~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE AMENDMENT ADOPTED AND AMENDED

May 7, 2019

**H. 3703**

Introduced by Reps. Lowe, Moore, Rose, Rutherford, Willis, Sottile and Hill

S. Printed 5/7/19--S.

Read the first time April 10, 2019.

**A** **BILL**

TO AMEND SECTION 40‑45‑230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXAMINATION REQUIREMENTS FOR LICENSURE BY THE BOARD OF PHYSICAL THERAPY EXAMINERS, SO AS TO INCREASE THE MAXIMUM NUMBER OF TIMES A PERSON MAY ATTEMPT TO PASS LICENSURE BY THE BOARD FROM TWO TO SIX; AND TO AMEND SECTION 40‑45‑260, RELATING TO LIMITS ON ATTEMPTS TO PASS LICENSURE EXAMINATION FOR PHYSICAL THERAPISTS AND PHYSICAL THERAPY ASSISTANTS, SO AS TO INCREASE THE MAXIMUM NUMBER OF SUCH ATTEMPTS FROM TWO TO SIX.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 40‑45‑230(G) and (H) of the 1976 Code is amended to read:

“(G) If an applicant fails the examination, whether or not taken in South Carolina, the applicant may take the examination ~~a second time on~~ up to six times, each time upon payment of the examination fee and completion of an official application. If the applicant fails the examination for a ~~second~~ fifth time, the applicant~~, in addition to the requirements for the previous examination,~~ must take courses the board may require and furnish evidence of completing these courses before taking the examination for the sixth time.

(H) No person may be licensed under this chapter if the person has failed the examination ~~three~~ six or more times, whether or not the exam was taken in South Carolina.”

SECTION 2. Section 40‑45‑260(D) of the 1976 Code is amended to read:

“(D) The board must not issue a physical therapist or physical therapist assistant license to an applicant who has failed to achieve a passing score ~~three~~ six or more times on a board‑approved licensure examination.”

SECTION 3. Section 1-3-210 of the 1976 Code is amended to read:

“Section 1-3-210. (A)(1) ~~During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee’s formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

(2) If the Senate does not advise and consent ~~thereto~~ to the formal appointment prior to ~~sine die adjournment~~ the second Thursday in May following the interim period during which the interim appointment was made ~~of the next ensuing regular session~~, the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. ~~A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.~~

(B) The Governor’s authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant.”

SECTION 4. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

“Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency.”

SECTION 5. This act takes effect upon approval by the Governor.

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