

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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This issue contains notices, proposed regulations, emergency regulations, final form regulations, and other documents filed in the Office of the Legislative Council, pursuant to Article 1, Chapter 23, Title 1, Code of Laws of South Carolina, 1976.

SOUTH CAROLINA STATE REGISTER

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina's official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor's Executive Orders, notices or public hearings and meetings, and other documents issued by state agencies considered to be in the public interest. All documents published in the *State Register* are drafted by state agencies and are published as submitted. Publication of any material in the *State Register* is the official notice of such information.

STYLE AND FORMAT

Documents are arranged within each issue of the *State Register* according to the type of document filed:

Notices are documents considered by the agency to have general public interest.

Notices of Drafting Regulations give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as proposed.

Proposed Regulations are those regulations pending permanent adoption by an agency.

Pending Regulations Submitted to the General Assembly are regulations adopted by the agency pending approval by the General Assembly.

Final Regulations have been permanently adopted by the agency and approved by the General Assembly.

Emergency Regulations have been adopted on an emergency basis by the agency.

Executive Orders are actions issued and taken by the Governor.

2003 PUBLICATION SCHEDULE

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the *Standards Manual for Drafting and Filing Regulations*.

To be included for publication in the next issue of the *State Register*, documents will be accepted no later than 5:00 P.M. on any closing date. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the closing date for that issue.

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/10	2/14	3/14	4/11	5/9	6/13	7/11	8/8	9/12	10/10	11/14	12/12
Publishing Date	1/24	2/28	3/28	4/25	5/23	6/27	7/25	8/22	9/26	10/24	11/28	12/26

REPRODUCING OFFICIAL DOCUMENTS

Documents appearing in the *State Register* are prepared and printed at public expense. Media services are encouraged to give wide publicity to documents printed in the *State Register*.

PUBLIC INSPECTION OF DOCUMENTS

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 734-2145.

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

To adopt, amend or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that gives the public an opportunity to comment on the proposal. If requested by twenty-five persons, a public hearing must be held at least thirty days after the date of publication of the notice in the *State Register*.

After the date of hearing, the regulation must be submitted to the General Assembly for approval. The General Assembly has one hundred twenty days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve before the expiration of the one-hundred-twenty-day review period, the regulation is approved on the one hundred twentieth day and is effective upon publication in the *State Register*.

EMERGENCY REGULATIONS

An emergency regulation may be promulgated by an agency if the agency finds imminent peril to public health, safety or welfare. Emergency regulations are effective upon filing for a ninety-day period. If the original filing began and expired during the legislative interim, the regulation can be renewed once.

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

Regulations promulgated to comply with federal law are exempt from General Assembly review. Following the notice of proposed regulation and hearing, regulations are submitted to the *State Register* and are effective upon publication.

EFFECTIVE DATE OF REGULATIONS

Final Regulations take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.

Emergency Regulations take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be refiled for one additional ninety-day period.

SUBSCRIPTIONS

Subscriptions to the *South Carolina State Register* are available electronically through the South Carolina Legislature Online website at www.scstatehouse.net via an access code, or in a printed format. Subscriptions run concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for **either** format is \$95.00. Payment must be made by check payable to the Legislative Council. To subscribe complete the form below and mail with payment. Access codes for electronic subscriptions will be e-mailed to the address submitted on this form.

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 South Carolina General Assembly Home Page: www.scstatehouse.net

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2726	SR27-3	School Incentive Reward Program	2-23-03	Board of Education
2709	SR27-3	Nonpublic Postsecondary Institutions	2-25-03	Commission on Higher Education
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2733		Examination	4-21-03	LLR: Board of Chiropractic Examiners
2732		Advertising and Solicitation	4-21-03	LLR: Board of Chiropractic Examiners
2712		Residential Group Care Organizations for Children	5-05-03	Department of Social Services
2730		Criminal Justice Academy Training Regulations	5-06-03	Department of Public Safety
2728		Transfer of Duties and Responsibilities	5-13-03	LLR: Board for Barrier Free Design
2738		Examination Fees	5-13-03	LLR: Board of Accountancy
2739		Professional Practices	5-13-03	LLR: Board of Chiropractic Examiners
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2829	Residential Care Facility Administration	8-14-03	LLR: Board of Long Term Health Care Administrators
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COMMITTEE REQUESTED TO WITHDRAW (120 DAY REVIEW PERIOD TOLLED)

DOC	DATE	SUBJECT	AGENCY
No.			
2729	2-04-03	Fees	4-02-03 LLR: Board of Pharmacy
2822	3-26-03	General-Food Stamp Program	6 26 03 Dept Social Services

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DOC	DATE	SUBJECT	AGENCY
No.			
2629	1-29-03	Specific Project Stds for Tidelands & Coastal Waters	1-31-03 Dept of Health and Envir Control
2801	2-19-03	Individual Sewage Treatment and Disposal Systems	5-29-03 Dept of Health and Envir Control
2800	4-02-03	Environmental Protection Fees	5-20-03 Dept of Health and Envir Control

WITHDRAWN:

DOC	DATE	SUBJECT	AGENCY
NO.			
2360	8 16 02	LIFE Scholarship	1-15-03 Commission on Higher Education
2792	2-18-03	Career or Technology Centers/Comprehensive High Schools	5-13-03 Board of Education

2003-13

WHEREAS, on March 27, 2003, I received an Amended Order of the South Carolina State Election Commission (the "Commission") declaring that, in its capacity as the State Board of Canvassers, the Commission has found illegal and improper use and counting of provisional and/or failsafe ballots in the November 5, 2002, general election for Jasper County School District, District 5 seat between candidates Jerry M. Walker and David Riley; and

WHEREAS, the Commission has unanimously agreed to set aside the election for this seat and request that a new election be held; and

WHEREAS, Section 7-13-1170 of the South Carolina Code of Laws (1976), as amended, provides "when any election official of any political subdivision of this State charged with ordering, providing for, or holding an election has neglected, failed, or refused to order, provide for, or hold the election at the time appointed, or if for any reason the election is declared void by competent authority, and these facts are made to appear to the satisfaction of the Governor, he shall, should the law not otherwise provide for this contingency, order an election or a new election to be held at the time and place, and upon the notice being given which to him appears adequate to insure the will of the electorate being fairly expressed. To that end, he may designate the existing election official or other person as he may appoint to perform the necessary official duties pertaining to the election and to declare the result."

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby (a) order that a new election be held in Jasper County, for Jasper County School District, District 5 seat referenced herein on June 24, 2003, or at the earliest possible date and time after June 24, 2003, as is permitted by the United States Department of Justice; and (b) designate the Jasper County Election and Registration Commission to perform the necessary official duties pertaining to the election to declare the result.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 8th DAY OF APRIL, 2003.

MARK SANFORD
Governor

4 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

ERRATA

Regulation 61-58, *State Primary Drinking Water Regulations*.

The amendments to R.61-58 published in the *State Register*, Volume 26, Issue No. 3 (May 24, 2002) deleted R.61-58.1.O(2) and renumbered existing items (3) through (14) as (2) through (13). Renumbered sections R.61-58.1.O(5), (6), and (7) contained a cross-reference to R.61-58.1.O(4) which should be corrected to read R.61-58.1.O(3). Renumbered section R.61-58.1.O(10) contained a cross reference to R.61-58.1.O(10) which should be corrected to read R.61-58.1.O(9). This errata will correct these references as follows:

Correct R.61-58.1.O(5) to read:

(5) The Department may modify an operating permit at any time to include any new promulgated requirements of the Act or these Regulations, to address requirements necessary to ensure compliance with the State Safe Drinking Water Act and these regulations, to include any approved or permitted construction modifications to the system, or to modify a compliance schedule. Permit modifications will be issued in accordance with R.61-58.1.O(3).

Correct R.61-58.1.O(6) to read:

(6) The permittee may request a modification of the operating permit at anytime with adequate justification. The permittee shall complete and submit to the Department an operating permit application form along with a detail justification for the modification(s) requested. Permit modifications will be issued in accordance with R.61-58.1.O(3).

Correct R.61-58.1.O(7) to read:

(7) An operating permit is non-transferable, except with prior approval of the Department. The permittee shall submit written notification to the Department at least 30 days in advance of the proposed transfer. This notification shall include an operating permit application form which has been completed by the proposed new owner of the system. The Department may request on a case-by-case basis that the proposed new owner of the system submit a business plan which shows how the system will be managed to ensure its long-term viability. If the Department approves of the transfer, a new operating permit will be issued to the new owner of the system in accordance with R.61-58.1.O(3).

Correct R.61-58.1.O(10) to read:

(10) Once the permittee has satisfactorily complied with the requirements of R.61-58.1.O(9) and necessary corrections have been made to the water system, the permittee may request that the Department revise the sanitary survey rating on the operating permit.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Notice of General Public Interest
Public Notice #03-515-GP-N
April 25, 2003

The South Carolina Department of Health and Environmental Control (DHEC), Bureau of Air Quality, does hereby give notice of coverage granted to the following sources who have requested coverage to operate under General Conditional Major Operating Permit (GCMP-04) "Concrete Batch Plants." This general permit was previously opened for a thirty (30) day public comment period on March 28, 2001, with final issuance on November 1, 2001. Pursuant to South Carolina Regulation 61-62.1, Section II G(7)(a)&(b), the Department may now grant coverage to those qualified sources seeking to operate under the terms and conditions of this general permit. The authorization of each facility's coverage shall be a final permit action for purposes of administrative review.

In accordance with the provisions of the Pollution Control Act, Sections 48-1-50(5) and 48-1-110(a), the 1976 Code of Laws of South Carolina, as amended, and Regulation 61-62.1 "Air Pollution Control Regulations and Standards," these sources are hereby granted permission to discharge air contaminants into the ambient air. The Bureau of Air Quality authorizes the operation of these sources in accordance with the plans, specifications, and other information submitted by each facility in the General Conditional Major Permit application. Facilities operating under this permit seek to limit their potential to emit to below the thresholds which define a major source by complying with the federally enforceable conditions contained in this permit. Permit coverage is subject to and conditioned upon the terms, limitations, standards, and schedules contained in or specified on said permit.

Interested persons may review the final general permit, materials submitted by the applicant, and any written comments received, during normal business hours, at the following location: SC DHEC, Bureau of Air Quality, 2600 Bull Street, Columbia, South Carolina, 29201 at (803) 898-4123.

This notice is given pursuant to the requirements of South Carolina Regulation 61-62.1, Section II G(7)(c). Comments and questions concerning any of the following individual facility's coverage under this permit should be directed to: Mr. Carl W. Richardson, P.E., Director, Engineering Services Division, Bureau of Air Quality, SC DHEC, 2600 Bull Street, Columbia, South Carolina, 29201 at (803) 898-4123.

Charleston County

Ready Mixed Concrete Company (North Charleston)
2769 Three Lakes Road
North Charleston, South Carolina
(Permit No. GCM04-9900-0364)

Darlington County

Site Prep, Inc. of North Carolina
1809 South 5th Street
Hartsville, South Carolina
(Permit No. GCM04-9900-0401)

6 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Notice of General Public Interest
Public Notice #03-514-GP-N
April 25, 2003

The South Carolina Department of Health and Environmental Control (DHEC), Bureau of Air Quality, does hereby give notice of coverage granted to the following sources who have requested authorization to operate under General Conditional Major Operating Permit (GCMP-03) "Hot Mix Asphalt Plants." This general permit was previously opened for a thirty (30) day public comment period on March 28, 2001, with final issuance on February 01, 2002. Pursuant to South Carolina Regulation 61-62.1, Section II G(7)(a)&(b), the Department may now grant coverage to those qualified sources seeking to operate under the terms and conditions of this general permit. The authorization of each facility's coverage shall be a final permit action for purposes of administrative review.

In accordance with the provisions of the Pollution Control Act, Sections 48-1-50(5) and 48-1-110(a), the 1976 Code of Laws of South Carolina, as amended, and Regulation 61-62.1 "Air Pollution Control Regulations and Standards," these sources are hereby granted permission to discharge air contaminants into the ambient air. The Bureau of Air Quality authorizes the operation of these sources in accordance with the plans, specifications, and other information submitted by each facility in the General Conditional Major Permit application. Facilities operating under this permit seek to limit their potential to emit to below the thresholds which define a major source by complying with federally enforceable conditions contained in this permit. Permit coverage is subject to and conditioned upon the terms, limitations, standards, and schedules contained in or specified on said permit.

Interested persons may review the final general permit, materials submitted by the applicant, and any written comments received, during normal business hours, at the following location: SC DHEC, Bureau of Air Quality, 2600 Bull Street, Columbia, South Carolina, 29201 at (803) 898-4123.

This notice is given pursuant to the requirements of South Carolina Regulation 61-62.1, Section II G(7)(c). Comments and questions concerning any of the of the following individual facility's coverage under this permit should be directed to: Mr. Carl W. Richardson, P.E., Director, Engineering Services Division, Bureau of Air Quality, SC DHEC, 2600 Bull Street, Columbia, South Carolina, 29201 at (803) 898-4123.

Charleston County

Hinkle Contracting Corporation
7625 Collins Road
North Charleston, South Carolina
(Permit No. GCM03-9900-0390)

Cherokee County

Sloan Construction Company (Blacksburg)
Highway 28 & Quarry Road
Blacksburg, South Carolina
(Permit No. GCM03-9900-0375)

Horry County

Palmetto Paving Corporation (Conway Plant)
 6184 Godwin Paradise Lane
 Conway, South Carolina
 (Permit No. GCM03-9900-0197)

Spartanburg County

F&R Asphalt, Inc. (Plant #3)
 Gaffney Ferry Road
 Gaffney, South Carolina
 (Permit No. GCM03-9900-0373)

Sloan Construction Company, Inc.
 235 Plemmons Road
 Duncan, South Carolina
 (Permit No. GCM03-9900-0115)

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication April 25, 2003, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Aiken County

Construction of an ambulatory surgery center with three (3) operating rooms.
 The Ambulatory Surgical Center of Aiken, LLC
 Aiken, South Carolina
 Project Cost: \$6,126,685

Affecting Charleston County

Construction of a 20-bed inpatient hospice facility.
 The Hospice House of Charleston
 Charleston, South Carolina
 Project Cost: \$3,700,527

Conversion of 28 community residential care beds to 28 nursing home beds that do not participate in the Medicaid (Title XIX) program.
 Savannah Hall
 Charleston, South Carolina
 Project Cost: \$22,500

8 NOTICES

Affecting Florence County

Relocation and replacement of the existing Magnetic Resonance Imaging (MRI) system.
Open MRI and Imaging of Florence, LLC
Florence, South Carolina
Project Cost: \$2,678,735

Affecting Horry County

Provision of Positron Emission Tomography (PET) scanning services two (2) days per week.
Conway Medical Center
Conway, South Carolina
Project Cost: \$739,772

Affecting Richland County

Establishment of a freestanding diagnostic imaging center to include a 1.0T MRI unit, CT scanner, and other diagnostic modalities.
Palmetto Health Alliance Diagnostic Imaging Center
Columbia, South Carolina
Project Cost: \$7,773,451

Relocation and expansion of an existing Ambulatory Surgery Center to add two (2) endoscopy rooms for a total of four (4) endoscopy rooms.
South Carolina Medical Endoscopy Center
Columbia, South Carolina
Project Cost: \$1,840,689

Affecting Spartanburg County

Development of an Ambulatory Surgery Center with two (2) operating rooms.
Eastside Eye Center West
Spartanburg, South Carolina
Project Cost: \$748,986

Affecting York County

Construction of a 16-bed hospice facility.
Carolina Community Care, Inc. dba Hospice and Community Care
Rock Hill, South Carolina
Project Cost: \$4,124,978

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning April 25, 2003. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

Affecting Aiken County

Construction for the expansion of the emergency department and critical care area and the addition of 5 acute care beds for a total of 183 acute care, 29 psychiatric, and 18 substance abuse beds.

Aiken Regional Medical Centers

Aiken, South Carolina

Project Cost: \$15,000,000

Affecting Charleston County

The replacement of two (2) existing single-slice Computed Tomography (CT) Scanners with two (2) multi-slice CT scanners (both GE Lightspeed 16-slice models) to be located in the emergency room of the main hospital and the main floor of Rutledge Tower.

MUSC Medical Center

Charleston, South Carolina

Project Cost: \$2,117,875

Construction for the renovation and expansion of the Emergency Department.

Bon Secours – St. Francis Hospital

Charleston, South Carolina

Project Cost: \$6,000,000

Affecting Florence County

Construction of a seven floor addition to the existing Women's pavilion to house 140 general acute care beds (105 additional beds and 35 replacement beds) and 16 operating rooms (12 replacement OR's and 4 additional OR's) resulting in a total licensed bed capacity of 441 general acute care beds and 35 psychiatric beds.

McLeod Regional Medical Center

Florence, South Carolina

Project Cost: \$82,443,046

Relocation and replacement of the existing Magnetic Resonance Imaging (MRI) System.

Open MRI & Imaging of Florence, LLC

Florence, South Carolina

Project Cost: \$2,678,735

Affecting Richland County

Replace two (2) fixed Magnetic Resonance Imaging (MRI) Systems with a new GE 1.5 Tesla Short-bore MRI system.

Palmetto Imaging, Inc.

Columbia, South Carolina

Project Cost: \$1,968,401

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act. Pursuant to

10 NOTICES

Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and individuals listed below, please submit your comments in writing, no later than May 26, 2003 to:

Contractor Certification Program
South Carolina Department of Health and Environmental Control
Bureau of Underground Storage Tank Management
Attn: Barbara Boyd
2600 Bull Street
Columbia, SC 29201

The following companies and individuals have applied for certification as Underground Storage Tank Site Rehabilitation Contractors:

Class I

Class II

CH2M Hill, Inc.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL**

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Section 6-9-60(C) of the 1976 Code of Laws of South Carolina, as amended, the South Carolina Building Codes Council intends to review and adopt the following building codes for use within the state:

Mandatory codes will include:

International Building Code, 2003 Edition;
International Residential Code, 2003 Edition;
International Fire Code, 2003 Edition;
International Plumbing Code, 2003 Edition;
International Mechanical Code, 2003 Edition;
International Fuel Gas Code, 2003 Edition; and
International Energy Conservation Code, 2003 Edition.

Permissive codes will include

International Property Maintenance Code, 2003 Edition; and
International Existing Building Code, 2003 Edition.

The Council specifically requests comments concerning sections of these editions that may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Gary Wiggins, Board Administrator, at 110 Centerview Drive, 2nd Floor, Columbia, South Carolina, 29211-1329, (803) 896-4620.

FORESTRY COMMISSION
CHAPTER 55

Statutory Authority: 1976 Code Section 48-23-10 et seq. and Section 50-1-90

Notice of Drafting:

The South Carolina Forestry Commission is proposing to repeal R.55.1, General Regulations and Hunting Regulations in the Area known as Manchester State Forest in Sumter County, R.55-2, General Regulations and Hunting Regulations in the Area known as Cassatt State Forest in Kershaw County, R.55.3, General Regulations and Hunting Regulations in the Area known as Sand Hills State Forest in Chesterfield County, R.55.4, General Regulations and Hunting Regulations in the Area known as Harbision State Forest in Richland County, and R.55.5, Hunting and Fishing regulations in the Area known as C. H. Niederhof Seed Orchard in Jasper County and replace with new R.55.1, "General Regulations on South Carolina Forestry Commission Lands." Interested persons are invited to submit their comments in writing to Joel Felder, SCFC Forest Management Section, P. O. Box 21707, Columbia, SC 29221.

Synopsis:

The proposed promulgated regulation combines, under one regulation, the general rules and regulations for hunting, fishing and recreational activities on all South Carolina Forestry Commission lands.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: S.C. Code Sections 48-2-10 et seq., 47-20-10 et seq.,
44-1-20 et seq., 44-55-50 et seq., and 44-87-10 et seq.

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend R.61-58, State Primary Drinking Water Regulations. Interested persons may submit their views in writing to Ms. Valerie A. Betterton, Water Enforcement Division, Bureau of Water, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. To be considered, written comments must be received no later than 5:00 p.m. on May 26, 2003, the close of the drafting period.

Synopsis:

The Department proposes to revise the regulations to include requirements promulgated under Minor Clarifications of the National Primary Drinking Water Regulations for Arsenic. The Environmental Protection Agency (EPA) has revised the rule text to express the new arsenic maximum contaminant level (MCL) as 0.010 mg/L instead of 0.01 mg/L. The EPA is making this minor regulatory amendment in response to a concern raised by a number of States and other stakeholders that State laws adopting the Federal arsenic standard as 0.01 mg/L might allow rounding of monitoring results above 0.01 mg/L so that the effective standard (in consideration of rounding of results) would be 0.014 mg/L (or 14 ppb), not 0.010 mg/L (10 ppb). These actions are mandated by the 1996 amendments to the Federal Safe Drinking Water Act (SDWA). Proposed regulations will comply with 40 CFR Parts 141 and 142. The minor clarification to the Arsenic Rule was published in the March 25, 2003, *Federal Register*, with an effective date of April 24, 2003. These revisions are to align the State Primary Drinking Water Regulations with federal regulations.

12 DRAFTING

The proposed regulations will comply with federal law and are exempt from legislative reviews; neither a preliminary assessment report nor a fiscal impact statement is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: S.C. Code Section 48-1-10 *et seq.*

Notice of Drafting:

The Department of Health and Environmental Control (Department) is proposing to amend R.61-62, *Air Pollution Control Regulations and Standards* and the South Carolina State Implementation Plan. The purpose of this notice is to extend the drafting period previously established by the August 23, 2002, drafting notice published in Volume 26, Issue 8 of the *South Carolina State Register*. All previous comments, as well as any additional comments received after this publishing, will be considered. Interested persons are invited to present their views and/or interest in writing to Heather Preston, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received by Monday, May 26, 2003, the close of the drafting comment period.

Synopsis:

On July 18, 1997, the United States Environmental Protection Agency (EPA) revised the National Ambient Air Quality Standard for ground-level ozone from 0.12 parts per million (ppm) 1-hour "peak" standard to 0.08 ppm 8-hour "average" standard. This new standard is commonly referred to as the 8-hour ozone standard. Currently, all areas of South Carolina are "in attainment" with all national ambient air quality standards, including the one hour ozone standard. However, when implemented, the 8-hour ozone standard could result in numerous areas of the state being determined not to meet the 8-hour standard and being designated as "non-attainment" for ground-level ozone. When air quality standards are revised, the state must recommend to EPA the boundaries of the areas that are not in compliance with the standard and must submit a plan to EPA that demonstrates how the state will bring those areas designated as non-attainment for the standard back into attainment. Also, when non-attainment designations occur, areas are subject to general and transportation conformity and new source review requirements.

EPA will make the 8-hour ozone non-attainment designations by April 15, 2004, but in an effort to be proactive, the Department would like to begin the process with state and local governments, industry, environmental groups, and other interested parties to consider possible ozone reduction strategies. The Department would like to work with these groups to develop a strategy sooner than would be required by the current federal timeframes to reduce the pollution that creates ground-level ozone. The most important reasons for moving forward in this proactive manner are the public health benefits realized by meeting the new standard sooner than required and also the deferral of the effective date of a non-attainment designation.

While the Department is interested in pursuing an early action plan for ground-level ozone, it is recognized that developing the technical requirements necessary to create an approvable plan to submit to EPA under the tight timeframes involved may be a difficult task. However, the public health benefits derived from early actions warrant moving forward with this effort at this time.

If you are interested in participating in this process, please provide that interest in writing to the Department as outlined above. Legislative review will be required.

DEPARTMENT OF HEALTH AND HUMAN SERVICES**CHAPTER 126**

Statutory Authority: 1976 Code Section 44-6-90

Notice of Drafting:

The South Carolina Department of Health and Human Services (DHHS) intends to amend regulations concerning its Medicaid recipient restricted card process. The proposed amendments are being made to improve health outcomes of South Carolina Medicaid recipients and to curtail duplicative, wasteful, and potentially harmful service utilization. DHHS is implementing processes to identify recipients with utilization patterns that are outside of expected parameters, even after controlling for illness, disease, and other medical needs. In order to ensure that recipients have access to and are receiving quality health care services, the Department intends to utilize the restricted card process to improve coordination among health care providers and to reduce unnecessary program expenditures. Interested persons are invited to submit their views to Ms. Julie Jones, Program Integrity Manager, 1801 Main Street, Suite M112, Columbia, South Carolina 29201. To be considered, all comments must be received no later than the close of business on May 27, 2003.

Synopsis:

This amendment defines the parameters of the DHHS Medicaid recipient restricted card process, including the factors that will be considered in making a determination for restriction, the rights and conditions for recipients before and during their restriction, and the recipient's selection of a Medicaid provider. The amendments also define the services that are governed and not governed by the restricted card process.

COMMISSION ON HIGHER EDUCATION**CHAPTER 62**

Statutory Authority: 1976 Code Sections 59-112-10

Notice of Drafting:

The South Carolina Commission on Higher Education proposes to revise existing regulation for the Determination of Rates of Tuition and Fees established under Section 59-112 Title 59 Act No. 466. Interested persons should submit their comments in writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on May 28, 2003, the close of the drafting comment period.

Synopsis:

In accordance with Section 59-112-10 of the 1976 Code, revisions to the existing regulation for the Determination of Rates of Tuition and Fees are being considered so that, beginning with the 2004-05 academic year, the regulation will provide additional definitions and/or clarifications to the current regulation. The Commission on Higher Education added or modified several definitions to address areas questioned by students and parents: "Family's Domicile in this State is Terminated," "Full-Time Employment," "Guardian," "Immediately prior to enrollment," "Parent," "Spouse," "United States Armed Forces." The revised regulation acknowledges State guidelines in the timelines required to possess a State drivers license and vehicle registration as evidence of the intent to establish State residency; and acknowledges that transfer between the State's colleges and universities of a student seeking a degree does not constitute a break in enrollment. The Act requires that the Commission on Higher Education prescribe uniform regulations for application of the provisions of this chapter.

14 DRAFTING

The proposed regulation includes rates of tuition and fees; code of laws governing residence; definitions; citizens and permanent residents; non-resident aliens, non-citizens, and non-permanent residents; establishing the requisite intent to become a South Carolina domiciliary; maintaining residence; effect of change of residency; effect of marriage; exceptions; application for change of resident status; incorrect classification; and inquiries and appeals.

Legislative review of this proposal will be required.

DEPARTMENT OF INSURANCE CHAPTER 69

Statutory Authority: 1976 Code Sections 38-3-110; 38-71-530; 1-23-10 *et seq.*

Notice of Drafting:

The South Carolina Department of Insurance proposes to amend Regulation 69-46, Medicare Supplement Insurance. Interested persons should submit their views in writing to: Melanie A. Joseph, Executive Assistant to the Director/Legislative Liaison, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105. To be considered, all comments must be received no later than 5:00 p.m., Friday, May 23, 2003.

Synopsis:

The South Carolina Department of Insurance proposes to amend Regulation 69-46, Medicare Supplement Insurance, in order to comply with State Children's Health Insurance Program Benefits Improvement and Protection Act of 2000 (BIPA). BIPA essentially replaces provisions that determine the period during which a Medicare beneficiary with guarantee issue rights may apply for a Medigap policy. To the extent that BIPA defines these time periods differently than they were defined in the Balanced Budget Act of 1997 and the Medicare, Medicaid and SCHIP Balanced Budget Refinement Act of 1999, State regulatory programs must comply with BIPA. The provisions of BIPA became effective upon enactment, and issuers of Medicare supplement insurance are now required to comply with these provisions.

The proposed regulation is exempt from legislative review as it is being promulgated to comply with federal law.

DEPARTMENT OF REVENUE CHAPTER 117

Statutory Authority: 1976 Code Section 12-4-320

Notice of Drafting:

The South Carolina Department of Revenue is considering amending SC Regulation 117-302.5 which concerns the sales and use tax exemption for machines used in manufacturing, processing, compounding, mining, or quarrying tangible personal property for sale.

Interested persons may submit written comments to Meredith F. Cleland, South Carolina Department of Revenue, Legislative Services, P.O. Box 125, Columbia, SC 29214. To be considered, comments must be received no later than 5:00 p.m. on May 26, 2003.

Synopsis:

The South Carolina Department of Revenue is considering amending SC Regulation 117-302.5 which concerns the sales and use tax exemption for machines used in manufacturing, processing, compounding, mining, or quarrying tangible personal property for sale.

DEPARTMENT OF REVENUE
CHAPTER 117
Statutory Authority: 1976 Code Sections 12-4-320

Notice of Drafting:

The South Carolina Department of Revenue is considering repealing SC Regulations 117-110 through 117-128 in Article 6 of Chapter 117 of the SC Code of Regulations and creating new regulations concerning property taxation in a new Article 37. Under the proposal, regulations will be combined so that all regulations concerning one subject matter can be found in one regulation and therefore one place in the regulation code. In addition, a regulation may have several “subsections” numbered in a manner to allow future issues concerning the subject matter to be added on and still be in the same place in the regulation code as other similar issues.

Furthermore, the Department is considering making the changes described to the regulations listed below. The regulation numbers listed below are the numbers presently being used and these numbers will be changed as part of the reorganization described above.

117-110 Value of Merchant’s Furniture, Fixtures and Equipment

It is proposed that this regulation be changed to clarify that value is determined from South Carolina income tax basis.

117-112 General Requirements for Appraisal Records

Grammatical and sentence structure changes will be made to this regulation. The regulation would be changed to reflect: a) that the Department may require additional information in appraisal records; and, b) that counties may keep electronic records instead of, or in addition to, paper records.

117-113 General Requirements for Building Permits

This regulation would be changed to reflect that the Department may require additional information in building permits and to require that eve height be included in the building permit. Other minor grammatical changes would also be made.

117-114 Agricultural real property

This regulation would be updated to reflect changes to Code references and to eliminate specific requirements that are currently in the regulations. Instead, the code sections that contain those requirements would be referenced. Minor grammatical changes would also be made.

117-117 Cadastral maps

This regulation would be changed to make minor grammatical changes and to eliminate all references to the State Mapping Office. The regulation would also be changed to: a) allow counties to delay reflight for up to 2 years with the permission of the Department; and, (b) allow the Department, with a recommendation from the South Carolina Office of Research and statistical services at the Budget and Control Board to allow county maps to deviate from the scale set forth in the regulation.

117-119 Assessment Guide for Personal Property

It is proposed that this regulation be changed to provide that values of vehicles may not exceed 95% of prior years’ value in accordance with current law and to delineate times when a county auditor may deviate from the Department’s assessment guides. Minor grammatical changes would also be made to the regulation.

16 DRAFTING

117-124.5 Definition of "Power Driven" Farm Machinery

It is proposed that this regulation be updated to include new code cites and constitutional references and to reflect that power driven farm machinery does not include motor vehicles registered with the Department of Public Safety.

117-124.6 Application for Special Assessment as Legal Residence

It is proposed that this regulation be changed as follows: a) all references requiring the applicant to be owner of the property on January 1st of the year in question would be eliminated as this requirement has been eliminated in the law; b) property and owners of such property will be required to meet the requirements of Section 12-43-220(c), the current code provision that provides for a 4% assessment for a legal residence; c) references to the new code provision that allows a trustee to apply for the legal residence 4% assessment ratio in certain instances would be added; d) a request for information about whether the property is subject to certain vacation rental provisions would be added as this was recently added to the law; e) a provision would be added to provide that legal residence means where a person is domiciled; and, f) information would be provided as to when the application for legal residence classification must be filed. The penalty of perjury statement that is currently a part of the law will be added to regulation and the regulation will be changed to reflect that a county assessor can request any other information he determines is necessary to establish legal residence. Other grammatical changes would be made and code references would be updated.

117-126 Use Value Procedure for Cropland and Timberland

It is proposed that this regulation be changed to set forth the values for both cropland and timberland as of 1991, as the law provides that the fair market values for the 1991 tax year are effective for all subsequent tax years. The soil rankings for all 46 counties for both cropland and timberland would be included in the regulation and the four marketing provinces with county classifications for timberland would also be included. The formula for computing the fair market value for cropland and timberland would be eliminated from the regulation as the formula is no longer needed to determine value.

117-127 Computation of the Index of Taxpaying Ability for School District when Property is Under Appeal.

It is proposed that this regulation be updated to address how property that is under appeal, both real and personal, will be valued by the Department in calculating the index of taxpaying ability for all years that the property is under appeal. The regulation will also be changed to address when the Auditor must notify the Department that an appeal has been resolved. Minor grammatical and code site changes will also be made.

117-128 Discount for Subdivided Land

It is proposed that this regulation be changed to provide an example of how the discount for subdivided land is calculated. The regulation would also be updated to address the additional discount allowed by Code Section 12-43-225.

Interested persons may submit written comments to Meredith F. Cleland, South Carolina Department of Revenue, Legislative Services, P.O. Box 125, Columbia, SC 29214. To be considered, comments must be received no later than 5:00 p.m. on May 28, 2003.

Synopsis:

The South Carolina Department of Revenue is considering repealing SC Regulations 117-110 through 117-128 in Article 6 of Chapter 117 of the SC Code of Regulations and creating new regulations concerning property taxation in a new Article 37. Under the proposal, regulations will be combined so that all regulations concerning

one subject matter can be found in one regulation and therefore one place in the regulation code. In addition, a regulation may have several “subsections” numbered in a manner to allow future issues concerning the subject matter to be added on and still be in the same place in the regulation code as other similar issues. Certain regulations will be amended to reflect changes in the law, to allow the Department or a county to request additional information, to make grammatical changes and to update code cites to simplify some of the requests, and to allow counties some flexibility with respect to cadastral maps and record keeping.

18 PROPOSED REGULATIONS

Document No. 2840
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: S.C. Code Section 48-1-10 *et seq.*

Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the South Carolina State Implementation Plan

Preamble:

The United States Environmental Protection Agency (EPA) promulgates amendments to 40 CFR Parts 60, 63, and 70 throughout each calendar year. Recent federal amendments include clarification, guidance and technical amendments regarding New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAPs), and State Operating Permits Program. Pursuant to S.C. Code Section 48-1-10 *et seq.*, the South Carolina Department of Health and Environmental Control (Department) proposes to amend Regulations 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards* and 61-62.63, *National Emission Standards for Hazardous Air Pollutant*; to incorporate recent Federal amendments promulgated during the period from January 1, 2002, through December 31, 2002. In addition, the Department is proposing to revise R. 61-62.70, *Title V Operating Permit Program*, to make corrections and incorporate recent federal changes to definitions of major sources. Also, the Department is amending R. 62.1 *Definitions and General Requirements*, to clarify the language concerning alternate methods of source testing. Finally, the Department proposes to make typographical corrections and clarifications to R.61-62 as necessary.

The proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, are necessary to maintain consistency with Federal rules and will not require legislative review.

A Notice of Drafting for these proposed changes was published in the *State Register* on November 22, 2002. Since this amendment is consistent with Federal law, neither a preliminary fiscal impact statement nor a preliminary assessment report is required.

Discussion of Proposed Revisions

SECTION CITATION:

EXPLANATION OF CHANGE:

R. 61-62.1, Section II H.1(a) – Permit Requirements

Delete the words “Section I,”

R. 61-62.1, Section IV B. 2. – Source Tests

Clarify language specifying authorization of proposing alternate test methods

R. 61-62.60

Tables in Subparts A, J, SSS, VVV, and AAAA are amended

R. 61-62.63

Tables in Subparts A, T, AA, BB, GG, LL, SS, TT, UU, WW, YY, EEE, JJJ, LLL, MMM, RRR, VVV, and GGGG are amended

R. 61-62.63

Tables in Subparts J, XX, QQQ, UUU, HHHH, JJJJ, NNNN, SSSS, TTTT, UUUU, XXXX, and QQQQQ are added in alpha-numeric order and incorporated by reference

R. 61-62.70.2 r (2)(xxvii)

Amend definition to include stationary sources

regulated as of August 7, 1980

R. 61-62.70.5(a)(1)(ii)

Add deleted text to paragraph (ii)

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invite interested members of the public to attend a staff-conducted informational forum to be held on May 27, 2003, at 10:00 a.m. in room 2280 at the Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The purpose of the forum is to receive comments from interested persons on the proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*.

Interested persons are also provided an opportunity to submit written comments to Thomas J. Flynn, III at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on May 27, 2003. Comments received shall be submitted to the Board in a Summary of Public Comments and Department Responses.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Thomas J. Flynn, III at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201, or by calling (803) 898-3251.

Notice of Public Hearing and Opportunity for Public Comment Pursuant to S.C. Code Sections 1-23-110 and 1-23-111:

Interested members of the public and regulated community are invited to comment on the proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards* at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on June 12, 2003. The public hearing is to be held in room 3420 (Board Room) of the Commissioner’s Suite, third floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board’s agenda to be published by the Department twenty-four hours in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit comments on the proposed amendments to Thomas J. Flynn, III at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, Regulatory Development Section, 2600 Bull Street, Columbia, SC 29201, or by calling (803) 898-3251. To be considered, comments must be received no later than 5:00 p.m. on May 27, 2003. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on June 12, 2003, as noticed above. Comments received shall be submitted to the Board in a Summary of Public comments and Department Responses.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: Amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*.

20 PROPOSED REGULATIONS

Purpose of Regulation: These amendments and corrections will maintain conformity with Federal requirements and ensure compliance with Federal standards.

Legal Authority: The legal authority for Regulation 61-62, *Air Pollution Control Regulations and Standards*, is S.C. Code Section 48-1-10 *et seq.*

Plan for Implementation: The proposed amendments will take effect upon approval and adoption by the South Carolina Board of Health and Environmental Control and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATIONS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The United States Environmental Protection Agency (EPA) promulgates amendments to 40 CFR Parts 60, 63, and 70 throughout each calendar year. Recent federal amendments include clarification, guidance and technical amendments regarding New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAPs), and State Operating Permits Program. Pursuant to S.C. Code Section 48-1-10 *et seq.*, the South Carolina Department of Health and Environmental Control (Department) proposes to amend Regulations 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards* and 61-62.63, *National Emission Standards for Hazardous Air Pollutant*; to incorporate recent Federal amendments promulgated during the period from January 1, 2002, through December 31, 2002. In addition, the Department is proposing to revise R. 61-62.70, *Title V Operating Permit Program*, to make corrections and incorporate recent federal changes to definitions of major sources. Also, the Department is amending R. 62.1 *Definitions and General Requirements*, to clarify the language concerning alternate methods of source testing. Finally, the Department proposes to make typographical corrections and clarifications to R.61-62 as necessary.

The proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, are necessary to maintain consistency with Federal rules and will not require legislative review.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions as a result of these amendments. The standards to be adopted are already effective and applicable to the regulated community as a matter of Federal law. The proposed amendments will benefit the regulated community by clarifying the regulations and increasing their ease of use.

UNCERTAINTIES OF ESTIMATES:

EPA has provided the estimated costs and benefits for these standards in the *Federal Register* notices that are cited within this document.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the recent changes in Federal law through the proposed amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, will provide continued protection of the environment and public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

While there is no specific detrimental effect on the environment and public health, the State's authority to implement Federal requirements, which are believed to be beneficial to the public health and environment, would be compromised if these amendments are not adopted in South Carolina.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2839
DEPARTMENT OF HEALTH AND HUMAN SERVICES
 CHAPTER 126
 Statutory Authority: 1976 Code Section 44-6-90

126-158. Hearing Procedure.

Preamble:

The South Carolina Department of Health and Human Services proposes to amend 126-158 Hearing Procedures by adding another paragraph. The proposed change is made primarily for the purpose of allowing for lay representations of businesses and other organizations, which regularly appear in contested cases before the Department's Appeals Division. The South Carolina Supreme Court's Order in In Re Unauthorized Practice of Law Rules Proposed By the South Carolina Bar, 309 S.C. 304, 422 S.E. 2d 123 (1992) sets forth the general parameters of such a practice. It is the intent of the Department that these regulations will specify the qualifications of lay representatives and set forth the duties of the Hearing Officer to protect the interests of the public. This regulation shall not be interpreted to limit, in any way, a citizen's right to self-representation (when competent to do so), or to be represented by a non-lawyer of his or her choosing in matters regarding their person and as further specified in the rules which govern the federal grants administered by the Department.

Notice of Drafting for the proposed amendment was published in the State Register on February 28, 2003.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be held at the Administrative Law Judge Division, Edgar A. Brown Building, Suite 224, 1205 Pendleton Street, Columbia, SC 29201, on May 29, 2003 at 2:00 p.m. Should no such request be made by 4:30 p.m. on May 26, 2003, such hearing will be cancelled without further notice. Hearing requests and written comments may be directed to Mr. Robert Pursley, Division of Appeals, Post Office Box 8206, Columbia, South Carolina 29202-8206, no later than May 26, 2003.

Preliminary Fiscal Impact Statement:

The Department of Health and Human Services estimates that no additional costs will be incurred as a result of the promulgation of these regulations, and no additional state funding is requested.

Statement of Need and Reasonableness:

The South Carolina Supreme Court's Order in In Re Unauthorized Practice of Law Rules Proposed By the South Carolina Bar, 309 S.C. 304, 422 S.E. 2d 123 (1992) allows agencies to authorize laypersons to provide representation before agencies' administrative hearing bodies. Laypersons employees of businesses affected by the Department often seek to appear before the Department's Appeals Division, and they generally appear competent to protect the interests of the organizations in this informal process. Furthermore, the federal rules, which govern the hearings required by the federal grants administered by the Department generally allow for lay representation for individual applicants and beneficiaries. Therefore, with the oversight of the Hearing Officer, it seems reasonable to allow laypersons to represent organizations, as well, before the Appeals Division.

22 PROPOSED REGULATIONS

Statement of Rationale:

For information contact Mr. Richard Hepfer, Department of Health and Human Services, P. O. Box 8206, Columbia, South Carolina 29202-8206

Text:

Hearing Procedures.

B. Representation in Proceedings. A business entity, an agency, or an organization may elect to be represented by a non-attorney in an administrative hearing with the approval of the presiding hearing officer; non-lawyer persons including Certified Public Accountants, an officer of a corporation, or an owner of an interest in the business entity must present proof of unanimous consent of the owners or officers of the business entity before being allowed to proceed as representatives. Attorneys licensed in other jurisdictions must obtain a Limited Certificate of Admission, or such other leave as required by the South Carolina Supreme Court, before being allowed to proceed as representatives. This regulation in no way limits a person's right to self-representation, or to be represented by an attorney, or to be represented by a non-attorney of his or her own choosing, when such non-attorney representation is allowed by law.

Document No. 2837
DEPARTMENT OF LABOR, LICENSING AND REGULATION
CONTRACTORS' LICENSING BOARD
CHAPTER 29

Statutory Authority: 1976 Code Section 40-11-60.

Preamble:

The State Contractors' Licensing Board is proposing to amend Regulation 29-10 to clarify the special conditions of 1P and 1U license classifications issued under the grandfather provision of Section 40-11-390.

Section-by-Section Discussion:

Regulation 29-10

Reordered and reworded to clarify the special conditions of 1P and 1U license classifications issued under the grandfather provision of Section 40-11-390.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Judge Division at Division at 9:30 a.m. on Tuesday, June 10, 2003. Written comments may be directed to Ron Galloway, Administrator, Contractors' Licensing Board, Department of Labor, Licensing and Regulation, Post Office Box 11289, Columbia, South Carolina 29211-1289, no later than 5:00 p.m. on May 27, 2003.

Preliminary Fiscal Impact Statement:

There will be no additional cost incurred by the State or any political subdivision.

Statement of Need and Reasonableness:

This amendment of Regulation 29-10 is needed in order to clarify the special conditions of 1P and 1U license classifications issued under the grandfather provision of Section 40-11-390.

DESCRIPTION OF REGULATION:

Purpose: Reorder and reword Regulation 29-10 for clarity.

Legal Authority: Section 40-11-60.

Plan for Implementation: The proposed regulation will be implemented through written and oral communication with licensees including notice in the Board's newsletter to licensees and other related professionals and posting on the agency website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulation is necessary in order to clarify the special conditions of 1P and 1U license classifications issued under the grandfather provision of Section 40-11-390.

DETERMINATION OF COSTS AND BENEFITS:

There will be no additional cost incurred by the State or any political subdivision. Benefits of the amendment of the regulation include the reduction of potential confusion from unclear statements.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning this regulation.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment and public health of this State.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effects on the environment and public health if the requirement is not implemented in this State.

Statement of Rationale:

There was no scientific or technical basis relied upon in developing the regulation.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regsrch.htm>. Full text may also be obtained from the promulgating agency.

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Document No. 2836
DEPARTMENT OF LABOR, LICENSING, AND REGULATION
BOARD OF COSMETOLOGY
CHAPTER 35

Statutory Authority: 1976 Code Section 40-13-60

Preamble:

To satisfy the requirements of licensure in the field of cosmetology, Regulations 35-1 through 35-4, Regulations 35-8 through 35-10, Regulations 35-13 through 35-20, and Regulations 35-23 through 35-26 must be updated in conformance with the current Board of Cosmetology Practice Act.

Section-by-Section Discussion:

Regulation 35-1. Application for approval to operate Schools of Cosmetology, Nail Technology, or Esthetics. Changes "Technician" to "Technology" as appropriate

Regulation 35-2. Minimum Equipment, Supplies and Space for a School of Cosmetology, Nail Technology, Esthetics and a Combination Nail Technology and Esthetics School and for existing Cosmetology Schools Offering Nail Technology and/or Esthetics. Changes "Technician" and "Manicure" to "Technology" and "Nail Technology" or "Nail Technician" as appropriate; Redefines "Dry Sanitizer;" Deletes "Fumigant"

Regulation 35-3. Minimum Curriculum for a School of Cosmetology, Nail Technology, or Esthetics. Changes "Manicuring and Pedicuring" to "Nail Technology (hands and feet)"

Regulation 35-4. Instructor; Qualifications; Applications. Removes gender specific pronoun

Regulation 35-8 Instructor Reciprocity
Changes "Technician" to "Technology"

Regulation 35-9. Instructor--Renewal License.
Changes "annually" to "biennially" and adds article

Regulation 35-10. General Rules for the Operation of Cosmetology Schools.
Rewords grammatically awkward phrases; Deletes one digit numerals; Adds 24 months stipulation for state board exam to be taken after completion of hours in (E)(7) Credit Hours; Changes "Technician" to "Technology"

Regulation 35-13. Out of State Applicants.
Adds (D) for applicants from another jurisdiction with equal or greater requirements

Regulation 35-15. Licensure of Cosmetology, Nail Technology, and Esthetics Salons.
Changes "manicuring" to "nail technology"

Regulation 35-16. Salon Equipment Requirements.
Changes "Manicure" to "Nail technician"

Regulation 35-20. Sanitary and Safety Rules for Salons and Schools.
Changes "manicurists" to "nail technicians;" Deletes "a rating of at least 75%" and adds "a passing inspection" in (A)(5); Deletes (E)(5)(f) pertaining to liquid sanitizers; changes "manicure/pedicure" to "nail technician" and adds phrase regarding non-electrical instruments in (P)(1); Adds "totally" before "immerse" and deletes either/or

phrasing in (P)(1)(b); Deletes (P)(2) and (P)(5) and renumbers accordingly; Adds disinfectant solutions “shall be of sufficient size to accommodate all instruments”

Regulation 35-23. Continuing Education Requirements.

Deletes South Carolina residency; Deletes CEU for CE and spelled and written numerals for their numeric counterparts; Adds evidence of CE compliance to (A)(7)(c); Rewords awkward phrasing and corrects grammatical errors

Regulation 35-24. Continuing Education Programs.

Corrects awkward phrasing and grammatical errors; Changes “school and association” to “provider” in (D) and (E)(3); Deletes former (E)

Regulation 35-25. Fees.

Deletes CEU and adds CE

Regulation 35-26. Minimum Requirements for Crossover Between Licensed Cosmetologists and Master Hair Care Specialists.

Corrects awkward phrasing and grammatical errors; Adds sentence regarding currently licensed instructors administration of remedial studies to students who have failed the written exam twice in (C).

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Judge Division at 2:00 p.m. on Tuesday, June 10, 2003. Written comments may be directed to Eddie L. Jones, Administrator, South Carolina Board of Cosmetology, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., May 27, 2003.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: The Board is updating the regulations to conform to the practice act and clarify existing regulations. Proposed changes include requirements for board notification of school closings and for transfer of student records, for issuance of a cosmetology instructor’s license for all locations, and for approval of persons with specialized training or education to teach cosmetology. Other changes include an increase of hours in the Nail Technician and Esthetics curriculums, and an increase of bond fees as well as changes to the fee schedule.

Legal Authority: 1976 Code, 40-13-60

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensed operators of the revised regulations and post the revised regulations on the agency's web site.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS THEREIN AND EXPECTED BENEFITS:

The proposed regulations will prevent conflict between existing regulations and newer legislation. The proposed regulations will standardize the terminology used to refer to licensed nail technicians and to the nail technology that they are taught and practice. These changes will aid the licensees in understanding their responsibilities to the public.

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The proposed regulations will reflect current knowledge on sanitizers and will eliminate a potential conflict between these regulations and the occupational safety and health standards of the state.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment. This regulation contributes to the Board's function of protecting public health in the state of South Carolina.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if this regulation is not implemented.

STATEMENT OF RATIONALE:

There was no scientific or technical basis relied upon in the development of the regulation.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2838
DEPARTMENT OF LABOR, LICENSING AND REGULATION
DIVISION OF LABOR
CHAPTER 71

Statutory Authority: 1976 Code Section 41-15-210

Preamble:

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health is proposing a revised regulation amending the requirements for keeping records of occupational injuries and illnesses as required by the United States Department of Labor.

Section-by-Section Discussion:

Revise Regulation 71, Article I, Subarticle 3 – Recording and Reporting Occupational Injuries and Illnesses, as follows:

- a) SCRR 71-300 to 309 remain the same
- b) SCRR 71-310 revised to follow federal changes on recording occupational hearing loss.
- c) SCRR 71-311 remains the same
- d) SCRR 71-312 (4) added effective date January 1, 2004.
- e) SCRR 71-313 to 328 (Reserved) remains the same.
- f) SCRR 71-329 revised to delay effective date of paragraph (b)(7)(vi).
- g) SCRR 71-330 to 346 remains the same

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Judge Division at 2:00 p.m. on Wednesday, June 11, 2003. Written comments may be directed to Karl Maddox, Department of Labor, Licensing and Regulation, Post office box, 11329, Columbia, SC 29211-1329 no later than May 27, 2003 at 5:00 p.m.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any political subdivision.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: Revising guidelines for recording and reporting occupational injuries and illnesses.

Legal Authority: Statutory Authority: 1976 Code Title 41, Section 220; 29 USC Section 667 (c)(7) and (e).

Plan for Implementation: The Department will publicize the requirements in all newsletters and publications.

DETERMINATION OF NEED AND REASONABLENESS ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The South Carolina Department of Labor, Licensing and Regulation operates an occupational safety and health plan approved by the United States Department of Labor. As a requirement of that approval, the Department is required to have recordkeeping regulations which create records and statistical data identical to those promulgated by the United States Department of Labor. See 67 Federal Register, No. 126, p.44047.

DETERMINATION OF COSTS AND BENEFITS: There will be no additional costs incurred by the State or any political subdivision.

UNCERTAINTIES OF ESTIMATES: There are no uncertainties of estimates concerning this regulation.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH: This regulation will have no effect on the environment and public health of this State.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effect on the environment and public health if this regulation is not implemented in this State.

Statement of Rationale: There was no scientific or technical basis relied upon in developing the regulation.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

28 PROPOSED REGULATIONS

Document No. 2835

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF MEDICAL EXAMINERS

CHAPTER 81

Chapter Statutory Authority: 1976 Code Sections 40-47-20 and 40-47-80.

Preamble:

The State Board Of Medical Examiners is proposing that Regulations 81-70 and 81-90 be amended by changing “associate” to “assistant” professor so as to permit licensure for employment of certain academic faculty at the rank of assistant professor or greater at medical schools in South Carolina.

Section-by-Section Discussion:

Regulation 81-70 Requirements for Limited License.

Deletes the term “associate professor” and replaces it with “assistant professor.” This allows a greater pool of candidates for full-time medical school faculty appointments under the Limited License provisions.

Regulation 81-90 Requirements for Permanent License

Deletes the term “associate professor” and replaces it with “assistant professor.” This allows a greater pool of candidates for full-time medical school faculty appointments under the Permanent License provisions.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Judge Division at Division at 9:00 a.m. on Wednesday, June 11, 2003. Written comments may be directed to John Volmer, Administrator, Board of Medical Examiners, Department of Labor, Licensing and Regulation, Post Office Box 11289, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., on May 27, 2003.

Preliminary Fiscal Impact Statement:

There will be no additional cost incurred by the State or any political subdivision.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Sections 40-47-20 and 40-47-80.

DESCRIPTION OF REGULATION:

Purpose: To change Regulation 81-70 and 81-90.

Legal Authority: Statutory Authority: Sections 40-47-20 and 40-47-80.

Plan for Implementation: The Board will implement the proposed regulation with written and oral communications.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulation is necessary in order to change regulations that require full-time academic faculty appointment at the rank of associate professor or greater in order to be issued a Limited or Permanent License or to receive credit for postgraduate training for the academic appointment for licensure purposes by changing “associate” to “assistant.”

DETERMINATION OF COSTS AND BENEFITS:

There will be no additional costs incurred by the State or any political subdivision. Benefits of these amendments to the Regulations are to permit medical schools in this State to employ highly qualified professionals in faculty positions, including foreign educated physicians recognized as leaders in their fields. The change from “associate” to “assistant” professor also will permit certain academic faculty at the rank of assistant professor or greater at medical schools in South Carolina to receive credit for postgraduate training for the academic appointment for licensure purposes.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning this regulation.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment and public health of this State.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effects on the environment and public health if the requirement is not implemented in this State.

Statement of Rationale:

There was no scientific or technical basis relied upon in developing the regulation. Furthermore, these amendments will offer medical schools in this State a larger pool of academic faculty members. Associate professors are more difficult to attract from current positions because of their tenure of ten to fifteen years experience required to be an associate professor. Assistant professors are required to have two to four years experience. The change from “associate” to “assistant” professor also will permit certain academic faculty at the rank of assistant professor or greater at medical schools in South Carolina to receive credit for postgraduate training for the academic appointment for licensure purposes.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

30 FINAL REGULATIONS

Document No. 2767
DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF NURSING
CHAPTER 91

Statutory Authority: 1976 Code Sections 40-1-70(4), 40-33-270, and 40-33-935(e).

Synopsis:

The State Board of Nursing is adding a new Regulation that adopts the American Nurses Association's *Code of Ethics for Nurses With Interpretive Statements (2001 Edition)*, as the code of ethics for all licensed nurses. The code of ethics will define the essentials of honorable behavior for the licensed nurse and establish them as enforceable requirements for all licensed nurses practicing in South Carolina.

Instructions:

Add regulation 91-18, Code of Conduct, as provided below:

Text:

91-18. Code of Conduct

1. The nurse, in all professional relationships, practices with compassion and respect for the inherent dignity, worth and uniqueness of every individual, unrestricted by considerations of social or economic status, personal attributes, or the nature of health problems.
2. The nurse's primary commitment is to the patient, whether an individual, family, group, or community.
3. The nurse promotes, advocates for, and strives to protect the health, safety, and rights of the patient.
4. The nurse is responsible and accountable for individual nursing practice and determines the appropriate delegation of tasks consistent with the nurse's obligation to provide optimum patient care,
5. The nurse owes the same duties to self as to others, including the responsibility to preserve integrity and safety, to maintain competence, and to continue personal and professional growth.
6. The nurse participates in establishing, maintaining, and improving healthcare environments and conditions of employment conducive to the provision of quality health care and consistent with the values of the profession through individual and collective action.
7. The nurse participates in the advancement of the profession through contributions to practice, education, administration, and knowledge development.
8. The nurse collaborates with other health professionals and the public in promoting community, national, and international efforts to meet health needs.
9. The profession of nursing, as represented by associations and their members is responsible for articulating nursing values, for maintaining the integrity of the profession and its practice, and for shaping social policy.

Statement of Rationale:

The proposed regulation is necessary in order to establish nationally accepted principles of ethical behavior as minimum standards of professional conduct by licensed nurses practicing in the state. There was no scientific or technical basis.

Fiscal Impact Statement:

There will be no additional cost incurred by the State or any political subdivision.