

## 462 FINAL REGULATIONS

The updated regulations will conform the Board's regulations to the newly-enacted law, which requires the Board to establish regulations for massage establishments. The regulations also update the Board's name, consistent with the newly-enacted law. Other recommended changes follow a regulatory review conducted in accordance with S.C. Code Section 1-23-120(J).

Document No. 5150  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**STATE BOARD OF MEDICAL EXAMINERS**  
CHAPTER 81

Statutory Authority: 1976 Code Sections 40-1-70, 40-47-10, 40-47-32, 40-47-33, and 40-47-40

81-401. Continued Professional Education for Academic Licenses. (New)

### Synopsis:

The South Carolina Board of Medical Examiners proposes adding a regulation establishing continuing education for academic licenses.

The Notice of Drafting was published in the *State Register* on February 25, 2022.

### Instructions:

Print the regulation as shown below. All other items remain unchanged.

### Text:

ARTICLE 12  
ACADEMIC LICENSES

81-401. Continued Professional Education for Academic Licenses.

The continued professional competency of a physician holding an academic license that renews annually must be demonstrated in the following manner:

(A) Twenty (20) hours of Category I continuing medical education sponsored by the American Medical Association, American Osteopathic Association, or another organization approved by the Board as having acceptable standards for courses it sponsors, at least fifteen (15) hours of which must be related directly to the licensee's practice area.

(B) An academic licensee shall complete at least one (1) hour of continuing medical education related to approved procedures of prescribing and monitoring controlled substances listed in Schedules II, III, and IV of the schedules provided for in Sections 44-53-210, 44-53-230, 44-53-250, and 44-53-270, and must be received from a statewide organization recognized by the Accreditation Council for Continuing Medical Education to recognize and accredit organizations in South Carolina offering continuing medical education or from a statewide organization approved to provide continuing medical education by its national organization which is accredited by the Accreditation Council for Continuing Medical Education. Each renewal application form submitted pursuant to Section 40-47-33 must include a certificate of participation with the prescribing and monitoring education requirement issued by the organization from which the continuing education was received.

### Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

**Statement of Rationale:**

The regulation will establish continuing competency requirements for academic license holders in this state.

Document No. 5151  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**STATE BOARD OF NURSING**  
 CHAPTER 91  
 Statutory Authority: 1976 Code Section 40-33-10(E)

91-33. Safeguarding Patient Records. (New)

**Synopsis:**

The South Carolina Board of Nursing proposes to amend its regulations regarding the handling of patient records upon the death, disappearance or incapacity of a licensee.

The Notice of Drafting was published in the *State Register* on March 25, 2022.

**Instructions:**

Print the regulation as shown below. All other items remain unchanged.

**Text:**

ARTICLE 6  
 SAFEGUARDING PATIENT RECORDS

91-33. Safeguarding Patient Medical Records When a Nurse Licensee is Incapacitated, Disappears, or Dies.

A. Each Advanced Practice Registered Nurse (APRN) licensee actively practicing within the State of South Carolina, in a solo practice setting, shall designate a partner, personal representative, or other responsible party to assume responsibility for patient medical records in the case of incapacity, death or disappearance of the licensee, including any circumstances whereby the licensee is unable for any reason to provide continuity of care, appropriate referral or patient medical records upon a valid request of the patient. Each APRN nurse licensee must identify by name, address, and telephone number their designee required by this regulation upon each application for initial licensure, renewal, and reinstatement.

B. Where the APRN licensee is incapacitated, disappears, or dies, and no responsible party is known to exist, the Administrator of the Board of Nursing may petition the Board Chair for an order appointing another licensee or licensees to take custody of, inventory, and disperse the medical records to patients or other authorized parties in accordance with the Patient Records Act and to take all other actions as appropriate to protect the interests of the patients. The Order of Appointment shall be a public document.

C. The Board of Nursing appointed licensee shall:

(1) Take custody of and safeguard the APRN licensee's available and accessible medical records;

(2) Notify each patient at the patient's address shown in the file, by first class mail, of the patient's right to obtain his or her medical records to which the patient is entitled and the time and place at which the medical records may be obtained;