

## 286 FINAL REGULATIONS

### 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 updated regulations will add to and/or amend its regulations regarding the Worker Walkaround Representative Designation Process. In the final rule, OSHA is amending its Representatives of Employers and Employees regulation to clarify that the representative(s) authorized by employees may be an employee of the employer or a third party; such third-party employee representative(s) may accompany the OSHA Safety Specialist when, in the judgment of the Safety Specialist, good cause has been shown why they are reasonably necessary to aid in the inspection. In the final rule, OSHA also clarified that a third party may be reasonably necessary because of their relevant knowledge, skills, or experience with hazards or conditions in the workplace or similar workplaces, or language or communication skills. OSHA concluded that these clarifications aid OSHA's workplace inspections by better enabling employees to select representative(s) of their choice to accompany the Safety Specialist during a physical workplace inspection. Employee representation during the inspection is critically important to ensuring OSHA obtains the necessary information about worksite conditions and hazards.

Document No. 5272

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
SOUTH CAROLINA BOARD OF EXAMINERS IN OPTICIANRY  
CHAPTER 96**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-38-60

96-104. General Licensing Provisions.

96-108. Continuing Education.

96-109. Fees.

### Synopsis:

The Board of Examiners in Opticianry proposes to repeal R.96-104 as it is duplicative of statute and therefore unnecessary. The Board further proposes to amend R.96-108 to clarify the requirements for continuing education (CE) courses for licensees and the approval process for those courses, and to amend R.96-109 to delete the reference to a Board web address that is no longer active.

A Notice of Drafting was published in the *State Register* on May 24, 2024.

### Instructions:

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

### Text:

#### ARTICLE 3

#### LICENSING PROVISIONS; EXAMINATIONS; APPRENTICESHIP REGISTRATION AND PROGRAM PROVISIONS; REINSTATEMENT

96-104. Repealed.

#### ARTICLE 4

## CONTINUING EDUCATION

## 96-108. Continuing Education.

(A) As a condition of renewal, every licensed optician and registered apprentice shall earn four (4) hours of Board-approved continuing education credits per year.

(B) As a condition of renewal, every optician licensed to dispense contact lenses shall earn one (1) hour of Board-approved continuing education credit per year devoted to contact lenses in addition to the requirements in Section (A) above.

(C) The Board accepts continuing education courses that meet the following criteria:

- (1) Courses and speakers must be ABO/NCLE approved.
- (2) Courses must be technical in content. Course content must be presented in a manner that does not promote the sales or marketing of a product, service, or business.
- (3) One (1) hour of the required four (4) hours may be in practice or retail management.
- (4) The Board will not accept law courses from other states.

(D) A temporary waiver for continuing education may be granted to those licensees living outside the United States. Upon return to the country, licensees must complete the required continuing education hours for each twelve (12) month period during which they were overseas.

## ARTICLE 5

## FEES

## 96-109. Fees.

The Board may charge fees as shown in South Carolina Code of Regulations Chapter 10-27 and on the South Carolina Board of Examiners in Opticianry website.

**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 updated regulations will repeal R.96-104 as it is duplicative of statute and therefore unnecessary. The updated regulations will amend R.96-108 to clarify the requirements for continuing education (CE) courses for licensees and the approval process for those courses, and to provide guidance to licensees living overseas regarding a CE waiver while out of the country and obtaining the CE upon return. Finally, the updated regulations amend R.96-109 to delete the reference to a Board web address that is no longer active.