

SC Small Business Regulatory Review Committee Success Stories

In-Home Care Provider Regulations Withdrawn

In the 2011 legislative session, a state law was passed - the In-Home Care Provider Act, South Carolina Act No. 0018 - addressing in-home care. In effect, this Act provided for a set of regulations requiring the licensing of in-home care providers. An in-home care provider is not a health care provider, and many perform functions from taking a client to shop or to the doctor, to assisting with some bathing and dressing needs, to preparing meals, to walking a dog.

The state law seeks to regulate these providers of in-home care with training requirements, client activity reporting and other record keeping, new licensing fees, financial statement submission, as well as other requirements.

The law requires DHEC to promulgate the regulations for in-home care. DHEC came up with a set of regulations closely mirroring the law as written. In the meantime, the Small Business Regulatory Review Committee (Committee) was reviewing DHEC's proposed regulations, and met with DHEC staff. The Committee found that for the services rendered by in-home care providers, with all of the extra requirements, would encourage an increase in unlicensed providers and place an undue burden on small businesses who are the primary provider of in-home services.

The Committee determined that many in the in-home care businesses were indeed opposed to the legislation and regulations. The Committee along with others in the industry appeared before the DHEC Commission on October 11, 2012, and expressed their opposition. DHEC subsequently withdrew the proposed regulations, realizing there was a major disconnect between the industry and client needs, and the requirements of the proposed regulation.

While the initial proposed regulations have been withdrawn, the Committee is continuing to express its recommendation that the Act itself be rescinded. This is being done through correspondence with The President pro tempore of the SC Senate, Sen. John Courson, and Speaker of the House, Rep. Bobby Harrell.

State Register fee removed

Until October 2012, there existed a \$100 fee to be able to access the State Register. This charge was levied on any person in the general public who wanted to view the State Register on-line. The Legislative staff established the fee years ago, presumably to cover the cost of copying and mailing draft, notice and proposed regulations.

The S.C. Small Business Regulatory Review Committee asked why there was a fee imposed to access information that should be readily available on line at no cost. The Legislative staff that supervises the State Register agreed with the Committee that the fee would be removed. This was accomplished during October 2012, and the State Register is now open for free to anyone interested in making an inquiry.

S.C. Worker's Compensation Commission Regulation Changes Withdrawn

During 2012, the S.C. Workers' Compensation Commission reached agreement to introduce new methods to calculate maximum allowable payments for medical practices and procedures, leaving room for special interests to lobby for their own methods of payment/fee schedules. Those options have been and are restricted at this time. The current Commission may have instituted no changes, but this proposal left the next Commission open to initiate any type of maximum allowable payment method they chose.

With the current regulation providing a defined cost structure framework, the Committee believed it inadvisable to open the process to any other method. Fees could go down with existing regulations, or the proposed regulations. However, history was not on the side of net reduced costs for medical procedures.

The S.C. Small Business Regulatory Review Committee believed it was not good policy to leave open-ended methodologies for payment determination. The Committee officially opposed this proposed change to the regulation, and asked the Commission to withdraw the proposal.

Upon testimony of the Committee before House and Senate sub-committee, alongside testimony from other interested parties, the S.C. Workers' Compensation Commission decided to withdraw the request for open pricing formula on March 9, 2012.