

# Medical Affairs Committee

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## Meeting Notice

**To:** All Committee Members

**From:** Senator Danny Verdin, Chairman

**Date:** May 1, 2019

**Subject:** Committee Meeting

The Medical Affairs Committee will meet next **Thursday, May 2** at **9:00** in **Room 308**.

## **Agenda**

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1. STATEWIDE APPOINTMENT  
State Board of Nursing -- 2<sup>nd</sup> Congressional District  
Dr. Robert J. Wolff
  2. [S. 366](#) -- Senators Davis, Hutto, McLeod and Kimpson: A BILL TO ENACT THE SOUTH CAROLINA COMPASSIONATE CARE ACT; TO AMEND CHAPTER 53, TITLE 44 OF THE 1976 CODE, RELATING TO POISONS, DRUGS, AND OTHER CONTROLLED SUBSTANCES, BY ADDING ARTICLE 20, TO PROVIDE FOR THE SALE OF MEDICAL CANNABIS AND THE CONDITIONS UNDER WHICH A SALE CAN OCCUR; TO AMEND SECTION 12-36-2120(69) OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM THE SOUTH CAROLINA SALES AND USE TAX, TO PROVIDE THAT CANNABIS SOLD BY A DISPENSARY TO A CARDHOLDER IS EXEMPT FROM THE SALES TAX IMPOSED BY CHAPTER 36, TITLE 12; TO REPEAL ARTICLE 4, CHAPTER 53, TITLE 44 OF THE 1976 CODE, RELATING TO CONTROLLED SUBSTANCES THERAPEUTIC RESEARCH; AND TO DEFINE NECESSARY TERMS.

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3. [H. 3157](#) -- Rep. Parks and McCravy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 84 TO TITLE 40 SO AS TO PROVIDE FOR THE REGULATION OF GENETIC COUNSELORS; TO ESTABLISH THE BOARD OF GENETIC COUNSELOR EXAMINERS; TO PROVIDE THE POWERS AND DUTIES OF THE BOARD; TO DEFINE NECESSARY TERMINOLOGY; TO PROVIDE PROCEDURES AND CRITERIA FOR LICENSURE BY THE BOARD; TO PROVIDE RELATED DUTIES OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE FOR THE INVESTIGATION OF VIOLATIONS AND IMPOSITION OF PENALTIES; AND TO PROVIDE CERTAIN EXEMPTIONS FROM THE PROVISIONS OF THIS CHAPTER, AMONG OTHER THINGS.
4. [H. 3728](#) -- Reps. Fry, Alexander, Dillard, Erickson, Hewitt, Huggins, Norrell, Pendarvis, Ridgeway, Rutherford, Spires, Trantham, Weeks, West, Wooten, Yow, Henegan, Cogswell, Mack, R. Williams, Gilliard, Govan and B. Newton: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION [44-130-80](#) SO AS TO REQUIRE HOSPITAL EMERGENCY DEPARTMENT PHYSICIANS AND PHARMACISTS TO SUBMIT CERTAIN INFORMATION TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL (DHEC) FOR INCLUSION IN THE PRESCRIPTION MONITORING PROGRAM WHEN A PERSON IS ADMINISTERED AN OPIOID ANTIDOTE; TO AMEND SECTION [44-130-60](#), RELATING TO THE AUTHORITY OF FIRST RESPONDERS TO ADMINISTER OPIOID ANTIDOTES, SO AS TO REQUIRE FIRST RESPONDERS TO SUBMIT CERTAIN INFORMATION TO DHEC FOR INCLUSION IN THE PRESCRIPTION MONITORING PROGRAM; TO AMEND SECTION [44-53-1640](#), RELATING TO THE PRESCRIPTION MONITORING PROGRAM, SO AS TO REQUIRE THE PROGRAM TO MONITOR THE ADMINISTERING OF OPIOID ANTIDOTES BY FIRST RESPONDERS AND IN EMERGENCY HEALTH CARE SETTINGS; AND TO AMEND SECTION [44-53-1645](#), RELATING TO THE REQUIREMENT OF PRACTITIONERS TO REVIEW A PATIENT'S CONTROLLED SUBSTANCE PRESCRIPTION HISTORY BEFORE PRESCRIBING A SCHEDULE II CONTROLLED SUBSTANCE, SO AS TO ALSO REQUIRE A REVIEW OF ANY INCIDENTS IN WHICH THE PATIENT HAS BEEN ADMINISTERED AN OPIOID ANTIDOTE BY A FIRST RESPONDER OR IN AN EMERGENCY HEALTH CARE SETTING.
5. [H. 4119](#) -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY, RELATING TO GENERAL LICENSING PROVISIONS; SPEECH-LANGUAGE PATHOLOGY ASSISTANTS; AND CONTINUING EDUCATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4858, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.
6. [H. 4120](#) -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF OCCUPATIONAL THERAPY, RELATING TO REACTIVATION OF INACTIVE OR LAPSED LICENSES; AND CODE OF ETHICS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4854, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE
7. [H. 4121](#) -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF MEDICAL EXAMINERS, RELATING TO REQUIREMENTS TO TAKE STEP 3 OF THE UNITED STATES MEDICAL LICENSING EXAMINATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4853, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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8. [H. 4123](#) -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO LONG TERM HEALTH CARE ADMINISTRATORS BOARD, DESIGNATED AS REGULATION DOCUMENT NUMBER 4844, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.
9. [H. 4124](#) -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF PHARMACY, RELATING TO ADMINISTRATIVE CITATIONS AND PENALTIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4822, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.
10. [H. 4120](#) -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF OCCUPATIONAL THERAPY, RELATING TO REACTIVATION OF INACTIVE OR LAPSED LICENSES; AND CODE OF ETHICS, DESIGNATED AS REGULATION DOCUMENT NUMBER [4854](#), PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE

**Synopsis:** The South Carolina Board of Occupational Therapy proposes to amend R.94-07 to provide more options to allow individuals to reinstate a license, and to amend R.94-10, its code of ethics, to achieve consistency with the national standards.

11. [H. 4365](#) -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO HAZARDOUS WASTE MANAGEMENT REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER [4841](#), PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**Synopsis:** The Department of Health and Environmental Control (“Department”) amends R.61-79, Hazardous Waste Management Regulations, to adopt the Environmental Protection Agency’s (“EPA”) Hazardous Waste Generator Improvements Rule published November 28, 2016, at 81 FR 85732-85829. The amendments support the Department’s goal of promoting and protecting the health of the public and the environment in a more efficient and effective manner.

The amendments reorganize the hazardous waste generator regulations to improve their usability by the regulated community, provide a better understanding of how the Resource Conservation and Recovery Act (“RCRA”) hazardous waste generator regulatory program works, address gaps in existing regulations to strengthen environmental protections, provide greater flexibility for hazardous waste generators to manage their hazardous waste in a cost-effective and protective manner, and make technical corrections to address inadvertent errors and remove obsolete references to programs that no longer exist. The EPA periodically promulgates regulations that are either mandatory for authorized state programs to adopt or maintain program equivalency or are optional for states because the changes are less stringent than the current federal regulations. While the majority of the EPA’s Hazardous Waste Generator Improvements Rule is equivalent to current state regulations and optional for state adoption, several provisions are more stringent and must be adopted by the Department to maintain federal program authorization. Due to the interrelated nature of the equivalent provisions and the more stringent provisions, the Department has adopted the rule in a single drafting that required General Assembly review.

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12. [H. 4370](#) -- Regulations and Administrative Procedures Committee: TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO STANDARDS FOR LICENSING CRISIS STABILIZATION UNIT FACILITIES, DESIGNATED AS REGULATION DOCUMENT NUMBER [4809](#), PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**Synopsis:** The Department of Health and Environmental Control (“Department”) has promulgated a new regulation to establish licensure and regulatory requirements for Crisis Stabilization Unit Facilities. These facilities provide a short-term residential program offering psychiatric stabilization services and brief, intensive crisis services to individuals eighteen (18) years of age or older, twenty-four (24) hours a day, seven (7) days a week.

13. Document Number: [4837](#)

Agency Name: Department of Health and Environmental Control

Statutory Authority: 44-29-40

Subject: South Carolina Immunization Registry

**Synopsis:** The Department of Health and Environmental Control (“Department”) amends R.61-120 to enable the Department to provide specific Healthcare Effectiveness Data and Information Set (“HEDIS”) data from the South Carolina Immunization Registry (“Registry”) to health plans for public health purposes and to measure performance on important dimensions of care and service, including immunization data for clients. The amendments also detail the availability and use of a patient portal, which will be a feature of a new Registry allowing patients to access their personal immunization records. The amendments also remove obsolete language and make general improvements and clarifications to the text.

14. Document Number: [4842](#)

Agency Name: Department of Health and Environmental Control

Statutory Authority: 44-1-140(2), 44-1-150, and 44-1-180

Subject: Retail Food Establishments; and Retail Food Establishment Inspection Fees

**Synopsis:** The intent of R.61-25, Retail Food Establishments, is to safeguard public health and provide consumers safe, unadulterated food and food products at the retail level. This regulation governs restaurants, grocery stores, school cafeterias, and other establishments where food is prepared and served to the public. R.61-25 was last amended in 2014.

The amendments herein will enable the Department of Health and Environmental Control (“Department” or “DHEC”), through regulation, to incorporate standards of the 2017 United States Food and Drug Administration (“FDA”) Food Code. The FDA Food Code is the national standard for state, local, and tribal food protection programs. The FDA Food Code offers practical, science-based guidance that addresses the risk factors known to cause foodborne illness outbreaks in retail food establishment settings. The national Conference for Food Protection, comprised of food safety regulators, food scientists, industry representatives, and members of academia, amends the FDA Food Code every two (2) years and publishes it in full every four (4) years.

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These amendments also include revisions to selected sections of R.61-25 to reflect the current business models of the food service industry based on comments and suggestions from the regulated community. The amendments, furthermore, include combining R.61-25 with revised provisions of R.61-37, Retail Food Establishment Inspection Fees, which was last amended in 2002. Specifically, the Department revises fee schedules currently residing in R.61-37, places the fee schedules in R.61-25, and repeals R.61-37. This provides the retail food industry with one streamlined regulation, while allowing for necessary program support through an increase in inspection fees.

The amendments also include other changes as deemed necessary by the Department to improve the overall clarity, organization, and quality of the regulation. These changes include, but are not limited to, stylistic changes, updates to definitions and exemptions, corrections for clarity, readability, grammar, punctuation, references, and codification, and overall improvement of the text of the regulation.

15. Document Number: [4852](#)

Agency Name: Board of Long Term Health Care Administrators - Labor, Licensing and Regulation  
Statutory Authority: 40-1-70 and 40-35-60  
Subject: Board of Long Term Health Care Administrators

**Synopsis:** The South Carolina Board of Long Term Health Care Administrators proposes to amend R.93-60 to correct the Board name, 93-70(D) to conform to the mandates of statute, 93-80(D) to clarify employment requirements for preceptors, 93-110(B) to remove a phrase indicating an examination is two parts; 93-110(K) to amend the language to allow the applicant to appear before the Board to request an opportunity to re-take the exam; and 93-130 to delete language regarding the failure to appear for an examination.

16. Document Number: [4855](#)

Agency Name: Board of Examiners in Optometry - Labor, Licensing and Regulation  
Statutory Authority: 40-1-70 and 40-37-40(A)(7)  
Subject: Licensing Requirements; Continuing Education; and Licensure By Endorsement

**Synopsis:** The South Carolina Board of Examiners in Optometry proposes to amend: R.95-3 to eliminate the requirement that all portions of the national examination be passed; R.95-4 to reduce continuing education requirements, require the use of an electronic continuing education tracking service offered through the Agency, and establish the number of hours of online CE credits that may be obtained during the biennial licensure period; and R.95-5 to eliminate and modify certain requirements for obtaining licensure by endorsement.

17. Document Number: [4856](#)

Agency Name: Board of Physical Therapy Examiners - Labor, Licensing and Regulation  
Statutory Authority: 40-1-70 and 40-45-60  
Subject: Amend Regulations to Conform to Requirements Established by 2018 Act 226, Physical Therapy Licensure Compact

**Synopsis:** The South Carolina Board of Physical Therapy Examiners proposes to amend its regulations to conform to requirements established by 2018 Act No. 226, the Physical Therapy Licensure Compact. The Board proposes to amend R.101-04 and 101-05 to add the requirement for criminal background Checks amend R.101-07 to expand continuing education opportunities to demonstrate continuing Professional development and competency outside of the traditional classroom setting, and R.101-16 to adopt the PT Compact Commission Rules.