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Public health state of emergency order 2020-BCE-PH-03

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Download date	2024-10-04 09:25:43
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Board of Chiropractic Examiners

Henry D. McMaster
Governor

Emily H. Farr
Director

PUBLIC HEALTH STATE OF EMERGENCY ORDER 2020-BCE-PH-03
EXTENSION OF DEADLINE FOR COMPLETION OF CONTINUING EDUCATION
REQUIREMENTS TO DECEMBER 31, 2020, DUE TO CONTINUING PUBLIC HEALTH
STATE OF EMERGENCY

WHEREAS, on March 13, 2020, Governor Henry McMaster issued Executive Order No. 2020-08 declaring a public health emergency due to the evolving nature and scope of the public health threat or other risks posed by COVID-19 and the actual and anticipated impacts associated with the same;

WHEREAS, Governor McMaster has issued subsequent Executive Orders in which he has taken additional action to protect the citizens of South Carolina, including Executive Order No. 2020-10, which “authorize[d] and direct[ed] any agency within the undersigned’s Cabinet or any other department within the Executive Branch, as defined by section 1-30-10 of the South Carolina Code of Laws, as amended, through its respective director or secretary, to waive or ‘suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency,’ [. . .]”;

WHEREAS, section 25-1 of the South Carolina Code of Regulations provides that the Board of Chiropractic Examiners (the “Board”) was created to protect the health, safety, and welfare of the public (*see also* sections 40-1-10 and 40-1-40 of the South Carolina Code of Laws, as amended);

WHEREAS, the Board protects the public by regulating professionals who practice chiropractic through the administration and enforcement of Chapter 9 of Title 40 of the South Carolina Code of Laws and through any regulations promulgated under the chapter;

WHEREAS, sections 40-1-10(B)(3) and 40-1-70(5) of the South Carolina Code of Laws empower the Board to set Continuing Education requirements for licensees to maintain their licensure, and section 25-5(B) of the South Carolina Code of Regulations specifically requires that licensees complete at least thirty-six (36) hours of Continuing Education during every biennial license renewal cycle, no more than half of which may consist of online classes, and no less than two (2) nor more than four (4) of which must be in Rules and Regulations of the Board, and, further, two (2) of which must be in Risk Management;

WHEREAS, the COVID-19 pandemic has caused a need for social distancing, and therefore suspension of live Continuing Education classes and limitation of other Continuing Education opportunities for licensees;

WHEREAS, the interruption of normal services has visited and continues to visit a hardship upon licensees;

WHEREAS, on March 23, 2020, the Board granted licensees a measure of relief by relaxing the regulatory prohibition against more than eighteen (18) hours of online Continuing Education classes, by allowing any live-streamed rendition of a prior approved Continuing Education program to meet the Board's face-to-face requirements;

WHEREAS, Governor McMaster has reconfirmed the continuing existence of a state of emergency in South Carolina as recently as his latest Executive Order 2020-40, signed on June 11, 2020;

WHEREAS, September 30, 2020, the deadline for licensees to submit their applications for license renewal, and therefore also the deadline for licensees to complete their thirty-six (36) hours of Continuing Education classes, is rapidly approaching, with no immediate relief predicted for the COVID-19 pandemic and its resultant hardships;

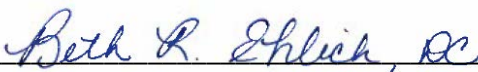
WHEREAS, in a specially called public teleconference meeting of the Board on July 2, 2020, with a quorum present, the Board voted to extend the Continuing Education deadline, but not the license renewal deadline, to December 31, 2020 for any licensees affected by the COVID-19 pandemic;

NOW, THEREFORE, for the reasons set forth above, effective immediately, the deadline for completion of required Continuing Education classes is extended to December 31, 2020. The deadline for renewal of all licenses remains as September 30, 2020; licensees must complete their renewal applications in all other respects, but will be given until December 31, 2020 to satisfy their Continuing Education responsibilities, and their licenses will not be lapsed for lack of sufficient Continuing Education hours during that specific interval. Licensees who do not complete the required Continuing Education hours by the extended deadline of December 31, 2020 will have their licenses lapsed pursuant to section 25-5(G) of the South Carolina Code of Regulations.

This deadline extension applies only to Continuing Education requirements for the current renewal period, and any hours earned from October 1, 2020 to December 31, 2020 that are applied toward the current Continuing Education requirement total of thirty-six (36) hours may not be counted again toward the requirements of the next renewal period. The prior change authorized by the Board regarding Continuing Education credits, allowing the substitution of live-streaming classes for the normally face-to-face instruction required for at least eighteen (18) of the thirty-six (36) hours, is still in effect for the current renewal period only.

AND IT IS SO ORDERED.

STATE BOARD OF CHIROPRACTIC EXAMINERS



Beth R. Ehlich, D.C.
Board Chair

July 7, 2020