applications, conduct background checks, and issue licenses, registrations and permits for individuals and facilities that meet the statutory requirements for 42 professional and occupational boards.	Services and health care are provided by properly qualified licensees.	51.04	\$6,655,022.45	15.28%	53.54	\$7,016,954.71	16.60%	Federal, State and Local Govt, Higher Ed, K-12 Inst, Business, Individual, Other
Objective 2.1.2 - Process renewal applications annually or biennially and issue renewal licenses or permits.	Licensees have maintained requisite qualifications for licensure.	19.12	\$2,303,676.82	5.29%	19.62	\$2,425,720.61	5.74%	Federal and State Govt, Higher Ed, Business, Individual
Objective 2.1.3 - Provide administrative support to the regulatory boards and commissions to enable them to organize board meetings, hold hearings, and otherwise conduct business.	Allows the professional boards to regulate their profession in a public setting and gives the public the ability to attend a meeting.	22.1	\$1,158,585.87	2.66%	22.6	\$1,217,501.11	2.88%	Federal, State and Local Govt, Higher Ed, K-12 Inst, Business, Non-Profit Entity, Individual, Other
Objective 2.1.4 - Provide quality customer service to applicants, licensees and the public, including preparing verifications and certifications of licensure status; disseminating information to licensees with e-blasts, renewal notices, newsletters, and legislative updates; and handling inquiries regarding licensure requirements and scope of practice.	Public and licensees to receive information, legislative changes, and professional trends within the profession or occupation.	29.43	\$1,158,585.87	2.66%	30.93	\$1,217,501.11	2.88%	Higher Education, K-12 Education, Private Business, Non-Profit Entity, Individual, Other
Objective 2.1.5 - Oversee and monitor continuing education requirements for licensees to ensure compliance with professional standards for applicable boards.	Public has confidence that licensees have maintained the requisite education for licensure.	5.97	\$417,705.10	0.96%	5.97	\$451,767.51	1.07%	Higher Education, Private Business

Division Deliverables

Deliverable	Required /allowed by law?	Does agency track...		Does agency know...			Agency allowed to charge a fee?	Greatest potential harm to the public if deliverable is not provided	Recommendations to the General Assembly to help avoid the greatest potential harm	Other agencies where the product/ service may fit
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?				
Accountancy Board Licenses: Accounting Practitioner and Certified Public Accountant	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose clients to financial risks in business transactions or unsuccessful audits.	Maintain statutory and regulatory authority.	DOR
Architect Licenses	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to the risk of damage to property or bodily harm.	Maintain statutory and regulatory authority.	DHEC
Athletic Commission Licenses: Athletics-Announcer, Athletics –Judge, Athletics – Manager, Athletics –Matchmaker, Mixed martial arts contestant—amateur, Mixed martial arts contestant—professional, Off the street boxer, Professional boxer, Professional kick boxer, Promoter, Promoter's representative, Referee, Second, Timekeeper, Trainer and Wrestler Initial Licenses	Required	✓	✓	✓	✓	✓	✓	Unregulated professionals may give rise to the risk of physical harm to the fighter.	1. Maintain statutory and regulatory authority. 2. Move Board to an agency where it could promote the industry. Unlike other professions under agency umbrella, regulation of Athletics protects the fighter as opposed to the general public, and its revenue is based upon the number of events that occur in South Carolina. This board may be better served if housed within an agency that would allow it to be actively promoting fights to receive revenue.	Dept of Commerce
Auctioneers' Commission Licenses: Apprentice Auctioneer, Auctioneer, Purebred Livestock Auctioneer, and Tobacco Auctioneer	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose clients to financial risks in business transactions.	Maintain statutory and regulatory authority.	DOR
Barber Examiners Licenses: Barber, Barber Apprentice, Barber Instructor, Hair braider, Manicurist Barber Assistant, Master Hair Care Specialist, Shampooist Barber Assistant, Student Barber	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose clients to unsanitary conditions and biological hazards.	Maintain statutory and regulatory authority.	DHEC

Deliverable	Required /allowed by law?	Does agency track...		Does agency know...			Agency allowed to charge a fee?	Greatest potential harm to the public if deliverable is not provided	Recommendations to the General Assembly to help avoid the greatest potential harm	Other agencies where the product/ service may fit
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?				
Boiler Safety Program Licenses: Boiler Installers, Certified Boiler Inspectors	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to the risk of damage to property or bodily harm.	Maintain statutory and regulatory authority.	DHEC
Building Codes Council Licenses: Building Code Enforcement Officer (provisional), Building Official, Commercial Inspector, Commercial Plans Examiner, Modular Building Manufacturer's Representative, Residential Inspector, Residential Plans Examiner, Single discipline inspector, Special Inspector	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to the risk of damage to property or bodily harm.	Maintain statutory and regulatory authority.	DHEC
Chiropractic Examiners Licenses: Chiropractic Preceptor, Chiropractor Initial Licenses and Renewals	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may result in bodily harm to patients.	Maintain statutory and regulatory authority.	DHEC, DHHS
Contractors' Licensing Board Licenses: Contractors -Concrete Contractor - Primary Qualifying Party, Construction Manager- General, Construction Manager-Mechanical, Electrical Mechanical Contractor- Primary Qualifying Party, Fire Alarm Contractor -Primary Qualifying Agent, Fire Alarm Contractor- Registered Employee, Fire Sprinkler Contractor - Primary Qualifying Party, General Roofing Contractor- Primary Qualifying Party, Glass & Glazing Contractor- Primary Qualifying Party, Heating Mechanical Contractor- Primary Qualifying Party, Highway Asphalt Paving Contractor -Primary Qualifying Party, Highway Bridges Contractor- Primary Qualifying Party, Highway Concrete Paving Contractor -Primary Qualifying Party, Highway General Contractor- Primary Qualifying Party, Highway Grading Contractor- Primary Qualifying Party, Highway incidental Contractor, Primary Qualifying Party, Inspector- Commercial, Interior Renovation Contractor -Primary Qualifying Party, Lighting Protection Systems Mechanical Contractor - Primary Qualifying Party, Marine Contractor, - Primary Qualifying Party, Masonry Contractor, Primary Qualifying Party, Packaged Heating and Cooling Equipment Contractor- Primary Qualifying Party, Pipelines Contractor- Primary Qualifying Party, Plumbing Mechanical Contractor, Primary Qualifying Party, Pre-Engineered Metal Buildings Contractor - Primary Qualifying Party, Pressure and Process Piping Mechanical Contractor- Primary Qualifying Party, Public Utility Electrical Contractor- Primary Qualifying Party, Public Utility General Contractor- Primary Qualifying Party, Railroad Lines Contractor- Primary Qualifying Party, Refrigeration Mechanical Contractor -Primary Qualifying Party, Specialty Roofing Contractor- Primary Qualifying Party, Structural Framing Contractor-Primary Qualifying Party, Structural Shapes Contractor- Primary Qualifying Party, Swimming Pools Contractor-Primary Qualifying Party, Water and Sewer Lines General Contractor- Primary Qualifying Party, Water and Sewer Plants Contractor -Primary Qualifying Party	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may result in property damage or bodily harm.	Maintain statutory and regulatory authority.	DHEC

Deliverable	Required /allowed by law?	Does agency track...		Does agency know...			Agency allowed to charge a fee?	Greatest potential harm to the public if deliverable is not provided	Recommendations to the General Assembly to help avoid the greatest potential harm	Other agencies where the product/ service may fit
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?				
Cosmetology Licenses: Cosmetologist, Esthetician, Instructor - Cosmetologist, Instructor – Esthetician, Instructor - Nail Technician, and Nail Technician	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose clients to unsanitary conditions and biological hazards	Maintain statutory and regulatory authority.	DHEC
Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists Licenses: Marriage and Family Therapist, Marriage and Family Therapist Intern, Marriage and Family Therapy Supervisor, Professional Counselor, Professional Counselor Intern, Professional Counselor Supervisor, and Psycho-Educational Specialist	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose clients to psychological, mental or emotional damage.	Maintain statutory and regulatory authority.	DHEC, DAODAS, DSS, DMH
Dentistry Licenses: Dental Instructor, restricted (professor), Dental Assistant, Expanded Duty for Nitrous Oxide Monitoring, Dental Auxiliary Instructor, restricted (technical colleges), Dental Hygienist, Dental Hygienist, Nitrous Oxide Monitoring Certified, Dental Orthodontic Technician, Dental Technician, Dental Hygienist, Local Infiltration Anesthesia Administration Certified, Dentist, Deep Sedation Permitted, Dentist, General, Dentist, Moderate Sedation Permitted, Dentist, Sedation (Deep and Moderate) Provider, Dentist, Specialty (for each specialty recognized by American Dental Association), Mobile and Portable Dental Units	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose patients to risk of personal injury or loss of life.	1. Maintain statutory and regulatory authority.	DHEC, DEA
Dietician Licenses	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to risk of personal injury or loss of life.	Maintain statutory and regulatory authority.	DHEC

Deliverable	Required /allowed by law?	Does agency track...		Does agency know...			Agency allowed to charge a fee?	Greatest potential harm to the public if deliverable is not provided	Recommendations to the General Assembly to help avoid the greatest potential harm	Other agencies where the product/ service may fit
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?				
Engineers/Surveyors Licenses: Engineer - Associate, Engineer –Professional, Engineer-in-Training, Surveyor in training, Surveyor - Geographic Information Systems (GIS), Surveyor- Land (Tier A), Surveyor - Land (Tier B), and Surveyor-Photogrammetry	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to the risk of damage to property or bodily harm.	Maintain statutory and regulatory authority.	DHEC
Environmental Certification Licenses: Bottled Water Class Operator, Wastewater treatment operator biological Class D, Wastewater treatment operator physical/chemical Class B, Wastewater treatment operator physical/chemical Class C, Wastewater treatment operator physical/chemical Class D, Wastewater treatment operator, biological Class A, Wastewater treatment operator, biological Class B, Wastewater treatment operator, biological Class C, Wastewater treatment operator, biological trainee, Wastewater treatment operator, physical/chemical Class A, Wastewater treatment operator, physical/chemical trainee, Water distribution system operator Class A, Water distribution system operator Class B, Water distribution system operator Class C, Water distribution system operator Class D, Water distribution system trainee, Water treatment operator Class E, Water treatment operator trainee, Water treatment operator, Class A, Water treatment operator, Class B, Water treatment operator, Class C, Water treatment operator, Class D, Well Driller Borer (non-environmental), Well Driller Class A (can do all three subclassifications), Well Driller, Coastal Class B, Well Driller, Coastal Class C, Well Driller, Coastal Class D, Well Driller, Environmental Class B, Well Driller, Environmental Class C, Well Driller, Environmental Class D, Well Driller, Rock Class B, Well Driller, Rock Class C, Well Driller, Rock Class D		✓	✓	✓	✓	✓		Unlicensed or unprofessional practice may expose the public to environmental hazards, property damage and personal injury.	Maintain statutory and regulatory authority.	DHEC, DNR
Forester Licenses	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to property damage.	Maintain statutory and regulatory authority.	DHEC, DNR, Forestry Comm.
Funeral Service Licenses: Embalmer, Embalmer Apprentice, Embalmer Student, Funeral Director, Funeral Director Apprentice, Funeral Director Student	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to environmental hazards, property damage and personal injury. Financial harm and/or fraud.	Maintain statutory and regulatory authority.	DHEC

Deliverable	Required /allowed by law?	Does agency track...		Does agency know...			Agency allowed to charge a fee?	Greatest potential harm to the public if deliverable is not provided	Recommendations to the General Assembly to help avoid the greatest potential harm	Other agencies where the product/ service may fit
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?				
Landscape Architects Licenses	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to property damage.	Maintain statutory and regulatory authority.	DHEC and DNR
Liquefied Petroleum Gas Board Licenses: LP Gas Appliance and Equipment Installer/servicer- Qualifying employee, LPG Cylinder Exchange Facility Qualifying Employee, LPG Dealer- Qualifying employee, LPG Reseller- Qualifying employee, LPG Transporter- Qualifying employee, and LPG Utility Gas Plant- Qualifying employee	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to environmental hazards, property damage and personal injury.	Maintain statutory and regulatory authority.	DHEC, Office of Regulatory Staff Energy Office
Long Term Health Care Administrators Licenses: Community Residential Care Administrator, Community Residential Care Administrator Trainee (AIT), Community Residential Care Facility Administrator Preceptor, Nursing Home Administrator, Nursing Home Administrator Preceptor, and Nursing Home Administrator Trainee	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose patients to risk of property damage, personal injury or loss of life.	Maintain statutory and regulatory authority.	DHEC, DSS, DMH
Manufactured Housing Board Licenses: Manufactured Home Contractor, Manufactured Home Dealer - Authorized Official, Manufactured Home Installer, Manufactured Home Multi-Lot Salesperson, Manufactured Home Repairer, Manufactured Home Retail Salesman, and Manufactured Home Salesperson Apprentice	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to risk of property damage, personal injury or loss of life.	Maintain statutory and regulatory authority.	DHEC

Deliverable	Required /allowed by law?	Does agency track...		Does agency know...			Agency allowed to charge a fee?	Greatest potential harm to the public if deliverable is not provided	Recommendations to the General Assembly to help avoid the greatest potential harm	Other agencies where the product/ service may fit
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?				
Massage/Bodywork Therapist Licenses	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to risk of property damage or personal injury.	Maintain statutory and regulatory authority.	DHEC
Board of Medical Examiners Licenses: Acupuncturist, Anesthesiologist's Assistant, Auricular Detoxification Therapist, Auricular Therapist, Cardiovascular Invasive Specialist, Medical Professor (academic license), Physician, Physician Assistant, Physician -Limited (training), Respiratory Care Practitioner (therapist or technician)	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose patients to risk of property damage, personal injury or loss of life.	Maintain statutory and regulatory authority.	DHEC, DSS, DAODAS, DMH
Nursing Licenses: Advanced Practice Registered Nurse with Prescription Privileges, Nurse Anesthetist, Nurse Midwife, Nurse Practitioner, Nurse Specialist – Clinical, Nurse- Licensed Practical, Nurse -Registered	Required	✓	✓	✓		✓		Unlicensed or unprofessional practice may expose patients to risk of property damage, personal injury or loss of life.	Maintain statutory and regulatory authority.	DHEC, DSS, DAODAS, DMH
Occupational Therapist and Occupational Therapy Assistant Licenses	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose patients to risk of property damage, personal injury or loss of life.	Maintain statutory and regulatory authority.	DHEC
Opticianry Licenses: Apprentice Optician, Contact Lens Optician, Optician and Optometrist- Therapeutic	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose patients to risk of property damage, personal injury or loss of life.	Maintain statutory and regulatory authority.	DHEC

Deliverable	Required /allowed by law?	Does agency track...		Does agency know...			Agency allowed to charge a fee?	Greatest potential harm to the public if deliverable is not provided	Recommendations to the General Assembly to help avoid the greatest potential harm	Other agencies where the product/ service may fit
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?				
Optometrist Licenses	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose patients to risk of property damage, personal injury or loss of life.	Maintain statutory and regulatory authority.	DHEC
Pharmacy Licenses: Pharmacist, Pharmacy Intern, Pharmacy Technician –Certified, Pharmacy Technician- Registered	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose patients to risk of property damage, personal injury or loss of life.	Maintain statutory and regulatory authority.	DHEC, DMH
Physical Therapist, Physical Therapy Assistant Licenses	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose patients to risk of property damage, personal injury or loss of life.	Maintain statutory and regulatory authority.	DHEC, DHHS
Pilotage Licenses: Apprentice Pilot, First Short Branch Pilot, Fourth Short Branch Pilot, Harbor (full branch) Pilot, Second Short Branch Pilot-Third Short Branch Pilot	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose patients to risk of property damage, personal injury or loss of life.	Maintain statutory and regulatory authority.	DHEC, SC Ports Authority
Podiatry Examiners Licenses: Podiatrist, Podiatrist, training (limited license)	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose patients to risk of property damage, personal injury or loss of life.	Maintain statutory and regulatory authority.	DHEC

Deliverable	Required /allowed by law?	Does agency track...		Does agency know...			Agency allowed to charge a fee?	Greatest potential harm to the public if deliverable is not provided	Recommendations to the General Assembly to help avoid the greatest potential harm	Other agencies where the product/ service may fit
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?				
Psychologist Licenses	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose clients to psychological, mental or emotional damage.	Maintain statutory and regulatory authority.	DHEC, DAODAS, DMH
Real Estate Appraisers Licenses: Appraiser-Apprentice, Appraiser-Certified General, Appraiser- Licensed, Appraiser-Mass, General Appraiser-Certified Mass, Residential Appraiser-Certified Mass, Residential Appraiser -Mass	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose clients to financial risks in business transactions and/or audits.	Maintain statutory and regulatory authority.	DOR
Real Estate Commission Licenses: Property Manager, Property Manager-In-charge, Real Estate Broker, Real Estate Broker-In-Charge, Real Estate Instructor, Real Estate Salesperson, Time Share Salesperson, Time Share Plan and Out of State Subdivided Land Sales Registrations	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to financial risks in business and personal transactions and/or audits, as well as potential property damage and personal injury.	Maintain statutory and regulatory authority.	DOR, DHEC
Geologist, Geologist-In-training Licenses	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to potential property damage.	Maintain statutory and regulatory authority.	DHEC, DNR
Residential Builders Commission Licenses: Residential Home Builder, Residential Home Inspector, Certificate of Authorization, Residential Builder, Specialty Contractor— Residential HVAC Heating and Air Conditioning installers and repairers, Residential Stucco Installer, Residential Carpenter, Residential Drywall Installer Contractor, Residential Electrician, Residential Floor Covering Installer, Residential Insulation Installer, Residential Mason, Residential Painter/Wallpaperer, Residential Plumber, Residential Roofer, Residential Vinyl/Aluminum Siding Installer, Builder, Residential Home Inspector, Residential Insulation Installer, Residential Mason, Residential Painter/Wallpaperer, Residential Plumber, Residential Roofer, Residential Vinyl/Aluminum Siding Installer	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to risk of property damage.	Maintain statutory and regulatory authority.	DHEC

Deliverable	Required /allowed by law?	Does agency track...		Does agency know...			Agency allowed to charge a fee?	Greatest potential harm to the public if deliverable is not provided	Recommendations to the General Assembly to help avoid the greatest potential harm	Other agencies where the product/ service may fit
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?				
Social Work Examiners Licenses: Social Worker-Baccalaureate, Social Worker-Clinical Practice Supervisor, Social Worker-Independent Advanced Practice, Social Worker-Independent Clinical Practice, Social Worker- Independent Advanced Practice Supervisor, Social Worker-Masters	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to psychological, mental or emotional damage, as well as personal injury.	Maintain statutory and regulatory authority.	DHEC, DAODAS, DMH
Soil Classifier, Professional and Soil-Classifier-in-Training Licenses	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to potential property damage and personal injury.	Maintain statutory and regulatory authority.	DHEC, Dept of Agriculture, DNR
Speech-Language Pathology and Audiology Licenses: Audiology Intern, Speech-Language Pathologist, Speech-Language Pathology Assistant, Speech-Language Pathology Intern	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to potential personal injury.	Maintain statutory and regulatory authority.	DHEC, Dept of Education, DSS, DHHS
Veterinary Medical Examiners Licenses: Veterinarian, Veterinary Technician, Veterinarian trainee (temporary license for clinical experience)	Required	✓	✓	✓	✓	✓	✓	Unlicensed or unprofessional practice may expose the public to potential property damage, personal injury and loss of life.	Maintain statutory and regulatory authority.	DHEC, Dept of Agriculture, DNR
Facility permits/licenses for: accounting, architectural, auction, engineering, landscape architectural, and surveying firms; contractors and builders; alarm businesses; pharmacies, non-dispensing drug outlets, medical gas and prescription device dispensers; salons; barbershops, cemeteries, funeral establishments; dental sedation offices and mobile dental units, and dealer lots for manufactured housing; real estate appraisal management companies; school approvals for nursing schools, cosmetology schools, barber schools.	Required	✓	✓	✓	✓	✓	X	Failure to inspect will result in risk of required equipment to not be on site and possible injury to the consuming public.	Maintain statutory and regulatory authority.	DHEC

Deliverable	Required /allowed by law?	Does agency track...		Does agency know...			Agency allowed to charge a fee?	Greatest potential harm to the public if deliverable is not provided	Recommendations to the General Assembly to help avoid the greatest potential harm	Other agencies where the product/ service may fit
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?				
Animal Shelter Registration	Required	X	X	X	✓	X	X	Failure to register animal shelters will enhance nuisance created by stray animals and may create safety concerns in communities.	Maintain registration requirement.	DNR
Licensure Exams for Professional and Occupational Boards	Required	✓	X	✓	✓	✓	✓	Unverified competency prior to licensure may expose the public to risk of property damage, personal injury or loss of life.	Maintain statutory and regulatory authority.	DHEC, DOR, DSS, DNR, Dept of Ag, SLED
Monitor Continuing Educational Requirements for Renewal Licensure	Allowed	✓	X	✓	✓	✓	X	Unverified demonstration of sustained competency as a condition of license renewal may expose the public to risk of property damage, personal injury or loss of life.	Maintain statutory and regulatory authority.	DHEC, DOR, DSS, DNR, Dept of Agriculture, SLED
Make available registry of licensees upon request	Required	X	X	✓	✓	X	✓	Lack of transparency will diminish public confidence in the professions and occupations.	Maintain public access to registry of licensees with limited information.	DHEC, DOR, DSS, DNR, Dept of Ag, SLED
License suspension for Family Independence Act violations	Required	✓	X	X	✓	X	X	Failure to enforce child support obligations leads to destabilization of the family unit and deprives the most vulnerable South Carolinians of basic needs.	Maintain statutory authority.	DSS

Deliverable	Required /allowed by law?	Does agency track...		Does agency know...			Agency allowed to charge a fee?	Greatest potential harm to the public if deliverable is not provided	Recommendations to the General Assembly to help avoid the greatest potential harm	Other agencies where the product/ service may fit
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?				
Temporary professional and occupational licenses for military spouses	Allowed	✓	X	X	✓	✓	X	Failure to accommodate qualified spouses of military service members imposes an undue burden on service members stationed in South Carolina.	Maintain statutory and regulatory authority.	DHEC, DOR, DSS, DNR, Dept of Ag, SLED
Maintain naloxonesavessc.org website to facilitate licensed pharmacists to register and dispense Naloxone Hydrochloride products to persons without a prescription under certain conditions.	Not mentioned	✓	✓	✓	✓	✓	X	Failure to maintain this website makes it more difficult for pharmacists, those at risk of opioid overdose and/or their caregivers to access information about the opioid antidote and for pharmacists to register to voluntarily participate in the program to dispense Naloxone without a prescription.	Support LLR's commitment to combat the opioid epidemic.	DAODAS, DHEC, DMH

Related Performance Measures

Performance Measure	Type	Required or Selected?	Time Period		Time Period 1	Time Period 2	Time Period 3	Time Period 4	Time Period 5 (last completed)	Time Period 6 (current)	Trend in Results (Pds 1-5)
Number of applications available online-individual	Input/activity	Agency selected	July - June	Target:	DNE	DNE	212	137	69	52	
				Actual:	DNE	DNE	75	68	17	0	
Number of applications available online-business* <i>*Considering using in future</i>	Input/activity	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	148	
				Actual:	DNE	DNE	DNE	DNE	DNE	DNE	
Number of initial applications received (online and paper)	Input/activity	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	39265	41107	43009	41669	45913	34283	
Number of initial licenses/ permits issued	Output	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	33071	35575	38001	40336	44177	32467	
Total number of agency licensees who have FBI background checks conducted	Input/activity	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	7957	9508	10034	10496	11379	8043	
Number of renewals issued	Outcome	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	DNE	166211	158916	182689	166468	89400	
Number of board meetings held	Output	Agency selected	July - June	Target:	84	84	84	84	84	84	
				Actual:	225	219	218	205	207	147	
Average license turnaround time (business days)	Efficiency	Agency selected	Monthly	Target:	7-10	7-10	7-10	7-10	7-10	7-10	
				Actual:	8	8	8	7	8	8	
Number of Customer Satisfaction Surveys received	Input/activity	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	10111	12393	14616	17043	19391	21726	
Number of online verification requests filled	Output	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	8077	5871	6675	6960	7401	5660	
Number of boards utilizing CE tracker	Outcome	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	4	8	
				Actual:	DNE	DNE	DNE	0	3	5 (10 pending)	

DNE = Does/did not exist

Related Internal Change Recommendations from Agency

Internal Change #2: Implementation of a Third-Party FBI Background Check Provider

- Internal Change: Outsource the processing of board-required, FBI-based, fingerprint checks for licensees that require a background check as part of initial licensing or renewal.
- Stage of Change Analysis: Analyzing feasibility
- Performance Measures Impacted and Predicted Impact: Performance measures include the number of agency licensees required to have FBI background checks conducted and licensure turnaround time. The agency has four boards that currently require background checks at initial licensure. Recently, the legislature implemented a law requiring an FBI fingerprint check for Real Estate Commission licensees at initial application and every third renewal. Real Estate has more than 50,000 licensees, so the task is daunting. Outsourcing would minimize the amount of personal identifying information sent to the agency and minimize the financial impact in additional secured space and additional employees required to process the criminal background checks.
- Objective(s) Costs Impacted and Anticipated Impact: Still analyzing feasibility.
- Anticipated Implementation Date: Agency has not yet fully analyzed feasibility.

Internal Change #5: Review and Streamline Licensing Requirements

- Internal Change: Partner with DOE to analyze current licensing criteria in an attempt to design specific plans of action to make professional licenses more available to high school students through the Career and Technology Education Centers.
- Stage of Change Analysis: Idea
- Performance Measures Impacted and Predicted Impact: Performance measures include the number of licenses issued. The impact would be that more high school students graduate with a professional license to enter the work force.
- Objective(s) Costs Impacted and Anticipated Impact: Agency still analyzing.
- Anticipated Implementation Date: Agency has not yet fully analyzed feasibility.

Internal Change # 7: Third-Party Testing

- Internal Change: Move the boards for which the agency conducts in-house, initial licensure examination to a third-party company to reduce the agency's costs and liability in being test proctors while also increasing the security and integrity of the testing process. The agency does not have the capacity to provide trained proctors and facilities that utilize the latest in technological security. The agency also does not have the ability to provide computer-based testing. By moving the testing that the agency currently undertakes for boards to a third-party, the agency can offer applicants the latest in computer-based testing, which is proven to be more efficient, more convenient, and more secure than the current testing methods for these boards.
- Stage of Change Analysis: Plan for implementation set. An RFP for services is being drafted.
- Performance Measures Impacted and Predicted Impact: Performance measures include number of initial licenses and permits issued and the average license turnaround time. The agency is still analyzing the impact, but it should reduce staff time and operational costs associated with onsite testing, which sometimes includes after hours and weekend work. These companies usually have multiple testing sites through the state, so applicants would have more dates and easier access to facilities when going through the testing process. This should result in a reduction in the overall time it takes to process applications and issue licenses because applicants can take a test faster, get the results faster, and thus reduce the time it takes for agency staff to receive the required testing information to complete processing an application for licensure.
- Objective(s) Costs Impacted and Anticipated Impact: There are no direct costs associated with this change. The cost savings of employee time and other management efficiencies are currently unknown.
- Anticipated Implementation Date: December 31, 2018.

Internal Change #8: Implementation of an Electronic Continuing Education Tracking and Auditing Process

- Internal Change: Utilization of CE Broker to track and manage continuing education compliance by licensees. Currently, eight boards have implemented the service, and eventually all boards will be using the system.
- Stage of Change Analysis: Plan for implementation set.
- Performance Measures Impacted and Predicted Impact: Performance measures include the number of renewal licenses issued and number of boards utilizing CE Broker. The impact is that continuing education tracking would no longer be a manual process where board employees analyze a random selection of licensees. The public will be better protected because the agency will ensure all licensees have their requisite education completed before renewing their license. Staff time spent on audits will be reduced significantly, freeing them to do other board business.
- Objective(s) Costs Impacted and Anticipated Impact: Objective 2.1.5- Oversee and monitor continuing education requirements for licensees to ensure compliance with professional standards for applicable boards; Objective 2.1.2 - Process renewal applications annually or biennially and issue renewal licenses or permits. Implementation is at no cost to agency or licensees. Cost savings in employee time is still being analyzed.
- Anticipated Implementation Date: July 2019

Internal Change #9: Centralize Intake of Paper Applications

- Internal Change: Centralize the intake of paper documents coming through the mail, including licensing and permitting applications. The current scope of this change will be limited to the Professional and Occupational Licensing (POL) program area, where currently each of the agency's 42 boards is responsible for mail processing. Under this change, all documents required for processing would be opened, scanned, and emailed from the same place.
- Stage of Change Analysis: Analyzing feasibility.
- Performance Measures Impacted and Predicted Impact: Performance measures include the number of licenses/permits issued, and average license turnaround time. The predicted impact would be a decrease in board staff doing the same processing function, allowing board staff to perform more high-level, board-specific functions such as moving applications through the licensing process.
- Objective(s) Costs Impacted and Anticipated Impact: Objective 2.1.1 - Review initial applications, conduct background checks, and issue licenses, registrations and permits for individuals and facilities that meet the statutory requirements for 42 professional and occupational boards. Agency is still analyzing, but the projection is that the agency would need fewer desktop scanners and would have less board staff time devoted to processing incoming mail. It would also provide better agency data for tracking how long it takes to process applications for licensure and help secure mailed forms of payment to the agency.
- Anticipated Implementation Date: Agency has not yet fully analyzed feasibility.

Internal Change #10: Quicker Document Processing

- Internal Change: Modification of POL licensing applications to add a unique QR code (Quick Response square bar code) to each form that allows for quick type identification. Customers retrieve and use the current licensing forms from the agency website. As an extension of the Internal Change for Centralized Document Intake, the QR code would allow staff to simply scan the form and have the electronic copy automatically sent to that form's respective staff for processing.
- Stage of Change Analysis: Idea.
- Performance Measures Impacted and Predicted Impact: Agency still analyzing, but the impact of the QR code should result in a quicker time to initiate the processing of the document.
- Objective(s) Costs Impacted and Anticipated Impact: Agency still analyzing.
- Anticipated Implementation Date: Agency has not yet fully analyzed feasibility.

Internal Change #13: Internal Software Change for Tracking POL Revenue

- Internal Change: Financial journaling rewrite for POL information system, ReLAES, so that it can better communicate with the state's current financial system SCEIS and enable better tracking of agency revenue.
- Stage of Change Analysis: Plan for implementation set.
- Performance Measures Impacted and Predicted Impact: Performance measures include to revamp and modify components to LLR's internal application software (ReLAES) to ensure a more user-friendly environment for the end user and a more transparent financial outcome for board financial reports. Presently, the financial journaling process internal to ReLAES is confusing because, prior to state government restructuring, each of the agency's boards was its own state agency. As such they had their own system for coding transactions and functions. The rewrite will simplify and group together similar board processes so the agency can better track its data and allow the agency to give more accurate data to SCEIS and its board members.
- Objective(s) Costs Impacted and Anticipated Impact: Objective 5.5.1- Promote operational excellence in finance, human resources and the procurement of goods and services by instituting policies and procedures and utilizing practices that ensure timely execution and fiscal responsibility of agency projects. The financial impact will be minimal but will result in more consistent reporting for financial data, as well as easier board staff training.
- Anticipated Implementation Date: July 2018.

Related Law Change Recommendations from Agency

Law Recommendation #1

(Also related to POL-Investigations & Enforcement Division)

Law number and title	S.C. Code Ann. § 40-1-20. Definitions.
Summary of current law	Sets out definitions of terms necessary to understand the statutes in the title.
Recommendation and rationale	<p>Amends § 40-1-20(8) to clarify that “person” or “individual” as used throughout the title may be a human being or business entity, as several boards license business entities in addition to people.</p> <p>Adds § 40-1-20(10) to define “crime of moral turpitude”. The term is used throughout statutes, regulations, and case law relating to LLR but is not currently defined in statute.</p>
Wording of law	<p>As used in this title unless the context requires a different meaning:</p> <p>(1) “Administrator” means the individual to whom the director has delegated authority to administer the programs of a specific board or of a professional or occupational group for which the department has regulatory authority or has delegated authority to administer the programs of a specific board;</p> <p>(2) “Authorization to practice” or “Practice authorization” means the approval to practice the specified profession, engage in the specified occupation, or use a title protected under this article, which has been granted by the applicable board. This authorization is granted in the form of a license, permit, certification, or registration;</p> <p>(3) “Board” or “Commission” means the group of individuals charged by law with the responsibility of licensing or otherwise regulating an occupation or profession within the State. Except as otherwise indicated, “board” is used in this article to refer to both boards and commissions;</p> <p>(4) “Department” means the Department of Labor, Licensing and Regulation;</p> <p>(5) “Director” means the Director of the Department of Labor, Licensing and Regulation or the director’s official designee;</p> <p>(6) “Licensee” means a person granted an authorization to practice pursuant to this article and refers to a person holding a license, permit, certification, or registration granted pursuant to this article;</p> <p>(7) “Licensing act” means the individual statute or regulations, or both, of each regulated profession or occupation which include, but are not limited to, board governance, the qualifications and requirements for authorization to practice, prohibitions, and disciplinary procedures;</p> <p>(8) <u>“Person” or “individual” means an individual, a human being, firm, partnership, or corporation, or other entity which may be eligible to apply for licensure as determined by a board;</u></p> <p>(9) “Profession” or “occupation” means a profession or occupation regulated or administered, or both, by the department pursuant to this article;</p> <p>(10) <u>“Crime of moral turpitude” means a misdemeanor or felony under the Federal or State criminal law involving behavior that is not in conformity with and is considered vile or depraved by societal standards. This broad definition includes, but is not limited to, any crime listed in Chapter 3 of Title 16, Offenses Against the Person, or its substantially-similar Federal equivalent; any felony listed in Chapter 13 of Title 16, Forgery, Larceny, Embezzlement, False Pretenses and Cheats, or its substantially-similar Federal equivalent; any felony listed in Chapter 14 of Title 16, Financial Transaction Card Crime Act, or its substantially-similar Federal equivalent; any crime listed in Chapter 15 of Title 16, Offenses Against Morality and Decency, or its substantially-similar Federal</u></p>

	<u>equivalent; and the crime of Contributing to the Delinquency of a Minor in Section 16-17-490, or its substantially-similar Federal equivalent. Crimes which involve primarily self-destructive behavior generally do not involve moral turpitude.</u>
Other agencies that may be impacted	N/A

Law Recommendation #2

Law number and title	S.C. Code Ann. § 40-1-40. Purpose of division; domain.
Summary of current law	Sets out the purpose of the agency and the boards it administers.
Recommendation and rationale	Amend § 40-1-40(B) to correct board names, remove titles of programs subsumed under other boards, and list all boards currently administered by the agency. Current law does not reflect such.
Wording of law	<p>(A) The purpose of the Division of Professional and Occupational Licensing, South Carolina Department of Labor, Licensing and Regulation, is to protect the public through the regulation of professional and occupational licensees and the administration of boards charged with the regulation of professional and occupational practitioners.</p> <p>(B) The following boards and the professions and occupations they license or otherwise regulate must be administered by the Department of Labor, Licensing and Regulation pursuant to this article:</p> <ul style="list-style-type: none"> Board of Accountancy Board of Architectural Examiners Athletic Commission Auctioneers' Commission Board of Barber Examiners <u>Perpetual Care Cemetery Board</u> Accessibility Committee of the Building Codes Council Building Codes Council Board of Chiropractic Examiners Contractor's- Licensing Board Board of Cosmetology Board of Dentistry <u>Panel for Dietetics</u> <u>Board of Registration for Professional Engineers and Land Surveyors Board</u> Environmental Certification Board Board of Registration for Foresters Board of Funeral Service Board of Registration for Geologists <u>Board of Landscape Architectural Examiners</u> <u>Liquefied Petroleum Gas Board</u> Manufactured Housing Board <u>Panel for Massage/Bodywork</u> Board of Medical Examiners Modular Buildings Board of Appeals Board of Nursing <u>Board of Long Term Health Care Administrators Board</u> Board of Occupational Therapy

	<p>Board of Examiners in Opticianry Board of Examiners in Optometry Board of Pharmacy Board of Physical Therapy Examiners Pilotage Commission <u>Commissioners of Pilotage for the Lower Coastal Area</u> <u>Commissioners of Pilotage for the Upper Coastal Area</u> Board of Podiatry Examiners Board of Examiners for <u>the</u> Licensure of Professional Counselors, <u>Marriage and Marital</u> <u>and Family Therapists, and Psycho-educational Specialists</u> Board of Examiners in Psychology Board of Pyrotechnic Safety Real Estate Appraisers Board Real Estate Commission Residential Builders Commission Board of Social Work Examiners <u>Soil Classifiers Advisory Council</u> Board of Examiners in Speech-Language Pathology and Audiology Board of Veterinary Medical Examiners</p> <p>(C) Each regulatory board within the department is a separate board. (D) The Department of Labor, Licensing and Regulation is a member of the Governor's executive cabinet and must be headed by a director who must be appointed by the Governor with the advice and consent of the Senate, subject to removal from office by the Governor pursuant to Section 1-3-240(B). The director shall supervise the department under the direction and control of the Governor and shall exercise other powers and perform other duties as the Governor requires.</p>
Other agencies that may be impacted	N/A

Law Recommendation #3

Law number and title	S.C. Code Ann. § 40-1-50. Authority of department; record of board proceedings; roster of licensees; fee structures.
Summary of current law	Sets out the authority of the agency and describes services the agency provides to the boards.
Recommendation and rationale	<p>Amends § 40-1-50(A) to reflect that the agency follows State law with regard to hiring and terminating employees and regulating boards. The amendment reflects that the agency is the employer of record for its employees and ensures that the person hiring a state employee is held to the standards outlined by State law.</p> <p>The recommendation also deletes the provision of the law that requires the agency director to submit a report that recommends the professions and occupations that should be de-regulated. The reason for the deletion is twofold: One, this provision has the potential to put the director in an adversarial relationship with a board she is statutorily bound to administer; and two, the legislature is charged with making the law and thus has the ability to determine what professions should be regulated.</p> <p>Amends § 40-1-50(C) to reflect the minimal \$10 fee that the agency currently charges to produce a board roster.</p>
Wording of law	<p>(A) The department is responsible for all administrative, fiscal, investigative, inspectional, clerical, secretarial, and license renewal operations and activities of the boards and commissions enumerated in Section 40-1-40.</p> <p>The director shall employ and supervise personnel necessary to effectuate the provisions of this article for each board provided for in Section 40-1-40. When hiring a person charged with evaluating or administering professional qualifications or licensing standards, the director must select from a list of three candidates submitted by the appropriate licensing board. However, a candidate whose name is submitted to the director must be chosen from a list of all candidates found to be qualified by the Human Management Office of the department. The authority to remove an employee of the department is vested with the Director of the Department of Labor, Licensing and Regulation.</p> <p>The director shall establish compensation for personnel assigned to the boards as the director considers necessary and appropriate for the administration of this article. Compensation and necessary expenses incurred in the performance of duties by personnel assigned to the board must be paid as an expense of the board in the administration of this article.</p> <p>The director shall enter into contracts and agreements the director considers necessary or incidental to carry out the provisions of this article to provide for all services required by each board.</p> <p>Board members must be compensated for their services at the usual rate for mileage, subsistence, and per diem as provided by law for members of state boards, committees, and commissions and may be reimbursed for actual and necessary expenses incurred in connection with and as a result of their work as members of the board. The director, within the limits set by the Comptroller General, shall establish reimbursement standards for travel and other expenses incurred by a board member in the performance of the board member's official duties. Compensation and reimbursements paid to board members under this subsection must be paid as an expense of the board in the administration of this article and the board's chapter and must be paid from the fees received by the board pursuant to the provisions of this article or in a manner prescribed by the Department of Labor, Licensing and Regulation.</p>

	<p>The director shall maintain a separate account for funds collected on behalf of a board and shall indicate the expenses allotted to the board. The director shall adjust fees for revenue-funded boards in accordance with Section 40-1-50 (D).</p> <p>The director annually shall prepare a report to the Governor and the General Assembly indicating those regulated trades, occupations, and professions that do not meet the spirit and intent of Section 40-1-10.</p> <p>The director may perform any additional administrative functions requested by the boards.</p> <p><i>[Section B not reproduced]</i></p> <p>(C) The department may prepare and publish a roster for each respective board containing the names and places of business of persons licensed under this article. A copy of the roster must be provided upon request and upon payment of a fee which may not exceed the cost of printing and distribution of the roster of <u>ten dollars (\$10)</u>.</p> <p><i>[Remainder of statute not reproduced]</i></p>
Other agencies that may be impacted	N/A

Law Recommendation #4

Law number and title	S.C. Code Ann. § 40-1-70. Powers and duties of boards.
Summary of current law	Sets out the powers and duties of the agency’s regulated boards.
Recommendation and rationale	Add the ability of the boards to advise and recommend statutory revisions and other matters to the department , and for the department to request certain revisions to the legislature. Although some boards have the authority in their practice acts, many do not.
Wording of law	<p>The powers and duties of regulatory boards include, but are not limited to:</p> <ol style="list-style-type: none"> (1) determining the eligibility of applicants for examination and licensure; (2) examining applicants for licensure including, but not limited to: <ol style="list-style-type: none"> (a) prescribing the subjects, character, and manner of licensing examinations; (b) preparing, administering, and grading the examination or assisting in the selection of a contractor for the preparation, administration, or grading of the examination; (3) establishing criteria for issuing, renewing, and reactivating the authorizations to practice of qualified applicants, including the issuance of active or permanent, temporary, limited, and inactive licenses, or other categories as may be created; (4) adopting a code of professional ethics appropriate to the profession or occupation which it licenses or regulates; (5) evaluating and approving continuing education course hours and programs; (6) conducting hearings on alleged violations of this article and regulations promulgated under this article; (7) resolving consumer complaints, where appropriate and possible; (8) disciplining persons licensed under this article in a manner provided for in this article; (9) promulgating regulations which have been submitted to the director, at least thirty days in advance of filing with Legislative Council as required by Section 1-23-30; <u>(10) advising and recommending action to the department in the development of statutory revisions, and such other matters as the department may request regarding the administration of a board’s practice act in order to protect the health, safety, and welfare of the public.</u>

Other agencies that may be impacted	N/A
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Law Recommendation #5

Law number and title	S.C. Code Ann. § 40-1-90. Disciplinary action proceedings.
Summary of current law	Sets out the way in which disciplinary actions take place at the agency.
Recommendation and rationale	Clarifies that the attorney has the ability to make the final recommendation regarding a disposition to the board , and sets out the law regarding service of notice . Proper form of notice is not currently set forth in every practice act.
Wording of law	<p><u>SECTION 40-1-90. Disciplinary action proceedings; service of notice.</u></p> <p><u>(A) The results of an investigation must be presented to the board. If from these results it appears that a violation has occurred or that a licensee has become unfit to practice the profession or occupation, the board, in accordance with the Administrative Procedures Act, may take disciplinary action authorized by Section 40-1-120. No disciplinary action may be taken unless the matter is presented to and voted upon by the board. The board may designate a hearing officer or hearing panel to conduct hearings or take other action as may be necessary under this section.</u></p> <p><u>(B) If, at the conclusion of the investigation, disciplinary counsel determines that evidence is insufficient to prove a violation, counsel has the final discretion to amend the recommendation to the full board.</u></p> <p>(B) <u>(C) For the purpose of a proceeding under this article, the department may administer oaths and issue subpoenas for the attendance and testimony of witnesses and the production and examination of books, papers, and records on behalf of the board or, upon request, on behalf of a party to the case. Upon failure to obey a subpoena or to answer questions propounded by the board or its hearing officer or panel, the board may apply to an administrative law judge for an order requiring the person to comply with the subpoena.</u></p> <p><u>(D) Service of notices conclusively must be presumed thirty days after mailing by first class or certified mail to the respondent to the last address provided to a board by the respondent.</u></p> <p><u>(E) When provision is made for the service of any notice, order, report, or other paper or copy of these upon any person in connection with any proceeding, service may be made upon counsel of record for the person, either personally or by first class or certified mail.</u></p> <p><u>(F) Service of notice upon a respondent who cannot be found at the last known address provided by the respondent or after due diligence cannot be found at his usual abode or place of business in this State or outside of the State, may be made by leaving with the director or her designee a copy of the notice and any accompanying documents along with proof of attempted service at the last known address. This provision does not remove a licensee's obligation to inform a board of a proper address for communication by mail.</u></p>
Other agencies that may be impacted	Administrative Law Court

Law Recommendation #17

Law number and title	S.C. Code Ann. § 40-8-160 (Cemetery). Dissemination of order finding basis for disciplinary action; fine.
Summary of current law	Provides for dissemination of public orders to local and state professional associations; authorizes sanctions against respondent.
Recommendation and rationale	Amends the statute to provide that the agency may email final orders electronically to local and state professional associations. This would reduce board-mailing costs and further public protection by ensuring board orders are disseminated quickly. Amending the statute would not change the dissemination of a final order to a respondent.
Wording of law	Upon a determination by the board that one or more of the grounds for disciplining a licensee exist, as provided for in Sections 40-8-150 and 40-1-110, the board may, in addition to the actions provided for in Section 40-1-120, impose a fine not to exceed ten thousand dollars. All final orders which are made public must be mailed <u>or emailed</u> to local and state professional associations, all firms and facilities with which the respondent is associated, states where the person has a license known to the board, and to any other source to which the board wishes to furnish this information.
Presented and approved by Board?	Not yet presented to the Board.
Other agencies that may be impacted	N/A

Law Recommendation #19

Law number and title	S.C. Code Ann. § 40-11-20. Definitions.
Summary of current law	Defines terms related to this practice act.
Recommendation and rationale	Correct typographical error in the name of the Board, to ensure consistency of terminology.
Wording of law	S.C. Code Ann. § 40-11-20(1): For purposes of this chapter: (1) “Board” means the South Carolina Contractor’s- Licensing Board. <i>[remainder of statute unchanged]</i>
Presented and approved by Board?	Not yet presented to the Board.
Other agencies that may be impacted	N/A

Law Recommendation #23

Law number and title	S.C. Code Ann. § 40-37-20.(Optometrists) Definitions.
Summary of current law	Defines terms related to this practice act.
Recommendation and rationale	Removes definitions of basic certified optometrist and diagnostic certified optometrist. All optometrists are not required to be therapeutic certified optometrists, pursuant to current S.C. Code Ann. § 40-37-420.
Wording of law	As used in this chapter: (1) "Board" means the South Carolina Board of Examiners in Optometry; (2) "Contact lens" means any device placed in contact with the eye for the purpose of correcting vision, therapy, or cosmetic alteration; (3) "Direct supervision" means supervision provided by a licensed optometrist who must: (a) be present in the department or facility where the supervisee is performing services; (b) be immediately available to assist the supervisee in the services being performed; and (c) maintain continued involvement in appropriate aspects of each treatment; (4) "Optical supplies" include, but are not limited to, contact lenses, ophthalmic lenses, ophthalmic frames; (5) "Basic certified optometrist" means an optometrist without education or training in the use of pharmaceutical agents and licensed to practice optometry without the use of pharmaceutical agents; (6) "Diagnostic certified optometrist" means an optometrist educated and trained in the use of pharmaceutical agents for diagnostic purposes only and licensed to practice optometry in conjunction with the use of pharmaceutical agents for diagnostic purposes only; (75) "Therapeutic certified optometrist" means an optometrist educated and trained in the use of pharmacological agents for diagnostic and therapeutic purposes and licensed to practice optometry with the use of pharmacological agents for diagnostic and therapeutic purposes.
Presented and approved by Board?	Not yet presented to the Board.
Other agencies that may be impacted	N/A

Law Recommendation #24

Law number and title	S.C. Code Ann. § 40-37-420. (Optometrists) Existing licensees; transition; time frame for fulfilling licensing requirements of chapter.
Summary of current law	Sets a transition period that expired in 2008 for all optometrists to meet one standard of licensure and practice.
Recommendation and rationale	Remove references to transition as they are unnecessary and archaic.

Wording of law	<p>SECTION 40-37-420. Existing licensees; transition; tTime frame for fulfilling licensing requirements of chapter.</p> <p>— (A) An optometrist licensed for basic practice of optometry as of July 1, 2005, may continue to practice under the conditions provided for in this section, and regulations promulgated under this chapter, as of July 1, 2005, until September 30, 2008. A basic certified optometrist may:</p> <p>— (1) employ any means, other than the use of drugs, for the measurement of the powers of vision or the adaptation of lenses for the aid of vision;</p> <p>— (2) in the sale of spectacles, eyeglasses, or lenses, use lenses in the testing of the eye therefor other than lenses actually sold;</p> <p>— (3) examine the human eye by the employment of any subjective or objective physical means, without the use of drugs, to ascertain the presence of defects or abnormal conditions for the purpose of relieving them by the use of lenses, prisms, or other physical or mechanical means;</p> <p>— (4) practice orthoptics or prescribe or fit contact lenses;</p> <p>— (B)(1) An optometrist licensed for diagnostic practice of optometry as of July 1, 2005, may continue to practice under the conditions provided for in this section, and regulations promulgated under this chapter, as of July 1, 2005, until September 30, 2008, if the optometrist has:</p> <p>— (a) complied with the educational requirements promulgated by the board; and</p> <p>— (b) passed a pharmaceutical agent examination which must be approved by the board.</p> <p>— (2) Notwithstanding any other provision of law, a diagnostically certified optometrist may purchase, possess, and administer pharmaceutical agents including pharmaceutical agents for topical application, other than controlled substances as defined in Section 44-53-110, for diagnostic purposes in the practice of optometry. For the purposes of this subsection, “pharmaceutical agent” means: anesthetics, mydriatics, cycloplegics, miotics, dyes, and over the counter drugs. Miotics may be used only pursuant to the following restrictions:</p> <p>— (a) miotics may not be used for treatment purposes;</p> <p>— (b) miotics may be used only for emergency purposes involving the buildup of pressure within the eyeball and immediately upon this emergency use, the optometrist shall refer the patient to an ophthalmologist and file with the South Carolina Board of Examiners in Optometry a written report of the incident in the manner prescribed by the board by regulation; and the South Carolina Board of Examiners in Optometry shall ensure that the quality and quantity of miotics possessed by a diagnostically certified optometrist is consistent with the use of miotics only for emergency purposes involving the buildup of pressure within the eyeball.</p> <p>(C) After September 30, 2008, no person may practice as an optometrist in this State if the person has not met all requirements of this chapter in effect at that time and as may be amended in the future. A basic and diagnostically licensed optometrist who wishes to be recertified after September 30, 2008, shall conform to the licensing requirements for a therapeutically certified optometrist as provided for in regulation.</p> <p>(D) A licensee under this chapter must indicate his or her category of licensure following his or her name or signature on all professional documents.</p>
Presented and approved by Board?	Not yet presented to the Board.
Other agencies that may be impacted	N/A

Law Recommendation #27

Law number and title	S.C. Code Ann. § 40-59-20 (Residential Home Builders). Definitions.
Summary of current law	Defines terms related to this practice act.
Recommendation and rationale	Amends statute to remove statutory reference that is not defined in the practice act.
Wording of law	This chapter does not apply to a person licensed under Chapter 11 for the purpose of undertaking the construction, or superintending of construction, of a building or the improvement, reimprovement, or repair of any building. A residential builder who is licensed pursuant to this chapter is not required to be licensed as a general contractor or mechanical contractor under Chapter 11 in order to engage in residential building as defined in Section 40-59-10 . A mechanical contractor is exempt from this chapter relating to residential specialty contractors when engaged in contracting in the classification in which he is licensed to perform mechanical contracting. The commission is the exclusive licensing and registration entity for persons who engage solely in residential building and in residential specialty contracting.
Presented and approved by Board?	Not yet presented to the Board.
Other agencies that may be impacted	Administrative Law Court

Law Recommendation #28

Law number and title	S.C. Code Ann. § 40-59-270 (Residential Home Builders). Applicability of Chapter 11; exemption of mechanical contractor.
Summary of current law	Exempts Contractor's Licensing Board licensees from licensure under this practice act.
Recommendation and rationale	Corrects typographical error in the statutory citation. The correct citation to statute is Section 40-29-60.
Wording of law	This chapter does not apply to a person licensed under Chapter 11 for the purpose of undertaking the construction, or superintending of construction, of a building or the improvement, reimprovement, or repair of any building. A residential builder who is licensed pursuant to this chapter is not required to be licensed as a general contractor or mechanical contractor under Chapter 11 in order to engage in residential building as defined in Section 40-59- 10 <u>20</u> . A mechanical contractor is exempt from this chapter relating to residential specialty contractors when engaged in contracting in the classification in which he is licensed to perform mechanical contracting. The commission is the exclusive licensing and registration entity for persons who engage solely in residential building and in residential specialty contracting.
Presented and approved by Board?	Not yet presented to the Board.

Other agencies that may be impacted	Administrative Law Court
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Law Recommendation #29

Law number and title	S.C. Code Ann. § 40-43-155 (Pharmacy). Requiring professional competency, mental, or physical examination; request for review; obtaining records; confidentiality.
Summary of current law	Not in existence
Recommendation and rationale	Licensees under the South Carolina Pharmacy Practice Act have extraordinary access to controlled substances as well as legend drugs. In order to better aid the Board in determining fitness to practice, the Board should have the ability to require licensees to submit to evaluation for mental or physical incompetency and disability before a formal hearing. Currently, the board has the ability to suspend a license if the health, safety, and welfare of the public is at risk, but in some cases the ability to require an evaluation is a less severe sanction than putting a practitioner out of practice. Further, this change puts Pharmacy in line with the other health boards.
Wording of law	<p><u>SECTION 40-43-155. Requiring professional competency, mental, or physical examination; request for review; obtaining records; confidentiality.</u></p> <p><u>(A) If the board finds that probable cause exists that a licensee or applicant may be professionally incompetent, addicted to alcohol or drugs, or may have sustained a physical or mental disability that may render practice by the licensee or applicant dangerous to the public or is otherwise practicing in a manner dangerous to the public, the board, without a formal complaint or opportunity for hearing, may require a licensee or applicant to submit to a professional competency, mental, or physical examination by authorized practitioners designated by the board. The results of an examination are admissible in a hearing before the board, notwithstanding a claim of privilege under a contrary rule of law. A person who accepts the privilege of engaging in licensed practice in this State pursuant to this chapter, or who files an application for a license to practice pursuant to this chapter, is considered to have consented to submit to a professional competency, mental, or physical examination and to have waived all objections to the admissibility of the results in a hearing before the board upon the grounds that this constitutes a privileged communication. If a licensee or applicant fails to submit to an examination when properly directed to do so by the board, unless the failure was due to circumstances beyond the person's control, the board shall enter an order automatically suspending or denying the license pending compliance and further order of the board. A licensee or applicant who is required to submit to a professional competency, mental, or physical examination may request within seventy-two hours after receipt of the requirement a review by the administrative hearing officer. Filing a written request for a review by the administrative hearing officer does not stay the time directed in which to submit to a professional competency, mental, or physical examination, and no stay may be issued, except as provided in this section. The review hearing for purposes of this section must be limited to the issues of whether the person is a licensee or applicant, whether reasonable grounds exist to require a professional competency, mental, or physical examination, and whether the licensee or applicant has been informed that failure to submit to an examination will result in the entry of an order automatically suspending or denying the license pending compliance and further order of the board. The administrative hearing officer's decision is not subject to appeal. A licensee or applicant who is prohibited from practicing pursuant to this subsection must be afforded at</u></p>

	<p><u>reasonable intervals an opportunity to demonstrate to the board the ability to resume or begin the practice with reasonable skill and safety.</u></p> <p><u>(B) The board upon probable cause may obtain records relating to the professional competency or mental or physical condition of a licensee or applicant including, but not limited to, psychiatric records, which are admissible in a hearing before the board, notwithstanding any other provision of law. A person who accepts the privilege of engaging in licensed practice in this State pursuant to this chapter, or who files an application to practice pursuant to this chapter, is considered to have consented to the board obtaining these records and to have waived all objections to the admissibility of these records in a hearing before the board upon the grounds that this constitutes a privileged communication. If a licensee or applicant refuses to sign a written consent for the board to obtain these records when properly requested by the board, unless the failure was due to circumstances beyond the person's control, the board shall enter an order automatically suspending or denying the license pending compliance and further order of the board. A licensee or applicant who is prohibited from practicing under this subsection must be afforded at reasonable intervals an opportunity to demonstrate to the board the ability to resume or begin the practice of medicine with reasonable skill and safety.</u></p> <p><u>(C) An order requiring a licensee or applicant to submit to a professional competency, mental, or physical examination or an order requiring the submission of records relating to the professional competency or mental or physical condition of a licensee or applicant is confidential and must not be disclosed, except to the extent necessary for the proper disposition of the matter before the board or administrative hearing officer. The fact of automatic suspension or denial of a license pending compliance and further order of the board is public information under the Freedom of Information Act. A review hearing and decision of an administrative hearing officer are confidential, unless an order automatically suspending or denying a license pending compliance and further order of the board has been issued, in which case the fact of suspension or denial of a license by the administrative hearing officer is public information under the Freedom of Information Act.</u></p>
Presented and approved by Board?	Not yet presented to the Board.
Other agencies that may be impacted	LRADAC/Recovering Professional Program

PROFESSIONAL AND OCCUPATIONAL LICENSING (POL) – INVESTIGATIONS AND ENFORCEMENT

Division Purpose

The POL Office of Investigations and Enforcement investigates complaints involving alleged misconduct by licensees.

Division Employees

	2014-15	2015-16	2016-17
Turnover rate – all employees	19.70%	16.67%	10.60%
Turnover rate – FTEs only	19.67%	16.26%	11.02%
Is employee satisfaction evaluated?	No		
Is anonymous employee feedback allowed?	No		
Do any positions require a certification?	Yes		
Did the agency pay for or provide classes/instruction needed to maintain required certifications?	Some		

Applicable Strategic Plan Segments

2017-18 Comprehensive Strategic Plan Segments	Intended Public Benefit/Outcome	2016-17			2017-18			Partner(s), by segment
		# of FTEs utilized	Amount Spent	% of Total Available to Spend	# of FTEs using	Amount budgeted	% of Total Budget	
Goal 2 - Protect the public by ensuring efficient and effective licensing, permitting, inspection and enforcement operations for the State's regulated professions and occupations.								
<i>Strategy 2.2: Ensure the public's health and safety by inspecting facilities for compliance with standards required by law.</i>	<i>Strategy Totals:</i>	14.82	\$802,731.00	2%	14.82	\$935,187.03	2%	
Objective 2.2.1 - Conduct initial inspections of funeral homes, pharmacy facilities, mobile and portable dental units, dental sedation offices, barber shops and schools, and cosmetology salons and schools to ensure statutory compliance before issuance of a permit.	Public has confidence that regulated facilities meet the requisite health, safety and sanitation requirements for operation.	2.81	\$204,056.48	0.47%	2.81	\$236,117.16	0.56%	Federal, State, & Local Govt, Private Business, Individuals

2017-18 Comprehensive Strategic Plan Segments	Intended Public Benefit/Outcome	2016-17			2017-18			Partner(s), by segment
		# of FTEs utilized	Amount Spent	% of Total Available to Spend	# of FTEs using	Amount budgeted	% of Total Budget	
Objective 2.2.2 - Conduct inspections to verify compliance of funeral homes, perpetual care cemeteries, pharmacy facilities, mobile and portable dental units, dental sedation offices, veterinarian facilities, manufactured housing lots, real estate offices, barber shops and schools, and cosmetology salons and schools.	Public has confidence that regulated facilities are routinely inspected to ensure continued compliance with statutory requirements and professional standards.	10.43	\$394,618.04	0.91%	10.43	\$462,952.71	1.10%	Federal, State, & Local Govt, Private Business, Individuals
Objective: 2.2.3 - Enforce compliance with professional standards by conducting inspections in response to complaints including issuing citations, cease and desist orders for unlicensed practice or for professional acts outside the scope of the profession.	Public concerns about licensees' qualifications to practice are efficiently and effectively addressed.	1.58	\$204,056.48	0.47%	1.58	\$236,117.16	0.56%	Federal, State, & Local Govt, Private Business, Individuals
<i>Strategy 2.3: Ensure the public's health and safety by investigating complaints of allegations of misconduct against licensees whose acts may not have met the standards established by the professional or occupational board or commission and allegations of unlicensed practice in the State.</i>								
<i>Strategy Totals:</i>		43.27	\$2,517,785.08	6%	45.27	\$2,976,706.98	7%	
Objective 2.3.1 - Review and process complaints, insuring they meet jurisdictional requirements and sufficiency to initiate investigation of alleged violations.	Public has confidence that initial complaints are sufficiently screened to determine whether further investigation is warranted.	4.33	\$394,618.04	0.91%	5	\$462,952.71	1.10%	Federal, State, & Local Govt, Higher Ed, K-12 Ed, Business, Individuals, Other
Objective 2.3.2 - Investigate complaints, including conducting witness interviews, analyzing evidence, and organizing, preparing for and attending Investigative Review Committee meetings.	Public can be confident that complaints of alleged practice act violations will be thoroughly and timely investigated.	33.11	\$1,919,110.56	4.41%	33.78	\$2,277,637.11	5.39%	Federal, State, & Local Govt, Higher Ed, K-12 Ed, Business, Individuals, Other
Objective 2.3.3 - Proffer testimony at Board or Commission hearings and assist with administering Board or Commission actions such as serving emergency orders, cease and desist orders, and final orders.	Public is protected because respondents are appropriately disciplined by the boards and commissions.	5.83	\$204,056.48	0.47%	6.49	\$236,117.16	0.56%	State Government, Local Government, Individuals

Division Deliverables

Deliverable	Required /allowed by law?	Does agency track...		Does agency know...			Agency allowed to charge a fee?	Greatest potential harm to the public if deliverable is not provided	Recommendations to the General Assembly to help avoid the greatest potential harm	Other agencies where the product/ service may fit
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?				
Initial, Routine, and Compliance Inspections: Athletic events, pharmacies, salons, barbershops, boilers, funeral establishments, dental sedation offices, cemeteries, manufactured housing dealer lots, real estate offices.	Required	✓	X	X	✓	✓	X	Failure to inspect will result in risk of required equipment to not be on site and possible injury to the consuming public.	Maintain statutory and regulatory authority.	DHEC
Investigations of complaints of misconduct against professional and occupational licensees and permit holders.	Required	✓	X	X	✓	✓	X	Failure to investigate complaints will result in risk of property damage, personal injury and possible loss of life to the consuming public.	Maintain statutory and regulatory authority.	Attorney General's Office, DHEC, SLED

Related Performance Measures

Performance Measure	Type	Required or Selected?	Time Period		Time Period 1	Time Period 2	Time Period 3	Time Period 4	Time Period 5 (last completed)	Time Period 6 (current)	Trend in Results (Pds 1-5)
Number of dental practices inspected/permited	Output		July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	DNE	DNE	DNE	DNE	DNE	46	
Number of dental practices pending inspection/permitting	Input/activity	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	DNE	DNE	DNE	DNE	DNE	25	
Number of initial/opening inspections completed	Efficiency	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	DNE	254	349	329	344	190	
Number of routine inspections conducted	Output	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	13650	8531	7516	9292	9292	8227	
Number of citations issued	Outcome	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	649	879	813	1129	1327	687	
Number of Cease and Desist orders issued	Outcome	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	224	172	261	285	356	230	
Number of complaint based inspections completed	Output	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	80	78	118	63	98	39	
Number of complaints received	Input/activity	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	4900	4939	5183	6758	6689	5031	
Numbers of investigations opened	Output	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	3906	3796	3692	4877	4623	3535	
Average time to complete investigation (business days)	Efficiency	Agency selected	July - June	Target:	150	150	150	150	150	150	
				Actual:	114	92	110	110	118	125	
Number of cases closed	Outcome	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	4677	4690	5492	6122	6661	4958	
Number of board meetings held	Output	Agency selected	July - June	Target:	84	84	84	84	84	84	
				Actual:	225	219	218	205	207	147	
Number of emergency orders served	Output	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	199	174	150	133	124	121	

DNE = Does/did not exist

Related Internal Change Recommendations from Agency

Internal Change #6: Uniform Coding System

- Internal Change: Modify the agency case tracking system for POL by using uniform coding as to the type of case. This will allow for better tracking of cases as they progress from investigation and prosecution to final resolution by 1) providing more accurate and detailed information about the case as it progresses, 2) cleaning up old and outdated terminology no longer in use, 3) automating the case intake and assignment process, and 4) allowing case status to be changed in the system to show the progression of the case from initial complaint through final resolution. These changes will allow the agency to track case status in greater detail as the case progresses to assess and analyze more detailed and accurate data regarding case trends.
- Stage of Change Analysis: Plan for implementation set.
- Performance Measures Impacted and Anticipated Impact: Performance measures include the average time to complete investigations, the number of complaints received, investigations opened, and cases closed. The agency will be better able to track cases from start to finish and in a manner that will allow all departments involved to better understand the history of the case, analyze the data, and manage cases. This will allow the agency to reduce the average time it takes to open, assign, and complete investigations, getting them to the point of prosecution and final resolution faster. It will also allow the agency to better utilize the data available to track trends. For example, it can be used to identify what type of drugs are most often diverted, which the agency can share with other agencies in identifying and developing education programs to address the issue of specific types of drug abuse in a more proactive fashion.
- Objective(s) Costs Impacted and Anticipated Impact: There are no direct costs associated with this change. The cost savings of employee time and other management efficiencies are currently unknown.
- Anticipated Implementation Date: December 31, 2018

Internal Change #17: E-Citation System

- Internal Change: Implement an electronic citation system for the professional and occupational boards that issue citations.
- Stage of Change Analysis: Analyzing feasibility.
- Performance Measures Impacted and Predicted Impact: Performance measures would include number of citations issued, number of routine inspections completed, and number of complaints based on inspections. The impact would be less investigator and staff time devoted to uploading paper documents into ReLAES, the agency's database, because the e-citation would automatically be uploaded. Further, recipients of the e-citation would receive either a hard copy or emailed version of the document. This also would allow the agency to pull data more easily to identify trends.
- Objective(s) Costs Impacted and Anticipated Impact: Agency still analyzing.
- Anticipated Implementation Date: Agency has not yet fully analyzed feasibility.

Related Law Change Recommendations from Agency

Law Recommendation #1

(Also related to POL-Board Services Division)

Law number and title	S.C. Code Ann. § 40-1-20. Definitions.
Summary of current law	Sets out definitions of terms necessary to understand the statutes in the title.
Recommendation and rationale	<p>Amends § 40-1-20(8) to clarify that “person” or “individual” as used throughout the title may be a human being or business entity, as several boards license business entities in addition to people.</p> <p>Adds § 40-1-20(10) to define “crime of moral turpitude”. The term is used throughout statutes, regulations, and case law relating to LLR but is not currently defined in statute.</p>
Wording of law	<p>As used in this title unless the context requires a different meaning:</p> <p>(1) “Administrator” means the individual to whom the director has delegated authority to administer the programs of a specific board or of a professional or occupational group for which the department has regulatory authority or has delegated authority to administer the programs of a specific board;</p> <p>(2) “Authorization to practice” or “Practice authorization” means the approval to practice the specified profession, engage in the specified occupation, or use a title protected under this article, which has been granted by the applicable board. This authorization is granted in the form of a license, permit, certification, or registration;</p> <p>(3) “Board” or “Commission” means the group of individuals charged by law with the responsibility of licensing or otherwise regulating an occupation or profession within the State. Except as otherwise indicated, “board” is used in this article to refer to both boards and commissions;</p> <p>(4) “Department” means the Department of Labor, Licensing and Regulation;</p> <p>(5) “Director” means the Director of the Department of Labor, Licensing and Regulation or the director’s official designee;</p> <p>(6) “Licensee” means a person granted an authorization to practice pursuant to this article and refers to a person holding a license, permit, certification, or registration granted pursuant to this article;</p> <p>(7) “Licensing act” means the individual statute or regulations, or both, of each regulated profession or occupation which include, but are not limited to, board governance, the qualifications and requirements for authorization to practice, prohibitions, and disciplinary procedures;</p> <p>(8) <u>“Person” or “individual” means an individual, a human being, firm, partnership, or corporation, or other entity which may be eligible to apply for licensure as determined by a board;</u></p> <p>(9) “Profession” or “occupation” means a profession or occupation regulated or administered, or both, by the department pursuant to this article;</p> <p>(10) <u>“Crime of moral turpitude” means a misdemeanor or felony under the Federal or State criminal law involving behavior that is not in conformity with and is considered vile or depraved by societal standards. This broad definition includes, but is not limited to, any crime listed in Chapter 3 of Title 16, Offenses Against the Person, or its substantially-similar Federal equivalent; any felony listed in Chapter 13 of Title 16, Forgery, Larceny, Embezzlement, False Pretenses and Cheats, or its substantially-similar Federal equivalent; any felony listed in Chapter 14 of Title 16, Financial Transaction Card Crime Act, or its substantially-similar Federal equivalent; any crime listed in Chapter 15 of Title 16, Offenses Against Morality and Decency, or its substantially-similar Federal</u></p>

	<u>equivalent; and the crime of Contributing to the Delinquency of a Minor in Section 16-17-490, or its substantially-similar Federal equivalent. Crimes which involve primarily self-destructive behavior generally do not involve moral turpitude.</u>
Other agencies that may be impacted	N/A

Law Recommendation #6

Law number and title	S.C. Code Ann. § 40-1-120. Sanctions.
Summary of current law	Sets out the authority for the boards to sanction a licensee.
Recommendation and rationale	Clarifies that a nondisciplinary letter of caution is a private order.
Wording of law	<p>SECTION 40-1-120. Sanctions.</p> <p>(A) Upon a determination by a board that one or more of the grounds for discipline exists, in addition to the actions the board is authorized to take pursuant to its respective licensing act, the board may:</p> <p>(1) issue a public reprimand;</p> <p>(2) impose a fine not to exceed five hundred dollars unless otherwise specified by statute or regulation of the board;</p> <p>(3) place a licensee on probation or restrict or suspend the individual's license for a definite or indefinite time and prescribe conditions to be met during probation, restriction, or suspension including, but not limited to, satisfactory completion of additional education, of a supervisory period, or of continuing education programs;</p> <p>(4) permanently revoke the license.</p> <p>(B) A decision by a board to discipline a licensee as authorized under this section must be by a majority vote of the total membership of the board serving at the time the vote is taken.</p> <p>(C) A final order of a board disciplining a licensee under this section is public information.</p> <p>(D) Upon a determination by a board that discipline is not appropriate, the board may issue a nondisciplinary letter of caution- <u>that is not subject to disclosure under the Freedom of Information Act.</u></p> <p>(E) A board may establish a procedure to allow a licensee who has been issued a public reprimand to petition the board for expungement of the reprimand from the licensee's record.</p>
Presented and approved by Board?	N/A

Other agencies that may be impacted	N/A
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Law Recommendation #7

Law number and title	S.C. Code Ann. § 40-1-150. Voluntary surrender of authorization to practice.
Summary of current law	Sets forth the parameters of a voluntary surrender of a license.
Recommendation and rationale	Amend § 40-1-150 to reflect that a licensee may voluntarily surrender or voluntarily relinquish a license, and distinguish between the two actions . The current statute uses the two words interchangeably, and does not reflect the difference – a surrender may be temporary and a relinquishment is described as permanent in some of the practice acts.
Wording of law	<p>SECTION 40-1-150. Voluntary surrender <u>or relinquishment</u> of authorization to practice.</p> <p>A licensee who is under investigation for a violation provided for in Section 40-1-110 or the licensing act of the applicable board for which disciplinary action may be taken may voluntarily surrender authorization to practice to the board. The voluntary surrender invalidates the authorization to practice at the time of its relinquishment <u>surrender</u>, and no person whose authorization to practice is surrendered voluntarily may practice the profession or occupation unless the board, by a majority vote, reinstates the license. A person practicing a regulated profession or occupation during the period of voluntary surrender is considered an illegal practitioner and is subject to the penalties provided by this article. The surrender of an authorization to practice may not be considered an admission of guilt in a proceeding under this article and does not preclude the board from taking disciplinary action against the licensee as provided for in this article or the board’s licensing act including, but not limited to, imposing conditions that must be met before the board reinstates the license. <u>A voluntary surrender of a license is public information.</u></p> <p><u>A licensee may also decide voluntarily to permanently relinquish the authorization to practice to the board. This relinquishment invalidates the authorization to practice at the time of its relinquishment, and no person whose authorization to practice is permanently relinquished may practice the profession or occupation at any time thereafter. A person practicing a regulated profession or occupation after relinquishment is considered an illegal practitioner and is subject to the penalties provided by this article. The permanent relinquishment of an authorization to practice stops disciplinary action before a board as to the relinquished license, and is a public document which shall be made available on the department’s website.</u></p>
Presented and approved by Board?	N/A
Other agencies that may be impacted	N/A

Law Recommendation #8

Law number and title	S.C. Code Ann. § 40-1-190. Privileged communications.
Summary of current law	Sets out that complaints and testimony relating to discipline are privileged, without restricting a licensee’s due process rights. Final orders of a board are public.
Recommendation and rationale	Add sections (B) through (D) and (F) to set out confidentiality for the department while allowing individual boards to set different standards if desired. Initial complaints are confidential to maintain privacy for licensees/respondents found to be compliant with the law. Once the threshold of formal complaint has been crossed, matters are presumed to be public, but still subject to reasonable protections pursuant to controlling law. The change also clarifies that a respondent always has access to the information.
Wording of law	<p>SECTION 40-1-190. Privileged communications; <u>confidentiality of initial investigations; formal complaints open to public; respondent’s due process rights preserved.</u></p> <p>(A) A communication, whether oral or written, made by or on behalf of a person, to the director or board or a person designated by the director or board to investigate or hear matters relating to discipline of a licensee, whether by way of complaint or testimony, is privileged and no action or proceeding, civil or criminal, may be brought against the person, by or on whose behalf the communication is made, except upon proof that the communication was made with malice.</p> <p><u>(B) Except as otherwise provided by law, all initial complaints, investigations, proceedings, records, and information relating to allegations of misconduct or incapacity are confidential and must not be disclosed to the public. While the matter remains confidential, the members and staff of the department and the board must not reveal in any way the nature of the initial complaint except to persons directly involved in the matter and then only to the extent necessary for proper investigation and disposition of the matter.</u></p> <p><u>(C) When a formal complaint is filed regarding an allegation of misconduct, the formal complaint and any answer become open to the public after the filing of the answer or if no answer is filed, thirty days after the service of the charges upon the licensee. If an allegation of incapacity is raised during the misconduct proceedings, all records, information, and proceedings relating to the allegation are confidential.</u></p> <p><u>(D) However, the department or the board may disclose information to another government agency, including law enforcement officials, at any stage of the proceedings in order to protect the public or for the administration of justice. The department may provide any information it considers necessary or appropriate to a substance abuse treatment program facility or monitoring program approved by a board, and this information must continue to be kept confidential and privileged from disclosure, except as provided by law.</u></p> <p><u>(BE) Nothing in this article may be construed as prohibiting the respondent or the respondent’s legal counsel from exercising the respondent’s constitutional right of due process under the law or as prohibiting the respondent from normal access to the charges and evidence filed against the respondent as part of due process under the law. The respondent may have access to the initial complaint at the beginning of the investigative process.</u></p> <p><u>(CF) Notwithstanding the provisions of this section, a final order of a board disciplining a licensee is public.</u></p>
Other agencies that may be impacted	N/A

Law Recommendation #18

Law number and title	S.C. Code Ann. § 40-9-31 (Chiropractors). Procedures for revoking, suspending, or restricting a license or disciplining a licensee; appeal to Administrative Law Court; stay pending appeal.
Summary of current law	Sets out the appropriate procedure for discipline of a licensee.
Recommendation and rationale	Amends the statute to conform to the current agency practice that has the Office of General Counsel rather than the Attorney General’s office prosecutes cases. Clarifies that allegations of misconduct brought against a licensee is by the State and not for a complainant. The amendment would also corrects the issue of a stay pending appeal to be consistent with court rules and other practice acts regarding stay of an order on appeal as well as S.C. Code Ann. § 40-1-160.
Wording of law	<p>(A) An action of the board relating to the revocation or suspension of a license or other action restricting a license or disciplining a licensee must be taken only after a written complaint of misconduct has been filed with the board in accordance with regulations promulgated by the board. After receiving a complaint a closed hearing must be held by an examiner selected by the board after thirty days’ notice to the complainant and the licensee or their counsel. The <u>Office of General Counsel</u> Attorney General’s office, upon request of the board, shall present the case <u>on behalf of the State for the complainant</u> before the examiner. Upon receipt of the examiner’s report, the board shall notify the complainant and the licensee and the licensee’s counsel of the time and place at which the board will consider the report for the purpose of determining its action on the report; the notice must be given not less than ten days before the meeting. The complainant and the licensee and the licensee’s counsel have the right to appear before the board at the meeting, submit briefs, and be heard in oral argument in opposition to or in support of the recommendations of the board. The State Attorney General’s office also has the right to appear before the board and submit briefs and be heard in oral argument. Upon its final review the board may either dismiss the complaint or find that the licensee is guilty of misconduct meriting sanction. The board shall file a final certified report of the proceedings before it with the secretary of the board who shall notify the complainant and the licensee and the licensee’s counsel of this action. A decision of the board to revoke, suspend, or restrict a license or to limit or discipline a person engaging in the practice of chiropractic requires a majority vote of the membership of the board. The board’s decision may be appealed to an administrative law judge as provided under Article 5 of Chapter 23 of Title 1, which shall hear the matter upon petition filed by the licensee with an administrative law judge as provided under Article 5 of Chapter 23 of Title 1, and served upon the secretary of the board within ten days from the date of delivery of the board’s decision to the licensee. A decision by the board to revoke, suspend, or restrict a license or to limit or discipline a licensee or one who is found to be practicing chiropractic without complying with this chapter is not effective until the tenth day following the date of delivery of a written copy of the decision to the licensee. Service of a petition for a review of the decision <u>does not stays the board’s decision pending completion of the appellate process, unless and until an administrative law judge grants a petition for stay or the parties agree to the stay.</u></p> <p>(B) If a licensee is found to have violated this chapter or a regulation promulgated under this chapter, in addition to or instead of taking action to revoke, suspend, or restrict the license of the licensee, the board may assess a civil fine of up to two thousand dollars for each violation, but the total fine may not exceed ten thousand dollars.</p>
Presented and approved by Board?	Not yet presented to the Board.

Other agencies that may be impacted	Administrative Law Court
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Law Recommendation #20

Law number and title	S.C. Code Ann. § 40-15-180. Complaint to board against dentist, dental hygienist, or dental technician; investigation; accusation; notice; hearing; confidentiality of proceedings; privileged communications.
Summary of current law	Sets out complaints and investigations against licensees.
Recommendation and rationale	Amends the statute to require the attorney representing the State to sign the formal accusation against the licensee, rather than the president or vice-president of the Board, and requires the State to serve the notice of hearing. This change would protect the board president from having access to the allegations against a respondent before the hearing.
Wording of law	(1) The board shall receive complaints by any person against a licensed dentist or dental hygienist, or against a registered dental technician, and shall require the same to be submitted to it in the form of an affidavit. Upon receipt of a complaint, the director, or such other person as the president may designate, shall investigate the allegations of the complaint and make a report to the board concerning his investigation. If the board shall then desire to proceed further it may, in its discretion, file a formal accusation charging the dentist, dental hygienist, or dental technician with a violation of a provision of this chapter. The accusation shall be signed by the <u>attorney representing the State</u> president or vice president on behalf of the board <u>who has reviewed the charges against the licensee.</u> When the accusation is filed, and the board shall set a date for a hearing thereon, the <u>State</u> director of the board shall notify the accused in writing, not less than thirty days prior to the hearing date, of the date fixed for the hearing and a true copy of the accusation shall be attached to the notice. The accused may appear and show cause why his license should not be suspended or revoked. The accused shall have the right to be confronted with and to cross-examine the witnesses against him and shall have the right to counsel. In instances where a board member has made the initial investigation of a complaint, he shall not sit with the board at the hearing of such complaint. <i>[remainder of statute unchanged]</i>
Presented and approved by Board?	Not yet presented to the Board.
Other agencies that may be impacted	N/A

Law Recommendation #21

Law number and title	S.C. Code Ann. § 40-29-60 (Manufactured Housing). Hearings before administrative hearing officer and board; penalties.
Summary of current law	Sets out the procedures for disciplinary hearings before the Board.
Recommendation and rationale	Amends the statute to allow the Board to hear a case against a licensee and conforms to the current Board practice.
Wording of law	<p>(A) A licensee who violates a provision of this chapter or regulation pertaining to warranty requirements, deposits, or rescision of contracts shall appear upon citation by the board before an agent of the board appointed to act as administrative hearing officer for a hearing <u>or shall appear before the full board upon issuance of a formal complaint by the State.</u> Upon the finding of a violation, the hearing officer:</p> <p>(1) may for a first offense, impose a fine of not more than five hundred dollars or suspend the license for not more than thirty days, or both;</p> <p>(2) may for a second offense, impose a fine of not more than one thousand dollars or suspend the license for not more than sixty days, or both;</p> <p>(3) may for a third offense, impose a fine of not more than two thousand dollars or suspend the license for not more than ninety days, or both;</p> <p>(4) shall for a fourth or subsequent offense, present the violation to the board for disciplinary action pursuant to this chapter.</p> <p><u>If the full board hears the case, it may impose such sanctions as are allowable under the law.</u></p> <p>(B) The licensee must be given at least thirty days’ notice of the time and place of the hearing and of the charges. A person aggrieved by a ruling of the administrative hearing officer may appeal to the board within fifteen days after the ruling. The request for appeal must be in writing. The board shall state in writing its findings and determinations in its decision in the matter on appeal.</p> <p>Appeals from the decision of the board may be made to an administrative law judge pursuant to the Administrative Procedures Act.</p> <p>(C) A licensee who violates any provision of this chapter or regulations promulgated by its authority or accumulates three or more warranty or contract violations which have not been corrected within the prescribed time upon citation of the board shall appear before the board for a hearing. The licensee must be given at least thirty days’ notice of the time and place of the hearing and of the charges. A person aggrieved by a ruling of the board may appeal to an administrative law judge pursuant to the Administrative Procedures Act. Upon the finding of such a violation, the board may:</p> <p>(1) impose a fine of not more than two thousand five hundred dollars or suspend or revoke the license or any combination thereof; <u>and</u></p> <p>(2) order an increase in surety bonding or other approved security requirements.</p> <p>(D) The board may conduct hearings and presentations of views consistent with regulations adopted by the United States Department of Housing and Urban Development and adopt regulations necessary to carry out this function.</p>
Presented and approved by Board?	Not yet presented to the Board.
Other agencies that may be impacted	N/A

Law Recommendation #22

Law number and title	S.C. Code Ann. § 40-29-100 (Manufactured Housing). Sanctions and disciplinary action by the board.
Summary of current law	Allows sanctions pursuant to the practice act and Title 40, Chapter 1.
Recommendation and rationale	Corrects typographical error in the statutory citation . The correct citation to statute is Section 40-29-60.
Wording of law	In addition to the sanctions the board may impose against a person pursuant to Section 40-29-11060, the board may take disciplinary action as provided for in Section 40-1-120.
Presented and approved by Board?	Not yet presented to the Board.
Other agencies that may be impacted	N/A

Law Recommendation #25

Law number and title	S.C. Code Ann. § 40-55-130 (Psychologists). Complaint to board against licensed psychologist; investigation; accusation; notice; hearing; confidentiality of proceedings; privileged communications.
Summary of current law	Sets out the investigation and hearing processes for licensees.
Recommendation and rationale	Amends the statute to require the attorney representing the State to sign the formal accusation against the licensee, rather than the chairman or other officer of the Board , and requires the State to serve the notice of hearing.
Wording of law	(A) The board shall receive complaints by any person against a licensed psychologist. Upon receipt of a complaint the chairman or the chairman's designee shall investigate the allegations of the complaint and make a report to the board concerning the investigation. If the board proceeds further, it may file a formal accusation charging the psychologist with a violation of a provision of this chapter. <u>The accusation shall be signed by the attorney representing the State who has reviewed the charges against the licensee.</u> The accusation must be signed by the chairman or other officer on behalf of the board. When the accusation is filed, and the board sets a date for a hearing, the State <u>chairman</u> shall notify the accused in writing, not less than thirty days before the hearing date, of the date fixed for the hearing and a true copy of the accusation must be attached to the notice. The accused may appear and show cause why his license should not be suspended, revoked, or restricted. The accused has the right to be confronted with and to cross-examine the witnesses against him and has the right to counsel. In instances where a board member has made the initial investigation of a complaint, the board member shall not sit with the board at the hearing of that complaint. <i>[remainder of statute unchanged]</i>
Presented and approved by Board?	Not yet presented to the Board.
Other agencies that may be impacted	N/A

Law Recommendation #26

Law number and title	S.C. Code Ann. § 40-75-90 (Counselors). Complaints against licensees; investigation and proceedings.
Summary of current law	Sets out the investigation and hearing processes for licensees.
Recommendation and rationale	Amends the statute to require the attorney representing the State to sign the formal accusation against the licensee, rather than the president or vice president of the Board , and requires the State to serve the notice of hearing.
Wording of law	<p>(A) The board may receive complaints by any person against a licensee and may require the complaints to be submitted in writing specifying the exact charge or charges and to be signed by the complainant. Upon receipt of a complaint, the board administrator shall refer the complaint to a designated investigator of the South Carolina Department of Labor, Licensing and Regulation, who shall investigate the allegations in the complaint and make a report to the board concerning the investigation. If the board desires to proceed further, it may file a formal accusation charging the licensee with a violation of this chapter or a regulation promulgated pursuant to this chapter. <u>The accusation shall be signed by the attorney representing the State who has reviewed the charges against the licensee.</u> The accusation must be signed by the president or vice president on behalf of the board. When the accusation is filed and the board has set a date and a place for a hearing on the accusation, the State administrator shall notify the accused in writing not less than thirty days prior to the hearing and a copy of the accusation must be attached to the notice. The notice must be served personally or sent to the accused by registered mail, return receipt requested, directed to the last mailing address furnished to the board. The post office registration receipt signed by the accused, his agent, or a responsible member of his household or office staff, or, if not accepted by the person to whom addressed, the postal authority stamp showing the notice refused, is prima facie evidence of service of the notice.</p>
Presented and approved by Board?	Not yet presented to the Board.
Other agencies that may be impacted	N/A

LEGAL SERVICES

Division Purpose

The **Legal Services** division includes the Offices of Advice Counsel and Disciplinary Counsel and provides advice and legal services to POL Boards and agency; handles disciplinary cases, appeals, injunctions, and emergency suspensions of licenses; and assists boards in drafting orders, policies, and regulations.

Division Employees

	2014-15	2015-16	2016-17
Turnover rate – all employees	24.14%	33.89%	15.87%
Turnover rate – FTEs only	13.33%	12.50%	3.57%
Is employee satisfaction evaluated?	No		
Is anonymous employee feedback allowed?	No		
Do any positions require a certification?	Yes		
Did the agency pay for or provide classes/instruction needed to maintain required certifications?	Some		

Applicable Strategic Plan Segments

2017-18 Comprehensive Strategic Plan Segments	Intended Public Benefit/Outcome	2016-17			2017-18			Partner(s), by segment	
		# of FTEs utilized	Amount Spent	% of Total Available to Spend	# of FTEs using	Amount budgeted	% of Total Budget		
Goal 5- Ensure the agency performs at a high level by offering its division's high quality legal and administrative services; employee training and development; investment in technology and infrastructure; and by fostering a culture of excellence.									
<i>Strategy: 5.1 - Provide effective and quality prosecutorial legal support and advice to the agency.</i>		<i>Strategy Totals:</i>		20.56	\$1,409,581.18	3%	24.56	\$1,414,284.23	3%
Objective 5.1.1 - Prosecute cases of misconduct against licensees, including obtaining expert reviews, conducting witness and expert interviews in preparation for hearings, pursuing actions to enforce unlicensed individuals at the administrative law court, and managing cases through the appellate process.	Protect the public by ensuring that licensees that commit misconduct are timely disciplined, and that those who are operating without a license are not in practice.	15.18	\$1,043,525.47	2.40%	17.18	\$1,049,093.76	2.48%	State Government, Federal Government, and Local Government	
Objective 5.1.2 - Provide legal advice and support to the agency's investigators and inspectors in the Office of Investigations and Enforcement, including attendance at Investigative Review Committee meetings and preparation of draft orders for suspension and evaluations for POL boards and commissions.	Protect the public by ensuring that licensees that commit misconduct are timely disciplined, and that those who are operating without a license are not in practice.	5.38	\$366,055.71	0.84%	7.38	\$365,190.47	0.86%	State Government, Federal Government, and Local Government	
<i>Strategy 5.2: Provide exemplary in-house legal services to the agency's divisions and professional and occupational boards.</i>		<i>Strategy Totals:</i>		10.56	\$977,683.76	2%	11.56	\$1,001,976.22	2%
Objective 5.2.1 - Serve as counsel to the POL boards and commissions, providing legal advice and support on licensure and disciplinary decisions and during administrative hearings, drafting final orders, handling appeals arising from licensure decisions and offering legal advice regarding temporary orders of suspension and cease and desist orders.	Regulatory boards and commissions render decisions consistent with state law.	8.48	\$488,841.88	1.12%	9.48	\$500,988.11	1.19%	State Government	
Objective 5.2.2 - Serve as counsel to all divisions of the agency in reviewing contracts, providing legal advice, and otherwise ensuring legal expertise and support.	Agency engages in compliant regulatory conduct.	2.08	\$488,841.88	1.12%	2.08	\$500,988.11	1.19%	Individuals, State Government	

Division Deliverables

Deliverable	Required /allowed by law?	Does agency track...		Does agency know...			Agency allowed to charge a fee?	Greatest potential harm to the public if deliverable is not provided	Recommendations to the General Assembly to help avoid the greatest potential harm	Other agencies where the product/ service may fit
		Outcomes?	Customer satisfaction?	# of potential customers?	# of customers served?	Cost /unit?				
Resolution of allegations of misconduct against licensees through the board-specific disciplinary process	Required	✓	X	✓	✓	X	X	Failure to prosecute misconduct will result in risk of property damage, personal injury and possible loss of life to the consuming public.	Maintain statutory and regulatory authority.	Attorney General's Office, DHEC, SLED

Related Performance Measures

Performance Measure	Type	Required or Selected?	Time Period		Time Period 1	Time Period 2	Time Period 3	Time Period 4	Time Period 5 (last completed)	Time Period 6 (current)	Trend in Results (Pds 1-5)
Percentage of open cases closed in one year	Efficiency	Agency Selected	July - June	Target:	1303	943	982	1181	1207	323	
				Actual:	805	1084	1193	943	1361	290	
Average age of cases from open to Investigative Review Committee	Efficiency	Agency Selected	July - June	Target:	200	200	200	200	200	200	
				Actual:	211	204	220	228	231	254	
Final Orders prepared by OAC	Output	Required by State	Jan 1-Dec 31	Target:	DNE	576	1021	785	899	0	
				Actual:	DNE	576	1021	785	899	224	
Average number of days between proceedings and execution of Final Orders prepared by OAC	Efficiency	Agency Selected	Jan 1-Dec 31	Target:	DNE	37.8	45	45	30	30	
				Actual:	DNE	N/A	42.3	36.6	31.8	28.8	
Panel Hearings or Hearing Officer Recommendations prepared by OAC	Output	Required by State	Jan 1-Dec 31	Target:	DNE	157	280	178	222	0	
				Actual:	DNE	157	280	178	222	67	
Average Number of days between Panel Hearing and Execution of Recommendation	Efficiency	Agency Selected	Jan 1-Dec 31	Target:	DNE	N/A	45	45	30	0.4	
				Actual:	DNE	19.4	24.7	8.2	13.1	13.6	
Consent Agreements/C&Ds prepared by OAC	Output	Required by State	Jan 1-Dec 31	Target:	DNE	175	154	213	315	0	
				Actual:	DNE	175	154	213	315	37	
Average Number of Days Between Request and Execution of Document	Efficiency	Agency Selected	Jan 1-Dec 31	Target:	DNE	N/A	45	45	30	30	
				Actual:	DNE	2.8	6.1	1.8	1.4		
Increase the number of training sessions offered to POL boards and commissions per FY* <i>*Considering using in future</i>	Outcome	Agency Selected	July-June	Target:	DNE	DNE	DNE	DNE		24	
				Actual:	DNE	DNE	DNE	DNE	DNE	DNE	

DNE = Does/did not exist

TECHNOLOGY AND SECURITY

Division Purpose

The **Technology and Security** division administers information systems and end-user computing and administers mobile technology with regards to applicable laws and security mandated for agency programs.

Division Employees

	<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>
Turnover rate – all employees	16.67%	7.69%	12.90%
Turnover rate – FTEs only	16.67%	7.69%	12.90%
Is employee satisfaction evaluated?	No		
Is anonymous employee feedback allowed?	No		
Do any positions require a certification?	No		
Did the agency pay for or provide classes/instruction needed to maintain required certifications?	N/A		

Applicable Strategic Plan Segments

2017-18 Comprehensive Strategic Plan Segments	Intended Public Benefit/Outcome	2016-17			2017-18			Partner(s), by segment			
		# of FTEs utilized	Amount Spent	% of Total Available to Spend	# of FTEs using	Amount budgeted	% of Total Budget				
Goal 5- Ensure the agency performs at a high level by offering its division's high quality legal and administrative services; employee training and development; investment in technology and infrastructure; and by fostering a culture of excellence.											
<i>Strategy 5.4 - Streamline the information technology infrastructure and continue to allow for automation of the many agency functions.</i>		<i>Strategy Totals:</i>			16.12	\$1,368,683.16	3%	16.12	\$1,364,302.88	3%	
Objective 5.4.1 - Enhance the agency's software application portfolio to continue to strengthen coordination and performance across agency programs.	Increase communication across program areas for data sharing and security controls upon Agency data.	5.28	\$342,170.79	0.79%	5.28	\$341,075.72	0.81%	State Government			
Objective 5.4.2 - Improve customer and partner experience through enhanced online services.	Increase public access to Agency services through a safe and secure medium.	4.28	\$342,170.79	0.79%	4.28	\$341,075.72	0.81%	State Government; Private Business			
Objective 5.4.3 - Expand the capacity and increase the reliability of the agency's IT infrastructure.	Provide reliable access to Agency services.	3.78	\$342,170.79	0.79%	3.78	\$341,075.72	0.81%	State Government			
Objective 5.4.4 - Ensure the physical and information security of agency employees and data.	Increase controls and monitoring surrounding data the Agency is secure.	2.78	\$342,170.79	0.79%	2.78	\$341,075.72	0.81%	State Government			

Related Performance Measures

Performance Measure	Type	Required or Selected?	Time Period		Time Period 1	Time Period 2	Time Period 3	Time Period 4	Time Period 5 (last completed)	Time Period 6 (current)	Trend in Results (Pds 1-5)
Creation of online license verification portal	Output	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	1	
				Actual:	DNE	DNE	DNE	DNE	DNE	0	
Number of applications available online-individual	Input/activity	Agency selected	July - June	Target:	DNE	DNE	212	137	69	52	
				Actual:	DNE	DNE	75	68	17	0	
Number of applications available online-business* <i>*Considering using in future</i>	Input/activity	Agency selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	148	
				Actual:	DNE	DNE	DNE	DNE	DNE	DNE	
Bulk license verification program launch	Output	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	DNE	1	
				Actual:	DNE	DNE	DNE	DNE	DNE	0	

Related Internal Change Recommendations from Agency

Internal Change #15: More Secure Online Payments

- Internal Change: Payments currently made online in the form of e-checks are routed through Wells Fargo for fulfillment. The current process is secure, but requires the agency to store pieces of the transactions locally in an encrypted format for reconciliation. The agency has worked with the Office of the State Treasurer to extend the current e-commerce contract to allow the use of TeleCheck inside the current state contracted payment portal. This change will result in no pieces of the e-check transaction being stored locally, as well as one unified reconciliation for all online payments.
- Stage of Change Analysis: Plan for implementation set.
- Performance Measures Impacted and Predicted Impact: No performance measure is impacted, however this will result in a more secure process for the customer.
- Objective(s) Costs Impacted and Anticipated Impact: Objective 5.4.1- Enhance the agency's software application portfolio to continue to strengthen coordination and performance across agency programs. Objective 5.4.2- Improve customer and partner experience through enhanced online services. Switching to TeleCheck results in a more secure transaction for online customers because no sensitive financial information is stored on agency equipment.
- Anticipated Implementation Date: May 2018

ADMINISTRATION

Division Purpose

The **Administration** division includes the director's office, communications and governmental affairs, procurement, finance, human resources, support services, records retention, and training and development and provides support services to all LLR program divisions, including responding to inquiries from the public and public officials and handling legislative affairs.

Division Employees

	2014-15	2015-16	2016-17
Turnover rate – all employees	8%	21.42%	11.32%
Turnover rate – FTEs only	4.17%	14.81%	11.54%
Is employee satisfaction evaluated?	No		
Is anonymous employee feedback allowed?	No		
Do any positions require a certification?	Yes		
Did the agency pay for or provide classes/instruction needed to maintain required certifications?	Some		

Applicable Strategic Plan Segments

2017-18 Comprehensive Strategic Plan Segments	Intended Public Benefit/Outcome	2016-17			2017-18			Partner(s), by segment
		# of FTEs utilized	Amount Spent	% of Total Available to Spend	# of FTEs using	Amount budgeted	% of Total Budget	
Goal 5- Ensure the agency performs at a high level by offering its division's high quality legal and administrative services; employee training and development; investment in technology and infrastructure; and by fostering a culture of excellence.								
<i>Strategy 5.3: Ensure excellent advisory, legislative and public service support and collaboration for all of the agency's divisions, programs and professional and occupational boards.</i>		<i>Strategy Totals:</i>						
		4.09	\$432,530.19	1%	4.09	\$423,827.83	1%	
Objective 5.3.1 - Analyze, process and respond to all requests for information to the agency, including media inquiries, FOIA requests, subpoenas, and concerns addressed to the agency's ombudsman.	Timely, transparent and thorough responses to inquiries will instill in the public confidence in the work product of the Agency.	1.73	\$146,790.37	0.34%	1.73	\$143,915.83	0.34%	Private Business, Individuals

2017-18 Comprehensive Strategic Plan Segments	Intended Public Benefit/Outcome	2016-17			2017-18			Partner(s), by segment
		# of FTEs utilized	Amount Spent	% of Total Available to Spend	# of FTEs using	Amount budgeted	% of Total Budget	
Objective 5.3.2 - Draft, review and advise in the promulgation of all agency regulations.	Input during the deliberative and drafting process will result in regulations narrowly tailored to meet the needs of the boards and commissions and will ensure proper statutory authority exists to support new regulations or changes to existing regulations.	0.93	\$142,869.91	0.33%	0.93	\$139,956.00	0.33%	State Government
Objective 5.3.3 - Provide legislative support and direction in monitoring legislation affecting the agency, proffering testimony before legislative committees regarding such legislation, and communicating with board staff and board members regarding the impact of any proposed legislation.	Timely updates to the boards and the Agency on pending legislation will ensure maximum opportunities for board, Agency and public input and will, when coupled with data-driven and fact-specific testimony from the Agency during legislative hearings, yield laws that protect the health and safety of the public.	1.43	\$142,869.91	0.33%	1.43	\$139,956.00	0.33%	State Government
<i>Strategy 5.5: Provide excellent customer service to the citizens of South Carolina and support all divisions of the agency to succeed in meeting the mission of the agency by ensuring operational excellence through recruitment, development and retention of high quality employees and promotion of fiscal responsibility.</i>								
<i>Strategy Totals:</i>		18.26	\$1,519,526.19	3%	18.26	\$1,520,918.10	4%	
Objective 5.5.1 - Promote operational excellence in finance, human resources and the procurement of goods and services by instituting policies and procedures and utilizing practices that ensure timely execution and fiscal responsibility of agency projects.	Achieve and maintain operational excellence through an approach of continuous improvement by ensuring compliance with state oversight entities, yet ensuring timely continuity of Agency services for the citizens of SC.	13.63	\$753,015.64	1.73%	13.63	\$755,818.35	1.79%	State Government
Objective 5.5.2 - Provide effective recruitment and onboarding processes to recruit, retain, and develop high quality employees.	Ensure operational effectiveness and efficiencies through a highly skilled and engaged workforce.	3.33	\$309,303.20	0.71%	3.33	\$307,896.31	0.73%	State Government

2017-18 Comprehensive Strategic Plan Segments	Intended Public Benefit/Outcome	2016-17			2017-18			Partner(s), by segment
		# of FTEs utilized	Amount Spent	% of Total Available to Spend	# of FTEs using	Amount budgeted	% of Total Budget	
Objective 5.5.3 - Encourage an agency culture that prioritizes and rewards innovation and learning by providing job specific and employee development training opportunities to maximize employees' contributions to the agency.	Ensure employee engagement and development to carry out the Agency's mission.	1.3	\$457,207.35	1.05%	1.3	\$457,203.44	1.08%	State Government

Related Performance Measures

Performance Measure	Type	Required or Selected?	Time Period		Time Period 1	Time Period 2	Time Period 3	Time Period 4	Time Period 5 (last completed)	Time Period 6 (current)	Trend in Results (Pds 1-5)
					Target:	Actual:	Target:	Actual:	Target:	Actual:	
Respond timely to all FOIA requests and subpoenas.	Output	Required by State	Jan - Dec	Target:	All	All	All	All	All	All	
				Actual:	816	940	1024	1039	1094	307	
Reply to inquiries within 24 hours, excluding holidays and weekends.	Output	Agency selected	Jan - Dec	Target:	All	All	All	All	All	All	
				Actual:	157	230	196	455	503	147	
Attend board meetings when proposed regulations are discussed* <i>*Considering using in future</i>	Output	Agency selected	Jan - Dec	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	DNE	DNE	DNE	DNE	DNE	DNE	
Draft proposed regulations.	Output	Agency selected	July -June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	14	17	25	17	14	20	
Publish drafting notices and proposed regulations.	Output	Agency selected	July -June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	14	17	25	17	14	20	
Oversee the scheduling and handling of administrative hearings.	Output	Agency selected	July -June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	14	17	25	17	17	20	
Attend legislative hearings* <i>*Considering using in future</i>	Output	Agency selected	July -June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	DNE	DNE	DNE	DNE	DNE	DNE	
Report on the status of legislation and regulations to the board* <i>*Considering using in future</i>	Output	Agency selected	July -June	Target:	DNE	DNE	DNE	DNE	DNE	DNE	
				Actual:	DNE	DNE	DNE	DNE	DNE	DNE	

Performance Measure	Type	Required or Selected?	Time Period		Time Period 1	Time Period 2	Time Period 3	Time Period 4	Time Period 5 (last completed)	Time Period 6 (current)	Trend in Results (Pds 1-5)
Weekly legislative updates to boards.	Output	Agency selected	July -June	Target:	18	22	17	21	18	18	
				Actual:	18	22	17	21	18	18	
Weekly notifications to boards of legislative hearings.	Output	Agency selected	July -June	Target:	18	22	17	21	18	18	
				Actual:	18	22	17	3	4	13	
Annual summary of legislative and regulatory changes.	Output	Agency selected	July -June	Target:	1	1	1	1	1	1	
				Actual:	1	1	1	1	1	0	
Revamp and modify components to LLR's internal application software (RELEAS) to ensure a more "user friendly" environment for the end user and a more transparent financial outcome for Board financial reports. <i>*Considering using in future</i>	Output	Agency Selected	July -June	Target:	DNE	DNE	DNE	DNE	100%	50%	
				Actual:	DNE	DNE	DNE	DNE	50%	60%	
Revamp and modify components to LLR's internal application software (State Fire Finance) to ensure a more "user friendly" environment for the end user and a more transparent financial outcome for State Fire Stakeholder Finance reports. <i>*Considering using in future</i>	Output	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	100%	50%	
				Actual:	DNE	DNE	DNE	DNE	50%	50%	
Create a departmental on-boarding checklist that has department specific training and policies to ensure employees are properly informed of their area's policies, procedures, and employment expectations.	Output	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	2	2	
				Actual:	DNE	DNE	DNE	DNE	0	2	
Solicit feedback from new employees regarding recruitment and onboarding processes	Input/ Activity	Agency Selected	July - June	Target:	DNE	DNE	100% Sent (Q1)	100% Sent (Q2)	100% Sent (Q3)	100%	
				Actual:	DNE	DNE	21 = 100% sent 61% Responded	30 = 100% sent 56% Responded	DNE	DNE	
Increase eligible applicants by 5% for the agency's most difficult positions to fill: Board Administrators, Attorneys, and Investigators	Outcome	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	5%	5%	
				Actual:	DNE	DNE	DNE	DNE	50%	DNE	
Create, schedule and conduct interviewing technique class	Outcome	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	15	10	
				Actual:	DNE	DNE	DNE	DNE	3	1	
Explore and implement mandatory training for employees transitioning to supervisor role at time of hire.	Output	Agency Selected	July - June	Target:	DNE	DNE	DNE	DNE	4	4	
				Actual:	DNE	DNE	DNE	DNE	4	4	

Related Internal Change Recommendations from Agency

Internal Change #1: Strategic Planning Officer/Chief Operating Officer

- Internal Change: Create a position or division within the agency to assist in creating, planning, and overseeing agency strategic planning and improvement of processes.
- Stage of Change Analysis: Idea.
- Performance Measures Impacted and Predicted Impact: Agency still analyzing, but this would potentially have positive impact on all performance measures.
- Objective(s) Costs Impacted and Anticipated Impact: Agency still analyzing.
- Anticipated Implementation Date: Agency has not yet fully analyzed feasibility.

Internal Change #16: Implement Electronic Signatures

- Internal Change: Implement electronic versions of commonly used internal forms that enable the use of electronic signatures for approvals.
- Stage of Change Analysis: Idea.
- Performance Measures Impacted and Predicted Impact: Agency analyzing, but with electronic forms, internal users would be able to quickly submit common administrative forms such as those for HR and procurement. This would eliminate the need for paper to be delivered back and forth within the agency, decreasing time spent on approval processes, eliminating potential for misplacing paper documents, and providing better accountability and transparency.
- Objective(s) Costs Impacted and Anticipated Impact: There will be no direct costs.
- Anticipated Implementation Date: Agency has not yet fully analyzed feasibility.

Legislative Oversight Committee



South Carolina House of Representatives

Committee Mission

Determine if agency laws and programs are being implemented and carried out in accordance with the intent of the General Assembly and whether they should be continued, curtailed or eliminated. Inform the public about state agencies.

Website: <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>

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