

**S.C. DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BOARD OF MEDICAL EXAMINERS**

**PROCEDURE FOR VERIFYING SPECIALTY-RELATED CME UNDER §40-47-32(D)(11)  
(MAINTENANCE OF CERTIFICATION OPTION FOR LICENSURE)**

**POLICY:**

Section 40-47-32(D)(11) of the 1976 Code of Laws of South Carolina, as amended, provides:

(11) maintenance of certification by a specialty board recognized by the American Board of Medical Specialties, the American Osteopathic Association, or another organization approved by the board, as evidenced by having acquired one hundred fifty hours of Category I continuing medical education [CME] approved by the American Medical Association or American Osteopathic Association, as appropriate, and the specialty board of the applicant during the three years preceding the date of application.

The Board of Medical Examiners recognizes that the intent of this section is to permit licensure of board certified specialists who have obtained 150 hours of Category I CME that is related to their specialty. The Board further recognizes that some national specialty boards have advised that they do not use CME in their certification and recertification processes. Therefore, those specialty boards cannot approve or certify specialty-related hours for their certified specialists who have voluntarily obtained the requisite CME hours. The result, in effect, is that strict compliance with this language is impossible for certain applicants due to their specialty boards' inability to certify their CME hours as specialty-related.

The cardinal rule of statutory interpretation is to ascertain and effectuate the legislative intent whenever possible. *I'on v. Town of Mount Pleasant*, 338 S.C. 406, 526 S.E.2d 716 (2000). It is evident that the General Assembly intended that specialty board certified applicants for a permanent license to practice medicine in this state to be able to provide evidence of current competency through one hundred fifty hours of Category I CME that is related to their individual specialty. To reduce the burden on applicants, the General Assembly recognized the specialty board as a CME approval body. Accordingly, when a specialty board cannot certify the specialty-related nature of the CME hours, the statute must be interpreted in a manner that effectuates its intended purpose. A strict construction of the statutory language would require an impossible act for those otherwise qualified applicants. *See e.g., McLeod v. Montgomery*, 244 S.C. 308, 136 S.E.2d 778 (1964). Accordingly, the Board hereby authorizes department staff to handle these situations in the following manner.

**PROCEDURE:**

1. Staff receives documentation from the applicant of the specialty board's position regarding its inability to certify specialty-related Category I CME hours as part of this certification or recertification procedure.
2. Staff submits the applicant's Category I CME courses totaling at least 150 hours to a designated Board member for review and verification that 150 hours or more were related to the applicant's specialty.
3. Upon verification from the designated Board member of specialty-related CME, staff accepts the submitted hours in compliance with Section 40-47-32(D)(11).