

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.

2022 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	1/14	2/11	3/11	4/8	5/13	6/10	7/8	8/12	9/9	10/14	11/11	12/9
Publishing Date	1/28	2/25	3/25	4/22	5/27	6/24	7/22	8/26	9/23	10/28	11/25	12/23

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) 212-4500.

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.

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4952	SR46-2		Procedure to Employ, through Contract or Otherwise, Qualified, Independent Third-Party Consultants or Experts	01/21/2022	Public Service Commission	Regs and Admin Procedures	Judiciary
5028	SR46-2		Term and Universal Life Insurance Reserve Financing	01/31/2022	Department of Insurance	Regs and Admin Procedures	Banking and Insurance
5029	SR46-2		Credit for Reinsurance	01/31/2022	Department of Insurance	Regs and Admin Procedures	Banking and Insurance
4977	SR46-3		Standards for Licensing Day Care Facilities for Adults	02/21/2022	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
5033	SR46-4		Raw Milk for Human Consumption; and Pasteurized Milk and Milk Products	03/14/2022	Department of Health and Envir Control	Regs and Admin Procedures	Ag and Nat Resources
5032	SR46-4		Seed Certification	03/16/2022	Clemson University	Regs and Admin Procedures	Ag and Nat Resources
5034	SR46-4		Emergency Temporary Work Permits	03/28/2022	LLR-Board of Cosmetology	Regs and Admin Procedures	Labor, Commerce and Industry
4993	SR46-5		South Carolina Jobs-Economic Development Authority	04/25/2022	SC Jobs-Economic Development Auth	Regs and Admin Procedures	Labor, Commerce and Industry
5037	SR46-5		Licensing Provisions; and Continuing Education	05/08/2022	LLR-Board of Funeral Service	Regs and Admin Procedures	Labor, Commerce and Industry
5043	SR46-5		Price Changes for Forest Tree Seedlings	05/11/2022	Commission of Forestry	Regs and Admin Procedures	Fish, Game and Forestry
5046	SR46-5		Allocation of Forest Tree Seedlings in Short Supply	05/11/2022	Commission of Forestry	Regs and Admin Procedures	Fish, Game and Forestry
5057	SR46-5		Standards for Licensing Home Health Agencies	05/11/2022	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
5041	SR46-5		Recreational Camps for Persons with Intellectual Disability	05/11/2022	Department of Disabilities and Spec Needs	Regs and Admin Procedures	Medical Affairs
5071	SR46-5		Field Trial Regulations	05/11/2022	Department of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5051	SR46-5		Determination of Rates of Tuition and Fees	05/11/2022	Commission on Higher Education	Regs and Admin Procedures	Education
5063	SR46-5		Request for Contested Case Hearing	05/11/2022	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5077	SR46-5		Vehicles Required to Stop at Railroad Crossings	05/11/2022	Department of Public Safety	Regs and Admin Procedures	Judiciary
5078	SR46-5		Safety Rules and Regulations	05/11/2022	Department of Public Safety	Regs and Admin Procedures	Judiciary
5067	SR46-5		Use of Warning Tickets	05/11/2022	Department of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5079	SR46-5		Rule and Regulation Adopting Certain Federal Rules and Regulations	05/11/2022	Department of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5080	SR46-5		Display of Decals Bearing Title Number	05/11/2022	Department of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5082	SR46-5		Architectural Examiners	05/11/2022	LLR-Board of Architectural Examiners	Regs and Admin Procedures	Labor, Commerce and Industry
5083	SR46-5		Code of Ethics	05/11/2022	LLR-State Athletic Commission	Regs and Admin Procedures	Labor, Commerce and Industry
5073	SR46-5		Barber Examiners; Mobile Barbers; and Sanitary Rules Governing Barbers, Barbershops and Barber Colleges	05/11/2022	LLR-Board of Barber Examiners	Regs and Admin Procedures	Labor, Commerce and Industry
5084	SR46-5		International Building Code	05/11/2022	LLR-Building Codes Council	Regs and Admin Procedures	Labor, Commerce and Industry
5086	SR46-5		International Fuel Gas Code	05/11/2022	LLR-Building Codes Council	Regs and Admin Procedures	Labor, Commerce and Industry
5087	SR46-5		International Mechanical Code	05/11/2022	LLR-Building Codes Council	Regs and Admin Procedures	Labor, Commerce and Industry
5081	SR46-5		Fee Schedule for Board of Barber Examiners	05/11/2022	LLR	Regs and Admin Procedures	Labor, Commerce and Industry
5089	SR46-5		License Renewal; Retail Dealer Sales Transactions; Installers; Repairers; and Contractors	05/11/2022	LLR-Manufactured Housing Board	Regs and Admin Procedures	Labor, Commerce and Industry
5075	SR46-5		Counselors, Therapists, and Specialists	05/11/2022	LLR-Board of Examiners for Licensure of Prof Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists	Regs and Admin Procedures	Labor, Commerce and Industry
5050	SR46-5		Occupational Safety and Health Review Board	05/11/2022	LLR-Office of Occupational Safety and Health	Regs and Admin Procedures	Labor, Commerce and Industry
5049	SR46-5		Criteria for Physician Supervision of Nurses in Extended Role	05/11/2022	LLR-Board of Medical Examiners	Regs and Admin Procedures	Medical Affairs
5090	SR46-5		Emergency Licensure	05/11/2022	LLR-Board of Medical Examiners	Regs and Admin Procedures	Medical Affairs
5098	SR46-5		International Plumbing Code	05/11/2022	LLR-Building Codes Council	Regs and Admin Procedures	Labor, Commerce and Industry
5100	SR46-5		Real Estate Appraisers Board	05/11/2022	LLR-Real Estate Appraisers Board	Regs and Admin Procedures	Labor, Commerce and Industry
5101	SR46-5		Licensing Provisions	05/11/2022	LLR-Board of Examiners in Speech-Language Pathology and Audiology	Regs and Admin Procedures	Medical Affairs

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5093	SR46-5	Separation Notices	05/11/2022	Department of Empl and Workforce	Regs and Admin Procedures	Labor, Commerce and Industry
5095	SR46-5	Channel Nets	05/11/2022	Department of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5096	SR46-5	Commercial Permit Duration	05/11/2022	Department of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5097	SR46-5	Gill Nets	05/11/2022	Department of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5055	SR46-5	Emergency Medical Services	05/11/2022	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
5074	SR46-5	International Residential Code	05/11/2022	LLR-Building Codes Council	Regs and Admin Procedures	Labor, Commerce and Industry
5085	SR46-5	International Fire Code	05/11/2022	LLR-Building Codes Council	Regs and Admin Procedures	Labor, Commerce and Industry
5088	SR46-5	National Electrical Code	05/11/2022	LLR-Building Codes Council	Regs and Admin Procedures	Labor, Commerce and Industry
5065	SR46-5	Suitability in Annuity Transactions	05/11/2022	Department of Insurance	Regs and Admin Procedures	Banking and Insurance
5066	SR46-5	Term and Conditions for the Public's Use of State Lakes and Ponds Owned or Leased by the Department of Natural Resources	05/11/2022	Department of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5044	SR46-5	General Regulations on South Carolina Forestry Commission Lands	05/11/2022	Commission of Forestry	Regs and Admin Procedures	Fish, Game and Forestry
5045	SR46-5	Hunting and Fishing Regulations on State Forest Lands Established as Wildlife Management Areas	05/11/2022	Commission of Forestry	Regs and Admin Procedures	Fish, Game and Forestry
5072	SR46-5	Wildlife Management Area Regulations	05/11/2022	Department of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5058	SR46-5	Hazardous Waste Management Regulations	05/11/2022	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
5052	SR46-5	LIFE Scholarship Program and LIFE Scholarship Enhancement	05/11/2022	Commission on Higher Education	Regs and Admin Procedures	Education
5053	SR46-5	Palmetto Fellows Scholarship Program	05/11/2022	Commission on Higher Education	Regs and Admin Procedures	Education
5054	SR46-5	South Carolina Need-based Grants Program	05/11/2022	Commission on Higher Education	Regs and Admin Procedures	Education
5070	SR46-5	Additional Regulations Applicable to Specific Properties	05/11/2022	Department of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5076	SR46-5	Engineers and Land Surveyors	05/11/2022	LLR-Board of Registration for Prof Engineers and Land Surveyors	Regs and Admin Procedures	Labor, Commerce and Industry
5060	SR46-5	Contested Case Hearing	05/11/2022	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5061	SR46-5	Denial of Certification for Misconduct	05/11/2022	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5062	SR46-5	Final Decision by Law Enforcement Training Council	05/11/2022	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5064	SR46-5	Withdrawal of Certification of Law Enforcement Officers	05/11/2022	South Carolina Criminal Justice Academy	Regs and Admin Procedures	Judiciary
5038	SR46-5	Appeal Procedures	05/11/2022	Department of Disabilities and Spec Needs	Regs and Admin Procedures	Medical Affairs
5039	SR46-5	Research Involving Persons Eligible for Services	05/11/2022	Department of Disabilities and Spec Needs	Regs and Admin Procedures	Medical Affairs
5040	SR46-5	Eligibility Determination	05/11/2022	Department of Disabilities and Spec Needs	Regs and Admin Procedures	Medical Affairs
5103	R152 SR46-5	Onsite Wastewater Systems	02/11/2023	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
5105		Driver Training Schools	02/28/2023	Department of Motor Vehicles	Regs and Admin Procedures	Transportation
5104		Promulgation of Regulations Pursuant to the South Carolina Electronic Notary Public Act	03/07/2023	Secretary of State	Regs and Admin Procedures	Family and Veterans' Services
Permanently Withdrawn						
5047		Accreditation Criteria		State Board of Education	Regs and Admin Procedures	Education
5099		Optometrists' Offices		LLR-Board of Examiners in Optometry	Regs and Admin Procedures	Medical Affairs

Executive Order No. 2022-12

WHEREAS, beginning on April 5, 2022, certain portions of South Carolina experienced severe weather, including significant rainfall, localized flooding, large hail, and at least thirteen (13) confirmed tornadoes, as well as other hazardous conditions, as a result of a dangerous storm system that moved across the southeastern region of the United States; and

WHEREAS, due to the aforementioned hazardous weather conditions and resulting impacts, and in accordance with county government closures and the normal state procedure associated with the same, state government offices in one or more counties throughout the State were closed or operated on an abbreviated schedule to ensure the safety of state employees and the general public; and

WHEREAS, section 8-11-57 of the South Carolina Code of Laws, as amended, provides, in pertinent part, that “whenever the Governor declares a state of emergency or orders all or some state offices closed due to hazardous weather conditions he may authorize up to five days leave with pay for affected state employees who are absent from work due to the state of emergency or the hazardous weather conditions.”

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

Section 1. Authorization of Leave with Pay Due to Severe Weather

A. I hereby authorize leave with pay for affected state employees, as set forth below, who were absent from work due to the aforementioned hazardous weather conditions, and in accordance with the directive for state government offices to follow county government closures for hazardous weather conditions, in the following counties and on the following dates:

April 5, 2022:

Abbreviated Schedule: Barnwell County (closed at 12:00 p.m.), Beaufort County (closed at 1:00 p.m.), Calhoun County (closed at 12:00 p.m.), Colleton County (closed at 3:00 p.m.), Fairfield County (closed at 12:00 p.m.), Lee County (closed at 3:30 p.m.), McCormick County (closed at 2:00 p.m.), Orangeburg County (closed at 1:00 p.m.)

April 6, 2022:

Abbreviated Schedule: Allendale County (closed at 1:00 p.m.), Beaufort County (closed at 3:00 p.m.), Hampton County (closed at 12:00 p.m.)

B. In the event that county government offices in a county not listed above were closed or operated on an abbreviated schedule due to the aforementioned hazardous weather conditions, I hereby authorize the Department of Administration to grant leave with pay for affected state employees who were absent from work as a result of the corresponding closure of state government offices and to administratively add any such county to the list of covered closures without the need for further Orders.

Section 2. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

4 EXECUTIVE ORDERS

B. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

C. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 11th DAY OF APRIL, 2022.**

**HENRY MCMASTER
Governor**

Executive Order No. 2022-13

WHEREAS, the undersigned has been notified of the passing of Officer Roy Andrew Barr of the Cayce Police Department, who dutifully served as a law enforcement officer in this State and died in the line of duty; and

WHEREAS, Officer Barr dedicated his life to protecting and serving the people of the State of South Carolina, both as a decorated law enforcement officer with the Cayce Police Department and in various other capacities, and his loss warrants the people of this State appropriately recognizing his distinguished service and honoring his supreme sacrifice; and

WHEREAS, Title 4, Section 7(m) of the United States Code, as amended, provides that “[i]n the event of . . . the death of a first responder working in any State, territory, or possession who dies while serving in the line of duty, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff”; and

WHEREAS, section 1-3-470 of the South Carolina Code of Laws, as amended, authorizes the undersigned, on the day of burial or other service for any law enforcement officer in this State who died in the line of duty, to order that all flags on state buildings be lowered to half-staff in tribute to the deceased law enforcement officer and to request that flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that all flags on state buildings be lowered to half-staff from sunrise until sunset on Thursday, April 28, 2022, in tribute to Officer Barr and in honor of his selfless service, remarkable bravery, and supreme sacrifice in the line of duty. I request that all flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 26th DAY OF APRIL, 2022.**

**HENRY MCMASTER
Governor**

Executive Order No. 2022-14

WHEREAS, in April of 2018, the Superintendent of Education declared a state of emergency in the Williamsburg County School District (“District”) and the Department of Education (“Department”) assumed operational control of the District pursuant to Proviso 1A.12 of the Appropriations Act, and the Department recently indicated that it is in the process of returning operational control of the District to the District’s Board of Trustees; and

WHEREAS, the undersigned has been informed that there presently exists a vacancy in the office and seat representing the second district on the Board of Trustees, which was created upon the death of Gladys Dorsey in July of 2021; and

WHEREAS, Act No. 107 of 2017 provides, in pertinent part, that “[i]f a vacancy on the board, due to causes other than the expiration of a term, occurs less than one hundred eighty days before the next general election, the vacancy must be filled by appointment of the Governor, upon the recommendation of a majority of the county legislative delegation,” and that “all other vacancies must be filled by special election,” which the Board of Trustees “shall call” and which “shall be conducted by the Williamsburg County Office of Voter Registration and Elections subject to the election laws of this State, *mutatis mutandis*”; and

WHEREAS, the undersigned has been advised that the appropriate officials failed or neglected to call for and conduct the requisite special election at the time and in the manner prescribed by law; and

WHEREAS, in light of the foregoing circumstances and events, the Board of Voter Registration and Elections of Williamsburg County recently requested that the undersigned order a special election to be held on July 12, 2022, to fill the aforementioned vacancy on the Board of Trustees, and the Department has confirmed that it concurs with or otherwise does not object to this request; and

WHEREAS, section 7-13-1170 of the South Carolina Code of Laws, as amended, provides as follows: “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, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order that an election shall be held on Tuesday, July 12, 2022, for the aforementioned seat on the District’s Board of Trustees. Pursuant to section 7-13-1170 of the South Carolina Code of Laws, I designate and appoint the Board of Voter Registration and Elections of Williamsburg County to perform the necessary official duties pertaining to the election, in accordance with the applicable constitutional and statutory provisions, and to declare the results thereof. In order to qualify as a candidate for the seat, all candidates must file with the Board of Voter Registration and Elections of Williamsburg County a statement of intention of candidacy, and submit any applicable filing fees, by noon on Friday, May 27, 2022. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 2nd DAY OF MAY, 2022.**

HENRY MCMASTER
Governor

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CLEMSON UNIVERSITY STATE LIVESTOCK-POULTRY HEALTH COMMISSION

NOTICE OF GENERAL PUBLIC INTEREST

The Highly Pathogenic Avian Influenza (HPAI) outbreak in the United States has affected backyard and commercial poultry operations in 26 states, resulting in over 24 million birds being depopulated due to HPAI.

To protect South Carolina's poultry population, the State Veterinarian's office is temporarily prohibiting importation of backyard poultry, waterfowl, and ratites (e.g., emu, ostrich, rhea) from counties with confirmed infections of HPAI for public sales, exhibitions, and expositions. (See SC Code of Laws section 47-4-30). A list of affected counties with ongoing HPAI activities may be found at the [USDA Avian Influenza website](#).

Public sale, exhibition, and exposition of backyard poultry, waterfowl, and ratites from counties without cases of HPAI infections may continue with normal business operations following South Carolina Code of State Regulations 27-1014 – Importation of Poultry and South Carolina Code of State Regulation 27-1027 – Importation of Ratites (Ostrich, Emu, Rhea and Other Flightless Birds in the Family Ratite).

In addition, we strongly recommend that all producers review the specific restrictions that individual markets may implement in addition to or in tandem with these state restrictions prior to bringing birds to the marketplace.

The State Veterinarian's office will continue to monitor the HPAI outbreak and will issue updated statements when the prohibition has been lifted or other appropriate actions are taken to protect the health of the South Carolina poultry population.

DEPARTMENT OF EMPLOYMENT AND WORKFORCE

NOTICE OF GENERAL PUBLIC INTEREST

Notice is hereby given that, in accordance with Act No. 142 of 2022, the Department of Employment and Workforce is accepting affidavits from employers. To submit an affidavit pursuant to this act, employers should send the affidavit as an attachment to VaxAffidavits@dew.sc.gov. Requests to revoke an affidavit should be submitted in writing to the same address.

Additional information may be found on the Department's website at <https://dew.sc.gov/VaxAffidavits>. Questions related to the procedure for submission of affidavits should be directed to the Office of Governmental Affairs at (803) 737-0398.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **May 27, 2022**, 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 Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201, at (803) 545-4200, or by email at coninfo@dhec.sc.gov.

Affecting Anderson County
Home Choice Partners, Inc. d/b/a Bioscrip Infusion Services

Expansion of an existing Pediatric Specialty Home Health Agency limited to home infusion nursing services to add adult home infusion nursing services in Anderson County at a total project cost of \$5,528.

Affecting Cherokee County

Home Choice Partners, Inc. d/b/a Bioscrip Infusion Services

Expansion of an existing Pediatric Specialty Home Health Agency limited to home infusion nursing services to add adult home infusion nursing services in Cherokee County at a total project cost of \$5,528.

Affecting Chester County

Home Choice Partners, Inc. d/b/a Bioscrip Infusion Services

Establishment of a Pediatric and Adult Specialty Home Health Agency limited to home infusion nursing services in Chester County at a total project cost of \$5,528.

Affecting Dorchester County

Trident Medical Center, LLC d/b/a/ Summerville Medical Center*

Purchase of a Globus Medical-Excelsius GPS Robotic Navigation System at a total project cost of \$2,227,378.

Affecting Greenville County

Home Choice Partners, Inc. d/b/a Bioscrip Infusion Services

Expansion of an existing Pediatric Specialty Home Health Agency limited to home infusion nursing services to add adult home infusion nursing services in Greenville County at a total project cost of \$5,528.

Affecting Lancaster County

Home Choice Partners, Inc. d/b/a Bioscrip Infusion Services

Establishment of a Pediatric and Adult Specialty Home Health Agency limited to home infusion nursing services to add adult home infusion nursing services in Lancaster County at a total project cost of \$5,528.

Affecting Laurens County

Home Choice Partners, Inc. d/b/a Bioscrip Infusion Services

Expansion of an existing Pediatric Specialty Home Health Agency limited to home infusion nursing services to add adult home infusion nursing services in Laurens County at a total project cost of \$5,528.

Affecting Lexington County

Home Choice Partners, Inc. d/b/a Bioscrip Infusion Services

Establishment of a Pediatric and Adult Specialty Home Health Agency limited to home infusion nursing services to add adult home infusion nursing services in Lexington County at a total project cost of \$5,528.

Affecting Newberry County

Home Choice Partners, Inc. d/b/a Bioscrip Infusion Services

Establishment of a Pediatric and Adult Specialty Home Health Agency limited to home infusion nursing services to add adult home infusion nursing services in Newberry County at a total project cost of \$5,528.

Affecting Oconee County

Home Choice Partners, Inc. d/b/a Bioscrip Infusion Services

Expansion of an existing Pediatric Specialty Home Health Agency limited to home infusion nursing services to add adult home infusion nursing services in Oconee County at a total project cost of \$5,528.

Affecting Pickens County

Home Choice Partners, Inc. d/b/a Bioscrip Infusion Services

Expansion of an existing Pediatric Specialty Home Health Agency limited to home infusion nursing services to add adult home infusion nursing services in Pickens County at a total project cost of \$5,528.

Affecting Richland County

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Home Choice Partners, Inc. d/b/a Bioscrip Infusion Services

Establishment of a Pediatric and Adult Specialty Home Health Agency limited to home infusion nursing services to add adult home infusion nursing services in Richland County at a total project cost of \$5,528.

Affecting Union County

Home Choice Partners, Inc d/b/a Bioscrip Infusion Services

Expansion of an existing Pediatric Specialty Home Health Agency limited to home infusion nursing services to add adult home infusion nursing services in Union County at a total project cost of \$5,528.

Affecting York County

Amisub of South Carolina, Inc. d/b/a Piedmont Medical Center – Fort Mill

Purchase of a da Vinci Xi robotic surgical system at a total project cost of \$2,286,819.

Home Choice Partners, Inc. d/b/a Bioscrip Infusion Services

Expansion of an existing Pediatric Specialty Home Health Agency limited to home infusion nursing services to add adult home infusion nursing services in York County at a total project cost of \$5,528.

*Republished to correct total project cost and county designation.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from **May 27, 2022**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200 or email coninfo@dhec.sc.gov.

Affecting Berkeley County

Coastal Vascular and Vein Institute, LLC d/b/a Coastal Vascular & Vein Center – Ambulatory Surgery Center

Construction for the establishment of a 3520 sf ambulatory surgery facility including 1 operating room at a total project cost of \$3,203,041.

Affecting Charleston County

Signe Spine Surgical Center, LLC

Construction for the establishment of a 4,211 sf ambulatory surgical facility with 1 OR specializing in physical medicine and rehabilitation at a total project cost of \$2,745,088.

Affecting Dorchester County

Trident Medical Center, LLC d/b/a/ Summerville Medical Center

Purchase of a Globus Medical-Excelsius GPS Robotic Navigation System at a total project cost of \$2,227,378.

Affecting Lexington County

LexMed Inc. d/b/a Lexington Medical Center Extended Care

Construction for the establishment of a 65,737 sf 88-bed skilled nursing facility with the relocation of existing long-term care beds from the Lexington Medical Center Extended Care followed by renovation of existing 49,500 sf facility converting semi-private rooms to private rooms at a total project cost of \$33,645,000.

Affecting York County

Amisub of South Carolina, Inc. d/b/a Piedmont Medical Center – Fort Mill

Purchase of a da Vinci Xi robotic surgical system at a total project cost of \$2,286,819.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**NOTICE OF GENERAL PUBLIC INTEREST**

DHEC-Bureau of Land and Waste Management, File # 59081
Elliott Sawmilling Site

**NOTICES OF VOLUNTARY CLEANUP CONTRACT,
CONTRIBUTION PROTECTION, AND COMMENT PERIOD**

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (the Department) intends to enter into a Voluntary Cleanup Contract (VCC) with Elliott Sawmilling Company, LLC (the Responsible Party). The VCC provides that the Responsible Party, with DHEC's oversight, will fund and perform future response actions at the Elliott Sawmilling facility located in Hampton County at 4426 Steep Bottom Road, Estill, South Carolina and any surrounding area impacted by the migration of hazardous substances, pollutants, or contaminants (the Site).

Response actions addressed in the VCC include, but may not be limited to, the Responsible Party funding and performing a remedial investigation and, if necessary, an evaluation of cleanup alternatives for addressing any contamination. Further, the Responsible Party shall reimburse the Department's future costs of overseeing the work performed by the Responsible Party and other Department response costs pursuant to the VCC.

The VCC is subject to a thirty-day public comment period consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9613, and the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. Section 44-56-200 (as amended). Notices of contribution protection and comment period will be provided to other known potentially responsible parties. The VCC is available:

- (1) On-line at <http://www.scdhec.gov/PublicNotices>; or
- (2) By contacting Elisa Vincent at 803-898-0882 or vincenef@dhec.sc.gov.

Any comments to the proposed VCC must be submitted in writing, postmarked no later than June 25, 2022, and addressed to: Elisa Vincent, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

Upon the successful completion of the VCC, the Responsible Party will receive a covenant not to sue for the work done in completing the response actions specifically covered in the VCC and completed in accordance with the approved work plans and reports. Upon execution of the VCC, the Responsible Party shall be deemed to have resolved their liability to the State in an administrative settlement for purposes of, and to the extent authorized under CERCLA, 42 U.S.C. Sections 9613(f)(2) and 9613(f)(3)(B), and under HWMA, S.C. Code Ann. Section 44-56-200, for the matters addressed in the VCC. Further, to the extent authorized under 42 U.S.C. Section 9613(f)(3)(B), S.C. Code Ann. Section 44-56-200, the Responsible Party may seek contribution from any person who is not a party to this administrative settlement.

10 DRAFTING NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF ACCOUNTANCY CHAPTER 1

Statutory Authority: 1976 Code Sections 40-1-70 and 40-2-70

Notice of Drafting:

The South Carolina Board of Accountancy proposes to amend Chapter 1 of the Code of Regulations following the impending enactment of S.812 and in accordance with the review of regulations as required by S.C. Code Section 1-23-120(J). Interested persons may submit written comments to Susanna Sharpe, Administrator, Board of Accountancy, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The South Carolina Board of Accountancy proposes to amend Chapter 1 of the Code of Regulations following the impending enactment of S.812 and in accordance with the review of regulations as required by S.C. Code Section 1-23-120(J).

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION BUILDING CODES COUNCIL CHAPTER 8

Statutory Authority: 1976 Code Sections 6-8-20(A) and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to add to, amend and/or repeal certain sections of Chapter 8 of the Code of Regulations. Interested persons may submit comments to the administrator for the Council, Molly F. Price, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Building Codes Council plans to propose regulations that will add to or amend certain sections of Chapter 8 and will repeal others, in accordance with Council's findings when conducting a review of regulations pursuant to 1-23-120(J).

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION PANEL FOR MASSAGE/BODYWORK CHAPTER 77

Statutory Authority: 1976 Code Sections 40-1-70 and 40-30-50

Notice of Drafting:

The South Carolina Panel for Massage/Bodywork proposes to amend its regulations in conformance with the impending enactment of S.227 to include but not be limited to updating the name of the Panel to the Massage Therapy Board, establish regulations for massage establishments, and update regulations generally following a

regulatory review in accordance with S.C. Code Section 1-23-120(J). Interested persons may submit written comments to Theresa Brown, Administrator, Panel for Massage/Bodywork, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The South Carolina Panel for Massage/Bodywork proposes to amend its regulations in conformance with the impending enactment of S.227 to include but not be limited to updating the name of the Panel to the Massage Therapy Board, establish regulations for massage establishments, and update regulations generally following a regulatory review in accordance with S.C. Code Section 1-23-120(J).

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF PHARMACY
CHAPTER 99**

Statutory Authority: 1976 Code Sections 40-1-70, 40-43-60(D)(8), 40-43-83(I), and 40-43-86(B)(3)(c)

Notice of Drafting:

The South Carolina Board of Pharmacy proposes to amend various sections in Chapter 99. Interested parties may submit comments to Traci Collier, Administrator, South Carolina Board of Pharmacy, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The Board of Pharmacy proposes to amend Chapter 99, including but not limited to providing clarification and guidance regarding permitting of clinics as well as clarifying reporting requirements required by state or federal laws and regulations.

Legislative review of this amendment is required.

**DEPARTMENT OF SOCIAL SERVICES
CHAPTER 114
Statutory Authority: 1976 Code Section 43-1-80**

Notice of Drafting:

The South Carolina Department of Social Services proposes to amend Regulation 114-550, Licensure of Family Foster Homes and Approval of Adoptive Homes for Children in Foster Care. Interested persons may submit written comments to Dawn T. Barton, Director Permanency Management at South Carolina Department of Social Services, P.O. Box 1520, Columbia, South Carolina 29202 or via email at dawn.barton@dss.sc.gov. To be considered all comments must be received no later than 5:00 p.m. June 27, 2022, the close of the drafting comment period.

Synopsis:

As the administrator of the State's foster care system, the Department of Social Services is responsible for establishing and promulgating rules and regulations for the licensure of family foster homes and adoptive homes. The above regulations, regarding licensure of family foster homes and adoptive homes need amendments to eliminate inconsistencies and enhance clarity. The proposed amendments promote the

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application of a consistent set of rules and regulations for the licensure of family foster homes and adoptive homes for children. The consistent application of one set of rules and regulations furthers the Department's mission to promote safety, permanency, stability, and well-being of children who are in the State's foster care system.

Legislative review of these amendments is necessary.

Document No. 5060
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
 CHAPTER 37
 Statutory Authority: 1976 Code Sections 23-23-10 et seq.

37-105. Contested Case Hearing.

Synopsis:

S.C. Code Section 23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code Section 23-23-10 et seq. The proposed regulation will define misconduct for the denial of certification for misconduct.

Notice of Drafting for the proposed amendments was published in the *State Register* on July 23, 2021.

Section-by-Section Discussion:

37-105. This section addresses contested case hearings.

Instructions:

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

Text:

37-105. Contested Case Hearing.

A. The contested case shall be held upon thirty (30) days notice to the candidate/officer/operator and Agency making the allegation of misconduct.

B. The contested case hearing shall conform to Rule 43(a), (c)(1), (d), (e), (f), (h), (i), SCRCP, except, counsel is not required to stand during examination.

C. Subpoenas may be issued by the candidate/officer/operator or the Agency making the allegation of misconduct to compel attendance and/or production of evidence at the contested case hearing so long as the subpoena complies with Rule 45, SCRCP and is on a form prescribed by the Council.

D. During the contested case hearing both parties are entitled to cross examine witness and are entitled to present evidence. The candidate/officer/operator is not required to present evidence during the hearing.

E. The contested case hearing shall follow the format of:

1. Opening Statement by the Agency making the allegation of misconduct;
2. Opening Statement by candidate/officer/operator;
3. Presentation of case in chief by the Agency making the allegation of misconduct;
4. Presentation of case in chief by the candidate/officer/operator;
5. Rebuttal evidence as appropriate;
6. Closing Argument by the Agency making the allegation of misconduct; and
7. Closing Argument by candidate/officer/operator.

F. The hearing officer may accept evidence that conforms to Rule 6, SCRCrim.P. All other evidence accepted by the hearing officer shall conform to the South Carolina Rules of Evidence, unless otherwise agreed to by the parties.

G. All testimony must be presented under oath.

H. All documentary evidence accepted shall be numbered and labeled "State" or "Respondent" as appropriate.

I. The contested case hearing shall be documented by a court reporter.

J. Any objections during the contested case hearing shall be ruled on by the hearing officer.

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K. In order for a candidate/officer/operator to have a recommendation made against them finding they did commit misconduct pursuant to R.37-025 or R.37-026, the hearing officer must find misconduct has been proven by the preponderance of evidence.

L. The hearing officer shall issue a recommendation to the Council based on the evidence accepted during the hearing. The recommendation must include the following:

1. Recommended Findings of Fact;
2. Recommended Conclusions of Law; and
3. If appropriate, recommended sanction pursuant to R.37-108.

M. A copy of the hearing officer's recommendation to the Council shall be provided to the both parties, sent by certified mail to the candidate/officer/operator's address currently on file at the Academy or to the candidate/officer/operator's counsel and sent by certified mail to the Agency's address currently on file at the Academy or the Agency's counsel, return receipt requested, as soon as practicable after the recommendation has been issued. It is the responsibility of every candidate/officer/operator and Agency as described in Chapter 37 of these regulations to notify the Academy of his, her, or its current address. All such notices required to be made to the candidate/officer/operator and Agency as prescribed in Chapter 37 of these regulations is effective upon mailing as required in this section.

N. Duplicate of such notice shall be sent, in the same manner as prescribed in paragraph (M) above, to the current sheriff or chief executive officer of the employing agency or department of the law enforcement officer.

Fiscal Impact Statement:

There will be no fiscal impact from this change.

Statement of Rationale:

Revisions to these regulations are necessary to update contested case procedures.

Document No. 5061
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 37
Statutory Authority: 1976 Code Sections 23-23-10 et seq.

37-025. Denial of Certification for Misconduct.

Synopsis:

S.C. Code Section 23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code Section 23-23-10 et seq. The proposed regulation will define misconduct for the denial of certification for misconduct.

Notice of Drafting for the proposed amendments was published in the *State Register* on July 23, 2021.

Section-by-Section Discussion:

37-025. This section defines misconduct for the denial of certification of law enforcement officers.

Instructions:

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

Text:

37-025. Denial of Certification for Misconduct.

A. The Council may deny certification based on evidence satisfactory to the Council that the candidate has engaged in misconduct. For purposes of this section, misconduct means:

1. Conviction, plea of guilty, plea of no contest or admission of guilt (regardless of withheld adjudication) to a felony, a crime punishable by a sentence of more than one year (regardless of the sentence actually imposed, if any), or a crime of moral turpitude in this or any other jurisdiction;
2. Unlawful use of a controlled substance;
3. The repeated use of excessive force in dealing with the public and/or prisoners;
4. Dangerous and/or unsafe practices involving firearms, weapons, and/or vehicles which indicate either a willful or wanton disregard for the safety of persons or property;
5. Physical or psychological abuses of members of the public and/or prisoners;
6. Misrepresentation of employment-related information;
7. To willfully make false, misleading, incomplete, deceitful, or incorrect statement(s) to a law enforcement officer, a law enforcement agency, or representative, except when required by departmental policy or by the laws of this State during the course of an investigation;
8. To willfully make false, misleading, incomplete, deceitful, or incorrect statement(s) to a court of competent jurisdiction, or their staff members, whether under oath or not;
9. To willfully make false, misleading, incomplete, deceitful, or incorrect information on a document, record, report, or form, except when required by departmental policy or by the laws of this State;
10. Willfully falsifying material information provided to the Criminal Justice Academy.

B. In considering whether to deny certification based on misconduct, the Council may consider the seriousness, the remoteness in time and any mitigating circumstances surrounding the act or omission constituting or alleged to constitute misconduct.

Fiscal Impact Statement:

There will be no fiscal impact from this change.

Statement of Rationale:

Revisions to these regulations are necessary to make the definitions of misconduct for denial of certification for misconduct.

Document No. 5062
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 37
Statutory Authority: 1976 Code Sections 23-23-10 et seq.

37-107. Final Decision by Law Enforcement Training Council.

Synopsis:

S.C. Code Section 23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code Section 23-23-10 et seq. The proposed regulation will define misconduct for the denial of certification for misconduct.

Notice of Drafting for the proposed amendments was published in the *State Register* on July 23, 2021.

Section-by-Section Discussion:

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37-107. This section addresses procedure regarding Final Agency Decisions.

Instructions:

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

Text:

37-107. Final Decision by Law Enforcement Training Council.

A. All Council members, unless recused, shall be provided with a complete transcript of the contested case hearing, copies of all exhibits accepted into evidence during the contested case hearing, and a copy of the hearing officer's recommendation.

B. A quorum of the Council must be present for a final agency decision to be made. A simple majority vote of the quorum of Council members present shall be binding for a final decision issued pursuant to R.37-107(D).

C. In order for a candidate/officer/operator to have a final decision issued finding that they did commit misconduct pursuant to R.37-025 or R.37-026, the Council must find misconduct has been proven by the preponderance of evidence.

D. The Council shall issue a final decision based on the evidence accepted during the contested case hearing and the applicable statutes and regulations. The Council may consider the hearing officer's recommendation. The Council's final decision must include the following:

1. Findings of Fact;
2. Conclusions of Law; and
3. If appropriate, sanction(s) pursuant to R.37-108.

The Council may adopt the hearing officer's recommendation as the Council's final decision.

E. The Council may refer the matter back to the hearing officer for further proceedings or may order further evidentiary proceedings before the Council.

F. A copy of the Council's final decision shall be provided to the candidate/officer/operator and the Agency making the allegation of misconduct, sent by certified mail to the candidate/officer/operator's address currently on file at the Academy or to the candidate/officer/operator's counsel and sent by certified mail to the Agency's address currently on file at the Academy or to the Agency's counsel, return receipt requested, as soon as practicable after the final decision has been issued. The candidate/officer/operator shall be informed of his/her right to appeal the Council's final decision pursuant to Sections 1-23-380(B) and 1-23-600(D) of the South Carolina Code of Laws. It is the responsibility of every candidate/officer/operator and Agency as described in Chapter 37 of these regulations to notify the Academy of his, her, or its current address. All such notices required to be made to the candidate/officer/operator and Agency as prescribed in Chapter 37 of these regulations is effective upon mailing as required in this section.

G. Duplicate of such notice shall be sent, in the same manner as prescribed in paragraph (F) above, to the current sheriff or chief executive officer of the employing agency or department of the law enforcement officer.

Fiscal Impact Statement:

There will be no fiscal impact from this change.

Statement of Rationale:

Revisions to these regulations are necessary to update procedures for Final Agency Decisions.

Document No. 5063
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
 CHAPTER 37
 Statutory Authority: 1976 Code Sections 23-23-10 et seq.

37-101. Request for Contested Case Hearing.

Synopsis:

S.C. Code Section 23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code Section 23-23-10 et seq. The proposed regulation will define misconduct for the denial of certification for misconduct.

Notice of Drafting for the proposed amendments was published in the *State Register* on July 23, 2021.

Section-by-Section Discussion:

37-101. This section addresses requests for contested case hearings.

Instructions:

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

Text:

37-101. Request for Contested Case Hearing.

A. A person against whom an allegation of misconduct has been received by the Academy shall be notified of the allegation of misconduct and his right to a contested case hearing, either by delivering a copy of the allegation personally or by leaving a copy of the allegation at his dwelling house or usual place of abode with some person of suitable age and discretion residing therein. A person against whom an allegation of misconduct has been received by the Academy may request a contested case hearing. The request must be made within three years after receipt of the allegation of misconduct and the service of the allegation on the officer, whichever is later. A person who fails to request a contested case hearing within the time allowed shall be deemed to have waived his right to a contested case hearing. The Law Enforcement Training Council shall proceed to enter a final agency decision to deny the person his law enforcement certification or telecommunications certification for a specified time period, up to a permanent denial. It is the responsibility of every candidate/officer/operator as described in Chapter 37 of these regulations to notify the Academy of his or her current address. All such notices required to be made to the candidate/officer/operator as prescribed in Chapter 37 of these regulations is effective upon mailing as required in this section.

B. A request for contested case hearing under this section must satisfy Rule 262(a), SCACR and Rule 263, SCACR.

Fiscal Impact Statement:

There will be no fiscal impact from this change.

Statement of Rationale:

Revisions to these regulations are necessary to revise the procedure for requesting contested case hearings.

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Document No. 5064
SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY
CHAPTER 37
Statutory Authority: 1976 Code Sections 23-23-10 et seq.

37-026. Withdrawal of Certification of Law Enforcement Officers.

Synopsis:

S.C. Code Section 23-23-80 authorizes the Law Enforcement Training Council to make regulations necessary for the administration of S.C. Code Section 23-23-10 et seq. The proposed regulation will define misconduct for the denial of certification for misconduct.

Notice of Drafting for the proposed amendments was published in the *State Register* on July 23, 2021.

Section-by-Section Discussion:

37-026. This section defines misconduct for the withdrawal of certification of law enforcement officers.

Instructions:

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

Text:

37-026. Withdrawal of Certification of Law Enforcement Officers.

A. A law enforcement officer, certified pursuant to the provisions of R.37-005 and R.37-006, shall have his or her certification as a law enforcement officer withdrawn by the Council upon the occurrence of any one or more of the following events:

1. The officer is found to have falsified any application for certification and training based upon which the officer was admitted for training.

2. The officer is found to be ineligible for service as a law enforcement officer because of his or her failure to meet prerequisite qualifications for training and certification, as set by law, even though such ineligibility is not discovered until after the officer's initial certification.

3. The officer is convicted of a criminal offense under the law of any jurisdiction which would, by the laws of this State, disqualify the officer from obtainment of certification as provided for in R.37-005 and R.37-006.

4. Evidence satisfactory to the Council that the officer has engaged in misconduct. For purposes of this section, misconduct means:

a. Conviction, plea of guilty, plea of no contest or admission of guilt (regardless of withheld adjudication) to a felony, a crime punishable by a sentence of more than one year (regardless of the sentence actually imposed, if any), or a crime of moral turpitude;

b. Unlawful use of a controlled substance;

c. The repeated use of excessive force in dealing with the public and/or prisoners;

d. Dangerous and/or unsafe practices involving firearms, weapons, and/or vehicles which indicate either a willful or wanton disregard for the safety of persons or property;

e. Physical or psychological abuses of members of the public and/or prisoners;

f. Misrepresentation of employment-related information;

g. Violations of criminal law resulting from administrative inquiries;

h. To willfully make false, misleading, incomplete, deceitful, or incorrect statement(s) to a law enforcement officer, a law enforcement agency, or representative, except when required by departmental policy or by the laws of this State during the course of an investigation;

- i. To willfully make false, misleading, incomplete, deceitful, or incorrect statement(s) to a court of competent jurisdiction, or their staff members, whether under oath or not;
- j. To willfully make false, misleading, incomplete, deceitful, or incorrect information on a document, record, report, or form, except when required by departmental policy or by the laws of this State;
- k. Willfully falsifying material information provided to the Criminal Justice Academy.

Provided however that in considering whether to withdraw certification based on misconduct, the Council may consider the seriousness, frequency and any mitigating circumstances surrounding the act or omission constituting or alleged to constitute misconduct.

B. The officer's certification expires due to the officer's failure to meet re-certification requirements as set out in R.37-010.

Fiscal Impact Statement:

There will be no fiscal impact from this change.

Statement of Rationale:

Revisions to these regulations are necessary to make the definitions of misconduct for denial of certification for misconduct.

Document No. 5038
DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS
CHAPTER 88
Statutory Authority: 1976 Code Section 44-20-220

Article 7. Appeal Procedures. (New)

Synopsis:

The Department of Disabilities and Special Needs proposes to add Article 7 to provide the procedure for the appeals of adverse decisions within the scope of state funded services provided by the Department of Disabilities and Special Needs. Specific sections added are Regulations 88-705, Definitions; 88-710, Appeals; and 88-715, Appeal Procedures.

Section-by-Section Discussion

88-705. Definitions. New.

88-710. Appeals. New.

A. Describes decisions that may be appealed. New.

88-715. Appeal Procedures. New.

A. Details steps for applicants filing appeals. New.

B. Details administrative process for the Department. New.

A Notice of Drafting was published in the *State Register* on December 25, 2020.

Instructions:

Print the regulation as shown below.

Text:

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ARTICLE 7 APPEAL PROCEDURES

88-705. Definitions.

A. Appeal: A procedure by which a person seeks review of the denial of a determination of eligibility for services solely state-funded by the Department. A procedure by which a person seeks review of a decision to deny, suspend, reduce or terminate a service solely state-funded by the Department.

B. Applicant: A person about whom the Department has been contacted in order for a determination of eligibility for services solely state-funded by the Department.

C. Family Support Services: A coordinated system of family support services administered by the Department directly or through contracts with private nonprofit or governmental agencies across the State, or both. This system is solely state-funded by the Department.

D. Person Eligible for Services from the Department: An individual who has been determined by the Department to meet the criteria for eligibility for services solely state-funded by the Department.

E. Solely State-Funded Case Management: Activities, provided by qualified professionals, which will assist those eligible for the Department services in gaining access to needed medical, social, educational, and other services which are solely state-funded by the Department.

F. Solely State-Funded Community Supports: An array of services solely state-funded by the Department to those who are eligible for the Department services, but are not eligible for the Department operated Medicaid Home and Community Based Services Waiver.

G. Solely State-Funded Follow Along: Employment focused services solely state-funded by the Department to those who are eligible for the Department services, who have secured individual integrated employment in the community in collaboration with the South Carolina Vocational Rehabilitation Department.

H. Solely State-Funded Residential Habilitation: Solely state-funded services which include the care, skills training, supervision and support provided to a person eligible for services in a noninstitutionalized setting. The degree and type of care, supervision, skills training and support will be based on the person's needs and preferences.

I. Solely State-Funded Respite: Solely state-funded services provided to participants unable to care for themselves; furnished on a short-term basis because of the absence or need for relief of those individuals normally providing the care.

88-710. Appeals.

A. Decisions that may be appealed include, but are not limited to:

(1) Eligibility for the solely state-funded Department services.

(2) Denial, suspension, reduction or termination of a service solely state-funded by the Department to include but not limited to:

(a) Solely State-Funded Community Supports

(b) Solely State-Funded Follow-Along

(c) Solely State-Funded Case Management

(d) Solely State-Funded Respite

(e) Solely State-Funded Residential Habilitation

(f) Family Support Services

88-715. Appeal Procedures.

A. Applicants Seeking Eligibility for solely state-funded Department Services

(1) Step 1: Written Appeal: When an appeal is desired by the applicant, a signed and dated written appeal of the denial must be made within 30 calendar days from the date of the written correspondence from DDSN which communicates the eligibility decision of the Department. The appeal must state the reason(s) the denial was in error, and include any additional supporting information. The appeal shall be made by letter: South Carolina Department of Disabilities and Special Needs- Appeals, 3440 Harden Street Extension, Columbia, South Carolina 29203 or email: appeals@ddsn.sc.gov sent to the State Director of the Department. Reasonable accommodations to assist with communication will be provided upon request.

(2) Step 2: Review: Upon receipt of the appeal, all information shall be reviewed by the State Director using the eligibility criteria as set forth in the Department’s regulation addressing “Eligibility”. If the State Director determines new evaluation data is needed, no decision shall be made until this data is received. The applicant shall be notified that the new evaluation is needed within 30 business days of receipt of the written appeal.

(3) Step 3: Decision: A written decision shall be provided to the applicant within 30 business days of receipt of the written appeal or receipt of the new evaluation data. In accordance with S.C. Code §44-20 430, the decision of the State Director is final.

B. Denial, Suspension, Reduction or Termination of a service solely state-funded by the Department.

(1) Step 1: Written Appeal: When an appeal is desired by the person eligible for services from the Department, a signed and dated written appeal of a decision to deny, suspend, reduce or terminate a service solely state-funded by the Department shall be made within 30 business days of the notification of the decision. The appeal shall state the reason(s) the denial/suspension/reduction/termination was in error including any additional supporting information. The appeal shall be made by letter: South Carolina Department of Disabilities and Special Needs- Appeals, 3440 Harden Street Extension, Columbia, South Carolina 29203 or email: appeals@ddsn.sc.gov sent to the State Director of the Department. Reasonable accommodations to assist with communication will be provided upon request.

(2) Step 2: Review: Upon receipt of the appeal, all available information shall be reviewed by the State Director.

(3) Step 3: Decision: A written decision shall be provided to the person eligible for services within 30 business days of receipt of the written appeal. The decision of the State Director shall be final.

Fiscal Impact Statement:

There will be no increased cost to the State or its political subdivisions.

Statement of Rationale:

These regulations are added to clarify and state Department procedures.

Document No. 5040
DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS
CHAPTER 88
Statutory Authority: 1976 Code Section 44-20-220

Article 5. Eligibility Determination. (New)

Synopsis:

The Department of Disabilities and Special Needs proposes to add Article 5 to provide the procedure establishing eligibility within the scope of state funded services provided by the Department of Disabilities and Special Needs.

Section-by-Section Discussion

- 88-505. General. New.
- 88-510. Definitions Used in this Article. New.
- 88-515. Diagnostic Criteria for Department Eligibility. New.
 - A. Intellectual Disability. New.
 - B. Related Disability. New.
 - C. High-Risk Infant/At Risk Child. New.
 - D. Autism Spectrum Disorder. New.

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E. Head and Spinal Cord Injury and Similar Disability. New.
88-520. Time Limitations. New.

A Notice of Drafting was published in the *State Register* on December 25, 2020.

Instructions:

Print the regulation as shown below.

Text:

ARTICLE 5 ELIGIBILITY DETERMINATION

88-505. General.

A. Individuals domiciled in the state and determined by the Department, using the diagnostic criteria specified in this Article, to have an Intellectual Disability, Related Disability, Autism Spectrum Disorder, Head Injury, Spinal Cord Injury, Similar Disability, or be a child at greater risk for a developmental disability than that for the general population, will be eligible for services from the Department. Individuals believed to be eligible for services of the Department or their representative must contact the Department to request a determination of eligibility.

88-510. Definitions Used in this Article.

A. At Risk Child: Defined as a child 36 months of age up to but less than 72 months of age whose genetic, medical or environmental history is predictive of a substantially greater risk for a developmental disability than that of the general population.

B. Autism Spectrum Disorder: The Department defines Autism Spectrum Disorder (ASD) as included in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders-Fifth Edition (DSM-5) or most current edition.

C. Developmental Period: The period of time between conception and the twenty-second birthday.

D. Head Injury: S.C. Code Ann. § 44-38-20, which relates to the South Carolina Head and Spinal Cord Information System, defines head injury. Head Injury means an insult to the skull or brain, not of a degenerative or congenital nature, but one caused by an external physical force that may produce a diminished or altered state of consciousness, which results in impairment of cognitive abilities or physical functioning and possibly in behavioral or emotional functioning. It does not include cerebral vascular accidents or aneurysms.

E. High-Risk Infant: S.C. Code Ann. § 44-20-30 (9) defines high-risk infant as a child less than 36 months of age whose genetic, medical or environmental history is predictive of a substantially greater risk for a developmental disability than that for the general population.

F. Intellectual Disability: S.C. Code Ann. § 44-20-30 (12) defines Intellectual Disability as significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

G. Related Disability: S.C. Code Ann. § 44-20-30 (15) defines Related Disability as a severe, chronic condition found to be closely related to Intellectual Disability or to require treatment similar to that required for persons with Intellectual Disability.

H. Similar Disability: Similar Disability is not specifically defined within South Carolina Codes of Law; however, S.C. Code Ann. § 44-38-370 states that Similar Disability is not associated with the process of a progressive degenerative illness or dementia, or a neurological disorder related to aging. Similar Disability is similar to head injury or spinal cord injury as defined herein.

I. Spinal Cord Injury: S.C. Code Ann. § 44-38-20, which relates to the South Carolina Head and Spinal Cord Information System, defines a spinal cord injury. Spinal Cord Injury means an acute traumatic lesion of neural elements in the spinal canal resulting in any degree of sensory deficit, motor deficit, or major life functions. The deficit or dysfunction may be temporary or permanent.

J. Valid IQ Score: Based on 1) the psychometric properties of the selected test, and 2) the stipulation of the examiner in the Behavioral Observation section of the evaluation that describes the manner in which the examinee approached, participated, and completed the respective cognitive test.

88-515. Diagnostic Criteria for Department Eligibility.

A. Intellectual Developmental Disorder

Pursuant to the DSM-5, or most current edition, a diagnosis of Intellectual Developmental Disorder requires consideration of both clinical assessment and standardized testing of intellectual and adaptive functions. Individual cognitive profiles based on neuropsychological testing as well as cross-battery intellectual assessment using multiple IQ or cognitive tests to create a profile will also be considered when making a determination of eligibility. Specifically, an individual must meet the following three (3) criteria in order to receive a diagnosis:

(1) Criterion A requires deficits in mental abilities, referring to intellectual functions that involve reasoning, problem solving, planning, abstract thinking, judgment, learning from instruction and experience, and practical understanding.

To meet this criterion, individuals must have a valid IQ score of approximately 70 or below, including a margin of measurement error of +/- 5, establishing a range of eligibility from 65-75. Instruments must be normed for the individual's sociocultural background and native language. When multiple tests have been conducted for an individual, a clinical assessment of the validity of the results and other related factors (i.e., statistically significant splits between scores) of each singular test will occur as to provide the appropriate clinical judgment of an individual's score.

(2) Criterion B requires impairment in everyday adaptive functioning, in comparison to an individual's age, gender, and socioculturally matched peers.

To meet this criterion, individuals must have one domain in adaptive functioning—conceptual, social, or practical—sufficiently impaired as to necessitate ongoing support in order to have the individual perform adequately at school, at work, at home, or in the community. For the purposes of this Criterion B, the conceptual (academic) domain involves competence in memory, language, reading, writing, math reasoning, acquisition of practical knowledge, problem solving, and judgment in novel situations, among others. The social domain involves awareness of others' thoughts, feelings, and experiences; empathy; interpersonal communication skills; friendship abilities; and social judgment, among others. The practical domain involves learning and self-management across life settings, including personal care, job responsibilities; money management, recreation, self-management of behavior, and school and work task organization, among others.

Adaptive functioning is evaluated by using both clinical evaluation and individualized, culturally appropriate, psychometrically sound measures. Standardized measures are used with knowledgeable informants (e.g., parent or other family members; teacher; counselor; care provider) and the individual to the extent possible. Additional sources of information include educational, developmental, medical and mental health evaluations. In situations where standardized testing is difficult or impossible (e.g., sensory impairment, severe problem behavior), the individual may be diagnosed with unspecified intellectual development disorder. Intellectual capacity, education, motivation, socialization, personality features, vocational opportunity, cultural experience, and coexisting other medical conditions or mental disorders influence adaptive functioning.

(3) Criterion C requires onset to occur during the developmental period, referring to recognition of intellectual and adaptive deficits being present in childhood or adolescence.

To meet this criterion, a comprehensive evaluation is required. A comprehensive evaluation includes an assessment of intellectual capacity and adaptive functioning; identification of genetic and non-genetic etiologies; evaluation for associated medical conditions (e.g., cerebral palsy, seizure disorder); and evaluation for co-occurring mental, emotional, and behavioral disorders. Components of the evaluation may include basic pre- and perinatal medical history, three-generational family pedigree, physical examination, genetic evaluation, and metabolic screening and neuroimaging assessment.

B. Related Disability

(1) Diagnosis of Related Disability requires all four (4) of the following conditions:

(a) It is attributable to cerebral palsy, epilepsy, or any other condition other than mental illness found to be closely related (i.e., empirical medical evidence) to Intellectual Disability because this condition results in

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impairment of general intellectual functioning or adaptive behavior similar to that of persons with Intellectual Disability and requires treatment or services similar to those required for these persons; and

(b) It is likely to continue indefinitely; and,

(c) It results in substantial functional limitations in three (3) or more of the following areas of major life activity: Self-care, Understanding and Use of Language, Learning, Mobility, Self-direction, Capacity for Independent Living; and

(d) The onset is before age 22 years.

(2) Only scores derived from nationally normed standardized tests administered by qualified examiners shall be used in eligibility determinations. Substantial functional limitations shall be defined as the results from administration of a standardized, norm-referenced test yielding a score of two standard deviations or more below the mean.

C. High-Risk Infant/At Risk Child

(1) Diagnosis of High Risk Infant/At Risk Child requires that a child younger than 72 months of age meet one of the following:

(a) Exhibits significant documented delays in three or more areas of development; or

(b) Have a diagnosis, as recognized by the Individuals with Disabilities Education Act (IDEA) Part C program (BabyNet) Established Risk Condition List, confirmed by a medical professional and exhibit significant documented delays in two areas of development.

D. Autism Spectrum Disorder

(1) Diagnosis of ASD based on the (DSM-5) requires that the results from a battery of ASD specific assessments confirm:

(a) Persistent deficits in social communication and social interaction across multiple contexts, as manifested by the following three (3) criteria, currently or by history:

(i) Deficits in social-emotional reciprocity, ranging, for example, from abnormal social approach and failure of normal back-and-forth conversation; to reduced sharing of interests, emotions, or affect; to failure to initiate or respond to social interactions.

(ii) Deficits in nonverbal communicative behaviors used for social interaction, ranging for example, from poorly integrated verbal and nonverbal communication; to abnormalities in eye contact and body language or deficits in understanding and use of gestures; to a total lack of facial expressions and nonverbal communication.

(iii) Deficits in developing, maintaining, and understanding relationships, ranging, for example, from difficulties adjusting behavior to suit various social contexts; to difficulties in sharing imaginative play or in making friends; to absence of interest in peers.

(2) Restricted, repetitive patterns of behavior, interests, or activities, as manifested by at least two of the following, currently or by history:

(a) Stereo-typed or repetitive motor movements, use of objects, or speech (e.g., simple motor stereotypes, lining up toys or flipping objects, echolalia, idiosyncratic phrases).

(b) Insistence on sameness, inflexible adherence to routines, or ritualized patterns of verbal or nonverbal behavior (e.g., extreme distress at small changes, difficulties with transitions, rigid thinking patterns, greeting rituals, need to take same route or eat same food every day).

(c) Highly restricted, fixated interests that are abnormal in intensity or focus (e.g., strong attachment to or preoccupation with unusual objects, excessively circumscribed or perseverative interests).

(d) Hyper- or hypo-reactivity to sensory input or unusual interest in sensory aspects of the environment (e.g., apparent indifference to pain/temperature, adverse response to specific sounds or textures, excessive smelling or touching of objects, visual fascination with lights or movement).

(3) Symptoms are present in the early developmental period (but may not become fully manifest until social demands exceed limited capacities, or may be masked by learned strategies in later life).

(4) Symptoms cause clinically significant impairment in social, occupational, or other important areas of current functioning.

(5) These disturbances are not better explained by Intellectual Disability (Intellectual Developmental Disorder) or global developmental delay. Intellectual Disability and Autism Spectrum Disorder frequently co-occur; to make comorbid diagnoses of Autism Spectrum Disorder and Intellectual Disability, social communication should be below that expected for general developmental level.

E. Head and Spinal Cord Injury and Similar Disability

- (1) Diagnosis of Head or Spinal Cord Injury or Similar Disability requires:
 - (a) Medical documentation and functional/adaptive assessments to substantiate that Traumatic Brain Injury, Spinal Cord Injury or Similar Disability occurred and produced ongoing substantial functional limitations. Including documentation of pre-existing/concurrent conditions, which impact functioning.
 - (b) The person has a severe chronic limitation that:
 - (i) Is attributed to a physical impairment, including head injury, spinal cord injury or both, or a similar disability, regardless of the age of onset, but not associated with the process of a progressive degenerative illness or disease, dementia, or a neurological disorder related to aging;
 - (ii) Is likely to continue indefinitely without intervention;
 - (iii) Results in substantial functional limitation in at least two (2) of these life activities: Cognitive; Self-care; Communication; Learning; Mobility; Self-direction; Capacity for independent living; Economic self-sufficiency; and,
 - (iv) Reflects the person's need for a combination and sequence of special interdisciplinary or generic care or treatment or other services, which are of lifelong or extended duration.

88-520. Time Limitations.

A. Department eligibility may be established in a time-limited fashion as determined by the circumstances of the individual applying for eligibility. When an individual seeking eligibility presents with circumstances which could likely improve and thereby impact the eligibility determination, DDSN will establish Department eligibility in a time-limited fashion. All information received by the Department will be reviewed for reliability and validity in the determination of eligibility.

Fiscal Impact Statement:

There will be no increased cost to the State or its political subdivisions.

Statement of Rationale:

These regulations are added to clarify and state Department procedures.

Document No. 5041
DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS
CHAPTER 88
Statutory Authority: 1976 Code Section 44-20-220

Article 3. Recreational Camps for Persons with Intellectual Disability.

Synopsis:

The Department of Disabilities and Special Needs proposes to amend Article 3 by repealing the Article as it is obsolete in its entirety.

A Notice of Drafting was published in the *State Register* on December 25, 2020.

Instructions:

Article 3. Repeal in its entirety.

Text:

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88-310. Repealed.

88-315. Repealed.

88-320. Repealed.

88-325. Repealed.

88-330. Repealed.

88-335. Repealed.

88-340. Repealed.

88-345. Repealed.

88-350. Repealed.

88-355. Repealed.

88-360. Repealed.

88-365. Repealed.

88-370. Repealed.

88-375. Repealed.

88-380. Repealed.

88-385. Repealed.

88-390. Repealed.

88-395. Repealed.

Fiscal Impact Statement:

There will be no increased cost to the State or its political subdivisions.

Statement of Rationale:

These regulations are repealed to clarify and state Department roles and procedures.

Document No. 5039
DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS
 CHAPTER 88
 Statutory Authority: 1976 Code Section 44-20-220

Article 8. Research Involving Persons Eligible for Services. (New)

Synopsis:

The Department of Disabilities and Special Needs proposes to add Article 8 to provide for establishing procedures for research involving persons eligible for services through the Department of Disabilities and Special Needs. Specific sections added are Regulations 88-805, Definitions; 88-810, Review and Approval of Research Proposals; 88-815, Protection of Rights and Welfare of Research Participants; and 88-820, Publications.

Section-by-Section Discussion

88-805. Definitions. New.

88-810. Review and Approval of Research Proposals. New.

A. Describes the members and functions of the Research Review Committee

88-815. Protection of Rights and Welfare of Research Participants. New.

A. The scientific, legal, and ethical principles

B. Qualified professionals

C. No physical harm or psychological or emotional impairment

D. Avoid pain, suffering or inconvenience

E. Consent forms

F. Confidentiality statements

G. Federal Regulation 45 CFR 46

H. Concerns and complaints

88-820. Publications. New.

A. Copies of the research

B. Prior to submission for publication

C. Approval

D. Statement

A Notice of Drafting was published in the *State Register* on December 25, 2020.

Instructions:

Print the regulation as shown below.

Text:

ARTICLE 8
RESEARCH INVOLVING PERSONS ELIGIBLE FOR SERVICES

88-805. Definitions.

A. Minimal risk- means the risk of harm anticipated in the proposed research is not greater, considering probability and magnitude, than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests.

B. Research -is defined as a trial, special observation, or data collection usually made under conditions determined by the investigator, which aims to test a hypothesis or to discover some previously unknown

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principle, effect, or relationship. Research is further defined as a systematic investigation designed to contribute to generalized knowledge.

C. Activities which use experiments, tests, and/or observations designed to elicit information which is not publicly available are considered types of research.

D. Research participant- is defined as persons eligible for services from the Department about whom an investigator conducting the research obtains:

- (1) Data through intervention or interaction with the participant, or
- (2) Identifiable private information.

E. County Disabilities and Special Needs Boards (DSN Boards): the local public body administering, planning, coordinating, or providing services within a county or combination of counties for persons with Intellectual Disability, Related Disabilities, Head Injuries, or Spinal Cord Injuries and recognized by the Department.

F. Qualified Provider - A provider of services to persons eligible for services from the Department, other than a county DSN Board, that is qualified by the state to provide such services.

G. Informed Consent – The knowing and voluntary agreement by the research participant or an individual authorized by law to consent on behalf of an individual, without any element of coercion or undue influence. The research participant or the legally authorized representative must be given information that a reasonable person would want to have in order to make an informed decision about whether to participate, and an opportunity to discuss that information. The information that is given to the research participant or legally authorized representative shall be in language understandable to the participant or legally authorized representative.

88-810. Review and Approval of Research Proposals.

A. Research Review Committee

(1) The Department Research Review Committee (the Committee) shall be designated and chaired by the State Director or a designee. The Committee shall include executive staff and others as appointed by the chairperson. The Committee retains authority for final approval for research involving persons eligible for services from the Department.

(2) The Committee will have at least three (3) members with varying backgrounds to promote the complete and appropriate review of proposed activities.

(3) The Committee shall review all research proposals to ascertain the acceptability of the proposed research in terms of departmental commitments and regulations, applicable laws, research participant protections and standards of professional conduct and practice. A copy of the proposal approved by an Institutional Review Board (IRB) appropriate to the employer of the investigator is required for the proposal to be reviewed by the Committee to include procedures for obtaining informed consent, obtaining more information and exiting the study. A local Human Rights Committee shall review any research proposals that involve personal contact, observation, or interaction prior to submission to the Committee to ensure that the rights and welfare of the research participants are protected; that informed consent is obtained by adequate and appropriate methods; that individuals served are not used as captive sources of research; that the research is in no way detrimental to their welfare, and are consistent with federal regulation 45 CFR 46 (6/18/91), Protection of Human Subjects.

(4) Only research proposals approved by the Committee shall be implemented and for the designated period included in the issued written approval.

88-815. Protection of Rights and Welfare of Research Participants.

A. Any research conducted must conform to the scientific, legal, and ethical principles which justify all research and should emerge from a sound theoretical basis or follow previously accepted research design.

B. Any research involving routine medical examinations or behavioral intervention techniques shall be conducted only by qualified professionals in adequately equipped settings and with the appropriate liaison or supervision during which a suitably qualified clinician is used.

Where body integrity may be violated or when otherwise appropriate, medical liaison or supervision shall be included.

C. All caution in exercise of research is limited not only to physical harm, but also includes unwarranted psychological or emotional impairment to the research participant or his/her family or legal guardian.

D. All experimentation shall be planned in such a way as to avoid pain, suffering, or inconvenience to the research participant and his/her family or legal guardian.

E. A copy of the signed informed consent form, for each research participant, shall be maintained by the Department.

F. All investigators who are not employees of the Department, a DSN Board or a Qualified Provider and who are allowed access to information about individuals served shall sign a confidentiality statement which shall be maintained in a file containing the research proposal and approval at the Department.

This shall be maintained in the file containing the research proposal and approval at the Department.

G. Facilities and programs are required to meet provisions of the federal regulations 45 CFR 46 Protection of Human Subjects.

H. Any concerns or complaints regarding the research may be addressed directly to the chairperson of The Department Review Committee and shall be investigated.

88-820. Publications.

A. The investigator shall provide a copy of the final research report to the participating programs, facilities, and the chair of The Department Research Review Committee.

B. A copy shall also be forwarded to the State Director (if the chair is the designee of the State Director) prior to submission for publication.

C. All manuscripts submitted for publication which bear the facility or the Department name and sponsorship must be approved by the State Director prior to submission to a professional journal or publishing company.

D. Any published material or lectures on the particular project or study shall contain the following statement: "Research involving persons eligible for services from the South Carolina Department of Disabilities and Special Needs is acknowledged, but it is not to be construed as implying official approval of the South Carolina Department of Disabilities and Special Needs of the conclusions presented."

Fiscal Impact Statement:

There will be no increased cost to the State or its political subdivisions.

Statement of Rationale:

These regulations are added to clarify and state Department procedures.

Document No. 5093
DEPARTMENT OF EMPLOYMENT AND WORKFORCE
CHAPTER 47
Statutory Authority: 1976 Code Section 41-29-110

47-19. Separation Notices.

Synopsis:

The South Carolina Department of Employment and Workforce is amending Regulation 47-19, regarding separation notices.

The Notice of Drafting was published in the *State Register* on August 27, 2021.

Instructions:

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Replace R.47-19 in its entirety with this amendment as shown below.

Text:

47-19. Separation Notices.

A. Notice of Filing:

1. A copy of each initial or additional claim filed by a worker will be mailed and transmitted electronically to his last employer regardless as to whether the latter is liable or non-liable under the Act.

2. The employer must complete and return the requested information in accordance with South Carolina Code Section 41-31-160

3. A liable employer other than the last separating employer may be sent a Request to Employer for Separation Information. This employer must complete and return the requested information in accordance with South Carolina Code Section 41-31-160. 4. A failure to respond in a timely fashion as set forth in A2 and A3 may result in the separation information not being considered in rendering an initial determination on the claim.

B. Mass Separations:

1. The term "mass separation" means a separation (permanently, or for an indefinite period), of ten or more workers employed in a single establishment at or about the same time and for the same reason; provided however, that the term "mass separation" shall not apply to separations for regular vacation periods as defined in the Act and approved by the Department.

2. In cases of mass separations the employer, shall, for each individual affected, file with the office nearest the worker's place of employment, or with such office nearest employee's residence. Form UCB-113, setting forth such information as is required thereby; such form shall be filed not later than ten (10) calendar days, exclusive of Sundays and holidays, after such separation.

C. Notice of Unemployment Due to a Labor Dispute:

1. In all cases of unemployment due to a labor dispute the employer shall follow the procedure set forth in 47-21(D).

D. In all cases of initial claims, additional claims or requests for reinstatement of benefits, where a claimant has been separated from the employ of a non-liable employer, the last covered (liable) employer by whom the claimant was employed will be requested to furnish information relative to the separation of the claimant from employment with such covered (liable) employer or as to any offer of work made to the claimant by such covered (liable) employer in accordance with 47-23 of these regulations subsequent to the separation of the claimant from the employ of such covered (liable) employer. Separation information must be maintained by employers in accordance with 47-14 (A)(2)(e) of these regulations.

Fiscal Impact Statement:

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

Statement of Rationale:

These amendments clarify that employers will be sent claims filed by workers electronically, which will allow employers to respond electronically. Doing so will improve efficiency and reduce errors by eliminating the need for Department staff to manually sort responses and attach them to the correct claim since the electronic response will be automatically attached to the electronic claim.

Document No. 5046
COMMISSION OF FORESTRY
 CHAPTER 55
 Statutory Authority: 1976 Code Section 48-23-200

55-10. Allocation of Forest Tree Seedlings in Short Supply.

Synopsis:

The South Carolina Forestry Commission proposes to repeal Regulation 55-10, regarding allocation of forest tree seedlings in short supply. Regulation 55-10 is outdated, no longer applicable, and should be repealed pursuant to Section 1-23-120(J).

The Notice of Drafting was published in the *State Register* on February 26, 2021.

Instructions:

Repeal entire regulation.

Text:

CHAPTER 55
 South Carolina Forestry Commission
 (Statutory Authority: 1976 Code Section 48-23-200)

55-10. Repealed.

Fiscal Impact Statement:

The Forestry Commission anticipates no financial impact to the state or any of its political subdivisions due to the repealing of this regulation.

Statement of Rationale:

This repeal is based upon an administrative review pursuant to Sections 1-23-120(J) and 1-23-270(F) and identifies a regulation that is no longer needed or applicable.

Document No. 5044
COMMISSION OF FORESTRY
 CHAPTER 55
 Statutory Authority: 1976 Code Section 48-23-200

55-1. General Regulations on South Carolina Forestry Commission Lands.

Synopsis:

The South Carolina Forestry Commission proposes to amend Regulation 55-1, regarding general regulations on South Carolina Forestry Commission lands. This amendment is made pursuant to Section 1-23-120(J) and will remove obsolete language and add language to clarify existing regulations.

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Section-by-Section Discussion:

Update chapter name and statutory authority

3. Removes and adds language to clarify hunting and fishing on Forestry Commission lands.
4. Removes and adds language clarifying the use of roads on Forestry Commission lands.
7. Removes and adds language clarifying the use of firearms on Forestry Commission lands.
8. Removes and adds language concerning target shooting on Forestry Commission lands.

The Notice of Drafting was published in the *State Register* on February 26, 2021.

Instructions:

Print the regulation as shown below.

Text:

CHAPTER 55

South Carolina Forestry Commission

(Statutory Authority: 1976 Code Section 48-23-200)

55-1. General Regulations on South Carolina Forestry Commission Lands.

1. Entry onto South Carolina Forestry Commission lands is done wholly and completely at the risk of the individual. The State of South Carolina nor the South Carolina Forestry Commission accepts any responsibility for acts, omissions or activities or conditions on these lands which cause or may cause personal injury or property damage.

2. All persons must obey all special rules and regulations for South Carolina Forestry Commission lands including those found in hunting schedules, maps, brochures, permits, any oral/written instructions issued by South Carolina Forestry Commission personnel or those instructions posted on South Carolina Forestry Commission lands.

3. Trespassing, fishing, hunting, killing, capturing, or taking any fish or game, other recreational activities, or attempting such act, are prohibited, except as may be authorized under these rules and regulations, by permit or special authorization. On South Carolina Forestry Commission lands, where an agreement is made between the South Carolina Forestry Commission and the South Carolina Department of Natural Resources to make the lands Wildlife Management Areas (WMA) as established by Section 50-11-2200 of the South Carolina Code of Laws, hunting and fishing will be governed by the appropriate South Carolina Department of Natural Resources (SCDNR) WMA laws and regulations to include regulation 123-40.

4. On South Carolina Forestry Commission lands, motor driven land conveyances shall be operated only on designated roads or trails, except by permit or special authorization. Roads or trails which are closed by barricades and/or signs either permanently or temporarily, are off limits to motor driven land conveyances unless the South Carolina Forestry Commission or its representative gives express permission. A person may not obstruct or cause to be obstructed travel routes on South Carolina Forestry Commission lands.

5. Motor driven land conveyances shall be operated in a safe manner while on South Carolina Forestry Commission lands.

6. On South Carolina Forestry Commission lands, any person found guilty in a court of law of undesirable or unsafe conduct, may, at the discretion of the Forest Director, forfeit all permits and privileges thereto and/or all future permits dependent upon the seriousness of the offense.

7. On South Carolina Forestry Commission lands, all firearms transported in vehicles must be unloaded and secured in a weapons case, or in the trunk of a vehicle, or in a locked box. Any firearm with a shell in the chamber or attached magazine, or muzzleloader with a cap on the nipple or flintlock with powder in the flash

pan is considered loaded. Provisions in No. 7 are not applicable to handguns as prescribed in statute 16-23-20 of the South Carolina Code of Laws.

8. On South Carolina Forestry Commission lands, no target practice or target shooting is permitted except in areas designated by the Commission for such purpose.

9. The hours for hunting and fishing shall be published. The said hours may be set short of state and federal regulations.

10. Any attempt to move/flush/drive/pursue game to or into hunters on lands adjoining South Carolina Forestry Commission lands is prohibited.

11. Waiting for game to cross county or state roads on South Carolina Forestry Commission lands is prohibited.

12. Molesting, injuring, poisoning, destroying, or attempting such acts, of any plant or animal life on South Carolina Forestry Commission lands are prohibited except by permit.

13. Entry onto South Carolina Forestry Commission lands constitutes consent to an inspection and search of the person, game bag, or creel and any vehicle, trailer, conveyance, or container.

14. On all lands owned by the South Carolina Forestry Commission, the removal of artifacts or ecofacts from the surface or subsurface is prohibited except when approved by the State Historic Preservation Office and carried out in accordance with their guidelines.

15. In accordance with Section 48-23-70(b), 1976 S. C. Code of Laws, as amended, any person violating this section will be guilty of a misdemeanor and upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days.

16. The penalty for fishing or hunting on any forest area, other than those times specified by the South Carolina Forestry Commission, shall be as prescribed by Section 50-1-90, 1976 South Carolina Code of Laws, as amended.

Except as modified or changed hereby, all prevailing laws, rules and regulations concerning the South Carolina Forestry Commission shall remain in full force and effect.

Fiscal Impact Statement:

The Forestry Commission anticipates no financial impact to the state or any of its political subdivisions because of the proposed amendment.

Statement of Rationale:

This amendment is based upon an administrative review pursuant to Sections 1-23-120(J) and 1-23-270(F) and removes obsolete language and adds language to clarify existing regulations.

Document No. 5045
COMMISSION OF FORESTRY
CHAPTER 55

Statutory Authority: 1976 Code Section 48-23-200

55-6. Hunting and Fishing Regulations on State Forest Lands Established as Wildlife Management Areas.

Synopsis:

The South Carolina Forestry Commission proposes to repeal Regulation 55-6, regarding hunting and fishing on State Forest Lands established as Wildlife Management Areas. Regulation will be repealed because it is duplicative of Regulation 55-1 and should be repealed pursuant to Section 1-23-120(J).

Section-by-Section Discussion

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Repeal entire regulation.

The Notice of Drafting was published in the *State Register* on February 26, 2021.

Instructions:

Repeal entire regulation.

Text:

CHAPTER 55

South Carolina Forestry Commission

(Statutory Authority: 1976 Code Section 48-23-200)

55-6. Repealed.

Fiscal Impact Statement:

The Forestry Commission anticipates no financial impact to the state or any of its political subdivisions because of repealing this regulation.

Statement of Rationale:

This repeal is based upon an administrative review pursuant to Sections 1-23-120(J) and 1-23-270(F) and identifies a regulation that is duplicative and no longer needed.

Document No. 5043

COMMISSION OF FORESTRY

CHAPTER 55

Statutory Authority: 1976 Code Section 48-23-200

55-11. Price Changes for Forest Tree Seedlings.

Synopsis:

The South Carolina Forestry Commission proposes to amend Regulation 55-11, regarding price changes for forest tree seedlings. The regulation will be amended to clarify the use of direct costs only in the cost of production for forest tree seedlings and update the locations of annual seedling price lists, pursuant to Section 1-23-120(J).

Section-by-Section Discussion:

Amendment adds language to ensure seedling prices are established each year and only direct costs are used in establishing prices. Also updates the availability of seedling price lists.

The Notice of Drafting was published in the *State Register* on February 26, 2021.

Instructions:

Print the regulation as shown below.

Text:

CHAPTER 55

South Carolina Forestry Commission

(Statutory Authority: 1976 Code Section 48-23-200)

55-11. Price Changes for Forest Tree Seedlings.

The price charged for forest tree seedlings shall be established each year by the South Carolina Forestry Commission. Said prices not to exceed the average direct cost of production of forest tree seedlings. The price list is to be available in print from South Carolina Forestry Commission office locations and electronically online.

Fiscal Impact Statement:

The Forestry Commission anticipates no financial impact to the state or any of its political subdivisions because of the proposed amendment.

Statement of Rationale:

This amendment is based upon an administrative review pursuant to Sections 1-23-120(J) and 1-23-270(F) and clarifies pricing development of tree seedlings and increases the access and delivery of tree seedlings to the public.

Document No. 5055

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61**

Statutory Authority: 1976 Code Sections 44-61-10 et seq., 44-78-10 et seq., and 44-80-10 et seq.

61-7. Emergency Medical Services.

Synopsis:

The Department of Health and Environmental Control (“Department”) amends R.61-7 to update provisions in accordance with current practices and standards. Amendments incorporate and revise provisions and definitions to conform to statutory mandates and terminology widely used and understood within the provider community. The Department revises requirements for Emergency Medical Technician (EMT) training programs, ambulance design and equipment, incident reporting, sanitation and infection control, monetary penalties, and other requirements for EMS agency licensure, ambulance permitting, and EMT certification. The Department also amends the regulation to provide direction to emergency personnel in identifying patients who have a Do Not Resuscitate Order (“DNR”), and to add oversight of the Physician Orders for Scope of Treatment (POST) form and carry out other related responsibilities to the form.

The Department further revises for clarity and readability, grammar, references, codification, and overall improvement to the text of the regulation. R.61-7 was last amended in 2016.

The Department had a Notice of Drafting published in the February 26, 2021, South Carolina *State Register*.

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Instructions:

Replace R.61-7 in its entirety with this amendment.

Section-by-Section Discussion of Amendments:

Section	Type of Change	Purpose
Table of Contents	Reorganization and Revision	To reflect proposed section organization and section title amendments in regulation text.
Former 100 – Scope and Purpose Former 101 – Scope of Act 1118 of 1974 as amended	Deletion	To be consistent with other Departmental regulations. This section is no longer necessary.
Former 200 – Definitions 100 – Definitions, Licensure, and Certification	Reorganization	To be consistent with other Departmental regulations.
101 – Definitions	Reorganization	To be consistent with other Departmental regulations.
101.A – Abandoned	Addition	New definition to clarify term used in Section 300.
101.B – Abuse	Addition	New definition to clarify term used in Section 600.
101.C – Advanced Emergency Medical Technician (AEMT)	Reorganization and Revision	Recodified from former 200.N.3 and amended for readability.
101.D – Advanced Life Support (ALS)	Reorganization and Revision	Recodified from former 200.A and amended to align with statutory language.
Former 200.B – Advanced Life Support Service	Deletion	Term no longer used in the regulation.
101.E – Adverse Incident	Addition	New definition to clarify term used in Section 600.
101.F – Air Ambulance	Reorganization	Recodified from former 200.C.
101.G – Ambulance	Reorganization and Revision	Recodified from former 200.R and amended for readability and to align with current statute.
101.H – Attendant	Addition	New definition added to align with current statute and clarify term used in Section 500.
101.I – Attendant-driver	Addition	New definition added to align with current statute and clarify term used in Section 500.
101.J – Basic Life Support Service	Reorganization and Revision	Recodified from former 200.D and amended to clarify term used throughout the regulation.
Former 200.E – Commission on Accreditation of Allied Health Education Programs	Deletion	Term no longer used in the regulation.
Former 200.F – Committee on Accreditation of Educational Program for the Emergency Medical Service Professionals	Deletion	Term no longer used in the regulation.

Section	Type of Change	Purpose
101.K – Certificate	Addition	New definition to align with statutory language and to clarify term used throughout the regulation.
101.L – Condition Requiring an Emergency Response	Reorganization	Recodified from former 200.G.
101.M – Continuing Education Program	Reorganization and Revision	Recodified from former 200.H and amended to clarify term used in Section 113.
Former 200.I – Credentialing Information System (CIS)	Deletion	Change in software system.
101.N – Department	Reorganization	Recodified from former 200.II.
101.O – Do Not Resuscitate Bracelet (“Bracelet”)	Addition	New definition to align with statutory language and to clarify term used in Section 700.
101.P – Do Not Resuscitate Order for Emergency Services (“DNR Order”)	Addition	New definition to align with statutory language and to clarify term used in Section 700.
101.Q – Driver	Reorganization and Revision	Recodified from former 200.J and amended to clarify term used in Section 500.
101.R – Electronic Patient Care Reports (ePCR)	Reorganization and Revision	Recodified from former 200.K and amended to remove specifically named software.
101.S – Elopement	Addition	New definition to clarify term used in Section 600.
101.T – Emergency	Reorganization	Recodified from former 200.L.
101.U – Emergency Medical Responder Agency	Addition	New definition to align with statutory language and to clarify term used throughout the regulation.
101.V – Emergency Medical Service Agency (EMS Agency)	Addition	New definition to align with statutory language and to clarify term used throughout the regulation.
101.W – Emergency Medical Service Personnel	Addition	New definition to align with statutory language and to clarify term used throughout the regulation.
101.X – Emergency Medical Technician (EMT)	Reorganization and Revision	Recodified from former 200.N.1 and amended to clarify term used throughout the regulation.
101.Y – Emergency Transport	Reorganization	Recodified from former 200.M.
101.Z – EMT-basic	Addition	New definition to align with statutory language and to clarify term used throughout the regulation.
Former 200.N – EMT	Reorganization	Recodified as standalone definitions.

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Section	Type of Change	Purpose
Former 200.O – EMT Rapid Responder Agency	Deletion	Language incorporated into Section 504.
101.AA – Endorsement	Addition	New definition to align with statutory language and to clarify term used in Section 500.
101.BB – Exploitation	Addition	New definition to align with statutory language and to clarify term used in Section 600.
101.CC – Federal Aviation Administration	Reorganization	Recodified from former 200.P.
101.DD – Flight Nurse	Reorganization and Revision	Recodified from former 200.Q and amended to clarify term used throughout the regulation.
Former 200.R – Ground Ambulance	Reorganization	Recodified to 101.G.
Former 200.S – HIPAA	Deletion	Term no longer used in the regulation.
Former 200.T – Intermediate Life Support Service	Deletion	Term no longer used in the regulation.
101.EE – Investigative Review Committee	Addition	New definition to align with statutory language and to clarify term used in Section 300.
Former 200.U – Joint Policy Statement on Equipment for Ground Ambulance	Deletion	Term no longer used in the regulation.
101.FF – License	Addition	New definition to align with statutory language and to clarify term used throughout the regulation.
101.GG – Licensee	Addition	New definition to align with statutory language and to clarify term used throughout the regulation.
101.HH – Medical Control	Reorganization and Revision	Recodified from former 200.V and amended to clarify term used throughout the regulation.
101.II – Medical Control Physician	Addition	New definition to clarify term used throughout the regulation.
101.JJ – Moral Turpitude	Reorganization	Recodified from former 200.W.
101.KK – National Emergency Medical Services Information System	Reorganization	Recodified from former 200.X.
101.LL – National Registry of Emergency Medical Technicians	Reorganization	Recodified from former 200.Y.
101.MM – Nonemergency Transport	Reorganization and Revision	Recodified from former 200.Z and amended to clarify term used throughout the regulation.
101.NN – Palliative Treatment	Addition	New definition to align with statutory language and to clarify term used in Section 700.

Section	Type of Change	Purpose
101.OO– Paramedic	Reorganization and Revision	Recodified from former 200.N.4 and amended to clarify term used throughout the regulation.
101.PP – Patient	Reorganization and Revision	Recodified from former 200.AA and amended to align with statute.
101.QQ – Permit	Addition	New definition to align with statutory language.
101.RR – Physician Orders for Scope of Treatment (POST) Form	Addition	New definition to align with statutory language.
101.SS – Prehospital Care	Reorganization	Recodified from former 200.BB.
Former 200.CC – Prehospital Medical Information System (PreMIS)	Deletion	Term no longer used in the regulation.
101.TT – Protocols	Addition	New definition to clarify term used throughout the regulation.
101.UU – Public Safety Answering Point	Addition	New definition to clarify term used in Section 500.
101.VV – Resuscitative Treatment	Addition	New definition to clarify term used in Section 700.
101.WW – Revocation	Reorganization	Recodified from former 200.DD.
101.XX – Special Purpose EMT	Reorganization	Recodified from former 200.EE.
Former 200.FF – Specialty Care	Deletion	Term no longer used in the regulation.
101.YY – Star of Life	Reorganization	Recodified from former 200.GG.
101.ZZ – Suspension	Reorganization	Recodified from former 200.HH.
Former 200.II – The Department	Reorganization	Recodified to 101.N.
101.AAA – Variance	Addition	New definition to clarify term used in Section 117.
Former 200.JJ – Vocational School	Deletion	Term no longer used in the regulation.
101.BBB – Volunteer EMS Provider	Reorganization	Recodified from former 200.KK.
102 – Licensure	Reorganization and Revision	Partly recodified from former Section 401 to be consistent with other Departmental regulations; amended for readability.
103 – EMS Agency License Application	Reorganization and Revision	Recodified from former Section 401 and amended to be consistent with other Departmental regulations.
104 – Emergency Medical Technicians	Reorganization	Recodified from former Section 900.
104.A	Reorganization and Revision	Recodified from former Section 901 and amended for readability.
104.B	Reorganization and Revision	Recodified from former Sections 901 and 902 and amended for readability.

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Section	Type of Change	Purpose
105 – Initial EMT-basic, AEMT, and Paramedic Certification	Reorganization, Revision, and Addition	Recodified from former Section 902; amended and added language for readability.
106 – Issuance and Terms of Certification	Reorganization, Revision, and Addition	Recodified from former Section 902; amended and added language to align with statutory requirements.
107 – EMT-basic, AEMT, or Paramedic Certification Renewal	Reorganization and Revision	Recodified from former Section 903 and amended for readability.
108 – Special Purpose EMT	Reorganization and Revision	Recodified from former Section 904 and amended to clarify grandfathered certification of Special Purpose EMT.
109 – Reciprocity	Reorganization and Revision	Recodified from former Section 905 and amended to clarify requirements for Reciprocity.
110 – Certification Examinations	Reorganization and Revision	Recodified from former Section 906 and amended to clarify requirements for Certification Examinations.
111 – Training Programs	Reorganization and Revision	Recodified from former Section 906 and amended for readability and to clarify requirements for Training Programs.
112 – Certified EMT-basic, AEMT, and Paramedic Instructors	Reorganization and Revision	Recodified from former Section 907 and amended for readability and to clarify requirements.
113 – Continuing Education (CE) Program	Reorganization and Revision	Recodified from former Section 907 and amended for readability and to clarify requirements.
114 – Continuing Education Units (CEUs)	Reorganization and Revision	Recodified from former Section 907 and amended for readability and to clarify requirements.
115 – Pilot Programs	Reorganization and Revision	Recodified from former Section 907 and amended for readability and to clarify requirements.
116 – Endorsement of Specialty Credentials	Reorganization and Revision	Recodified from former Section 908 and amended for readability and to clarify requirements.
117 – Certification Patches	Reorganization	Recodified from former Section 909.
118 – Variance	Addition	New section to be consistent with other Departmental regulations.
200 – Enforcement of Regulations	Reorganization and Revision	Recodified and title amended to be consistent with other Departmental regulations.
201 – Inspections and Investigations	Reorganization and Revision	Recodified from former Sections 301 and 302 to be consistent with other Departmental regulations; amended for readability and to clarify requirements.

Section	Type of Change	Purpose
202 – Plan of Correction	Addition	New section to align with other Departmental regulations.
203 – Consultations	Addition	New section to align with other Departmental regulations.
300 – Enforcement Actions	Revision	Title amended to be consistent with other Departmental regulations.
Former 300 – Enforcing Regulations	Reorganization	Sections 301-302 recodified to proposed Section 201. Section 303 recodified to proposed Sections 301 and 302.
301 – General	Revision	Title amended to be consistent with other Departmental regulations.
304.G and H	Deletion	Items no longer relevant in the regulation.
302 – Enforcement Actions against Emergency Medical Technicians	Reorganization and Revision	Recodified from former Section 1100 and amended to clarify requirements.
303 – Investigative Review Committee	Addition	New section to reflect statutory language and clarify requirements.
304 – Violation Classifications	Revision	Revised for consistency with other Departmental regulations from former Section 304.
305 – Monetary Penalties	Reorganization, Revision, and Addition	Recodified from former Section 1501 to be consistent with other Departmental regulations; amended and added language to clarify requirements.
400 – Policies and Procedures	Revision	Title amended to be consistent with other Departmental regulations.
400.A – C	Addition	New items to align with statute and to provide clarity for regulatory requirements.
Former 400 – Licensing Procedures	Reorganization and Deletion	Section 401 recodified to proposed Section 103. Sections 402-404, 406, 408, and 410 recodified to proposed Sections 502-506. Sections 405, 407, and 411 deleted as content no longer defined or used in the regulation.
500 – Personnel Requirements	Revision	Title amended to be consistent with other Departmental regulations.
Former 500 – Permits, Ambulance	Reorganization	Sections 501 and 502 recodified to proposed Section 1800.

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Section	Type of Change	Purpose
501 – General	Reorganization and Revision	Recodified from former Section 1000 and amended for readability and to clarify requirements.
502 – Medical Control Physician	Reorganization and Revision	Recodified from former Section 402 and amended for readability and to clarify requirements.
503 – Driver	Reorganization and Revision	Recodified from former Sections 403 and 404.D; amended to align with statutory language and amended for readability and to clarify requirements.
504 – Emergency Medical Responder Agency	Addition	New section to reflect statutory language and amended for readability and to clarify requirements.
505 – Ambulance Service Agency	Reorganization and Revision	Recodified from former Sections 404-411 and 501 and amended for readability and to clarify requirements.
506 – Special Response Vehicle	Addition	New section to align with statute and to provide clarity for regulatory requirements.
507 – Tiered Response System	Reorganization and Revision	Recodified from former Section 405.A; amended to align with statutory language.
508 – Volunteer EMS Agencies	Reorganization and Revision	Recodified from former Section 411 and amended for readability and to clarify regulatory requirements.
600 – Reporting	Revision	Title amended to be consistent with other Departmental regulations.
Former 600 – Standards for Ambulance Permit	Reorganization	Section 601 recodified to proposed Sections 1902 and 2100.
601 – Adverse Incident Reporting	Addition	New section to be consistent with other Departmental regulations and to clarify reporting requirements. The requirements of Section 601 will take effect (1) year following the date of publication of this regulation in the State Register.
602 – Collisions	Reorganization and Revision	Recodified from former Section 501.F and amended for readability and to clarify regulatory requirements.
603 – Administration Changes	Reorganization and Revision	Recodified from former Sections 401 and 402 to be consistent with other Departmental regulations and amended for readability.

Section	Type of Change	Purpose
604 – Accounting of Controlled Substances	Addition	New section to be consistent with other Departmental regulations and to clarify reporting.
605 – Agency Closure	Addition	New section to be consistent with other Departmental regulations and to clarify reporting.
700 – Patient Care	Revision	Title amended to be consistent with other Departmental regulations.
Former 700 – Equipment	Reorganization	Sections 701-704 recodified to proposed Section 2100.
701 – General	Reorganization and Revision	Recodified from former Section 1301 and amended for readability.
702 – Data Manager	Reorganization and Revision	Recodified from former Section 1302 and amended for readability.
703 – Content	Reorganization and Revision	Recodified from former Section 1303 and amended for readability.
704 – Report Maintenance	Reorganization and Revision	Recodified from former Section 1304 and amended for readability.
705 – Do Not Resuscitate (DNR) Order	Reorganization and Revision	Recodified from former Section 1400 and amended for readability.
706 – Physician Orders for Scope of Treatment (POST)	Addition	New section to reflect statutory language and for readability.
800-1100 – Reserved	Reorganization	Reserved to be consistent with other Departmental regulations and for future use.
Former 800 – Sanitation Standards for Licensed Providers	Reorganization	Sections 801-815 recodified to proposed Sections 1701-1715 to be consistent with other Departmental regulations.
Former 900 – Emergency Medical Technicians	Reorganization and Deletion	Sections 901-908 recodified to proposed Sections 104-105, 107-111, and 116. Section 909 deleted as no longer relevant to the regulation.
Former 1000 – Personnel Requirements	Reorganization	Recodified to proposed Section 500 to be consistent with other Departmental regulations.
Former 1100 – Revocation or Suspension of Certificates of Emergency Medical Technicians	Reorganization	Recodified to proposed Section 114 to be consistent with other Departmental regulations.
1200 – Medications	Reorganization and Revision	Title amended to be consistent with other Departmental regulations.

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Section	Type of Change	Purpose
Former 1200 – Air Ambulances	Reorganization	Sections 1201-1205 recodified to proposed Sections 2201-2205 to be consistent with other Departmental regulations.
1201 – General	Addition	New section to be consistent with other Departmental regulations and to clarify regulatory requirements for Medication Management.
1202 – Medication Orders	Addition	New section to be consistent with other Departmental regulations and to clarify regulatory requirements for Medication Management.
1203 – Administering Medication and/or Treatments	Addition	New section to be consistent with other Departmental regulations and to clarify regulatory requirements for Medication Management.
1204 – Medication Storage	Addition	New section to be consistent with other Departmental regulations and to clarify regulatory requirements for Medication Management.
1205 – Disposition of Controlled Substances	Addition	New section to be consistent with other Departmental regulations and to clarify regulatory requirements for Medication Management.
1300-1600 – Reserved	Reorganization	Reserved to be consistent with other Departmental regulations and for future use.
Former 1300 – Patient Care Reports	Reorganization	Recodified Sections 1301-1304 to proposed Sections 701-704 to be consistent with other Departmental regulations.
Former 1400 – Do Not Resuscitate Order	Deletion, Reorganization, and Revision	Removed Sections 1401-1403 and 1408 as no longer necessary in the regulation. Recodified Sections 1404-1407 to proposed Section 705.
Former 1500 – Fines and Monetary Penalties	Reorganization	Recodified Section 1501 to proposed Section 300 to be consistent with other Departmental regulations.
Former 1600 – Severability	Reorganization	Recodified to proposed Section 2700 to be consistent with other Departmental regulations.
1700 – Sanitation and Infection Control	Revision	Amended title to be consistent with other Departmental regulations.

Section	Type of Change	Purpose
1701 – General	Addition	New section to be consistent with other Departmental regulations and to clarify regulatory requirements.
1702 – Exterior Ambulance Surfaces	Reorganization and Revision	Recodified from former Section 801 and amended to clarify requirements.
1703 – Interior Ambulance Surfaces – Patient Compartment	Reorganization and Revision	Recodified from former Section 802 and amended to clarify regulatory requirements.
1704 – Linen	Reorganization and Revision	Recodified from former Section 803 and amended to clarify regulatory requirements.
1705 – Oxygen Administration Apparatus	Reorganization and Revision	Recodified from former Section 804 and amended to clarify regulatory requirements.
1706 – Resuscitation Equipment	Reorganization and Revision	Recodified from former Section 805 and amended to clarify regulatory requirements.
1707 – Suction Unit	Reorganization and Revision	Recodified from former Section 806 and amended to clarify regulatory requirements.
1708 – Splints	Reorganization and Revision	Recodified from former Section 807 and amended to clarify regulatory requirements.
1709 – Spinal Motion Restriction Devices	Reorganization and Revision	Recodified from former Section 808 and amended to clarify regulatory requirements.
1710 – Bandages and Dressings	Reorganization and Revision	Recodified from former Section 809 and amended to clarify regulatory requirements.
1711 – Obstetrical (OB) Kits	Reorganization and Revision	Recodified from former Section 810 and amended to clarify regulatory requirements.
1712 – Oropharyngeal Appliances	Reorganization and Revision	Recodified from former Section 811 and amended to clarify regulatory requirements.
1713 – Communicable Diseases	Reorganization and Revision	Recodified from former Section 812 and amended to clarify regulatory requirements.
1714 – Equipment	Reorganization and Revision	Recodified from former Section 813 and amended to clarify regulatory requirements.
1715 – Equipment and Materials Storage Areas	Reorganization and Revision	Recodified from former Section 814 and amended to clarify regulatory requirements.
1716 – Personnel	Reorganization and Revision	Recodified from former Section 815 and amended to clarify regulatory requirements.
1800 – Ambulance Permits	Addition	New section title and section.

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Section	Type of Change	Purpose
1801 – General	Reorganization and Revision	Recodified from former Section 501 and amended to clarify regulatory requirements.
1802 – Temporary Ambulance Permit	Reorganization and Revision	Recodified from former Section 502 and amended to clarify regulatory requirements.
1900 – Ambulances	Addition	New section title and section.
1901 – Ambulance Design	Reorganization and Revision	Recodified from former Section 601 and amended to clarify current practices.
1902 – Ambulance Re-mount Design and Equipment	Addition	New section to be consistent with national standards.
2000 – Reserved	Addition	Reserved to be consistent with other Departmental regulations and for future use.
2100 – Medical Equipment	Reorganization and Revision	Recodified from former Section 700 to be consistent with other Departmental regulations and amended to clarify regulatory requirements.
2200 – Air Ambulance	Addition	New section title and section to clarify requirements.
2201 – Permitting	Reorganization and Revision	Recodified from former Section 1201.A., B., and C and amended to clarify regulatory requirements.
2202 – Aircraft	Reorganization and Revision	Recodified from former Section 1201.D and amended to clarify current Air Ambulance standards.
2203 – Aircraft Flight Crew	Reorganization and Revision	Recodified from former Section 1201.E-H and amended to clarify current Air Ambulance standards.
2204 – Medical Supplies and Equipment	Reorganization and Revision	Recodified from former Section 1202 and amended to clarify regulatory requirements.
2205 – Medication and Fluids for Advanced Life Support Air Ambulances	Reorganization and Revision	Recodified from former Section 1204 and amended to clarify regulatory requirements.
2206 – Rescue Exception	Reorganization and Revision	Recodified from former Section 1205 and amended to clarify regulatory requirements.
2300-2600 – Reserved	Addition	Reserved to be consistent with other Departmental regulations and for future use.
2700 – Severability	Reorganization	Recodified from former Section 1700.
2800 – General	Addition	New section to be consistent with other Departmental regulations.

Text:

61-7. Emergency Medical Services.

Statutory Authority: S.C. Code Sections 44-61-10 et seq., 44-78-10 et seq., and 44-80-10 et seq.

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SECTION 100 – DEFINITIONS, LICENSURE, AND CERTIFICATION

101. Definitions.

A. Abandoned. For the purpose of Section 302.B.3.h, unilateral termination by the EMS Personnel of the provider-Patient relationship when continuing care was still needed. This includes the termination of care without the Patient’s consent or without assurance that a level of care meeting the assessed needs of the Patient’s condition is present and available. The provider-patient relationship must have been established for abandonment to occur and the event must be without extenuating circumstances such as provider safety or patients who act against medical advice (AMA).

B. Abuse. Physical Abuse or Psychological Abuse.

1. Physical Abuse. The act of intentionally inflicting or allowing infliction of physical injury on a Patient by an act or failure to act. Physical Abuse includes, but is not limited to, slapping, hitting, kicking, biting, choking, pinching, burning, actual or attempted sexual battery, use of medication outside the standards of reasonable medical practice for the purpose of controlling behavior, and unreasonable confinement. Physical Abuse also includes the use of a restrictive or physically intrusive procedure to control behavior for the purpose

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of punishment except that of a therapeutic procedure prescribed by a licensed physician or other legally authorized healthcare professional. Physical Abuse does not include altercations or acts of assault between Patients.

2. Psychological Abuse. The deliberate use of any oral, written, or gestured language or depiction that includes disparaging or derogatory terms to a Patient or within the Patient's hearing distance, regardless of the Patient's age, ability to comprehend, or disability, including threats or harassment or other forms of intimidating behavior causing fear, humiliation, degradation, agitation, confusion, or other forms of serious emotional distress.

C. Advanced Emergency Medical Technician (AEMT). An advanced level emergency medical services provider certified by the Department to provide basic and limited advanced emergency medical care and transportation for Patients.

D. Advanced Life Support (ALS). An advanced level of prehospital, interhospital, and emergency service care, which includes Basic Life Support functions, cardiac monitoring, cardiac defibrillation, telemetered electrocardiography, administration of antiarrhythmic agents, intravenous therapy, administration of specific medications, drugs and solutions, use of adjunctive ventilation devices, trauma care, and other techniques and procedures authorized by the Department.

E. Adverse Incident. An unexpected event, including any accidents, that could potentially cause harm, injury, or death to Patients, EMS Personnel, or third-party individuals.

F. Air Ambulance. Any aircraft that is intended to be used and is maintained or operated for transportation of persons who are sick, injured, or otherwise incapacitated.

1. Fixed Wing. Any aircraft that uses fixed wings to allow it to take off, fly, and land.

2. Rotorcraft. A helicopter or other aircraft that uses a rotary blade to allow vertical and horizontal flight without the use of wings.

G. Ambulance. A vehicle maintained or operated by a Licensed Agency that has obtained the necessary permits and licenses for the transportation of persons who are sick, injured, wounded, or otherwise incapacitated.

H. Attendant. A trained and qualified individual responsible for the operation of an Ambulance and the care of Patients, regardless of whether the Attendant also serves as the Driver.

I. Attendant-driver. A person who is qualified as an Attendant and a Driver.

J. Basic Life Support (BLS). A basic level of prehospital care, which includes Patient stabilization, airway clearance, cardiopulmonary resuscitation, hemorrhage control, initial wound care and fracture stabilization, and other techniques and procedures authorized by the Department pursuant to regulation.

K. Certificate. An official acknowledgment by the Department that an individual has completed successfully one of the appropriate Emergency Medical Technician training programs, successfully completed the requisite examinations, and which entitles that individual to perform the functions and duties as delineated by the classification for which the Certificate was issued.

L. Condition Requiring an Emergency Response. The sudden onset of a medical condition manifested by symptoms of such sufficient severity, including severe pain, which a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect without medical attention, to result in:

1. Serious illness or disability;

2. Impairment of a bodily function;
3. Dysfunction of the body; or
4. Prolonged pain, psychiatric disturbance, or symptoms of withdrawal.

M. Continuing Education Program. A Department-approved program offered by an EMS Agency that provides Continuing Education for the recertification of South Carolina certified EMT-basics, AEMTs, and Paramedics.

N. Department. The South Carolina Department of Health and Environmental Control.

O. Do Not Resuscitate Bracelet (“Bracelet”). A standardized identification bracelet that:

1. Meets the specifications established under S.C. Code Section 44-78-30(B) or that is approved by the Department under S.C. Code Section 44-78-30(B);

2. Bears the inscription "Do Not Resuscitate"; and

3. Signifies that the wearer is a Patient who has obtained a Do Not Resuscitate Order that has not been revoked.

P. Do Not Resuscitate Order for Emergency Services (“DNR Order”). A document made pursuant to the Emergency Medical Services Do Not Resuscitate Order Act, S.C. Code Sections 44-78-10, et seq., to prevent Emergency Medical Services personnel from employing resuscitation measures or any other medical process that would only extend the Patient’s suffering with no viable medical reason to perform the procedure.

Q. Driver. An individual who drives or otherwise operates an Ambulance.

R. Electronic Patient Care Reports (ePCR). Patient care reports authored and submitted electronically into the Department’s EMS data system.

S. Elopement. An instance when a Patient who wanders, walks, runs away, escapes, or otherwise leaves unsupervised or unnoticed from the scene, transport unit, or prior to care being assumed by the receiving facility.

T. Emergency. A situation in which a prudent layperson has identified a potential medical threat to life or limb such that the absence of immediate medical attention could reasonably be expected to result in placing the individual’s health in serious jeopardy, serious impairment of bodily functions, or serious dysfunction of bodily organs.

U. Emergency Medical Responder Agency. An Agency licensed by the Department to provide medical care at the EMT-basic level or above, as a nontransporting emergency medical responder. May also be referred to as an EMT Rapid Responder Agency.

V. Emergency Medical Service Agency. An Agency licensed by the Department to provide nontransport and/or transport emergency medical services in South Carolina, including public, private, volunteer, fire departments, or other type of Ambulance services and Emergency Medical Responder Agencies. May also be referred to as EMS Agency or Agency.

W. Emergency Medical Services Personnel. Persons trained and certified or licensed to provide emergency medical care, whether on a paid or volunteer basis, as part of a Basic Life Support or Advanced Life Support

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prehospital Emergency Medical Services, in an emergency department, pediatric critical care, or specialty unit in a licensed hospital. May also be referred to as EMS Personnel.

X. Emergency Medical Technician (EMT). An individual possessing a valid EMT-basic, Advanced EMT (AEMT), or Paramedic Certificate issued by the Department.

Y. Emergency Transport. Services and transportation provided after the sudden onset of a medical condition manifesting itself by acute symptoms of such severity, including severe pain, that the absence of medical attention could reasonably be expected to result in the following:

1. Placing the Patient's health in serious jeopardy;

2. Causing serious impairment of bodily functions or serious dysfunction of bodily organ or part; or

3. A situation resulting from an accident, injury, acute illness, unconsciousness, or shock, for example, requiring oxygen or other emergency treatment, or requiring the Patient to remain immobile because of a fracture, stroke, heart attack, or severe hemorrhage.

Z. EMT-basic. An EMT certified by the Department at the basic level.

AA. Endorsement. A provision added to a Certificate, pursuant to approval by the Department, enhancing the scope of practice or authorization of specific activities within the EMS system.

BB. Exploitation. 1) Causing or requiring a Patient to engage in an activity or labor that is improper, unlawful, or against the reasonable and rational wishes of a Patient; 2) an improper, unlawful, or unauthorized use of the funds, assets, property, power of attorney, guardianship, or conservatorship of a Patient by an individual for the profit or advantage of that individual or another individual; or 3) causing a Patient to purchase goods or services for the profit or advantage of the seller or another individual through undue influence, harassment, duress, force, coercion, or swindling by overreaching, cheating, or defrauding the Patient through cunning arts or devices that delude the Patient and cause him or her to lose money or other property.

CC. Federal Aviation Administration (FAA). The agency of the federal government that governs aircraft design, operations, and personnel requirements.

DD. Flight Nurse. A licensed registered nurse who is trained in all aspects of Emergency care.

EE. Investigative Review Committee. A professional peer review committee that may be convened by the Department, in its discretion, when the findings of an official investigation against an entity or an individual regulated by the Department may warrant suspension or revocation of a License or Certificate.

FF. License. An authorization issued by the Department to a person, firm, corporation, or governmental division or agency to provide emergency medical services.

GG. Licensee. Any person, firm, corporation, or governmental division or agency possessing a License to provide emergency medical services in South Carolina.

HH. Medical Control. Medical Control is provided by a licensed Agency's physician who is responsible for the care of the Patient by the Agency's medical Attendants. Actual Medical Control may be direct by two-way voice communications (on-line) or indirect by Protocols (off-line) control.

1. Off-Line Medical Control. An Agency's Medical Control Physician assists in development and implementation of Protocols and Patient care guidelines.

2. On-Line Medical Control. The physician directly communicates with EMS Personnel regarding Patient care en-route or on-scene.

II. Medical Control Physician. A physician with a current unrestricted license to practice medicine by the South Carolina Board of Medical Examiners, retained by an EMS Agency to provide Off-line Medical Control, who participates in the review or evaluation of the services provided, and who maintains quality control of the Patient care provided by the EMS Agency. May also be referred to as EMS Medical Director.

JJ. Moral Turpitude. Behavior that is not in conformity with and is considered deviant by societal standards.

KK. National Emergency Medical Services Information System (NEMSIS). The national database that is used to store EMS data from the U.S. States and Territories. NEMSIS is a collaborative system to improve Patient care through the standardization, aggregation, and utilization of point of care EMS data at a local, state, and national level.

LL. National Registry of Emergency Medical Technicians (NREMT). A national certification agency that provides a valid and uniform process to assess the knowledge and skills required for competent practice by EMS professionals throughout their careers and maintains a registry of certification status.

MM. Nonemergency Transport. Services and transportation provided to a Patient whose condition is considered stable, including prearranged transports scheduled at the convenience of the service, the Patient, or medical facility. A stable Patient is one whose condition by caregiver consensus can reasonably be expected to remain the same throughout the transport and for whom none of the criteria for Emergency Transport has been met.

NN. Palliative Treatment. The degree of treatment that must be provided to a Patient in the routine delivery of emergency medical services, which assures the comfort and alleviation of pain and suffering to all extents possible, regardless of whether the Patient has executed a document as provided for in Chapter 78, Title 44 of the S.C. Code of Laws. May also be referred to as Palliative Care.

OO. Paramedic. The highest level of EMT certified by the Department.

PP. Patient. An individual who is sick, injured, wounded, or otherwise incapacitated or helpless.

QQ. Permit. An authorization issued by the Department for an Ambulance which meets the standards of this regulation.

RR. Physician Orders for Scope of Treatment (POST) Form. A designated document designed for use as part of advance care planning, the use of which must be limited to situations where the Patient has been diagnosed with a serious illness or, based upon medical diagnosis, may be expected to lose capacity within twelve (12) months and consists of a set of medical orders signed by a Patient's Physician or other Authorized Healthcare Provider addressing key medical decisions consistent with Patient goals of care concerning treatment at the end of life that is portable and valid across health care settings.

SS. Prehospital Care: Assessment, stabilization, and care of a Patient, including, but not limited to, the transportation to an appropriate receiving facility.

TT. Protocols. Written orders signed, dated, and issued by a Medical Control Physician that allow EMT-basics, AEMTs, and Paramedics to administer particular medications and perform treatment modalities in specific situations without On-line Medical Control. May also be referred to as Standing Orders.

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UU. Public Safety Answering Point (PSAP). A communications facility operated on a twenty-four (24) hour basis which first receives 911 calls from persons in a 911 service area and which may directly dispatch public safety services or extend, transfer, or relay 911 calls to appropriate public safety agencies.

VV. Resuscitative Treatment. Artificial stimulation of the cardiopulmonary systems of the human body, through either electrical, mechanical, or manual means including, but not limited to, cardiopulmonary resuscitation.

WW. Revocation. An action by the Department to cancel or annul a License, Permit, or Certificate by recalling, withdrawing, or rescinding the Agency's or individual's authorization to operate or practice.

XX. Special Purpose EMT. A South Carolina licensed registered nurse (RN) or a Nurse Licensure Compact (NLC) State RN who works in a critical care hospital setting, and is an EMT certified by the Department to provide a continuance of critical care during transport while aboard Ambulances equipped for their specialty area.

YY. "Star of Life". A six (6) barred blue cross outlined with a white border of which all angles are sixty (60) degrees, and upon which is superimposed the staff of Aesculapius in white. This is a registered trademark of the United States Department of Transportation.

ZZ. Suspension. An action by the Department requiring a Licensee, Permit or Certificate holder to cease operations or providing Patient care until such time as the Department rescinds that restriction.

AAA. Variance. An alternative method that ensures the equivalent level of compliance with the standards in this regulation.

BBB. Volunteer EMS Agency. A not-for-profit EMS Agency that serves its local community with emergency medical service coverage at any level and is staffed by at least ninety percent (90%) non-paid staff. For the purpose of this regulation, token stipends received by volunteer EMS Agencies are not considered paid remuneration or a primary wage.

102. Licensure.

A. No person, firm, corporation, association, county, district, municipality, or metropolitan government or agency, either as owner, agent, or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise engage in or profess to engage in the business or service of providing emergency medical response or Ambulance service, or both, without obtaining a License and Ambulance Permit issued by the Department. When it has been determined by the Department that services are being provided and the owner, agent, or otherwise has not been issued a License from the Department, the owner, agent, or otherwise shall cease operation immediately and ensure the safety, health, and well-being of Patients. Current and/or previous violations of the South Carolina Code and/or Department regulations may jeopardize the issuance of a License or the licensing of any party(ies) to provide emergency medical response or Ambulance service or both that is owned/operated by the applicable party(ies). An EMS Agency shall not operate or advertise that it provides a level of life support above the level for which it is licensed. (I)

B. An EMS Agency that applies to the Department for any additional initial or amended EMS Agency Licenses shall be in substantial compliance with this regulation to obtain any additional initial or amended EMS Agency Licenses.

C. Issuance and Terms of License.

1. The EMS Agency shall ensure the License issued by the Department is posted in a conspicuous place in a public area.

2. The EMS Agency's License is not assignable or transferable and is subject to Revocation at any time by the Department for the EMS Agency's failure to comply with the laws or regulations of this state.

3. A License shall be effective for a specified EMS Agency, at a specific location, and for a period of two (2) years following the date of issue. A License shall remain in effect until the Department notifies the EMS Agency of a change in that status.

D. EMS Agency Name. Proposed and existing EMS Agencies shall not have the same or similar name of any other EMS Agency licensed in South Carolina.

E. Amended License. An EMS Agency shall request issuance of an amended License by application to the Department prior to any of the following circumstances:

1. Change of level of services provided;
2. Change of EMS Agency headquarters location from one geographic site to another; or
3. Changes in EMS Agency's name or address (as notified by the post office).

F. Change of Licensee. An EMS Agency shall request issuance of a new License by application to the Department prior to any of the following circumstances:

1. A change in the controlling interest even if, in the case of a corporation or partnership, the legal entity retains the identity and name; or
2. A change in the legal entity, for example, sole proprietorship to or from a corporation or partnership to or from a corporation, even if the controlling interest does not change.

103. EMS Agency License Application.

A. Application. Applicants for licensure as an EMS Agency shall submit to the Department a complete and accurate application on a form prescribed and furnished by the Department prior to initial licensing. The EMS Agency shall ensure the application is signed by the owner(s) if an individual or partnership; by two (2) officers if a corporation; or by the head of the governmental department having jurisdiction if a governmental unit. Corporations or limited partnerships, limited liability companies, or any other organized business entity shall be registered with the South Carolina Secretary of State's Office if required to do so by state law.

B. The EMS Agency shall include the following with the application:

1. The name and address of the owner of the EMS Agency or proposed EMS Agency;
2. The name under which the EMS Agency applicant is doing business or proposes to do business;
3. A copy of the business license, if applicable, of the EMS Agency or proposed EMS Agency for the location of the service;
4. The number of Ambulances and/or emergency medical responder service vehicles and a description of each vehicle including the make, Vehicle Identification Number (VIN), aircraft tail number, model, year of manufacture, and other distinguishing characteristics to be used to designate the applicant's vehicles;
5. The location and description of the place or places, including substations, from which the EMS Agency is intending to operate;

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6. Personnel roster representing all employees, members, volunteers, and affiliates associated with the service including, but not limited to, EMT-basics, AEMTs, Paramedics, Drivers, pilots, registered nurses, certification numbers, and expiration dates of their South Carolina and NREMT credentials, if applicable;

7. EMS Agency type(s) and the levels of capability for each type pursuant to Sections 504 and 505 to be provided at each location;

8. Name, email address, and phone number of the following, if applicable;

a. EMS Director;

b. EMS Assistant Director;

c. Training Officer;

d. Data Manager;

e. Infection Control Officer;

f. Pediatric Emergency Care Coordinator, if applicable; and

g. Medical Control Physician.

9. A copy of current Protocols and an authorized medication list both signed and dated by the Medical Control Physician;

10. Records for each Driver, pursuant to Section 503;

11. Liability insurance information, to include name of insurance company, agent, phone number, and type of coverage. A copy of insurance policies shall be furnished to the Department upon request. The minimum limits of coverage shall be six hundred thousand dollars (\$600,000.00) liability and three hundred thousand dollars (\$300,000.00) malpractice per occurrence. Applicants that claim "self-insured" status shall provide documentation showing the specific coverages as outlined above;

12. A copy of the EMS Non-Dispensing Drug Outlet Permit from the South Carolina Board of Pharmacy, when applicable;

13. A copy of the EMS Agency's current registration Certificate from the Department's Bureau of Drug Control and registration Certificate from the United States Drug Enforcement Administration, when applicable;

14. A copy of the EMS Agency's Clinical Laboratory Improvement Amendments (CLIA) Certificate of Waiver from the federal Centers for Medicare and Medicaid Services (CMS), when applicable;

15. A copy of the EMS Agency's Infectious Waste Generator Registration issued by the Department, or if an out of state EMS Agency, the respective home state equivalent; and

16. Additional information if requested by the Department, such as affirmative evidence of the applicant's ability to comply with this regulation.

C. License Renewal. The EMS Agency shall submit a complete and accurate application on a form prescribed and furnished by the Department prior to the License expiration date and shall not have pending enforcement actions by the Department. If the License renewal is delayed due to enforcement actions, the renewal License

shall be issued only when the matter has been resolved by the Department, or when the adjudicatory process is completed, whichever is applicable.

104. Emergency Medical Technicians.

A. No person may hold himself or herself out as an EMT-basic, AEMT, or Paramedic, or provide Patient care that is within the scope of an EMT-basic, AEMT, or Paramedic as defined in South Carolina Code Section 44-61-20 and this regulation without obtaining a proper Certificate from the Department. When it has been determined by the Department that an individual is engaged as an EMT-basic, AEMT, or Paramedic, and the individual has not been issued a Certificate from the Department, the individual shall cease engaging as an EMT-basic, AEMT, or Paramedic immediately. Current and/or previous violation(s) of the South Carolina Code of Laws or Department regulations may jeopardize the issuance of an EMT-basic, AEMT, and Paramedic Certificate. (I)

B. No person shall provide Patient care within the scope of an Emergency Medical Technician (EMT-basic, AEMT, or Paramedic) without a current Certificate from the Department. The EMT shall: (I)

1. Engage only in those practices for which he or she has been trained, within the scope of the Department-issued Certificate, and as authorized by the EMS Agency's Medical Control Physician; and

2. Perform procedures only under the direction and oversight of a Medical Control Physician.

105. Initial EMT-basic, AEMT, and Paramedic Certification.

A. Applicants for an initial EMT-basic, AEMT, or Paramedic Certificate shall submit to the Department a completed application on a form prescribed, prepared, and furnished by the Department prior to issuance of an initial Certificate. The applicant shall submit, along with the application, the following:

1. Documentation that he or she has successfully passed the National Registry of Emergency Medical Technicians (NREMT) examination for the level of certification desired and possesses a current NREMT credential. In lieu of the NREMT credential, the Special Purpose EMT applicant shall submit documentation demonstrating that he or she is a licensed registered nurse who works in a critical care hospital setting;

2. A Criminal History Background Check. A person seeking EMT-basic, AEMT, or Paramedic certification shall undergo a state criminal history background check supported by fingerprints by the South Carolina Law Enforcement Division (SLED) and a national criminal history background check supported by fingerprints by the Federal Bureau of Investigation (FBI) and report the results of the criminal history background check to the Department; and (I)

3. The Department may require additional information including affirmative evidence of the applicant's ability to comply with this regulation.

106. Issuance and Terms of Certification.

A. The EMT-basic, AEMT, and Paramedic Certificate is issued pursuant to South Carolina Code Sections 44-61-80 et seq. and this regulation.

B. The EMT-basic, AEMT, and Paramedic Certificate is not assignable or transferable and shall be subject to Denial, Suspension, or Revocation by the Department for failure to comply with the South Carolina Code of Laws and this regulation.

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C. The EMT-basic, AEMT, and Paramedic Certificate shall be valid for a period not exceeding four (4) years from the date of issuance. A Certificate shall remain in effect until the Department notifies the EMT-basic, AEMT, or Paramedic of a change in that status.

D. EMS Personnel shall at all times while on duty or otherwise rendering Patient care have the Department-issued identification on their person and available for view upon request. Patches from other certifying or licensing agencies are not an acceptable substitute.

E. The EMT-basic, AEMT, and Paramedic shall maintain current information in the Department's credentialing system.

107. EMT-basic, AEMT, or Paramedic Certification Renewal.

A. To renew his or her EMT-basic, AEMT, or Paramedic Certificate, the EMT-basic, AEMT, or Paramedic shall submit a complete application with the Department, on a form prescribed, prepared, and furnished by the Department, at least thirty (30) calendar days prior to the expiration date of his or her Certificate and shall not have pending enforcement actions by the Department. If the Certificate renewal is delayed due to enforcement actions, the Certificate renewal shall be issued only when the matter has been resolved satisfactorily by the Department or when the adjudicatory process is completed, whichever is applicable. The EMT-basic, AEMT, or Paramedic shall submit, along with the renewal application, the following:

1. Documentation of current NREMT credentials for the appropriate level of certification, EMT-basic, AEMT, or Paramedic, or documentation that the EMT-basic, AEMT, or Paramedic was certified by the Department prior to October 1, 2006, and has continuously maintained Certification. In lieu of the NREMT credential, the Special Purpose EMT shall submit documentation demonstrating he or she is a licensed registered nurse who works in a critical care hospital setting;

2. A state and national criminal history background check pursuant to S.C. Code Section 44-61-80 (D); and

3. Department-approved CPR credential for all EMTs and Department-approved Advanced Cardiac Life Support (ACLS) credential for all Paramedics.

108. Special Purpose EMT.

A. A Special Purpose EMT certified by the Department prior to the effective date of the most recent regulatory amendment shall be considered grandfathered in terms of their Certification and shall be recognized as a Special Purpose EMT so long as he or she possesses a current Certificate issued by the Department, renews his or her Certificate pursuant to Section 107 of this regulation, and maintains employment in an EMS Agency.

B. The Special Purpose EMT shall only engage in those practices for which he or she has been trained.

109. Reciprocity.

A. Candidates seeking reciprocity in South Carolina as an EMT-basic, AEMT, or Paramedic shall:

1. Hold either an NREMT credential or a current certification from another state for the level for which they are applying; and

2. Complete the criminal history background check in accordance with S.C. Code Section 44-61-80(D) and pursuant to Section 105.A.2.

B. Candidates seeking reciprocity who hold a current and valid NREMT certification may apply for direct reciprocity at the level of the NREMT credential they hold by creating an up-to-date profile in the Department's

credentialing system and submitting a complete reciprocity application in a format as determined by the Department. The candidate shall submit the following with the application:

1. A properly completed out-of-state certification verification form;
2. A copy of their current NREMT certification for the level of reciprocity for which they are applying; and
3. All other requirements as established by the Department.

C. Candidates not certified in South Carolina who hold a current and valid EMT-basic, AEMT, or Paramedic certification from other states and do not hold a current NREMT certification may apply for a one (1) year provisional certification at the level they hold. Candidates for provisional certification shall create an up-to-date profile in the Department's credentialing information system and submit a complete reciprocity application in a format as determined by the Department. The candidate shall submit the following with the application:

1. A copy of their current state certification identification card for the level for which he or she is applying that includes the certification expiration date. All candidates with provisional Certificates shall have no less than six (6) months remaining on their out-of-state certification by the time the Department receives all required documentation necessary for certification; and

2. All other documentation and requirements as established by the Department.

D. South Carolina provisional Certificates for all levels of certification shall expire one (1) year from the date of issue. Provisional certifications are non-renewable, and extensions are not permitted. An active military service member deployed outside of South Carolina may submit a written request in a format as determined by the Department for an extension on his or her provisional Certification and submit a copy of the active duty orders with the request.

E. To convert a South Carolina provisional certification to a conventional South Carolina Certification, the provisional Certificate holder shall obtain a NREMT certification and complete the recertification requirements pursuant to Section 107 prior to expiration.

110. Certification Examinations.

Applicants for an EMT-basic, AEMT, and Paramedic Certificate shall successfully complete a Department-approved training program that meets or exceeds the NREMT standards for the desired level of certification. After completion of the training program and prior to certification, the applicant shall successfully pass the NREMT cognitive and the Department-approved psychomotor examinations.

111. Training Programs. (II)

A. Training programs are offered in approved technical colleges, other colleges and universities, vocational schools, and State Regional EMS training offices. No training program shall advertise as an EMT-basic, AEMT, or Paramedic training program or conduct EMT-basic, AEMT, or Paramedic training prior to approval as a training program from the Department. The training program applicant shall:

1. Submit a complete application to the Department in a format determined by the Department. Training program applicants shall submit documentation of accreditation as required by the NREMT with their application to the Department;
2. Designate one (1) person as the EMT-basic, AEMT, or Paramedic program coordinator; and

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3. Have equipment for training purposes as approved by the Department available and in working condition.

4. The provisions of this Section shall not affect training programs approved by the Department as of the date of this regulation.

B. Departmental approval of a training program is granted for four (4) years. The training program shall complete a renewal application, in format as determined by the Department, prior to the expiration date to be re-approved. The training program shall not conduct courses with an expired Department approval.

C. The training program shall ensure all courses are taught by Department-certified EMT-basic, AEMT, and Paramedic instructors and shall not conduct class without equipment pursuant to Section 111.A.3. The training program may utilize specialty instructors, such as physicians, nurses, anatomists, and other subject matter experts, for portions of instruction as determined by the training program.

D. The training program shall retain a Medical Control Physician to provide medical oversight for their program.

E. The training program shall maintain a seventy percent (70%) first time pass rate as defined by NREMT, calculated using a three (3) year rolling history, on the cognitive and psychomotor portions of the NREMT Examination.

112. Certified EMT-basic, AEMT, and Paramedic Instructors.

A. All EMT-basic, AEMT, and Paramedic instructors shall be certified by the Department prior to providing any instruction in a training program and meet the following requirements:

1. Submit a complete and signed certified EMT-basic, AEMT, or Paramedic instructor application in a format as determined by the Department;

2. Have three (3) years' experience at the level for which he or she intends to teach;

3. Possess a high school diploma or GED;

4. Possess a current state EMT-basic, AEMT, or Paramedic Certificate. The certified EMT-basic, AEMT, or Paramedic instructor shall only teach at or below the level of his or her Certificate level;

5. Successfully complete a forty (40) hour instructor methodology course offered by the National Association of EMS Educators (NAEMSE), International Fire Service Accreditation Congress (IFSAC), ProBoard or Department of Defense (DOD) fire instructor, South Carolina Criminal Justice Academy, or other Department-approved course; and

6. Possess a current and valid CPR instructor credential.

B. Instructor Candidates. Instructor candidates may provide instruction in a training program under the supervision of a Department-certified instructor.

C. Instructor Certification Renewal. The certified instructor shall submit a complete and signed renewal application certification prior to the last day of the month in which his or her state EMT certification expires. The renewal application shall include:

1. A copy of a current South Carolina and NREMT EMT-basic, AEMT, or Paramedic certification; and

2. A copy of a current and valid CPR instructor credential.

D. The Department may suspend or revoke an EMT-basic, AEMT, or Paramedic instructor certification for any of the following reasons:

1. Any act of misconduct as outlined in Section 303.B.;
2. Suspension or Revocation of the holder's South Carolina or NREMT certification;
3. Failure to maintain required credentials necessary for instructor designation;
4. Any act of sexual or other harassment toward another instructor or candidate;
5. Conducting classes while under the influence of drugs that negatively impair the ability to instruct (prescribed, non-prescribed, or illegal); and
6. Falsification of any documents pertaining to the course (such as attendance logs, equipment checklist).

113. Continuing Education (CE) Program. (II)

A. No EMS Agency shall begin or conduct a CE Program prior to receiving approval by the Department. EMS Agencies seeking approval for a CE program shall file an application with the Department in a format as determined by the Department.

B. The EMS Agency's CE Program approval shall be effective for no more than four (4) years. The CE Program shall submit a renewal application in a format as determined by the Department prior to the expiration date of the Department's approval.

C. The EMS Agency shall ensure all CE Programs meet the requirements established by the NREMT for recertification.

D. CE Programs may verify skills for currently credentialed state and NREMT personnel on their roster. Provisional credentialed EMTs must have their NREMT skills verified at a Department-approved NREMT testing site.

114. Continuing Education Units (CEUs).

A. The Department may approve additional CEUs on a case-by-case basis from medical schools, hospitals, simulation centers, formal conventions, seminars, workshops, educational classes, symposiums, and other Department approved continuing education events.

B. Applicants for CEUs shall submit requests in writing for approval from the Department at least thirty (30) calendar days prior to the scheduled event.

C. The written requests for approval shall include the following:

1. Date, time, and agenda of the event;
2. Topics covered; and
3. List of speakers and their credentials.

115. Pilot Programs.

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A. The EMS Agency that wishes to initiate a pilot program shall provide in writing to the Department a detailed proposal of the program and any supporting materials requested by the Department. The South Carolina Medical Control Committee and the South Carolina EMS Advisory Council shall provide a written recommendation to the Department.

B. The EMS Agency shall not initiate a pilot program without prior written approval by the Department. (I)

C. The EMS Agency, approved by the Department to initiate a pilot program, shall ensure participating EMT-basics, AEMTs, and Paramedics perform the pilot procedures under their Medical Control Physician's oversight during the period of the pilot program.

D. The EMS Agency shall present a detailed report to the Medical Control Committee and EMS Advisory Council upon the conclusion of the pilot program which includes all information requested by the approving committees.

116. Endorsement of Specialty Credentials.

A. A Department-endorsed specialty credential may include, but is not limited to, the following areas of specialized training:

1. Community Paramedic;
2. Critical Care Paramedic; and
3. Tactical Paramedic.

B. The applicant for Endorsement shall meet the minimum educational and clinical guidelines as established by the Department and submit a complete application in a format as determined by the Department that includes:

1. Documentation of the Department-required training;
2. Documentation that he or she is currently employed by an EMS Agency in one of the specialized training areas pursuant to Section 116.A; and
3. Documentation that he or she has successfully passed the International Board of Specialty Certification examination or other Department-approved national certifying board requirements.

C. Endorsement Renewal. The Department-endorsed Paramedic shall complete twenty-four (24) hours of Department-approved continuing education above the NREMT certification requirements. The Department-endorsed Paramedic shall submit documentation of the continuing education with each Certificate renewal application.

D. Endorsement Reciprocity. A Paramedic seeking Endorsement through reciprocity shall submit a complete application in a format as determined by the Department that includes:

1. Documentation of training and/or certification in his or her current state. The Department may issue a one (1) year provisional Endorsement provided the Paramedic meets the minimum educational and clinical guidelines as established by the Department prior to expiration of the provisional specialty Endorsement; and
2. Documentation that the applicant is currently employed by or has a conditional employment offer from a Licensed Agency to provide the level of service.

E. The Endorsement shall only be granted by the Department to Paramedics that are currently certified by the Department. If a Paramedic’s Certification is expired, suspended, or revoked by the Department, the Endorsement follows the same status as their certification.

F. The specialty endorsed Paramedic shall only practice their skills within the scope of practice of their Department-approved agency, under a South Carolina licensed Medical Control Physician. Specialty endorsed Paramedics are not independent healthcare practitioners.

G. The types of care rendered by specially endorsed Paramedics shall include, but are not limited to, critical care interfacility services, prehospital services, preventative care, social service referrals, chronic care support, follow-up care and maintenance, and tactical medical support of law enforcement.

H. Licensed Agencies providing these specialized services shall:

1. Be licensed at the ALS level and provide Community Paramedic, Critical Care Paramedic, or Tactical Paramedic services;
2. Have specific Protocols approved by the Department;
3. Develop and implement a Department-approved written training plan for training new employees and providing continuing education for each specialty endorsed Paramedic; and
4. Ensure at least one (1) crew member on each ground Ambulance providing Critical Care is a certified EMT and two (2) advanced level personnel (Paramedic, RN, Physician, or Respiratory Therapist) are in the Patient compartment during transport.

117. Certification Patches.

A. An individual initially certified in South Carolina at any level shall receive a complimentary patch for the level which he or she received his or her certification.

B. Additional patches may be purchased for individuals for services which meet the following criteria:

1. The individual holds a current South Carolina certification; or
2. The individual is an EMS agency director, logistics officer, or training officer and is purchasing patches in bulk for his or her service.

118. Variance.

An EMS Agency, EMT-basic, AEMT, Paramedic, training program, or instructor may request a Variance to a provision or provisions of this regulation in a format specified by the Department. Variances shall be considered on a case-by-case basis by the Department. The Department may revoke issued Variances as determined to be appropriate by the Department.

SECTION 200 – ENFORCEMENT OF REGULATIONS

201. Inspections and Investigations. (I)

A. The EMS Agency is subject to Department inspections prior to initial licensing and subsequently as deemed appropriate by the Department.

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B. All EMS Agencies, permitted Ambulances, equipment, and vehicles, EMTs, training programs, and instructors are subject to inspection by individuals authorized by the Department at any time without prior notice. The EMS Agency, EMT, training program, and instructor shall provide the Department all requested records and documentation in the manner and within the timeframe specified by the Department.

C. The EMS Agency shall maintain records that include approved Patient care report forms, employee or member rosters, or both, and training records. The EMS Agency shall grant individuals authorized by the Department access to all properties and areas, objects, requested records, and documentation at the time of the inspection or investigation. The EMS Agency shall provide the Department with photocopies of documentation and records required in the course of inspections or investigations for the purpose of enforcement of regulations. The Department shall maintain confidentiality of the documentation in accordance with South Carolina Code Section 44-61-160.

202. Plan of Correction.

When the Department cites a violation of this regulation, the EMS Agency, EMT-basic, AEMT, or Paramedic, Training Program, or EMT-basic, AEMT, or Paramedic Instructor shall submit an acceptable plan of correction in a format determined by the Department. The EMS Agency, EMT-basic, AEMT, or Paramedic, Training Program, or EMT-basic, AEMT, or Paramedic Instructor shall ensure:

A. The plan of correction is signed by the EMS Agency administrator or individual and returned by the date specified on the report of inspection or investigation.

B. The plan of correction describes: (II)

1. The actions taken to correct each cited deficiency;
2. The actions taken to prevent recurrences (actual and similar); and
3. The actual or expected completion dates of those actions.

203. Consultations.

Consultations may be provided by the Department as requested by the Licensee or Certificate holder, or as deemed appropriate by the Department.

SECTION 300 – ENFORCEMENT ACTIONS

301. General.

The Department may suspend a License pending an investigation of an alleged violation or complaint. The Department may impose a civil monetary penalty up to five hundred dollars (\$500.00) per offense per day to a maximum of ten thousand dollars (\$10,000.00), revoke, or Suspend the License if the Department finds that an EMS Agency has:

1. Allowed uncertified personnel to perform Patient care;
2. Falsified forms or documentation as required by the Department;
3. Failed to maintain required equipment as evidenced by past compliance history;
4. Failed to maintain a Medical Control Physician;

5. Failed to maintain equipment in working order; or

6. Failed to respond to a call within the EMS Agency's service area without providing for response by an alternate service provider.

302. Enforcement Actions against EMT-basics, AEMTs, and Paramedics.

A. General. When the Department determines that a Certificate holder is in violation of any statutory provision, rule, or regulation, the Department, upon proper notice to the Certificate holder, may deny, suspend, or revoke the Certificate or assess a monetary penalty in accordance with Section 305.A or both.

B. The Department may take enforcement action, including suspending or revoking a certification and/or assessing a monetary penalty, against the holder of a Certificate at any time it is determined that the certification holder:

1. No longer meets the prescribed qualifications set forth by the Department;

2. Has failed to provide to Patients emergency medical treatment of a quality deemed acceptable by the Department, including failure to meet generally accepted standards for provision of care; or

3. Is guilty of Misconduct. Misconduct, constituting grounds for an enforcement action by the Department, means that while holding a Certificate, the holder:

a. Used a false, fraudulent, or forged statement or document or practiced a fraudulent, deceitful, or dishonest act in connection with the certification requirements or official documents required by the Department;

b. Was convicted of or currently under indictment for a felony or another crime involving Moral Turpitude, drugs, or gross immorality. The Certificate holder shall report in writing any arrest to the Department as soon as possible but not to exceed five (5) business days following the arrest or release from custody;

c. Is addicted to alcohol or drugs to such a degree as to render him or her unfit to perform as an EMT-basic, AEMT, or Paramedic;

d. Sustained a mental or physical disability that renders further practice by him or her dangerous to the public;

e. Obtained fees or assisted another in obtaining fees under dishonorable, false, or fraudulent circumstances;

f. Disregarded an appropriate order by a physician concerning emergency treatment, including protocol violations without appropriate justification;

g. At the scene of an accident or illness, refused to administer emergency care based on the age, sex, race, religion, creed, or national origin of the Patient;

h. After initiating care of a Patient at the scene of an accident or illness, discontinued care or Abandoned the Patient without the Patient's consent or without providing for the further administration of care by an equal or higher medical authority;

i. Revealed confidences entrusted to him or her in the course of medical attendance, unless this revelation was required by law or is necessary to protect the welfare of the individual or the community;

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j. By action or omission and without mitigating circumstance, contributed to or furthered the injury or illness of a Patient under his or her care;

k. Was careless, reckless, or irresponsible in the operation of an emergency vehicle;

l. Performed skills above the level for which he or she was certified or endorsed or performed skills that he or she was not trained to do;

m. Observed the administration of substandard care by another EMT-basic, AEMT, Paramedic, or other medical provider without documenting the event and notifying a supervisor;

n. By his or her actions or inactions, created a substantial possibility that death or serious physical harm could result;

o. Did not take or complete remedial training or other courses of action as directed by the Department as a result of an investigation or inquiry;

p. Was found to be guilty of the falsification of documentation as required by the Department;

q. Breached a section of the Emergency Medical Services Act of South Carolina or a subsequent amendment of the Act or any rules or regulations published pursuant to the Act;

r. Has acted to disrespect, demean, disparage the Patient; has used profane, vulgar, or obscene language to or directed at the Patient; or has derogated from standard professional conduct; or

s. Was found guilty of a violent crime as defined in S.C. Code Section 16-1-60.

C. The Department may suspend a Certificate pending the investigation of any complaint or allegation regarding the commission of an offense including those listed in Section 302.B.

303. Investigative Review Committee.

The Department may convene, at its discretion, the Investigative Review Committee when the findings of an official investigation against an entity or an individual regulated by the Department may warrant Suspension or Revocation of a License or Certificate. This committee shall consist of the State Medical Control Physician, three (3) regional EMS office representatives, at least one (1) Paramedic, and at least one (1) emergency room physician who is also a Medical Control Physician.

304. Violation Classifications.

Violations of standards in this regulation are classified as follows:

A. Class I violations are those that the Department determines to present an imminent danger to the health, safety, or well-being of the persons being served, other employees, or the general public; or a substantial probability that death or serious physical harm could result therefrom. A physical condition or one or more practices, means, methods, operations, or lack thereof may constitute such a violation. Each day such violation exists may be considered a subsequent violation.

B. Class II violations are those other than Class I violations the Department determines to have a negative impact on the health, safety or well-being of those being served, other employees, or the general public. A physical condition or one or more practices, means, methods, operations, or lack thereof may constitute such a violation. Each day such violation exists may be considered a subsequent violation.

C. Class III violations are those that are not classified as Class I or II in these regulations or those that are against the best practices as interpreted by the Department. A physical condition or one or more practices, means, methods, operations, or lack thereof may constitute such a violation. Each day such violation exists may be considered a subsequent violation.

D. Class IV violations are those that are specific to vehicle inspections. These violations may escalate based on the frequency and the point value accrued per deficiency identified in the vehicle inspections conducted by the Department.

E. The notations “(I)” or “(II)”, placed within sections of this regulation, indicate that those standards are considered Class I or II violations, if they are not met, respectively. Standards not so annotated are considered Class III violations. Class IV violations are specific to vehicle reinspection which may escalate to Class III violations.

F. In arriving at a decision to take enforcement actions, the Department shall consider the following factors: specific conditions and their impact or potential impact on the health, safety, or well-being of those being served, other employees and the general public, efforts by the EMT-basic, AEMT, Paramedic, EMS Agency, training program or EMT-basic, AEMT, or Paramedic instructor to correct cited violations; behavior of the entity in violation that reflects negatively on that entity’s character, such as illegal or illicit activities; overall conditions; history of compliance; and any other pertinent factors that may be applicable to current statutes and regulations.

305. Monetary Penalties.

A. When imposing a monetary penalty against an EMS Agency, EMT-basic, AEMT, or Paramedic the Department may utilize the following schedule to determine the dollar amount:

FREQUENCY OF VIOLATION	CLASS I	CLASS II	CLASS III
1 st	\$300 - 500	\$100 - 300	\$50 – 100
2 nd	\$500 - 1,500	\$300 - 500	\$100 – 300
3 rd	\$1,000 - 3,000	\$500 - 1,500	\$300 – 800
4 th	\$2,000 - 5,000	\$1,000 - 3,000	\$500 -1,500
5 th	\$5,000 - 7,500	\$2,000 - 5,000	\$1,000 - 3,000
6 th or more	\$10,000	\$7,500	\$2,000 - 5,000

B. When a licensed Agency fails a vehicle reinspection, a Class IV penalty may be levied upon the agency. Pursuant to S.C. Code Section 44-61-70, the following Class IV penalty schedule shall be used when a permitted Ambulance or licensed Emergency Medical Responder Agency loses points upon reinspection:

FREQUENCY OF VIOLATION	CLASS IV Points	Penalty
1 st	0-24	\$25-50
2 nd	25-50	\$50-100
3 rd	51-100	\$100-300
4 th	101-500	\$300-500
5 th	501-1,000	\$500-1,500
6 th or more	Over 1,000	\$1,000-3,000

SECTION 400 – POLICIES AND PROCEDURES (II)

A. The EMS Agency shall implement and be in full compliance with its policies and procedures.

B. The EMS Agency shall maintain written policies and procedures to include at least:

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1. Staffing patterns to ensure compliance with en route times pursuant to Sections 504.B.2 and 505.A.2;
2. If electing to participate in a tiered response system, policies and procedures and, if necessary, mutual aid agreements in place to identify the acuity of the incoming EMS requests in order to properly triage the response and dispatch the appropriate level of Ambulance;
3. Continuing Patient transport if a vehicle becomes disabled;
4. Employee records retention and conducting background checks for credentialed and non-credentialed personnel;
5. Governing the identification of EMS Personnel while providing care or while responding that includes level of certification;
6. Reporting and investigating Adverse Incidents pursuant to Section 601;
7. Infection control and prevention;
8. Addressing the clean appearance of the EMT-basics, AEMTs, Paramedics, and Drivers;
9. Ensuring all EMS Personnel receive annual blood-borne pathogen training and maintain documentation of the training;
10. Smoking Policy, including prohibiting the use of tobacco products or tobacco-like products (such as electronic cigarettes) in the Patient compartment, the operator compartment of Ambulances, or within twenty (20) feet of the Ambulance or any other apparatus in which oxygen is carried;
11. Recognizing out-of-service vehicles, which includes a highly visible mechanism at the Driver's position;
12. Defining, implementing, and reviewing Quality Assurance and/or process improvement practices with regard to medical care provided by its EMS Personnel;
13. Medication Management to include written Protocols for storage and maintenance of controlled substances; periodic inspection and inventory of maintained controlled substances by the EMS Agency Director, EMS Agency Assistant Director, Medical Control Physician and/or Assistant Medical Control Physician; and
14. Maintaining service in the event of the sudden or unexpected loss of the primary Medical Control Physician.

C. The EMS Agency shall establish a time period for review, not to exceed two (2) years, of all policies and procedures, and such reviews shall be documented and signed by the EMS Agency director. The EMS Agency shall ensure all policies and procedures are accessible to the EMS Agency personnel, printed or electronically, at all times.

SECTION 500 – PERSONNEL REQUIREMENTS

501. General. (I)

A. The EMS Agency shall ensure an EMT-basic, AEMT, or Paramedic is in the Patient compartment at all times during Patient transport.

B. The EMS Agency may utilize registered nurses and physicians from a transferring or receiving medical facility as Ambulance Attendants to assist EMTs in the performance of their duties during transport when any of the following requirements are met:

1. The required medical care of the Patient is beyond the scope of practice for the certification level of the EMT; or
2. The responsible physician, transferring or receiving, assumes responsibility of the Patient or provides appropriate written orders to the registered nurse for Patient care.

502. Medical Control Physician. (I)

A. The EMS Agency shall retain a Medical Control Physician, who shall have independent authority to execute his or her duties and responsibilities, to:

1. Provide oversight to ensure that all EMT-basics, AEMTs, and Paramedics for which he or she provides direction are properly educated and certified pursuant to this regulation;
2. Provide oversight to ensure that an effective method of quality assurance and improvement, with assistance of the EMS Agency Director, Data Manager, and other EMS Personnel, is integrated into the emergency medical provider services for which he or she provides Medical Control; and
3. Provide off-line Medical Control by Protocols.

B. The EMS Agency shall ensure that Protocols and authorized medication lists updated by the Medical Control Physician are submitted to the Department within five (5) business days of the updates in a manner prescribed by the Department.

C. The EMS Agency’s primary Medical Control Physician may designate medical oversight authority to assistant or associate Medical Control Physicians. The EMS Agency’s Medical Control Physician may withdraw, at his or her discretion, the authorization for EMS Personnel to perform any or all Patient care procedure(s) or responsibilities. The EMS Agency shall notify the Department when the Medical Control Physician withdraws the authorization to perform any or all Patient care procedure(s) or responsibilities within three (3) calendar days. The EMS Agency’s Medical Control Physician may respond to scene calls to render care, function as medical providers, provide medical direction, and/or exercise their medical oversight authority.

D. The EMS Agency shall ensure all initial Medical Control Physicians attend a Medical Control Physician Workshop conducted by the Department within twelve (12) months of being designated as Medical Control Physician and complete all Department mandated continuing education updates.

E. The EMS Agency shall not engage in EMS response without a Medical Control Physician.

503. Driver. (II)

A. The EMS Agency shall:

1. Ensure each Ambulance Driver is at least eighteen (18) years of age;
2. Ensure each Ambulance Driver has in their possession at the time of vehicle operation a valid driver’s license issued by the South Carolina Department of Motor Vehicles or from the state of his or her residence;
3. Conduct a state criminal background check from the South Carolina Law Enforcement Division (SLED) prior to the date of hire on each Ambulance Driver;

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4. Secure and review a certified copy of each Ambulance Driver's three (3)-year driving record;

5. Not employ an Ambulance Driver who is registered or required to be registered as a sex offender with the South Carolina Law Enforcement Division (SLED) or any national registry of sex offenders;

6. Ensure each Ambulance Driver has documentation of completion of a nationally accredited driving safety course specific to Ambulances, which includes practical skill evolutions, within six (6) months of hire; and

7. Ensure each Ambulance Driver has a current Department-approved CPR credential and First Aid training.

B. The EMS Agency shall maintain documentation to ensure the EMS Agency meets the requirements pursuant to Section 503.A and submits to the Department upon request.

C. The EMS Agency shall ensure all Patients are transported with certified EMS Personnel in addition to the Driver.

D. In emergencies that may require a third crew member, such as multiple casualty incidents (MCIs), disasters, or where immediate local EMS resources are taxed, an Ambulance may, out of necessity, be driven to the hospital by a member of a fire department, law enforcement agency, or rescue squad. These out-of-necessity Drivers are exempt from Section 503.A, B, and C.

504. Emergency Medical Responder Agency. (II)

A. The Emergency Medical Responder Agency shall ensure the Emergency Medical Responder vehicles are not used for the transportation of Patients.

B. Personnel. The Emergency Medical Responder Agency shall ensure and document in its employee records that each of its EMT-basics, AEMTs, and Paramedics holds a current Certificate from the Department. The Emergency Medical Responder Agency shall:

1. Ensure that vehicles are staffed in accordance with Section 504.B.2 and en route to all emergent calls within five (5) minutes from the time the call is dispatched and en route within ten (10) minutes for non-emergency calls. If the Emergency Medical Responder Agency is requested to respond, an EMT-basic must respond on calls for a BLS Agency and a Paramedic must respond for an ALS Agency eighty percent (80%) of the time.

2. Meet the staffing required for each response level as follows:(I)

a. BLS, at least one (1) EMT-basic or higher; and

b. ALS, at least one (1) Paramedic.

3. Documentation. The Emergency Medical Responder Agency shall maintain the following documentation available as requested by the Department:

a. Staffing patterns to ensure compliance with en route times;

b. Approved Patient care report forms, employee and member rosters, time sheets, call rosters, training records; and

c. Dispatch logs that show at least the time the call was received, the type of call, and en route times.

505. Ambulance Service Agency. (II)

A. Personnel. The EMS Agency shall ensure all Ambulance Attendants have a valid EMT-basic, AEMT, or Paramedic Certificate. The EMS Agency shall maintain documentation that each of its EMT-basics, AEMTs, and Paramedics holds a current certification from the Department. The Ambulance Service Agency shall:

1. Ensure that vehicles are staffed in accordance with Section 505.A.2 and en route to all emergent calls within five (5) minutes from the time the call is dispatched and en route within ten (10) minutes for non-emergency calls.

2. Have equipment and staff on all Ambulances to ensure the level of trained and qualified personnel coincide with the requirements for its vehicle classification:(I)

a. BLS level service shall provide care and transport with at least one (1) EMT and one (1) Driver.

b. ALS level service shall provide care and transport with at least one (1) EMT and one (1) Paramedic. The EMS Agency shall ensure Ambulances transporting Patients requiring ALS level service are fully equipped as an ALS unit with a Paramedic, physician, or RN in the Patient compartment at all times.

3. If the Ambulance Service Agency only has one (1) EMT available to staff the Ambulance, the Ambulance Service Agency shall ensure that the EMT is the Patient care provider and supervise the care being provided.

B. The EMS Agency shall maintain documentation that demonstrates compliance with all en route requirements and make it available to the Department upon request.

506. Special Response Vehicle (SRV).

The EMS Agency may utilize a non-permitted Special Response Vehicle (SRV) as a first response vehicle. The EMS Agency shall ensure each SRV is staffed with a minimum of one (1) EMT that is credentialed at the BLS or ALS level as determined by the Medical Control Physician. The EMS Agency shall ensure the SRV is equipped as authorized by the Medical Control Physician.

507. Tiered Response System. (II)

A. An EMS Agency utilizing a tiered response system shall have a dispatch process in place to specifically and reliably identify the acuity of the incoming EMS request to properly triage the response and dispatch the appropriate level of care.

B. The EMS Agency may operate an ALS level-equipped Ambulance with BLS level personnel provided an ALS credentialed responder intercepts the Ambulance.

C. If an ALS responder intercepts a BLS Ambulance, the EMS Agency shall ensure equipment and personnel needed to provide ALS care is transferred and onboard the Ambulance prior to commencing Patient transport.

508. Volunteer EMS Agencies.

A. A Volunteer EMS Agency shall have an EMT-basic, AEMT, or Paramedic attending to the Patient at the scene and in the Ambulance while transporting the Patient to the hospital.

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B. Volunteer Emergency Medical Responder Agencies without onsite EMT-basics, AEMTs, or Paramedics shall be en route with at least one (1) EMT to all emergent calls within ten (10) minutes from the time the call is dispatched.

C. If the Volunteer EMS Agency service has a written response policy in place in which an EMT is allowed to respond directly to the scene from home or work, the EMS Agency may respond to the scene of the Emergency even if an EMT is not on board the Ambulance. The EMS Agency shall make the response policy available for inspection by the Department upon request.

D. If the Volunteer EMS Agency's EMT responding directly to the scene is delayed and another EMS Agency is immediately available with the required EMS Personnel, the Patient shall be transported by that Agency. If no other service is immediately available, the volunteer EMS Agency shall not transport a Patient without at least one (1) EMT on board.

E. If only one (1) EMT is available to staff the Ambulance crew, the Volunteer EMS Agency shall ensure that the EMT is the Patient care provider and/or supervises the Patient care being provided. The volunteer EMS Agency shall ensure a sole EMT is not the Driver of the Ambulance when a Patient is being transported.

F. The Volunteer EMS Agency shall preplan for the lack of staffing by written mutual aid agreements with neighboring agencies and by alerting the local Public Safety Answering Point (PSAP) as early as possible when it is known that EMT level staffing is not available. The Volunteer EMS Agency shall ensure sufficient staffing through preplanning, mutual aid agreements, and continual recruitment programs.

G. The Volunteer EMS Agency shall ensure in all cases where the level of care is either EMT-basic, AEMT, or Paramedic, the transporting unit is fully equipped to perform at that level of care.

SECTION 600 – REPORTING

601. Adverse Incident Reporting.

A. The requirements of Section 601 will take effect (1) year following the date of publication of this regulation in the *State Register*.

B. The EMS Agency shall maintain a record of each Adverse Incident. The EMS Agency shall retain all documented Adverse Incidents reported pursuant to this section two (2) years after the Patient contact or transport.

C. The EMS Agency shall report Adverse Incidents to the Department via the Department's electronic reporting system or other format as determined by the Department as soon as possible, but not to exceed seventy-two (72) hours from becoming aware of the Adverse Incident. Failure to report the following Adverse Incidents may result in a Class II violation: (II)

1. Confirmed or suspected Abuse, Neglect, or Exploitation against a Patient by EMS Personnel;
2. Crimes committed against Patients by any EMS Personnel;
3. Unexpected or unexplained death of a Patient while under the care of the EMS Agency;
4. Any suspected overdose reversal administered to on duty EMS Personnel;
5. Elopement of Patient;

6. Any injury caused by EMS Personnel, including injuries involving the use of physical and/or chemical restraints;

7. Medication error with adverse effects or that would cause potential harm to the Patient;

8. Suicide and/or attempted suicide while under the EMS Agency's care;

9. Any Patient that is dropped or falls while under the care of an EMS Agency, including where no injury occurs, to include stretcher drops due to malfunction or operator error; and

10. Any suspected or confirmed use of illicit or un-prescribed medications or alcohol by a crew member while on duty, to include providing Patient care and/or the operation of an EMS Agency vehicle.

D. The EMS Agency shall submit a separate written investigation report within five (5) calendar days of every Incident required to be immediately reported to the Department pursuant to Section 601.C via the Department's electronic reporting system or in a format as determined by the Department. The EMS Agency's report of investigation to the Department shall include the following information: (II)

1. EMS Agency name, License number, type of Adverse Incident, the date the accident and/or Adverse Incident occurred;

2. Number of Patients, staff, or by-standers directly injured or affected;

3. ePCR number, if applicable;

4. Patient name, age, and gender;

5. Witness(es) name(s); and

6. Identified cause of the Adverse Incident, internal investigation results if cause unknown, a brief description of the Adverse Incident including location where occurred, treatment of injuries, and cause of errors or omission in Patient care rendered, if applicable.

602. Collisions.

The EMS Agency shall notify the Department within seventy-two (72) hours of any collision involving any EMS Agency's vehicle or aircraft used to provide emergency medical services that results in any degree of injury to personnel, pedestrians, Patients, passengers, observers, students, or other persons. The EMS Agency shall submit the Ambulance Permit, if applicable, to the Department if the damage renders the Ambulance out of service for more than two (2) weeks. The EMS Agency shall submit the investigating law enforcement agency's accident report regarding the collision to the Department upon the EMS Agency's receipt.

603. Administration Changes.

A. The EMS Agency shall notify the Department in writing within seventy-two (72) hours of any expansion or contraction of the service, level of care, upgrade or downgrade, or if the physical locations are changed.

B. The EMS Agency shall notify the Department in writing or a means as otherwise determined by the Department within seventy-two (72) hours of any change in status of the EMS Director or EMS Training Officer. The EMS Agency shall provide the Department in writing within ten (10) calendar days the name of the person(s) appointed or hired into those positions and the effective date of the appointment or hire.

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C. The EMS Agency shall within twenty-four (24) hours notify the Department of any change in status to the Medical Control Physician. The EMS Agency shall notify the Department in writing or other means as determined by the Department the name of the newly appointed Medical Control Physician, the effective date, the authorized medication list, Protocols, and standing orders within ten (10) calendar days after the change.

604. Accounting of Controlled Substances. (I)

Any EMS Agency registered with the Department's Bureau of Drug Control and the United States Drug Enforcement Administration shall report any theft or loss of Controlled Substances to local law enforcement and to the Department's Bureau of Drug Control within seventy-two (72) hours of the discovery of the loss and/or theft. Any Agency permitted by the South Carolina Board of Pharmacy shall report the loss or theft of drugs or devices in accordance with S.C. Code Section 40-43-91.

605. Agency Closure.

A. Prior to the permanent closure of an EMS Agency, the Licensee shall notify the Department in writing of the intent to close and the effective closure date. Within ten (10) calendar days of the closure, the EMS Agency shall notify the Department of the provisions for the maintenance of all records including the custodian of the Patient care reports. On the date of closure, the EMS Agency shall return its License and all Ambulance Permits to the Department.

B. In instances where an EMS Agency temporarily closes, the Licensee shall notify the Department in writing within fifteen (15) calendar days prior to temporary closure. In the event of temporary closure due to an emergency, the EMS Agency shall notify the Department within twenty-four (24) hours of the closure via telephone or email. At a minimum, this notification shall include, but not be limited to, the reason for the temporary closure, the manner in which the records and Patient care reports are being stored, and the anticipated date for reopening.

C. If the EMS Agency is closed for a period longer than six (6) months and there is a desire to reopen, the EMS Agency shall reapply to the Department for licensure and shall be subject to all licensing requirements at the time of that application.

SECTION 700 – PATIENT CARE

701. General.

A. The EMS Agency shall create and submit an ePCR for each Patient contact regardless of Patient transport decision.

B. The EMS Agency shall ensure the primary Attendant documents all ePCRs within twenty-four (24) hours of the completion of the call.

C. The EMS Agency shall submit all completed ePCRs into the Department's EMS data system within seventy-two (72) hours of the completion of the call.

D. The EMS Agency shall make available each ePCR to the receiving facility within sixty (60) minutes of the completion of the call. The EMS Agency may substitute a paper information sheet, provided the ePCR is made available to the receiving facility no later than twenty-four (24) hours from completion of the call. The EMS Agency may use a custom Preliminary Patient Transfer Form as long as the following minimum components are documented:

1. Incident type, date, location, and tracking number;

2. EMS Agency name;
3. Ambulance identifier;
4. EMS personnel name(s) and certification number(s);
5. Time of Dispatch, at-patient time, scene departure time, and destination arrival time;
6. Patient information to include Patient name, address, and date of birth;
7. Assessment and/or Treatment information to include the chief complaint; vital signs, including Rapid Artery occlusion Evaluation (RACE), Glasgow Coma Score (GCS), and Revised Trauma Score (RTS) if applicable; signs, symptoms, procedures, and interventions with pertinent times; medications with times; and a brief narrative; and
8. Transfer of care information to include the receiving nurse, physician, or EMS Personnel with signature.

702. Data Manager.

The EMS Agency shall appoint a Data Manager to ensure accuracy, HIPAA compliance, security, and timely submission of ePCRs and to ensure the ePCRs reflect all the Attendants, including Drivers. The EMS Agency shall notify the Department of any change in the Data Manager within ten (10) calendar days.

703. Content.

A. The EMS Agency shall ensure each ePCR reflects services, treatment, and care provided directly to the Patient including information required to properly identify the Patient, a narrative description of the call from time of first Patient contact to final destination, all EMS Personnel and non-EMS responders on the call, and other information as determined by the Department.

B. The EMS Agency shall ensure all ePCRs are coherently written, authenticated by the author, and time stamped.

C. The EMS Agency shall ensure EMS Personnel complete ePCRs involving refusals that include the following: details of any assessment performed; information regarding the Patient’s capacity to refuse; information regarding an informed refusal by the Patient; information regarding EMS Personnel’s efforts to convince the Patient to accept care; and any efforts by the EMS Personnel to protect the Patient after the refusal if the Patient becomes incapacitated.

D. The EMS Agency shall ensure all data submissions from the ePCR software maintain a minimum quality score as determined by the Department. The EMS Agency shall have ninety (90) calendar days from the Department’s notification to successfully correct data quality.

704. Report Maintenance.

A. The EMS Agency shall ensure data submissions from ePCR software into the Department’s EMS data system meet the Department’s requirements.

B. The EMS Agency shall provide accommodations and equipment for the protection, security, and storage of Patient care reports.

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C. The EMS Agency shall maintain a copy of the original data, all attachments, and appended versions of each ePCR for no less than ten (10) years for all adult Patients and thirteen (13) years for minor Patients. The EMS Agency shall ensure attachments to ePCRs include EKGs, waveform capnography records, code summaries, short reports, and other forms of recorded media.

D. In the event of a change of ownership, the EMS Agency shall ensure Patient care reports are transferred to the new Licensee.

E. The EMS Agency shall ensure the ePCRs are made available only to individuals authorized by the Licensee and/or state and federal laws.

705. Do Not Resuscitate (DNR) Order. (II)

A. EMT-basics, AEMTs, and Paramedics shall not use any Resuscitative Treatment when called to render emergency medical services if the Patient has a DNR Order and the document is presented to the EMT, AEMT, or Paramedic upon their arrival or if the Patient is wearing a Bracelet.

B. EMT-basics, AEMTs, and Paramedics shall provide the degree of Palliative Care called for under the circumstances that exist at the time treatment is rendered.

C. EMT-basics, AEMTs, and Paramedics shall give full resuscitative measures as are medically indicated in all cases in the absence of a DNR Order or a Bracelet.

D. EMT-basics, AEMTs, and Paramedics shall follow the request of the Patient and shall not provide resuscitative measures when the Patient has a DNR Order or is wearing a Bracelet, except where the:

1. DNR Order is revoked pursuant to S.C. Code Section 44-78-60; or
2. Bracelet, when applicable, appears to have been tampered with or removed.

E. EMT-basics, AEMTs, and Paramedics who cannot honor the DNR Order or Bracelet shall immediately transfer care of the Patient pursuant to S.C. Code Section 44-78-45.

706. Physician Orders for Scope of Treatment (POST). (II)

A. EMT-basics, AEMTs, and Paramedics shall deem a POST form executed in South Carolina as provided in the POST Act or a similar form executed in another jurisdiction in compliance with the laws of that jurisdiction. EMT-basics, AEMTs, and Paramedics shall accept a completed, executed, and signed POST form deemed as valid expression of a Patient's wishes as to health care.

B. EMT-basics, AEMTs, and Paramedics may accept a properly executed POST form as a valid expression of whether the Patient consents to the provision of health care in accordance with Section 44-66-60 of the Adult Health Care Consent Act.

C. An EMT-basic, AEMT, or Paramedic who is unwilling to comply with an executed POST form based on policy, religious beliefs, or moral convictions shall contact the Patient's health care representative, health care agent, or the person authorized to make health care decisions for the Patient pursuant to Section 44-66-30 of the Adult Health Care Consent Act, and the EMT-basic, AEMT, or Paramedic shall allow the transfer of the Patient pursuant to S.C. Code Section 44-80-40.

SECTION 800 – [RESERVED]

SECTION 900 – [RESERVED]

SECTION 1000 – [RESERVED]**SECTION 1100 – [RESERVED]****SECTION 1200 – MEDICATIONS****1201. General. (I)**

The EMS Agency shall manage medications, including controlled substances, medical supplies, and those items necessary for the rendering of first aid, in accordance with federal, state, and local laws and regulations. The EMS Agency shall ensure such medication management includes securing, storing, administering, and disposal of discontinued or expired drugs, including controlled substances.

1202. Medication Orders. (I)

A. The EMS Agency shall ensure medications are administered to Patients only upon orders of a physician. All verbal and written orders for controlled substances shall be signed and dated by a physician no later than fourteen (14) days after the order is given. A physician's signature shall be present on all controlled substance administrations or if an electronic record is utilized the controlled medication section must have a separate and distinct approval utilizing electronic digital signatures, separate from the ePCR content.

B. The EMS Agency shall ensure all orders for controlled substances are documented, signed, and dated by the approving physician. EMS Agencies employing electronic signatures or computer-generated signature codes shall ensure orders for controlled substances are authenticated by the prescribing Physician. The EMS Agency shall ensure each ePCR includes either the emergency room physician or local Medical Control Physician approval using electronic digital signatures. The EMS Agency shall not utilize a phrase such as "Per Protocol" in lieu of the approving physician's signature.

1203. Administering Medication and/or Treatments. (I)

The EMS Agency shall ensure doses of medication, including controlled substances, are administered by the same EMS Personnel who prepared them for administration. The EMS Agency shall maintain records of receipt, administration, and disposition of all medications, including controlled substances, to enable an accurate reconciliation including:

A. The first and last name of the EMS personnel who administered the medication using either of the following methods:

1. An electronic signature in a computerized recordkeeping system; or
2. A legible manual signature of a hard copy record.

B. The name of the EMS Agency;

C. The Patient name and run number;

D. The name and strength of the medication administered;

E. The date of administration;

F. The time of administration;

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- G. The amount of the dose administered in milliliters (ml);
- H. The amount of waste; and
- I. The name of physician ordering the medication.

1204. Medication Storage.

A. The EMS Agency shall ensure all medications are stored at the temperature range established by the manufacturer.

B. The EMS Agency shall store all medications in accordance with applicable state and federal laws. The EMS Agency shall maintain an inventory of the stock and distribution of all controlled substances in a manner that the disposition of any particular item is readily traced and pursuant to Regulation 61-4, Controlled Substances.

C. The EMS Agency shall ensure controlled substances listed in Schedules II, III, IV, and V shall be stored in a double locked system and kept in a manner consistent with Regulation 61-4 and federal Drug Enforcement Administration (DEA) regulations. The EMS Agency shall ensure medications are monitored and attended to prevent access by unauthorized individuals. The EMS Agency shall ensure expired or discontinued medications are not to be stored with current medications.

1205. Disposition of Controlled Substances.

A. The EMS Agency shall dispose and destroy Controlled Substance in accordance with requirements of the federal Drug Enforcement Administration.

B. The EMS Agency shall upon closure notify the federal Drug Enforcement Administration and the Department's Bureau of Drug Control and surrender controlled substances registrations.

SECTION 1300 – [RESERVED]

SECTION 1400 – [RESERVED]

SECTION 1500 – [RESERVED]

SECTION 1600 – [RESERVED]

SECTION 1700 – SANITATION AND INFECTION CONTROL

1701. General.

A. The EMS Agency shall maintain and implement personnel practices that promote conditions that prevent the spread of infectious, contagious, or communicable diseases, including but not limited to standard precautions, transmission-based precautions, contact precautions, airborne precautions, and isolation techniques. The EMS Agency shall ensure proper disposal of toxic and hazardous substances. The EMS Agency shall ensure the preventive measures and practices are in compliance with applicable guidelines of the Bloodborne Pathogens Standard of the Occupational Safety and Health Act of 1970; the Centers for Disease Control and Prevention; R.61-105, Infectious Waste Management; and other applicable federal, state, and local laws and regulations.

B. The EMS Agency shall ensure the practice of hand hygiene to prevent the hand transfer of pathogens, and the use of barrier precautions such as gloves in accordance with established guidelines.

1702. Exterior Ambulance Surfaces.

- A. The EMS Agency shall ensure the exterior of the vehicle has a reasonably clean appearance.
- B. The EMS Agency shall ensure exterior lighting is kept clear of foreign matter (insects, road grime, or other) to ensure adequate visibility.

1703. Interior Ambulance Surfaces Patient Compartment.

A. The EMS Agency shall ensure interior surfaces of each Ambulance are of a nonporous material to allow ease of cleaning and that carpet-type materials are not used on any surface of the patient compartment.

B. The EMS Agency shall ensure:

1. The floors of each Ambulance are free from sand, dirt, and other residue that may have been tracked into the compartment;
2. The wall, cabinet, and bench surfaces of each Ambulance are kept free of dust, sand, grease, or any other accumulated surface matter;
3. The interiors of cabinets and compartments of each Ambulance are kept free from dust, moisture, or other accumulated foreign matter;
4. Bloodstains, vomitus, feces, urine, and other similar matter are cleaned from each Ambulance and all equipment after each call, using an agent or sodium hypochlorite solution described in Section 1703.C;
5. Window glass and cabinet doors of each Ambulance are clean and free from foreign matter;
6. Each Ambulance is equipped with a receptacle provided for the deposit of trash, litter, and all used items; and
7. A container specifically designed for the safe deposit and secure retainment of contaminated needles or syringes and a second container for contaminated or infectious waste is provided on each Ambulance that is easily accessible from the Patient compartment.

C. The EMS Agency shall utilize an Environmental Protection Agency-recommended germicidal and viricidal agent or a hypochlorite solution of ninety-nine (99) parts water and one (1) part bleach to clean Patient contact areas. The agency shall utilize alcohol or sodium hypochlorite solution for surfaces where such an EPA solution is recommended; however, alcohol should not be used for disinfection of large surfaces. The EMS Agency shall ensure the contact time for the hypochlorite solution is in accordance with the respective EPA registration for the select pathogen.

D. EMS Agencies shall clean all vehicles after each call.

1704. Linen.

- A. The EMS Agency shall ensure that each Ambulance stores and maintains dry, clean linen.
- B. The EMS Agency shall ensure each Ambulance is equipped with at least six (6) sets of freshly laundered or disposable linens to be used on cots and pillows and changed after each Patient is transported.

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C. The EMS Agency shall ensure soiled linen is transported on the Ambulance in a closed plastic bag or container and removed from the Ambulance as soon as possible.

D. The EMS Agency shall ensure each Ambulance maintains blankets and towels that are intact, in good repair, and cleaned or laundered after each Patient use. The EMS Agency shall ensure that the blankets are a hypoallergenic material designed for easy maintenance.

1705. Oxygen Administration Apparatus. (II)

A. The EMS Agency shall ensure oxygen administration devices such as masks, cannulas, and delivery tubing are disposable and only used once.

B. The EMS Agency shall ensure all masks, cannulas, and delivery tubing are individually wrapped and unopened until used on a Patient.

C. The EMS Agency shall ensure oxygen humidifiers are only filled with distilled or sterile water upon use and cleaned after each use. The EMS Agency may utilize disposable single-use oxygen humidifiers in lieu of multi-use types.

D. The EMS Agency shall ensure each Ambulance that carries portable oxygen tanks maintains a non-sparking oxygen wrench for use with the oxygen tanks.

1706. Resuscitation Equipment. (II)

A. The EMS Agency shall ensure bag mask assemblies and masks are free from dust, moisture, and other foreign matter and stored in the original container, jump kit, or a closed compartment on the Ambulance. The EMS Agency shall ensure each Ambulance maintains additional equipment needed to facilitate the use of a bag valve mask, such as a syringe, stored with the bag mask assembly. The EMS Agency shall ensure all masks, valves, reservoirs, and other items or attachments for bag mask assemblies are clean and manufacturer's recommendations on single-use equipment are followed where indicated.

B. The EMS Agency shall utilize an EPA-recommended germicidal and viricidal agent or a sodium hypochlorite solution of ninety-nine (99) parts water and one (1) part bleach to clean resuscitation equipment not specifically addressed as single-use. The EMS Agency shall utilize alcohol or sodium hypochlorite solution to clean resuscitation equipment surfaces where such an EPA solution is recommended.

1707. Suction Unit. (II)

A. The EMS Agency shall ensure suction hoses are clean and free from foreign matter and manufacturers' recommendations on single-use equipment are followed where indicated.

B. The EMS Agency shall ensure the suction reservoir of each suction unit is clean and dry.

C. The EMS Agency shall ensure suction units are clean and free from dust, dirt, or other foreign matter.

D. The EMS Agency shall ensure tonsil tips and suction catheters are of the single-use disposable type and stored in sealed sterile packaging until used.

E. The EMS Agency shall ensure suction units with attachments are cleaned and sanitized after each use.

1708. Splints. (II)

The EMS Agency shall ensure:

- A. Padded splints are neatly covered with a non-permeable material and clean, and when the outside cover of the splint becomes soiled, they are thoroughly cleaned or replaced;
- B. Commercial splints are free of dust, dirt, or other foreign matter;
- C. Traction splints with commercial supports are clean and free from accumulated material;
- D. All splinting materials are stored in such a manner as to promote and maintain cleanliness;
- E. Splints are in functional working order with the recommended manufacturer's attachments; and
- F. Manufacturer's recommendations on single-use splint equipment are followed where indicated.

1709. Spinal Motion Restriction Device. (II)

A. The EMS Agency shall ensure all pillows, mattresses, and spinal motion restriction devices (SMRDs) that are not single-use items are covered with a non-permeable material and in good repair. The EMS Agency shall remove any compromised stretcher or spine board from service.

B. The EMS Agency shall ensure

1. All stretchers, cots, pillows, SMRDs, and spine boards are clean and free from foreign material;
2. Canvas or neoprene covers on portable-type stretchers are in good repair;
3. All restraint straps and/or devices are kept clean and washed immediately if soiled;
4. Spinal motion restriction devices are manufactured from an appropriate material to facilitate cleaning; and
5. All spinal motion restriction devices are free from rough edges or areas that may cause injury.

1710. Bandages and Dressings. (II)

A. The EMS Agency shall ensure all bandages are clean and individually wrapped or stored in a closed container or cabinet. The EMS Agency shall ensure triangular bandages are single-use disposable type.

B. The EMS Agency shall ensure dressings are sterile, individually packaged and sealed, stored in a closed container or compartment, and if the seal is broken or wrap is torn, the dressing is discarded.

C. The EMS Agency shall ensure burn sheets are sterile and single-use only.

D. The EMS Agency shall ensure all bandages or dressings that have been exposed to moisture or soiled are replaced.

1711. Obstetrical (OB) Kits. (II)

A. The EMS Agency shall ensure all OB kits are sterile and wrapped with cellophane or plastic, and if the wrapper is torn or the kit is opened but not used, the items in the kit that are not individually wrapped are discarded and replaced.

B. The EMS Agency shall ensure all OB kits are single-use only.

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C. The EMS Agency shall ensure all items in each OB kit past the expiration date are replaced individually if other items are individually sealed and sterile.

1712. Oropharyngeal Appliances. (II)

The EMS Agency shall ensure single-use instruments inserted into a Patient's mouth or nose are individually wrapped and stored properly. The EMS Agency shall ensure all instruments inserted into a Patient's mouth that are not intended for single-use only are cleaned and decontaminated following manufacturer's guidelines.

1713. Communicable Diseases. (II)

A. The EMS Agency shall ensure that when an Ambulance has been contaminated with blood, body fluids, or other potentially infectious material (OPIM), to include potential contamination from respiratory droplets if transporting a Patient with signs or symptoms consistent with a respiratory illness of an infectious cause, the vehicle is taken out of service until decontamination is completed.

B. The EMS Agency shall ensure all linen used during any transport is removed from the cot and properly disposed of, or immediately placed in a designated, leak-proof bag or container and sealed until cleaned. The EMS Agency shall ensure all used linen is treated as contaminated and handled as per standard precautions.

C. The EMS Agency shall ensure all Patient contact areas, equipment, and any surface soiled during the call is cleaned and disinfected pursuant to Section 1703.C.

1714. Equipment.

The EMS Agency shall ensure all reusable equipment used for direct Patient care is in good repair and cleaned as it becomes soiled, and kept free from foreign matter.

1715. Equipment and Materials Storage Areas.

The EMS Agency shall ensure all equipment not used in direct Patient care is in storage spaces or compartments to prevent contamination or damage to direct Patient care equipment or materials.

1716. Personnel.

The EMS Agency shall ensure uniforms and clothing are clean or changed if they become soiled, contaminated, or exposed to vomitus, blood, or other potentially infectious material (OPIM).

SECTION 1800 – AMBULANCE PERMITS. (I)

1801. General.

A. The EMS Agency shall ensure that each Ambulance for which the Permit is issued meets all requirements as to design, medical equipment, supplies, and sanitation as set forth in this regulation. The EMS Agency shall have each Ambulance inspected by the Department prior to issuance of the initial permit.

B. The EMS Agency shall display the Permit decal for each specific Ambulance on the rear door or rear window of the Ambulance or aircraft portfolio, as applicable.

C. The EMS Agency shall not make an entry on, deface, alter, remove, or obliterate an Ambulance Permit.

D. The EMS Agency shall return an Ambulance Permit to the Department within ten (10) business days when the vehicle chassis is sold, removed from service, or when the window is replaced due to damage.

1802. Temporary Ambulance Permit.

A. The EMS Agency may request in writing, and the Department grant at its discretion, a temporary Permit in cases where a temporary asset or short-term solution to an Ambulance is needed. The EMS Agency shall ensure these temporary assets meet all Ambulance permitting and equipment requirements for the level of service of its intended use.

B. The EMS Agency shall be issued a temporary Ambulance Permit for a period not to exceed ninety (90) calendar days and may only be extended in extenuating circumstances at the Department's discretion.

C. The EMS Agency shall ensure each Ambulance with a temporary Permit, twith the exception of Air Ambulances, has the following minimum exterior markings:

1. Illumination devices pursuant to Sections 1901.G;
2. Emblems and markings pursuant to Section 1901.B affixed on vehicles with temporary markings; and
3. The name on the face of the EMS Agency's License affixed with temporary lettering not less than three (3) inches in height.

SECTION 1900 – AMBULANCES. (II)**1901. Ambulance Design.**

A. The EMS Agency shall ensure all Ambulances meet the design requirements established by the Department for Ambulances permitted and utilized in South Carolina and are effective with the publication of this regulation. The EMS Agency shall ensure all equipment, lighting, interior and exterior doors, and environmental equipment operates as designediered at all times when the Ambulance is in service.

B. Base Unit. The EMS Agency shall ensure the chassis of each Ambulance is at least three-quarter ton. In the case of modular or other type body units, the EMS Agency shall ensure the Ambulance chassis is proportionate to the body unit, weight, and size; power train is compatible and matched to meet the performance criteria listed in the Federal KKK-A-1822 F Specification, NFPA 1917 or Commission on Accreditation of Ambulance Services Ground Vehicle Standard for Ambulances version 2.0. After updates are released to the Federal KKK-A- 1822 F Specification, NFPA 1917 or Commission on Accreditation of Ambulance Services Ground Vehicle Standard for Ambulances version 2.0, the EMS Agency shall make applicable safety-related upgrades to each Ambulance on timetables as determined by the Department.

C. Emblems and Markings. The EMS Agency shall ensure all items in this section are of reflective quality and in contrasting color to the background on which it is applied. The EMS Agency shall ensure:

1. There is a continuous stripe, of not less than three (3) inches on cab and six (6) inches on Patient compartment, to encircle the entire Ambulance with the exclusion of the hood panel. The EMS Agency shall ensure reflective chevrons, Battenberg patterns, or other markings are at least six (6) inches in height and meet the requirements of this section; and

2. Emblems and markings are of the type, size and location as follows:

- a. Side: Each side of the Patient compartment has the "Star of Life," not less than twelve (12) inches in height, the word "AMBULANCE", not less than six (6) inches in height, under or beside each star, and the name of the EMS Agency as stated on the EMS Agency's License, of lettering not less than three (3) inches in height; and

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b. Rear: The word “AMBULANCE”, not less than six (6) inches in height, two (2) “Star of Life” emblems of not less than twelve (12) inches in height, and the name of the EMS Agency as stated on the EMS Agency’s License, of lettering not less than three (3) inches in height.

D. The EMS Agency shall ensure that prior to private sale of Ambulances to the public, all emblems and markings in Section 1901.C are removed.

E. Interior Patient Compartment Dimensions. The EMS Agency shall ensure the interior Patient compartment has the following dimensions:

1. Length: A minimum of twenty-five (25) inches clear space at the head, ten (10) inches at the foot of a seventy-six (76) inch cot, and a minimum inside length of one hundred twenty-two (122) inches;

2. Width: A minimum inside width of sixty-nine (69) inches;

3. Height: A minimum dimension of sixty (60) inches from floor to ceiling; and

4. A minimum of twelve (12) inches of clear aisle walkway between the edge of the primary Patient cot and base of the nearest vertical feature measured along the floor.

F. Access to Ambulance.

1. Driver Compartment.

a. The EMS Agency shall ensure the Driver’s seat has an adjustment to accommodate the fifth (5th) percentile to ninety fifth (95th) percentile adult male.

b. The EMS Agency shall ensure there is a functional door on each side of the Ambulance in the Driver’s compartment.

c. The EMS Agency shall ensure each Ambulance provides separation between the Driver compartment and the Patient compartment to provide privacy for radio communication and to protect the Driver from an unruly Patient. The EMS Agency shall ensure provision for both verbal and visual communication between Driver and Attendant by a sliding shatter resistant material partition or door. The EMS Agency shall ensure the bulkhead of each Ambulance is strong enough to support an Attendant’s seat in the Patient area at the top of the Patient’s head and to withstand deceleration forces of the Attendant in case of accident.

2. Patient Compartment.

a. The EMS Agency shall ensure there is a functional door on the right side of the Patient compartment near the Patient’s head area of the compartment. The EMS Agency shall ensure the side door allows EMT-basics, AEMTs, and Paramedics to position themselves at the Patient’s head and quickly remove the Patient from the side of the vehicle if the rear door is jammed.

b. The EMS Agency shall ensure the rear doors of the Patient compartment swing clear of the opening to allow full access to the Patient’s compartment.

c. The EMS Agency shall ensure the Patient compartment doors incorporate a holding device to prevent the door closing unintentionally from wind or vibration. The EMS Agency shall ensure that when Patient compartment doors are open, the holding device shall not protrude into the access area.

d. The EMS Agency shall ensure that Ambulances carrying spare tires position the spare tire to be removed without disturbing the Patient.

G. Interior Lighting.

1. Driver Compartment: The EMS Agency shall ensure lighting is available for both the Driver and an Attendant, if riding in the Driver compartment, to read maps, records, etc. The EMS Agency shall ensure there is shielding of the Driver's area from the lights in the Patient compartment.

2. Patient Compartment: The EMS Agency shall ensure illumination provides an intensity of forty (40)-foot candles at the level of the Patient. The EMS Agency shall ensure lights are controllable from the entrance door, the head of the Patient, and the Driver's compartment. The EMS Agency may utilize a rheostat control of the compartment lighting or by a second system of low intensity lights to reduced lighting levels.

H. Illumination Devices.

1. Flood and load lights. The EMS Agency shall ensure there is least one (1) flood light mounted not less than seventy-five (75) inches above the ground and unobstructed by open doors located on each side of the vehicle. The EMS Agency shall ensure a minimum of one (1) flood light, with a minimum of fifteen (15) foot candles, is mounted above the rear doors of the vehicle.

2. Warning Lights. The EMS Agency shall ensure the Ambulance emergency warning light system contains a minimum of twelve (12) fixed red lights, one (1) fixed clear light, and one (1) fixed amber light. The EMS Agency shall ensure the upper body warning lights are mounted at the extreme upper corner areas of the Ambulance body, below the horizontal roofline. The EMS Agency shall ensure the single clear light is centered between the two (2) front-facing, red, upper corner lights. The EMS Agency shall ensure doors or other ancillary equipment do not obstruct the standard warning lights. The EMS Agency shall ensure the amber light is symmetrically located between the two (2) rear-facing red lights. The EMS Agency shall ensure there are two (2) red grille lights. The EMS Agency shall ensure the lateral facing intersection lights are mounted as close as possible to the front upper edge of each front fender and may be angled forward a maximum of thirty degrees (30°).

I. Seats:

1. Driver Compartment. The EMS Agency shall ensure a seat for both Driver and Attendant is provided in the Driver's compartment and that each seat shall have armrests on each side of the Driver's compartment.

2. Patient Compartment. The EMS Agency shall ensure two (2) fixed seats that are padded, eighteen (18) inches wide by eighteen (18) inches high to head of Patient behind the Driver; the other seat may be a square-bench type located on the curb (right) side of the vehicle.

J. Safety Factors for Patient Compartment.

1. Cot Fasteners. The EMS Agency shall ensure crash-stable fasteners are provided to secure cot(s).

2. Cot Restraint. If the cot is floor-supported on its own support wheels, the EMS Agency shall provide a means to secure it in position under all conditions. The EMS Agency shall ensure all untitled Ambulances purchased for use in South Carolina after July 1, 2017, meet all seating and cot restraint mandates outlined in the Federal KKK-A-1822F, all change notices included.

3. Patient Restraint. The EMS Agency shall ensure a restraining device is provided to prevent longitudinal or transverse dislodgement of the Patient during transit or to restrain an unruly Patient to prevent further injury or aggravation to the existing injury.

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4. Safety Belts for Drivers and Attendants. The EMS Agency shall ensure quick-release, retractable, and self-adjustable safety belts are provided for the Driver, the Attendants, and all seated Patients.

5. Mirrors.

a. The EMS Agency shall ensure there are two (2) exterior rear view mirrors, one (1) mounted on the left side of the vehicle and one (1) mounted on the right side. The EMS Agency shall ensure the location of mounting provides maximum rear vision from the Driver's seated position.

b. The EMS Agency shall ensure there is an interior rear view mirror or rear view camera to provide the Driver with a view of occurrences in the Patient compartment.

6. Windshield Wipers and Washers. The EMS Agency shall ensure each vehicle is equipped with two (2) electrical windshield wipers and washers in addition to defrosting and defogging systems.

7. Sun Visors. The EMS Agency shall ensure there is a sun visor for both Driver and Attendant.

8. Exterior Visual Lighting. The EMS Agency shall ensure there are operational headlights (high and low beam), taillights, brake lights, and turn signals that can be operated by the Driver of the vehicle.

K. Environmental Equipment: Driver/Patient Compartment.

1. Heating. The EMS Agency shall ensure each Ambulance has the capability to heat the Patient and Driver compartments to a temperature of seventy-five degrees Fahrenheit (75°F) within a reasonable period while driving in an ambient temperature of zero degrees Fahrenheit (0°F). The EMS Agency shall ensure the heating system is designed to recirculate inside air and is capable of introducing twenty percent (20%) of outside air with minimum effect on inside temperature. Fresh air intake shall be located in the most practical contaminant-free air space on the vehicle.

2. Heating Control. The EMS Agency shall ensure heating is thermostatically or manually controlled and the heater blower motors are at least a three (3) speed (high, medium, and low) design. The EMS Agency shall ensure separate switches are installed in the Patient compartment.

3. Air Conditioning. The EMS Agency shall ensure the air conditioning in each Ambulance has a sufficient capacity to lower the temperature in the Driver's and Patient's compartment to seventy-five degrees Fahrenheit (75°F) within a reasonable period and maintain that temperature while operating in an ambient temperature of ninety-five degrees Fahrenheit (95°F). The EMS Agency shall ensure each air conditioning unit is designed to deliver twenty percent (20%) of fresh outside air of ninety-five degrees Fahrenheit (95°F) ambient temperature while holding the inside temperature specified. The EMS Agency shall ensure all parts, equipment, and workmanship are in keeping with accepted air conditioning practices.

4. Air Conditioning Controls. The EMS Agency may utilize manual or thermostatic air delivery controls to operate the unit. The EMS Agency is not required to have a reheat type system in the Driver's compartment unit. The EMS Agency shall ensure switches or other controls are within easy reach of the Driver in his normal driving position. The EMS Agency shall ensure air delivery fan motors are at least a three (3) speed design. The EMS Agency shall ensure switches and other control components exceed in capacity the amperage and resistance requirements of the motors.

5. Environmental Control and Medications. The EMS Agency shall ensure the temperature in the Patient compartment or anywhere medications are stored (SRVs, fire apparatus, rapid response vehicles, carry-in bags, and other) is monitored for temperature extremes to prevent drug adulteration. The EMS Agency shall ensure medications (excluding oxygen) and IV fluids are removed and discarded if the temperatures reach or exceed one hundred degrees Fahrenheit (100°F), or thirty-eight degrees Celsius (38°C). The EMS Agency shall ensure

medications and IV fluids are removed and discarded if temperatures in the drug storage area drop below twenty degrees Fahrenheit (20°F), or negative seven degrees Celsius (-7°C).

6. Insulation. The EMS Agency shall ensure the entire body, side, ends, roof, floor, and Patient compartment doors are insulated to minimize conduction of heat, cold, or external noise entering the vehicle's interior. The EMS Agency shall ensure the insulation is vermin- and mildew-resistant, fireproof, non-hygroscopic, non-setting type. The EMS Agency may consider plywood floor when undercoated sufficient insulation for the floor area.

L. Storage Cabinets. The EMS Agency shall ensure all cabinets meet the criteria as stated in the most current edition of the Federal KKK-A-1822 Specification, NFPA 1917, or similar specification standards accepted by the Department as to types of surfaces, design, and storage. The EMS Agency shall ensure cabinets are of a size and configuration to store all necessary equipment and all equipment in interior cabinets is accessible to Attendants at all times.

M. Two-Way Radio Mobile. The EMS Agency shall include on each vehicle two-way radio mobile equipment that will provide a reliable system operating range of at least a twenty (20) mile radius from the base station antenna. The EMS Agency shall ensure the mobile installation provides microphones for transmitting to at least Medical Control and receiving agencies, at both the Driver's position and in the Patient compartment. The EMS Agency shall ensure selectable speaker outputs, singly and in combination are provided at the Driver's position, in the Patient's compartment, and through the public address system.

1. The EMS Agency shall provide the Department with all radio frequencies utilized by the EMS Agency as requested by the Department.

2. In the event technological advancements render the above components obsolete, the Department may make determinations as to the efficacy of proposed technology on an individual basis prior to allowing its use. The EMS Agency may utilize cell phones with hand-held radios that are able to reach Medical Control, dispatch center, and receiving facilities as backup.

N. Siren-Public Address. The EMS Agency shall ensure all siren and public address systems provide a power output with a minimum one hundred (100) watts, and in voice operation the power output is at least forty-five (45) watts through two (2) exterior mounted speakers. The EMS Agency shall ensure the public address amplifier is independent of the mobile radio unit.

O. Antenna. The EMS Agency shall mount each antenna with coaxial or other cable if a radio system is installed.

P. Glass Windows. The EMS Agency shall ensure all windows, windshield, and door glass are shatter resistant.

Q. The EMS Agency shall establish a means to immediately identify that a vehicle is out of service for any operator who might have reason to use the vehicle. The EMS Agency shall ensure any vehicle that is "out of service", whether for mechanical or staffing issues, is readily identifiable to the public and the Department. The EMS Agency shall identify out of service vehicles by one (1) of the following means:

1. A sign on the outside of the Driver's door near the door handle, minimum eight and one half inches by eleven inches (8.5" × 11") and red in color;

2. A special bag that covers the steering wheel, red in color, and labeled "Out of Service"; or

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3. A large sign on the Driver’s window, red in color, reading “Out of Service,” laminated, or a permanent, commercially manufactured type, minimum eight and one half inches by eleven inches (8.5” × 11”). If the unit is being driven and is out of service, the sign may be placed in the far right hand corner of the front window so as to not obstruct the Driver’s vision but so as to be visible from the exterior of the vehicle.

1902. Ambulance Re-mounted Design and Equipment.

After July 1, 2022, EMS Agencies choosing to utilize Ambulance Re-mounts shall ensure these units are compliant with the Commission on Accreditation of Ambulance Services (CAAS) “Ground Vehicle Standards for Ambulances” or other nationally recognized standards as approved by the Department.

SECTION 2000 – [RESERVED]

SECTION 2100 – MEDICAL EQUIPMENT

A. The EMS Agency shall ensure the following equipment is maintained on all in-service vehicles in accordance with the response:

Required (R); Medical Control Option (MCO); Not Applicable (N/A)							
Item, and Quantity		EMERGENCY RESPONSE		AMBULANCE			
		EMT-Basic	Paramedic	EMT-Basic	AEMT	Paramedic	Air/Critical Care
Personal Protective Equipment							
1.	Eye protection or face shield for each medical crew member One (1)	R	R	R	R	R	R
2.	Labeled Non-sterile, latex-free exam gloves – two (2) sizes Five (5) pairs each	R	R	R	R	R	R
3.	Mask/Face shield for each Crew Member One (1) each	R	R	R	R	R	R
4.	Protective clothes covering	R	R	R	R	R	R
Automatic External Defibrillator (AED)							
5.	AED: secured and positioned for easy access to Attendants One (1)	R	R	R	R	N/A	N/A
6.	Paddles or pads and cables, Adult and Pediatric, compatible with AED	R	R	R	R	R	R
Monitor/Defibrillator							
7.	Four (4) lead wave form, twelve (12) lead/EKG, SpO2 waveform with numeric reading, waveform	N/A	R	N/A	N/A	R	R

	capnography, and invasive pressure ports for adult and pediatric, and neonate, if applicable. Printable and transmittable and secured and positioned so displays are visible to Attendants. All components are required, but not all on one device. One (1)						
8.	ECG Electrodes Twenty (20)	MCO	MCO	MCO	MCO	R	R
9.	Extra roll of compatible printer paper One (1)	N/A	R	N/A	MCO	R	R
10.	Internal rechargeable battery pack One (1)	N/A	R	N/A	MCO	R	R
11.	Extra battery or AC adapter and cord One (1)	N/A	R	N/A	MCO	R	R
12.	Defibrillator: May be integrated into cardiac monitor module. One (1)	N/A	R	N/A	MCO	R	R
13.	Pads – Pediatric and Adult (Neonatal sizes if transports are conducted)	N/A	R	N/A	N/A	R	R
14.	Transcutaneous Pace – Adult and Pediatric capabilities (stand-alone unit or integrated into cardiac monitor modular)	N/A	R	N/A	N/A	R	R
Oxygen Delivery							
15.	Nasal Cannulas – Adult Two (2)	R	R	R	R	R	R
16.	Nasal Cannula- Pediatric Two (2)	MCO	MCO	R	R	R	R
17.	Non-Rebreather Mask – Adult Two (2)	R	R	R	R	R	R
18.	Non-Rebreather Mask – Infant Two (2)	N/A	N/A	N/A	N/A	N/A	R

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19.	Non-Rebreather Mask – Pediatric Two (2)	R	R	R	R	R	R
20.	Disposable Nebulizer Two (2)	MCO	R	MCO	R	R	R
21.	NPA 16 French through 34 French (12, 16, 20, 24, 28, 32, 36) One (1) each	MCO	R	R	R	R	R
22.	Nonmetallic oropharyngeal airways (OPAs): sizes 0-5. One (1) each	R	R	R	R	R	R
23.	Positive Pressure Airway device One (1)	MCO	R	MCO	R	R	R
24.	Individual use circuit for Positive pressure device compatible with the device Two (2)	MCO	R	MCO	R	R	R
25.	Portable Oxygen Cylinder (min 1000 PSI) with working regulator One (1)	R	R	R	R	R	R
26.	Spare Portable Oxygen Cylinder One (1)	R	R	R	R	R	R
27.	On-Board Oxygen Cylinder (min 2000L) With working regulator One (1)	N/A	N/A	R	R	R	R
Bag Valve Mask Ventilation Units (BVM)							
28.	Adult BVM One (1)	R	R	R	R	R	R
29.	Pediatric BVM One (1)	R	R	R	R	R	R
30.	Neonate BVM One (1)	MCO	MCO	R	R	R	R
Bandage Material							
31.	ABD pad at least five by nine inches (5" x 9") Two (2)	R	R	R	R	R	R
32.	Adhesive bandages Five (5)	R	R	R	R	R	R
33.	Individually wrapped four by four inch (4" x 4") Sterile Gauze Pads Fifteen (15)	R	R	R	R	R	R

34.	Individually wrapped Sterile Gauze bandage rolls two (2) different Sizes Required One (1) each size	R	R	R	R	R	R
35.	Four by four inch (4" x 4") Commercial Sterile Occlusive Dressing or Chest Seal Two (2)	R	R	R	R	R	R
36.	Hypoallergenic Adhesive Tape – One inch (1") One (1)	R	R	R	R	R	R
37.	Hypoallergenic Adhesive Tape – Two Inch (2") One (1)	MCO	MCO	MCO	MCO	MCO	MCO
38.	Hypoallergenic Adhesive Tape – Three Inch (3") One (1)	MCO	MCO	R	R	R	R
39.	Large Trauma Bandage Shears One (1)	R	R	R	R	R	R
40.	Sterile Water or Normal Saline for irrigation Minimum of 250 ml.	R	R	R	R	R	R
41.	Arterial Tourniquet Two (2)	R	R	R	R	R	R
42.	Hemostatic Agent or Bandage (non-granular) Two (2)	MCO	MCO	MCO	MCO	MCO	MCO
Assessment Tools							
43.	Thermometer One (1)	MCO	MCO	R	R	R	R
44.	Sphygmomanometer, cuff, bladder, and tubing in sizes for each age and size (Minimum of 3 sizes) One (1) each size	R	R	R	R	R	R
45.	Adult Stethoscope One (1)	R	R	R	R	R	R
46.	Pediatric Capable Stethoscope One (1)	R	R	R	R	R	R
47.	Pulse Oximeter with numeric reading with Adult and Pediatric capabilities	R	R	R	R	R	R

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	One (1)						
48.	Penlight Two (2)	R	R	R	R	R	R
Miscellaneous							
49.	Commercial antimicrobial and waterless hand cleanser	R	R	R	R	R	R
50.	EPA recommended Germicidal/viricidal agent or sodium hypochlorite solution - ninety-nine (99) parts water and one (1) part bleach for cleaning equipment.	R	R	R	R	R	R
51.	Portable Suction	R	R	R	R	R	R
52.	Wall Mounted Suction	N/A	N/A	R	R	R	R
53.	Suction Tubing	MCO	MCO	R	R	R	R
54.	Rigid suction Tip	MCO	MCO	R	R	R	R
55.	Flexible Suction Tip Four (4) sizes	MCO	R	R	R	R	R
56.	Naloxone Administration Kit	MCO	MCO	MCO	MCO	MCO	MCO
57.	Epinephrine Administration Kit	MCO	MCO	MCO	MCO	MCO	MCO
58.	Sharps container (fixed with locking mechanism) One (1)	N/A	N/A	R	R	R	R
59.	Portable Sharps Container One (1)	R	R	R	R	R	R
60.	Current color-coded Pediatric weight and length-based drug dose chart One (1)	MCO	R	MCO	R	R	R
61.	Antiseptic pads for injection sites Twenty-four (24)	R	R	R	R	R	R
62.	18-20g needles at least one and one-half inch (1 ½") length Two (2) sets	N/A	R	N/A	R	R	R
63.	23g-25g needles at least one and one-half inch (1 ½") length Two (2) sets	N/A	R	N/A	R	R	R
64.	1 ml Syringes Two (2)	N/A	R	N/A	R	R	R
65.	3-5 ml Syringes Two (2)	N/A	R	N/A	R	R	R

66.	10-20 ml Syringes Four (4)	N/A	R	N/A	N/A	R	R
67.	Sterile burn sheet One (1)	R	R	R	R	R	R
68.	Triangular Bandages Two (2)	R	R	R	R	R	R
69.	Traction-type, lower extremity splint (Bi-polar or Uni-polar type is acceptable) One (1)	MCO	MCO	R	R	R	MCO
70.	Padded splints: 15" x 3" (or other approved commercially available splints for arm or leg fractures) Two (2)	R	R	R	R	R	MCO
71.	Padded Splints: 36" x 3" (or other approved commercially available splints for arm or leg fractures) Two (2)	MCO	MCO	R	R	R	MCO
72.	Pelvic Splint One (1)	MCO	MCO	MCO	MCO	MCO	MCO
73.	Long Spine Board: at least 16" x 72". (A folding backboard may be used as a substitute.) One (1)	MCO	MCO	R	R	R	MCO
74.	Cervical collars: Adjustable or available in sizes of short, regular, or tall. Adult and Pediatric Minimum of one (1) each	R	R	R	R	R	MCO
75.	Commercially or Premade Head Immobilization Device – Adult and Pediatric One (1) each	MCO	MCO	R	R	R	MCO
76.	Nine (9) foot straps (one (1) set 10-point spider straps may be used) Minimum of three (3) each	MCO	MCO	R	R	R	R
77.	Triage Tag (Compatible with the state system)	R	R	R	R	R	MCO
78.	Patient Restraints one (1) set	N/A	N/A	R	R	R	R

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79.	Obstetrical Kit: Sterile, latex free. (Contains the following: gloves, scissors or surgical blades, umbilical cord clamps or tapes, dressing, towels, perinatal pad, bulb syringe and a receiving blanket) One (1)	R	R	R	R	R	R
80.	Glucometer or Blood Glucose Measuring Device One (1)	R	R	R	R	R	R
81.	Emesis basin or bag One (1)	R	R	R	R	R	R
82.	Bedpan and urinal One (1) each	MCO	MCO	R	R	R	R
83.	ABC Fire Extinguisher (minimum of 5 LBS, properly mounted) One (1)	R	R	R	R	R	R
84.	Battery Operated Flashlight (non-penlight) Two (2)	MCO	MCO	R	R	R	MCO
85.	High Visibility vest or reflective clothing Two (2)	R	R	R	R	R	R
86.	Protective Work Gloves 2 Pair	MCO	MCO	MCO	MCO	MCO	MCO
87.	Protective Helmet Two (2)	MCO	MCO	MCO	MCO	MCO	R
88.	Flameless Flare, Glow Sticks, Cones, or Reflective Triangles Three (3)	R	R	R	R	R	MCO
89.	Blankets/ Linen Three (3) each	MCO	MCO	R	R	R	R
Advanced Airway and Ventilatory Support							
90.	Laryngoscope handle with extra set of batteries and bulbs (Compatible with Blades) One (1)	N/A	R	N/A	N/A	R	R
91.	Laryngoscope blades – 0-4 Miller, 1-4 Macintosh - Adult/	N/A	R	N/A	N/A	R	R

	Pediatric/Neonate sizes (Compatible with handle) One (1) each						
92.	Video Laryngoscope One (1)	N/A	MCO	N/A	N/A	MCO	MCO
93.	Disposable ET tube sizes 2.5 through 8mm with stylets sized for each tube One (1) each	N/A	R	N/A	N/A	R	R
94.	Bougie type device One (1)	N/A	MCO	N/A	N/A	MCO	MCO
95.	ET Placement Detector One (1)	N/A	R	N/A	N/A	R	R
96.	Water soluble lubricating jelly Four (4) each	R	R	R	R	R	R
97.	Blind Insertion Airway Device (BIAD) – Age and weight sizes as defined by FDA. Syringe(s) needed to inflate bulbs shall be included in packaging, if not, appropriate size(s) carried by provider.	R	R	R	R	R	R
98.	Mucosal Atomizer Device One (1)	N/A	MCO	N/A	N/A	MCO	MCO
99.	Positive End-Expiratory Pressure (PEEP) valve (may be incorporated into BVMs) – age appropriate	R	R	R	R	R	R
100.	Mechanical ventilator and circuit - age/weight appropriate, including neonate, if applicable, includes measurement of: Fraction of inspired oxygen (FiO2); Tidal volume (Vt); Respiratory rate (RR) or frequency; and PEEP.	N/A	N/A	N/A	N/A	MCO	R
101.	Continuous Positive Airway Pressure (CPAP), able to be incorporated within the	N/A	N/A	N/A	MCO	MCO	R

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	mechanical ventilator mechanical and with appropriate setting and attachments for adult, pediatric, and neonate Patients, if applicable						
102.	Bi-level Positive Airway Pressure (BiPap), able to be incorporated within the mechanical ventilator mechanical and with appropriate setting and attachments for adult, pediatric, and neonate Patients, if applicable	N/A	N/A	N/A	N/A	MCO	MCO
103.	Chest Decompression Kit One (1)	N/A	R	N/A	N/A	R	R
104.	Printable waveform End-tidal CO2 continuous monitoring capabilities. May be incorporated within cardiac monitor modular	N/A	R	N/A	N/A	R	R
Venous Access							
105.	Intravenous catheters 14g-20g Two (2) each	N/A	R	N/A	R	R	R
106.	Intravenous catheters 22g-24g for pediatric/neonate transport Two (2) each	N/A	R	N/A	R	R	R
107.	Intraosseous needles – 15mm, 25mm, 45mm One (1) each	N/A	MCO	N/A	R	R	R
108.	Macro drip sets, 10-20 gtts/ml Two (2)	N/A	R	N/A	R	R	R
109.	Micro drip set One (1)	N/A	R	N/A	N/A	N/A	N/A
110.	IV start kits containing latex free tourniquet, antiseptic solution, and latex free catheter dressing. Three (3)	N/A	R	N/A	R	R	R
111.	Intravenous fluids: may be combination of sizes 100mL-1000mL variety such as Lactated	N/A	R (2000 ml total)	N/A	R	R	R

	Ringers, Normal Saline, D5W. Capability to be administered warm. 4000 ml total						
112.	IV Pressure Infuser One (1)	N/A	MCO	N/A	MCO	R	R

B. The EMS Agency shall maintain the equipment used in the provision of Patient care clean, in good repair, and operating condition, within the manufacturer expiration date, and in accordance with Occupational Safety and Health Administration (OSHA) Standard 1910.1030.

C. Local Medical Control Option (MCO). The EMS Agency shall ensure all local MCO medical equipment is incorporated into its Protocols pursuant to Section 502.B.

SECTION 2200 – AIR AMBULANCE

2201. Permitting. (I)

A. No EMS Agency, Ambulance service provider, agent or broker shall secure or arrange for Air Ambulance service originating in South Carolina unless the Air Ambulance service meets the provisions of S. C. Code Sections 44-61-10, et seq. and these regulations. The EMS Agency providing Air Ambulance services that transport Patients in the prehospital setting shall be permitted as Advanced Life Support. The EMS Agency shall have each Air Ambulance inspected prior to issuance of the initial Permit and inspected thereafter at a frequency as determined by the Department.

B. The EMS Agency shall submit an application to the Department, in a format as determined by the Department, prior to being issued an initial Air Ambulance Permit and Air Ambulance Permit renewals. The EMS Agency shall submit the following documentation with the application:

1. A copy of current FAA operational certificate including designation for Air Ambulance operations;
2. Proof of accreditation from the Commission on Accreditation of Medical Transport Systems (CAMTS). After updates are released to the CAMTS Air Ambulance Standards, the EMS Agency shall make applicable safety related upgrades to each Air Ambulance on timetables as determined by the Department; and
3. A letter of agreement verifying each aircraft meets the specifications of this regulation if the aircraft is leased from a pool.

C. The EMS Agency shall ensure that prior to issuance of an initial or renewal Air Ambulance Permit that the Air Ambulance for which the Permit is issued meets all requirements as set forth in this regulation. Each Permit shall be issued for a specific Air Ambulance and is not transferrable to another vehicle.

D. The EMS Agency shall ensure each Air Ambulance conforms to all federal and state laws and regulations, including Title 14 of the Code of Federal Regulations (14 CFR) part 135.

E. Out-of-State Air Ambulances.

1. EMS Agencies from out of state with Air Ambulances transporting Patients from locations originating in South Carolina shall obtain an EMS Agency License from the Department prior to engaging in operations and shall have applicable current and valid licenses and permits in their home state, except where exempt pursuant to S.C. Code Section 44-61-100(D).

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2. EMS Agencies from out of state operating Air Ambulances in a state where no license and/or permit is available shall obtain a EMS Agency License in South Carolina and meet all requirements in Section 1200.

3. EMS Agencies from out of state with Air Ambulances transporting Patients from locations originating in South Carolina shall submit ePCRs to the Department within seventy-two (72) hours of completing the transport.

2202. Aircraft.

The EMS Agency shall ensure all operations comply with all federal aviation regulations which are adopted by reference, FAA Part 135. The EMS Agency shall ensure each aircraft meets the following specifications:

A. Configured in such a way that the medical Attendants have adequate access for the provision of Patient care within the cabin to give cardiopulmonary resuscitation and maintain the Patient's life support. The EMS Agency shall ensure:

1. The aircraft has an entry that allows loading and unloading without excessive maneuvering (no more than forty-five (45) degrees about the lateral axis and thirty (30) degrees about the longitudinal axis) of the Patient; and

2. The configuration does not compromise functioning of monitoring systems, intravenous lines, and manual or mechanical ventilation.

B. Has at least one (1) stretcher or cot that can be carried to the Patient and allow loading of a supine Patient by two (2) Attendants. The EMS Agency shall ensure:

1. The maximum gross weight allowed on the stretcher or cot (inclusive of Patient and equipment) as consistent with manufacturer's guidelines;

2. The aircraft stretchers and cots, and the means of securing them in-flight, are consistent with federal aviation regulations;

3. The stretcher or cot is sturdy and rigid enough that it can support cardiopulmonary resuscitation;

4. The head of the cot is capable of being elevated at least thirty (30) degrees for Patient care and comfort; and

5. The Patient placement allows for safe personnel egress.

C. Has appropriate communication equipment to ensure both internal crew and air to ground exchange of information between individuals and agencies appropriate to the mission, including at least Medical Control, air traffic control, emergency services (EMS, law enforcement agencies, and fire), and navigational aids;

D. Is equipped with radio headsets that ensure internal crew communications and transmission to appropriate agencies;

E. The pilot is able to control and override radio transmissions from the cockpit in the event of an Emergency situation;

F. Lighting. The EMS Agency shall ensure each Air Ambulance has a supplemental lighting system installed in the aircraft which includes standard lighting and is sufficient for Patient care; The EMS Agency shall ensure:

1. The lighting system includes a self-contained lighting system powered by a battery pack or a portable light with a battery source is available;

2. That red lighting or low intensity lighting may be used in the Patient care area if not able to isolate the Patient care area from effects on the cockpit or on a pilot; and

3. For those flights meeting the definition of “long range,” the EMS Agency shall have additional policies in place to address how cabin lighting will be provided during fueling and/or technical stops to ensure proper Patient assessment can be performed and adequate Patient care provided.

G. Has hooks and/or devices for hanging intravenous fluid bags;

H. Rotor Wing Aircraft must have an external landing light and tail-rotor position light;

I. Design does not compromise Patient stability in loading, unloading, or in-flight operations;

J. Temperature. The EMS Agency shall ensure:

1. The interior of the Air Ambulance is climate controlled to avoid adverse effects on Patients and personnel on board;

2. The thermometer is mounted inside the Air Ambulance cabin; and

3. The Air Ambulance cabin temperatures are measured and documented every fifteen (15) minutes during a Patient transport until temperatures are maintained within the range of fifty degrees Fahrenheit (50°F) to ninety-five degrees Fahrenheit (95°F), or ten degrees Celsius (10° C) to thirty-five degrees Celsius (35° C) for aircraft.

K. Electric power outlet. The EMS Agency shall ensure each Air Ambulance aircraft is equipped with an inverter or appropriate power source of sufficient output to meet the requirements of the complete specialized equipment package without compromising the operation of any electrical aircraft or Ambulance equipment. The EMS Agency shall ensure each Air Ambulance maintains extra batteries onboard for critical Patient care equipment.

2203. Aircraft Flight Crew.

A. Rotorcraft Pilot. The EMS Agency shall ensure:

1. Each Rotorcraft pilot possess at least a commercial Rotorcraft-helicopter and instrument helicopter rating of 05.04.03;

2. Prior to an assignment with a medical service, the Rotorcraft pilot in command possesses two thousand (2,000) total flight hours, or total flight hours of at least fifteen hundred (1,500) hours, and recent experience that exceeds the operator’s pre-hire qualifications such as current air medical and/or search and rescue experience or Airline Transport Pilot (ATP) rated that include the following:

a. At least twelve hundred (1,200) helicopter flight hours;

b. At least one thousand (1,000) of those hours must be as Pilot-in-Charge (PIC) in Rotorcraft;

c. One hundred (100) hours unaided, if the pilot is not assigned to a Night Vision Goggles (NVG) base or aircraft;

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d. Fifty (50) hours unaided as long as the pilot has one hundred (100) hours aided, if assigned to an NVG base or aircraft; and

e. A minimum of five hundred (500) hours of turbine time.

3. The pilot is readily available within a defined call-up time to ensure an expeditious and timely response; and

4. ATP certificate and instrument currency is strongly encouraged.

B. Rotorcraft Mechanic. The EMS Agency shall ensure:

1. The mechanic primarily assigned to a specific Air Ambulance is factory schooled or equivalent in an FAA approved program on the type of specific airframe, the power plant and all related systems. The EMS Agency shall ensure the primarily assigned mechanic provides direct (on-site during maintenance) supervision to other mechanics assisting with maintenance that may not have this level of experience or training;

2. All mechanics receive formal training on human factors and maintenance error reduction;

3. A policy is written that grants the mechanic permission without fear of reprisal to decline performing any maintenance critical to flight safety that he has not been appropriately trained for, until an appropriately trained mechanic is available to directly supervise or assist;

4. There is a documented annual review of infection control, medical systems, and installations on the aircraft, Patient loading and unloading procedures for all mechanics;

5. At least one (1) technician is available for each service with formal training on the aircraft electrical system and formal training on the autopilot system; and

6. Training related to the interior modification of the aircraft:

a. Prepares the mechanic for inspection of the installation as well as the removal and reinstallation of special medical equipment; and

b. Includes supplemental training on service and maintenance of medical oxygen systems and a policy as to who maintains responsibility for refilling the medical oxygen systems;

C. Fixed Wing Pilot. The EMS Agency shall ensure the pilot-in-command (PIC) possesses the following qualifications:

1. Possesses the following flight hours:

a. Prior to assignment with an EMS Agency and if the aircraft is to be operated using a single PIC, with no Second in Command (SIC):

TYPE OR CLASS OF AIRCRAFT	TOTAL FLIGHT HOURS	MULTI-ENGINE HOURS	PIC HOURS	TYPE RATE HOURS
Single Engine Turbo-Prop	2500	N/A	1000	50
Multi-Engine Piston	2500	500	1000	50
Multi-Engine Turbo Prop	2500	500	1000	100

b. If the aircraft is to be operated with two (2) fully trained and qualified pilots:

TYPE OR CLASS OF AIRCRAFT	PIC TOTAL FLIGHT HOURS	MULTI-ENGINE HOURS	PIC HOURS	SIC TOTAL HOURS
Single Engine Turbo-Prop	2000	N/A	1000	500
Multi-Engine Piston	2000	500	1000	500
Multi-Engine Turbo Prop	2000	500	1000	800
Multi-Engine Turbo Prop	3000	500	1500	1000

2. The PIC is Airline Transport Pilot (ATP) rated within five (5) years of hire;

3. In aircraft that requires two (2) pilots, both pilots shall be type-rated for the make and model, and both pilots shall hold first class medical Certificates if the Certificate holder operates internationally. Both pilots shall have training on Crew Resource Management (CRM) or Multi-pilot Crew Coordination (MCC); and

4. When operating an Air Ambulance with two (2) pilots, the EMS Agency shall maintain policies procedures that address avoidance of a “green on green” situation, where a lower experienced PIC is paired with a lower experienced SIC. The EMS Agency shall ensure the two (2) pilots combined have completed a minimum combined flight experience of two hundred fifty (250) hours in make and model.

D. Fixed-Wing Mechanic. The EMS Agency shall ensure:

1. The mechanic primarily assigned to a specific Air Ambulance possess a minimum of two (2) years of airplane experience as a certified airframe and power plant mechanic prior to assignment, or, in the case of a repair station, the Maintenance Repair Organization (MRO) shall hold a FAA issued Certificate under FAA 14 CFR Part 145, or the national equivalent, and hold the ratings and/or limitations within its Operations Specifications for the make/model upon which it is performing scheduled maintenance;

2. The primary mechanic performing scheduled maintenance to a specific Air Ambulance is factory-schooled or equivalent in an approved program on the type-specific airframe, the power plant, and all related systems within eighteen (18) months of employment by the operator;

3. All mechanics must receive formal training on human factors and maintenance error reduction;

4. If not working for a maintenance organization certified under FAA 14CFR Part 145 or national equivalent, the EMS Agency implements a written policy that grants the mechanic permission, without fear of

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reprisal, to decline from performing any maintenance critical to flight safety that he or she has not been appropriately trained for, until an appropriately trained mechanic is available to directly supervise;

5. There is an annual review of infection control, medical systems, and installations on the aircraft, Patient loading and unloading procedures for all mechanics;

6. There will be at least one (1) technician or MRO available for each service with formal training on the aircraft electrical system and formal training on avionics; and

7. Training related to the interior modifications of the aircraft:

a. Training must prepare the mechanic for inspection of the installation as well as the removal and reinstallation of special medical equipment; and

b. There is supplemental training on service and maintenance of medical oxygen systems and a policy as to who maintains responsibility for refilling the medical oxygen system.

E. The EMS Agency shall ensure that each Patient is evaluated prior to a flight for the purpose of determining that appropriate Air Ambulance, flight and medical crew, and equipment are provided to meet the Patient's needs.

F. The EMS Agency shall ensure that all medical crew members are adequately trained to perform in flight duties prior to functioning in an inflight capacity.

G. Aircraft Medical Crew. The EMS Agency shall ensure:

1. Each Advanced Life Support Air Ambulance is staffed with at least one (1) currently certified Paramedic or Flight Nurse as may be required by the Patient's condition;

2. Each crew member wears a flame retardant uniform with reflective striping; and

3. Each crew member displays, upon request, a legible photo identification with first name and certification level (for example, pilot, RN, or other) while Patient care is anticipated to be rendered.

H. Orientation Program. The EMS Agency shall ensure:

1. All medical flight crew members complete a base level flight orientation program supervised by the EMS Agency's Medical Control Physician; and

2. The flight orientation program is documented and of a duration and substance to cover all Patient care procedures, including altitude physiology, and flight crew requirements.

2204. Medical Supplies and Equipment. (II)

A. Delivering Oxygen. The EMS Agency shall ensure that oxygen is installed according to federal aviation regulations (FAA Part 135.91). The EMS Agency shall ensure that medical transport personnel determine how oxygen is functioning by use of pressure gauges mounted in the Patient care area. The EMS Agency shall ensure:

1. Each gas outlet shall be clearly identified;

2. "No Smoking" sign shall be included;

3. Oxygen flow must be stoppable at or near the oxygen source from inside the aircraft or Ambulance;

4. The following indicators shall be accessible to medical transport personnel while en route;

- a. Quantity of oxygen remaining; and
- b. Measurement of liter flow.

5. Adequate amounts of oxygen for anticipated liter flow and length of transport with an emergency reserve must be available for every mission; and

6. When the Air Ambulance is in motion, all oxygen cylinders shall be affixed to a wall or floor with crash stable, quick release fittings.

B. Sanitation. The EMS Agency shall ensure that the floor, sides, ceiling, and equipment in the Patient cabin of the Air Ambulance are a nonporous surface capable of being cleaned and disinfected in accordance with Section 1700.

C. Each EMS Agency shall maintain on each Air Ambulance all medical equipment pursuant to Section 2100.

2205. Medication and Fluids for Advanced Life Support Air Ambulances. (II)

A. The EMS Agency shall ensure medications and fluids approved by the Department for possession and administration by Paramedics and specified by the Medical Control Physician are carried on the Air Ambulance. The EMS Agency shall ensure that medications not included on the approved medication list for Paramedics are only carried on board the Air Ambulance if the EMS Agency has a written Protocol that includes delineation of administration only by a registered nurse or physician.

B. The EMS Agency shall ensure on each Air Ambulance:

- 1. All Medications are easily accessible;
- 2. Controlled substances are in a double locked system and kept in a manner consistent with state and federal controlled substances laws and regulations;
- 3. Storage of medications allows for protection from extreme temperature changes within the U.S. Pharmacopeia guidelines, if environment deems it necessary; and
- 4. If there is a refrigerator on the Air Ambulance for medications, a temperature monitoring and tracking policy is established and implemented, and the refrigerator is used and labeled “for medication use only.”

2206. Rescue Exception. (II)

The EMS Agency may utilize an aircraft or SRV without a Permit for occasional non-routine missions, such as the rescue and transportation of victims or Patients who may or may not be ill or injured from structures, depressions, water, cliffs, swamps or isolated scenes when the rescuers or EMS Agency present at the scene determines the preferred method of rescue and transportation incident thereto due to the nature of the entrapment, condition of the victim, existence of an immediate life threatening condition, roughness of terrain, time element and/or other pertinent factors. The EMS Agency shall ensure:

A. After the initial rescue, an EMT-basic, AEMT, or Paramedic accompanies the victim or Patient en route with the necessary and appropriate EMS supplies and equipment needed for the en route care of the specific injuries or illness involved;

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B. The aircraft or SRV is of adequate size and configuration to effectively make the rescue and to accommodate the victim or Patient, Attendant(s), and equipment;

C. Reasonable space is available inside the aircraft or SRV for continued victim or Patient comfort and care;

D. A permitted Air Ambulance or Ambulance is not available within a reasonable distance response time; and

E. Provided the Patient is transferred to a higher level of EMS ground transportation for stabilization and transport if such ground unit is available at a reasonably safe landing area.

SECTION 2300 – [RESERVED]

SECTION 2400 – [RESERVED]

SECTION 2500 – [RESERVED]

SECTION 2600 – [RESERVED]

SECTION 2700 – SEVERABILITY

In the event that any portion of this regulation is construed by a court of competent jurisdiction to be invalid, or otherwise unenforceable, such determination shall in no manner affect the remaining portions of this regulation, and they shall remain in effect as if such invalid portions were not originally a part of this regulation.

SECTION 2800 – GENERAL

Conditions that have not been addressed in this regulation shall be managed in accordance with the best practices as interpreted by the Department.

Fiscal Impact Statement:

Implementation of this regulation will not require additional resources. There is no anticipated additional cost by the Department or state government due to any requirements of this regulation.

Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: 61-7, Emergency Medical Services.

Purpose: The Department amends R.61-7 to update provisions in accordance with current practices and standards. Amendments incorporate and revise provisions and definitions to conform to statutory mandates and terminology widely used and understood within the provider community. The Department further revises for clarity and readability, grammar, references, codification, and overall improvement to the text of the regulation.

Legal Authority: 1976 S.C. Code Sections 44-61-10 et seq., 44-78-10 et seq., and 44-80-10 et seq.

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments. Additionally, a copy of the regulation will be posted on the Department's website, accessible at www.scdhec.gov/regulations-table. Printed copies may also be requested, for a fee, from the Department's Freedom of Information Office.

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

The amendments are necessary to update provisions in accordance with current practices and standards. The amendments include updated language for EMS agencies applying for licensure and certification of EMS personnel, and incorporate provisions delineating requirements for protocols, ambulance permitting, Emergency Medical Responder agencies, training programs, ambulance design and equipment, and medical equipment. The amendments revise and incorporate requirements regarding maintenance of policies and procedures, Department inspections and investigations, maintenance of accurate and current patient reports, and other requirements for licensure. The amendments also update the structure of the regulation throughout for consistency with other Department regulations.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of these amendments will not require additional resources. There is no anticipated additional cost to the Department or state government due to any inherent requirements of these amendments. There are no anticipated additional costs to the regulated community.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The amendments to R.61-7 seek to support the Department's goals relating to the protection of public health through implementing updated requirements and current best practices for the emergency medical agencies and personnel. There are no anticipated effects on the environment.

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

There is no anticipated detrimental effect on the environment. If the revision is not implemented, the regulation will be maintained in its current form and the benefits of the amendments herein will not be realized.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(h):

The Department amends R.61-7 to update provisions in accordance with current practices and standards. Amendments incorporate and revise provisions and definitions to conform to statutory mandates and terminology widely used and understood within the provider community. The Department revises requirements for Emergency Medical Technician (EMT) training programs, ambulance design and equipment, incident reporting, sanitation and infection control, monetary penalties, and other requirements for EMS agency licensure, ambulance permitting, and EMT certification.

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Document No. 5058
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 44-56-10 et seq.

61-79. Hazardous Waste Management Regulations.

Synopsis:

Pursuant to R.61-79, Hazardous Waste Management Regulations, the Department of Health and Environmental Control (“Department”) promulgates regulations establishing and enforcing procedures, standards, and other requirements for the proper management of hazardous waste in South Carolina. The Department amends R.61-79 to adopt the Environmental Protection Agency (“EPA”) final rule, “Modernizing Ignitable Liquids Determinations,” published in the *Federal Register* on July 7, 2020, at 85 FR 40594-40608. This rule updates flash point test methods used to determine if a liquid waste is hazardous. It allows the use of non-mercury thermometers in approved analytical methods that currently require mercury thermometers. This rule also provides greater clarity to determinations of hazardous waste, provides more flexibility in testing requirements, and improves environmental compliance, thereby enhancing the protection of human health and the environment. Because this rule is no more or less stringent than current Federal requirements, the EPA has made state adoption optional.

The Department had a Notice of Proposed Regulation published in the August 27, 2021, *South Carolina State Register* and a Notice of Drafting was published in the April 23, 2021, *South Carolina State Register*.

Changes made at the request of the House Regulations and Administrative Procedures Committee by letter dated March 8, 2022:

261.2 Table 1 – Summary of definitions of Solid Waste. Add the row titled “By-products (listed in 261.31 or 261.32)” and remove the asterisk “(*)” in column 3 titled “Reclamation (261.2(c)(3)), except as provided in 261.4(a)(17), 261.4(a)(23), 261.4(a)(24), or 261.4(a)(27)” in the row titled “By-products exhibiting a characteristic of hazardous waste” to align with federal regulations.

Instructions:

Amend R.61-79 pursuant to each individual instruction provided with the text of the amendments below.

Section-by-Section Discussion of Amendments:

Section	Type of Change	Purpose
260.10		
Contained	Revision	Remove incorrect reference.
Designated facility	Revision	Add needed reference.
Facility	Revision	Remove incorrect reference.
Hazardous secondary material generator	Revision	Remove unnecessary reference.
260.11	Revision	Delete existing text and add new text with references to the current flash point test methods approved by the EPA.
260.33(c) and (d)	Revision	Correct instances of “Administrator” to “Department.”

Section	Type of Change	Purpose
260.42(b)	Revision	Correct instances of “Regional Administrator” to “Department.”
260.43(a)(4)	Deletion	Remove existing text.
260.43(b)(1)(ii)	Revision	Correct reference.
261.2(a)	Revision	Add missing sentence in 261.2(a)(1). Delete existing text in 261.2(a)(2). Insert text in (2)(i) that defines “discarded material” and reserve (2)(ii).
261.2(c)(4)	Revision	Correct reference.
261.4(a)(9)(iii)(E)	Revision	Remove unnecessary language.
261.4(a)(24)(v)(B)	Technical Correction	Remove erroneous punctuation.
261.4(a)(24)(v)(B)(3)	Revision	Remove instances of “the South Carolina Hazardous Waste Management” and “with the Department” from the paragraph and adding “RCRA hazardous waste.”
261.4(a)(27)(vi)(A)	Revision	Delete reference and unnecessary language.
261.21(a)(1)	Revision and Technical Corrections	Update testing methods for liquid waste; correct spelling and grammatical errors.
261.21(a)(3)(ii)	Revision and Deletion	Update testing methods for compressed gases in items (A) and (B). Remove items (C) and (D).
261.21(a)(4)	Revision and Deletion	Remove references to Note 3 and Note 4. Change references of explosive types.
261.21 Notes	Deletion	Remove Notes 1-4.
261.31(b)(4)(ii)	Revision	Remove unnecessary language.
261.41(a)	Revision and Technical Corrections	Correct identifying language and grammatical error.
261.41(a)(2)	Revision	Update the instructions for those sending notifications of intent to export CRTs with the correct address.
261.147(g)(2)(i)(B)	Technical Correction	Correct punctuation error.
261.151(d)	Revision	Correct reference.
261.151 Appendix E, Financial Test, paragraph 4	Revision	Add needed reference to the EPA.
261.197	Revision	Remove incorrect reference.
261.420(g)	Addition	Add text that requires employees to be familiar with relevant proper methods of handling waste and emergency procedures.
261 Appendix IX Table 1	Revision	Remove Michigan’s wastes excluded from Non-specific sources and replace with the

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Section	Type of Change	Purpose
		listing of South Carolina’s excluded wastes.
262.12	Revision	Change all instances of “Notification Form” to “Site Identification Form.”
262.15(a)	Revision	Remove incorrect reference.
262.17	Revision	Remove incorrect reference.
262.17(a)(8)(iii)(A)(3)	Revision	Correct the label of RCRA Subtitle C hazardous waste permitted facilities.
262.17(c)	Revision	Remove incorrect reference.
262.18(d)(1) and (d)(2)	Revision	Remove language and reserve to match federal language.
262.20(a)(2)	Revision	Add needed reference.
262.21(f)(4)	Revision	Update printing requirements.
262.21(h)(2)	Technical Correction	Correct grammatical errors.
262.41(a)	Revision	Clarify the text by referencing “large quantity generators” rather than their specifications.
262.81 – Exporter	Revision	Delete unnecessary language.
262.83(a)(6)(i)(B)(2)	Revision	Remove incorrect reference.
262.203(b)	Revision	Correct “Notification and Reporting Form” to read “Site Identification Form.”
262.204(b)	Revision	Correct “Notification and Reporting Form” to read “Site Identification Form.”
262.214	Revision	Add missing text regarding Laboratory Management plans.
263.11(b)	Revision	Correct all instances of “Notification Form” to “Site Identification Form.”
263.13	Revision	Correct all instances of “Notification Form” to “Site Identification Form.”
264.1(g)(1)	Revision	Correct reference.
264.5(a-d).	Revision	Correct all instances of “Notification Form” to “Site Identification Form.”
264.11(b)	Revision	Correct all instances of “Notification Form” to “Site Identification Form.”
264.13(a)(2)	Revision	Correct reference.
264.314(e)	Technical Correction	Correct punctuation.
264.340(b)(1)	Revision	Add language regarding RCRA permit conditions.
264.552(e)(4)(iv)(F)	Revision and Technical Correction	Remove unnecessary reference and correct punctuation.
264.1312(a)	Revision	Correct formula.
265.1(c)(7)	Revision	Correct reference.
265.1(c)(11)	Revision	Remove unnecessary header text.

Section	Type of Change	Purpose
265.5	Revision	Correct all instances of “Notification Form” to “Site Identification Form.”
265.71(a)(2)(i)	Revision	Clarify manifest instructions.
265.71(f)(1)	Revision	Remove unnecessary reference.
265.71(f)(3)	Revision	Clarify waste shipment.
265.71(h)(3)	Technical Correction	Correct punctuation error.
265.193(i)(2)	Technical Correction	Correct punctuation error.
265.1035(c)(4)(i)	Technical Correction	Correct punctuation error.
266.80(a) Table 1	Revision	Add missing text and make the format consistent across the table.
266.80(b)(1)(iv)	Technical Correction	Correct spacing error.
266.80(b)(2)(iv) and (v)	Revision and Technical Correction	Correct spacing error. Add and delete language to correct sentence.
266.100(b)(3)	Revision	Remove unnecessary references.
266.100(b)(4)	Revision	Remove unnecessary references.
268.7(a)(5)(i-iii)	Revision	Add language to clarify waste analysis plans.
268.7(a)(7)	Technical Correction	Correct spelling and punctuation errors.
268.9(a)	Revision	Remove unnecessary references.
Table 268.40	Technical Correction and Deletion	Correct punctuation error in K088 listing; delete duplicated text in footnotes.
268.50(a)	Revision	Remove unnecessary reference.
270.1(a)(3)	Revision	Remove incorrect reference.
270.6(a)	Technical Correction and Revision	Correct capitalization error and correct “regulations” to “chapter.”
270.6(b)	Revision	Correct contact information and insert acronym for clarification.
270.14(b)(11)(iv)(c)(2)	Revision	Remove incorrect reference.
270.19(e)	Revision	Correct by adding in the appropriate references for each section.
270.22	Revision	Correct by adding in the appropriate references for each section.
270.25(e)(3)	Revision	Correct acronym.
270.29	Technical Correction	Add missing word.
270.31(c)	Revision	Remove incorrect reference.
270.32(b)(3)	Revision	Correct by adding in the appropriate references for each section.
270.42(j)(1)	Technical Correction	Correct verb tense.
270.62	Technical Correction	Correct punctuation error.
270.65(a)	Technical Correction	Correct punctuation error.
270.65(b)	Technical Correction	Correct punctuation error.
273.4(b)(2)	Technical Correction	Correct punctuation error.

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Section	Type of Change	Purpose
273.13(c)(2)	Revision	Correct the references.

Text:

61-79. Hazardous Waste Management Regulations.

Statutory Authority: 1976 Code Ann. Section 44-56-30

Revise the definition of “Contained” in 260.10 to read:

"Contained" means held in a unit (including a land-based unit as defined in this subpart) that meets the following criteria:

(1) The unit is in good condition, with no leaks or other continuing or intermittent unpermitted releases of the hazardous secondary materials to the environment, and is designed, as appropriate for the hazardous secondary materials, to prevent releases of hazardous secondary materials to the environment. Unpermitted releases are releases that are not covered by a permit (such as a permit to discharge to water or air) and may include, but are not limited to, releases through surface transport by precipitation runoff, releases to soil and groundwater, wind-blown dust, fugitive air emissions, and catastrophic unit failures;

(2) The unit is properly labeled or otherwise has a system (such as a log) to immediately identify the hazardous secondary materials in the unit; and

(3) The unit holds hazardous secondary materials that are compatible with other hazardous secondary materials placed in the unit and is compatible with the materials used to construct the unit and addresses any potential risks of fires or explosions.

(4) Hazardous secondary materials in units that meet the applicable requirements of parts 264 or 265 are presumptively contained.

Revise the definition of “Designated facility” in 260.10 to read:

"Designated facility" means:

(1) A hazardous waste treatment, storage, or disposal facility which:

(i) has received a permit (or interim status) in accordance with the requirements of parts 270 and 124 of these regulations; or

(ii) has received a permit (or interim status) from a state authorized in accordance with 40 CFR part 271; or

(iii) is regulated under 261.6(c)(2) or subpart F of part 266; and

(iv) that has been designated on the manifest by the generator pursuant to 262.20.

(2) Designated facility also means a generator site designated on the manifest to receive its waste as a return shipment from a facility that has rejected the waste in accordance with 264.72(f) or 265.72(f) of this chapter.

(3) If a waste is destined to a facility in an authorized state which has not yet obtained authorization to regulate that particular waste as hazardous, then the designated facility must be a facility allowed by the receiving state to accept such waste.

Revise the definition of “Facility” in 260.10 to read:

“Facility” means:

(1) All contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste, or for managing hazardous secondary materials prior to reclamation. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

(2) For the purpose of implementing corrective action under section 264.101, all contiguous property under the control of the owner or operator seeking a permit under subtitle C of RCRA. This definition also applies to facilities implementing corrective action under RCRA Section 3008(h).

(3) Notwithstanding paragraph (2) of this definition, a remediation waste management site is not a facility that is subject to section 264.101, but is subject to corrective action requirements if the site is located within such a facility.

Revise the definition of “Hazardous secondary material generator” in 260.10 to read:

“Hazardous secondary material generator” means any person whose act or process produces hazardous secondary materials at the generating facility. For purposes of this paragraph, “generating facility” means all contiguous property owned, leased, or otherwise controlled by the hazardous secondary material generator. For the purposes of section 261.4(a)(23), a facility that collects hazardous secondary materials from other persons is not the hazardous secondary material generator.

Revise 260.11 to read:

When used in R.61-79.260 through R.61-79.268, the following materials are incorporated by reference. All approved materials are available for inspection at the OLEM Docket in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading room is (202) 566-1744, and the telephone number for the OLEM Docket is (202) 566-0270. These approved materials are available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email fedreg.legal@nara.gov or go to www.archives.gov/federal-register/cfr/ibr-locations.html. In addition, these materials are available from the following sources:

(a) American Petroleum Institute (API). 1220 L Street, Northwest, Washington, DC 20005, (855) 999-9870, www.api.org.

(1) API Publication 2517, Third Edition, February 1989, “Evaporative Loss from External Floating-Roof Tanks,” IBR approved for section 265.1084.

(2) [Reserved]

(b) ASTM International (ASTM). 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, (877) 909-ASTM, www.astm.org.

(1) ASTM D93-79, “Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester,” IBR approved for section 261.21(a).

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(2) ASTM D93-80, “Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester,” IBR approved for section 261.21(a).

(3) ASTM D1946-82, “Standard Method for Analysis of Reformed Gas by Gas Chromatography,” IBR approved for sections 264.1033 and 265.1033.

(4) ASTM D2267-88, “Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography,” IBR approved for section 264.1063.

(5) ASTM D2382-83, “Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method),” IBR approved for sections 264.1033 and 265.1033.

(6) ASTM D2879-92, “Standard Test Method for Vapor Pressure—Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope,” IBR approved for section 265.1084.

(7) ASTM D3278-78, “Standard Test Methods for Flash Point for Liquids by Setaflash Closed Tester,” IBR approved for section 261.21(a).

(8) ASTM D8174-18, “Standard Test Method for Finite Flash Point Determination of Liquid Wastes by Small Scale Closed Cup Tester.” Approved March 15, 2018, IBR approved for section 261.21(a).

(9) ASTM D8175-18, “Standard Test Method for Finite Flash Point Determination of Liquid Wastes by Pensky-Martens Closed Cup Tester.” Approved March 15, 2018, IBR approved for section 261.21(a).

(10) ASTM E168-88, “Standard Practices for General Techniques of Infrared Quantitative Analysis,” IBR approved for section 264.1063.

(11) ASTM E169-87, “Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis,” IBR approved for section 264.1063.

(12) ASTM E260-85, “Standard Practice for Packed Column Gas Chromatography,” IBR approved for section 264.1063.

(13) ASTM E681-85, “Standard Test Method for Concentration Limits of Flammability of Chemicals (Vapors and gases),” Approved November 14, 1985, IBR approved for section 261.21(a).

(c) Environmental Protection Agency (EPA). Material cited in paragraphs (d)(1) through (3) is available from: National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161; the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512-1800; EPA’s National Service Center for Environmental Publications at <https://www.epa.gov/nscep>. Material cited in paragraph (d)(4) of this section is available at <https://www.epa.gov/hw-sw846>.

(1) “APTI Course 415: Control of Gaseous Emissions,” EPA Publication EPA-450/2-81-005, December 1981, IBR approved for sections 264.1035 and 265.1035.

(2) Method 1664, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material SGT-HEM; (Non-polar Material) by Extraction and Gravimetry:

(i) Revision A, EPA-821-R-98-002, February 1999, IBR approved for appendix IX to part 261.

(ii) Revision B, EPA-821-R-10-001, February 2010, IBR approved for appendix IX to part 261.

(3) “Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised,” October 1992, EPA Publication No. EPA-450/R-92-019, IBR approved for appendix IX to part 266.

(4) The following methods as published in the test methods compendium known as “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” EPA Publication SW-846, Third Edition.

(i) Method 0010, Modified Method 5 Sampling Train, Revision 1, dated August 2018, IBR approved for appendix IX to part 261.

(ii) Method 0011, Sampling for Selected Aldehyde and Ketone Emissions from Stationary Sources, Revision 1, dated August 2018, IBR approved for appendix IX to part 261 and appendix IX to part 266.

(iii) Method 0020, Source Assessment Sampling System (SASS), Revision 1, dated August 2018, IBR approved for appendix IX to part 261.

(iv) Method 0023A, Sampling Method for Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofuran Emissions from Stationary Sources, Revision 2, dated August 2018, IBR approved for appendix IX to part 261, section 266.104(e), and appendix IX to part 266.

(v) Method 0030, Volatile Organic Sampling Train, dated September 1986 and in the Basic Manual, IBR approved for appendix IX to part 261.

(vi) Method 0031, Sampling Method for Volatile Organic Compounds (SMVOC), dated December 1996 and in Update III, IBR approved for appendix IX to part 261.

(vii) Method 0040, Sampling of Principal Organic Hazardous Constituents from Combustion Sources Using Tedlar® Bags, dated December 1996 and in Update III, IBR approved for appendix IX to part 261.

(viii) Method 0050, Isokinetic HCl/Cl₂ Emission Sampling Train, dated December 1996 and in Update III, IBR approved for appendix IX to part 261, section 266.107, and appendix IX to part 266.

(ix) Method 0051, Midget Impinger HCl/Cl₂ Emission Sampling Train, Revision 1, dated August 2018, IBR approved for appendix IX to part 261, section 266.107, and appendix IX to part 266.

(x) Method 0060, Determination of Metals in Stack Emissions, dated December 1996 and in Update III, IBR approved for appendix IX to part 261, section 266.106, and appendix IX to part 266.

(xi) Method 0061, Determination of Hexavalent Chromium Emissions from Stationary Sources, dated December 1996 and in Update III, IBR approved for appendix IX to part 261, section 266.106, and appendix IX to part 266.

(xii) Method 1010B, Test Methods for Flash Point by Pensky-Martens Closed-Cup Tester, dated December 2018, IBR approved for section 261.21 and appendix IX to part 261.

(xiii) Method 1020C, Standard Test Methods for Flash Point by Setaflash (Small Scale) Closed-Cup Apparatus, dated December 2018, IBR approved for section 261.21 and appendix IX to part 261.

(xiv) Method 1110A, Corrosivity Toward Steel, dated November 2004 and in Update IIIB, IBR approved for section 261.22 and appendix IX to part 261.

(xv) Method 1310B, Extraction Procedure (EP) Toxicity Test Method and Structural Integrity Test, dated November 2004 and in Update IIIB, IBR approved for appendix IX to part 261.

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(xvi) Method 1311, Toxicity Characteristic Leaching Procedure, dated July 1992 and in Update I, IBR approved for appendix IX to part 261, and sections 261.24, 268.7, and 268.40.

(xvii) Method 1312, Synthetic Precipitation Leaching Procedure, dated September 1994 and in Update III, IBR approved for appendix IX to part 261.

(xviii) Method 1320, Multiple Extraction Procedure, dated September 1986 and in the Basic Manual, IBR approved for appendix IX to part 261.

(xix) Method 1330A, Extraction Procedure for Oily Wastes, dated July 1992 and in Update I, IBR approved for appendix IX to part 261.

(xx) Method 9010C, Total and Amenable Cyanide: Distillation, dated November 2004 and in Update IIIB, IBR approved for appendix IX to part 261 and sections 268.40, 268.44, and 268.48.

(xxi) Method 9012B, Total and Amenable Cyanide (Automated Colorimetric, with Off-Line Distillation), dated November 2004 and in Update IIIB, IBR approved for appendix IX to part 261 and sections 268.40, 268.44, and 268.48.

(xxii) Method 9040C, pH Electrometric Measurement, dated November 2004 and in Update IIIB, IBR approved for appendix IX to part 261 and section 261.22.

(xxiii) Method 9045D, Soil and Waste pH, dated November 2004 and in Update IIIB, IBR approved for appendix IX to part 261.

(xxiv) Method 9060A, Total Organic Carbon, dated November 2004 and in Update IIIB, IBR approved for appendix IX to part 261, and sections 264.1034, 264.1063, 265.1034, and 265.1063.

(xxv) Method 9070A, n-Hexane Extractable material (HEM) for Aqueous Samples, dated November 2004 and in Update IIIB, IBR approved for appendix IX to part 261.

(xxvi) Method 9071B, n-Hexane Extractable Material (HEM) for Sludge, Sediment, and Solid Samples, dated April 1998 and in Update IIIA, IBR approved for appendix IX to part 261.

(xxvii) Method 9095B, Paint Filter Liquids Test, dated November 2004 and in Update IIIB, IBR approved, appendix IX to part 261, and sections 264.190, 264.314, 265.190, 265.314, 265.1081, and 268.32.

(d) National Fire Protection Association (NFPA). 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101, (800) 344-3555, www.nfpa.org/.

(1) NFPA 30, "Flammable and Combustible Liquids Code," 1977 Edition, IBR approved for sections 262.16(b), 264.198(b), and 265.198(b).

(2) NFPA 30, "Flammable and Combustible Liquids Code," 1981 Edition, IBR approved for sections 262.16(b), 264.198(b), and 265.198(b).

(e) Organization for Economic Cooperation and Development (OECD). Economic Cooperation and Development, Environment Directorate, 2 rue André Pascal, F-75775 Paris Cedex 16, France, www.oecd-ilibrary.org/.

(1) Guidance Manual for the Control of Transboundary Movements of Recoverable Wastes, copyright 2009, Annex B: OECD Consolidated List of Wastes Subject to the Green Control Procedure and Annex C:

OECD Consolidated List of Wastes Subject to the Amber Control Procedure, IBR approved for sections 262.82(a), 262.83(b), (d), and (g), and 262.84(b) and (d).

(2) [Reserved]

Revise 260.33(c) and (d) to read:

(c) In the event of a change in circumstances that affect how a hazardous secondary material meets the relevant criteria contained in Section 260.31, Section 260.32, or Section 260.34 upon which a variance or non-waste determination has been based, the applicant must send a description of the change in circumstances to the Department. The Department may issue a determination that the hazardous secondary material continues to meet the relevant criteria of the variance or non-waste determination or may require the facility to re-apply for the variance or non-waste determination.

(d) Variances and non-waste determinations shall be effective for a fixed term not to exceed ten (10) years. No later than six (6) months prior to the end of this term, facilities must re-apply for a variance or non-waste determination. If a facility re-applies for a variance or non-waste determination within six (6) months, the facility may continue to operate under an expired variance or non-waste determination until receiving a decision on their re-application from the Department.

Revise 260.42(b) to read:

(b) If a facility managing hazardous secondary materials has submitted a notification, but then subsequently stops managing hazardous secondary materials in accordance with the regulation(s) listed above, the facility must notify the Department within thirty (30) days using EPA Form 8700-12. For purposes of this section, a facility has stopped managing hazardous secondary materials if the facility no longer generates, manages and/or reclaims hazardous secondary materials under the regulation(s) above and does not expect to manage any amount of hazardous secondary materials for at least one (1) year.

Remove 260.43(a)(4):

Revise 260.43(b)(1)(ii) to read:

(ii) contain concentrations of hazardous constituents found in R.61-79.261 appendix VIII at levels that are significantly elevated from those found in analogous products, or

Revise 261.2(a) to read:

(a)(1) A solid waste is any discarded material that is not excluded by Section 261.4(a) or that is not excluded by variance granted under R.61-79.260.30 and 260.31, or that is not excluded by a non-waste determination under R.61-79.260.30 and 260.34.

(2)

(i) A discarded material is any material that is:

(A) Abandoned, as explained in paragraph (b) of this section; or

(B) Recycled, as explained in paragraph (c) of this section; or

(C) Considered inherently waste-like, as explained in paragraph (d) of this section; or

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(D) A military munition identified as a solid waste in section 266.202.

(ii) [Reserved]

Replace Table 1 in 261.2(c)(4) to read:

261.2 Table 1 Summary of definitions of Solid Waste				
	Use Constituting Disposal (261.2(c)(1))	Energy Recovery/Fuel (261.2(c)(2))	Reclamation (261.2(c)(3)), except as provided in 261.4(a)(17), 261.4(a)(23), 261.4(a)(24), or 261.4(a)(27)	Speculative Accumulation (261.2(c)(4))
	(1)	(2)	(3)	(4)
Spent Materials	(*)	(*)	(*)	(*)
Sludges (listed in sections 261.31 or 261.32)	(*)	(*)	(*)	(*)
Sludges exhibiting a characteristic of hazardous waste	(*)	(*)	----	(*)
By-products (listed in 261.31 or 261.32)	(*)	(*)	(*)	(*)
By-products exhibiting a characteristic of hazardous waste	(*)	(*)	-	(*)
Commercial chemical products listed in section 261.33	(*)	(*)	----	----
Scrap metal that is not excluded under section 261.4(a)(13)	(*)	(*)	(*)	(*)

Revise 261.4(a)(9)(iii)(E) to read:

(E) Prior to operating pursuant to this exclusion, the plant owner or operator prepares a one-time notification stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant must maintain a copy of that document in its on-site records until closure of the facility. The exclusion applies so long as the plant meets all of the conditions. If the plant goes out of compliance with any condition, it may apply to the Department for reinstatement. The Department may reinstate the exclusion upon finding that the plant has returned to compliance with all conditions and that the violations are not likely to recur.

Revise 261.4(a)(24)(v)(B) to read:

(B) Prior to arranging for transport of hazardous secondary materials to a reclamation facility (or facilities) where the management of the hazardous secondary materials is not addressed under a RCRA part B permit or interim status standards, the hazardous secondary material generator must make reasonable efforts to ensure that each reclaimer intends to properly and legitimately reclaim the hazardous secondary material and not discard it, and that each reclaimer will manage the hazardous secondary material in a manner that is protective of human health and the environment. If the hazardous secondary material will be passing through an intermediate facility where the management of the hazardous secondary materials is not addressed under a RCRA part B permit or interim status standards, the hazardous secondary material generator must make contractual arrangements with the intermediate facility to ensure that the hazardous secondary material is sent to the reclamation facility identified by the hazardous secondary material generator, and the hazardous secondary material generator must perform reasonable efforts to ensure that the intermediate facility will manage the hazardous secondary material in a manner that is protective of human health and the environment. Reasonable efforts must be repeated at a minimum of every three (3) years for the hazardous secondary material generator to claim the exclusion and to send the hazardous secondary materials to each reclaimer and any intermediate facility. In making these reasonable efforts, the generator may use any credible evidence available, including information gathered by the hazardous secondary material generator, provided by the reclaimer or intermediate facility, and/or provided by a third party. The hazardous secondary material generator must affirmatively answer all of the following questions for each reclamation facility and any intermediate facility:

Revise 261.4(a)(24)(v)(B)(3) to read:

(3) Does publicly available information indicate that the reclamation facility or any intermediate facility that is used by the hazardous secondary material generator has not had any formal enforcement actions taken against the facility in the previous three (3) years for violations of RCRA hazardous waste regulations and has not been classified as a significant non-complier? In answering this question, the hazardous secondary material generator can rely on the publicly available information from EPA or the state. If the reclamation facility or any intermediate facility that is used by the hazardous secondary material generator has had a formal enforcement action taken against the facility in the previous three (3) years for violations of RCRA hazardous waste regulations and has been classified as a significant non-complier, does the hazardous secondary material generator have credible evidence that the facilities will manage the hazardous secondary materials properly? In answering this question, the hazardous secondary material generator can obtain additional information from EPA, the state, or the facility itself that the facility has addressed the violations, taken remedial steps to address the violations and prevent future violations, or that the violations are not relevant to the proper management of the hazardous secondary materials.

Revise 261.4(a)(27)(vi)(A) to read:

(A) Notify the Department and update the notification every two (2) years per section 260.42;

Revise 261.21(a)(1) to read:

(1) It is a liquid, other than a solution containing less than twenty-four percent (24%) alcohol by volume and at least fifty percent (50%) water by weight, that has flash point less than 60 °C (140 °F), as determined by using one of the following ASTM standards: ASTM D93-79, D93-80, D3278-78, D8174-18, or D8175-18 as specified in SW-846 Test Methods 1010B or 1020C (all incorporated by reference, see section 260.11).

Revise 261.21(a)(3)(ii) to read:

(ii) A compressed gas shall be characterized as ignitable if any one of the following occurs:

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(A) Either a mixture of thirteen percent (13%) or less (by volume) with air forms a flammable mixture or the flammable range with air is wider than twelve percent (12%) regardless of the lower limit. These limits shall be determined at atmospheric temperature and pressure. The method of sampling and test procedure shall be the ASTM E681-85 (incorporated by reference, see section 260.11), or other equivalent methods approved by the Associate Administrator, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation.

(B) It is determined to be flammable or extremely flammable using 49 CFR 173.115(l).

Revise 261.21(a)(4) to read:

(4) It is an oxidizer. An oxidizer for the purpose of this subchapter is a substance such as a chlorate, permanganate, inorganic peroxide, or a nitrate, that yields oxygen readily to stimulate the combustion of organic matter.

(i) An organic compound containing the bivalent -O-O- structure and which may be considered a derivative of hydrogen peroxide where one or more of the hydrogen atoms have been replaced by organic radicals must be classed as an organic peroxide unless:

(A) The material meets the definition of a Division 1.1, 1.2, or 1.3 explosive, as defined in 261.23(a)(8), in which case it must be classed as an explosive,

(B) The material is forbidden to be offered for transportation according to 49 CFR 172.101 and 49 CFR 173.21,

(C) It is determined that the predominant hazard of the material containing an organic peroxide is other than that of an organic peroxide, or

(D) According to data on file with the Pipeline and Hazardous Materials Safety Administration in the U.S. Department of Transportation, it has been determined that the material does not present a hazard in transportation.

Remove Note 1, Note 2, Note 3, and Note 4 from 261.21:

Revise 261.31(b)(4)(ii) to read:

(ii) Generators must maintain in their on-site records, documentation and information sufficient to prove that the wastewater treatment sludges to be exempted from the F019 listing meet the conditions of the listing. These records must include: the volume of waste generated and disposed of offsite; documentation showing when the wastes volumes were generated and sent off site; the name and address of the receiving facility; and documentation confirming receipt of the waste by the receiving facility. Generators must maintain these documents on site for no less than three (3) years. The retention period for the documentation is automatically extended during the course of any enforcement action or as requested by the Department.

Revise 261.41(a) to read:

(a) CRT exporters who export used, intact CRTs for reuse must send a notification to the EPA. This notification may cover export activities extending over a twelve (12) month or lesser period.

Revise 261.41(a)(2) to read:

(2) Notifications submitted by mail should be sent to the following mailing address: Office of Land and Emergency Management, Office of Resource Conservation and Recovery, Materials Recovery and Waste

Management Division, International Branch (Mail Code 2255A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460. Hand-delivered notifications should be sent to: Office of Land and Emergency Management, Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, International Branch (Mail Code 2255A), Environmental Protection Agency, William Jefferson Clinton South Building, Room 6144, 1200 Pennsylvania Ave. NW, Washington, DC 20004. In both cases, the following shall be prominently displayed on the front of the envelope: "Attention: Notification of Intent to Export CRTs."

"Revise 261.147(g)(2)(i)(B) to read:

(B) Each state in which a facility covered by the guarantee is located have submitted a written statement to the Department that a guarantee executed as described in this section and section 264.151(g)(2) is a legally valid and enforceable obligation in South Carolina.

Revise 261.151(d) to read:

(d) A certificate of insurance, as specified in section 261.143(d), must be worded as noted in section 261.151 Appendix D, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

Revise 261.151 Appendix E, Financial Test, paragraph 4 to read:

4. This firm is the owner or operator of the following hazardous secondary materials management facilities for which financial assurance is not demonstrated either to the EPA or the Department through the financial test or any other financial assurance mechanism specified in subpart H of R.61-79.261 or equivalent or substantially equivalent state mechanisms. The current cost estimates not covered by such financial assurance are shown for each facility: ____.

Revise 261.197 to read:

Hazardous secondary material stored in units more than ninety (90) days after the unit ceases to operate under the remanufacturing exclusion at section 261.4(a)(27) or otherwise ceases to be operated for manufacturing, or for storage of a product or a raw material, then becomes subject to regulation as hazardous waste under R.61-79.124, 261 through 266, 268, and 270, as applicable.

Add 261.420(g) to read:

(g) Personnel training. All employees must be thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies.

Replace 261 Appendix IX Table 1 to read:

Appendix IX Table 1 – Wastes Excluded from Non-specific Sources		
Facility	Address	Waste Description
BMW Manufacturing Co., LLC	Greer, South Carolina	Wastewater treatment sludge (EPA Hazardous Waste No. F019) that BMW Manufacturing Corporation (BMW) generates by treating wastewater from automobile assembly plant located on Highway 101 South in Greer, South Carolina. This is a conditional exclusion for up to 2,850 cubic yards of waste (hereinafter referred to as "BMW Sludge") that will be generated each year and disposed in a Subtitle D landfill after August 31, 2005.

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Appendix IX Table 1 – Wastes Excluded from Non-specific Sources		
Facility	Address	Waste Description
		With prior approval by the EPA, following a public comment period, BMW may also beneficially reuse the sludge. BMW must demonstrate that the following conditions are met for the exclusion to be valid.
		(1) Delisting Levels: All leachable concentrations for these metals and cyanide must not exceed the following levels (ppm): Barium-100; Cadmium-1; Chromium-5; Cyanide-33.6; Lead-5; and Nickel-70.3. These metal and cyanide concentrations must be measured in the waste leachate obtained by the method specified in 40 CFR 261.24, except that for cyanide, deionized water must be the leaching medium. Cyanide concentrations in waste or leachate must be measured by the method specified in 268.40, Note 7.
		(2) Annual Verification Testing Requirements: Sample collection and analyses, including quality control procedures, must be performed using appropriate methods. As applicable to the method-defined parameters of concern, analyses requiring the use of SW-846 methods incorporated by reference in 40 CFR 260.11 must be used without substitution. As applicable, the SW-846 methods might include Methods 0010, 0011, 0020, 0023A, 0030, 0031, 0040, 0050, 0051, 0060, 0061, 1010B, 1020C, 1110A, 1310B, 1311, 1312, 1320, 1330A, 9010C, 9012B, 9040C, 9045D, 9060A, 9070A, (uses EPA Method 1664, Rev. A), 9071B, and 9095B. Methods must meet Performance Based Measurement System Criteria in which the Data Quality Objectives are to demonstrate that representative samples of the BMW Sludge meet the delisting levels in Condition (1). (A) Annual Verification Testing: BMW must implement an annual testing program to demonstrate that constituent concentrations measured in the TCLP extract do not exceed the delisting levels established in Condition (1).
		(3) Waste Holding and Handling: BMW must hold sludge containers utilized for verification sampling until composite sample results are obtained. If the levels of constituents measured in the composite samples of BMW Sludge do not exceed the levels set forth in Condition (1), then the BMW Sludge is non-hazardous and must be managed in accordance with all applicable solid waste regulations. If constituent levels in a composite sample exceed any of the delisting levels set forth in Condition

Appendix IX Table 1 – Wastes Excluded from Non-specific Sources		
Facility	Address	Waste Description
		(1), the batch of BMW Sludge generated during the time period corresponding to this sample must be managed and disposed of in accordance with Subtitle C of RCRA.
		(4) Changes in Operating Conditions: BMW must notify EPA in writing when significant changes in the manufacturing or wastewater treatment processes are implemented. EPA will determine whether these changes will result in additional constituents of concern. If so, EPA will notify BMW in writing that the BMW Sludge must be managed as hazardous waste F019 until BMW has demonstrated that the wastes meet the delisting levels set forth in Condition (1) and any levels established by EPA for the additional constituents of concern, and BMW has received written approval from EPA. If EPA determines that the changes do not result in additional constituents of concern, EPA will notify BMW, in writing, that BMW must verify that the BMW Sludge continues to meet Condition (1) delisting levels.
		(5) Data Retention: Records of analytical data from Condition (2) must be compiled, summarized, and maintained by BMW for a minimum of three (3) years, and must be furnished upon request by EPA or the Department, and made available for inspection. Failure to maintain the required records for the specified time will be considered by EPA, at its discretion, sufficient basis to revoke the exclusion to the extent directed by EPA. All data must be accompanied by a signed copy of the certification statement in 40 CFR 260.22(i)(12).
		(6) Reopener Language: (A) If, at any time after disposal of the delisted waste, BMW possesses or is otherwise made aware of any environmental data (including, but not limited to, leachate data or groundwater monitoring data) or any other data relevant to the delisted waste indicating that any constituent identified in the delisting verification testing is at a level higher than the delisting level allowed by EPA in granting the petition, BMW must report the data, in writing, to EPA and the Department within ten (10) days of first possessing or being made aware of that data. (B) If the testing of the waste, as required by Condition (2)(A), does not meet the delisting requirements of Condition (1), BMW must report the data, in writing, to EPA and the Department within ten (10) days of first possessing or being made aware of that data. (C) Based on the information described in paragraphs (6)(A) or (6)(B) and any other information received from

Appendix IX Table 1 – Wastes Excluded from Non-specific Sources		
Facility	Address	Waste Description
		any source, EPA will make a preliminary determination as to whether the reported information requires that EPA take action to protect human health or the environment. Further action may include suspending or revoking the exclusion, or other appropriate response necessary to protect human health and the environment. (D) If EPA determines that the reported information does require Agency action, EPA will notify the facility in writing of the action believed necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing BMW with an opportunity to present information as to why the proposed action is not necessary. BMW shall have 10 days from the date of EPA's notice to present such information. (E) Following the receipt of information from BMW, as described in paragraph (6)(D), or if no such information is received within ten (10) days, EPA will issue a final written determination describing the Agency actions that are necessary to protect human health or the environment, given the information received in accordance with paragraphs (6)(A) or (6)(B). Any required action described in EPA's determination shall become effective immediately, unless EPA provides otherwise.
		(7) Notification Requirements: BMW must provide a one-time written notification to any State Regulatory Agency in a state to which or through which the delisted waste described above will be transported, at least sixty (60) days prior to the commencement of such activities. Failure to provide such a notification will result in a violation of the delisting conditions and a possible revocation of the decision to delist.
Bommer Industries Inc.	Landrum, SC	Wastewater treatment sludges (EPA Hazardous Waste No. F006) generated from their electroplating operations and contained in evaporation ponds #1 and #2 on August 12, 1987.
Hoechst Celanese Corporation	Leeds, South Carolina	Distillation bottoms generated (at a maximum annual rate of 38,500 cubic yards) from the production of sodium hydrosulfite (EPA Hazardous Waste No. F003). This exclusion was published on July 17, 1990.
Michelin Tire Corp.	Sandy Springs, South Carolina	Dewatered wastewater treatment sludge (EPA Hazardous Wastes No. F006) generated from electroplating operations after November 14, 1986.

Appendix IX Table 1 – Wastes Excluded from Non-specific Sources		
Facility	Address	Waste Description
Savannah River Site (SRS)	Aiken, South Carolina	Vitrified waste (EPA Hazardous Waste Nos. F006 and F028) that the United States Department of Energy Savannah River Operations Office (DOE-SR) generated by treating the following waste streams from the M-Area of the Savannah River Site (SRS) in Aiken, South Carolina, as designated in the SRS Site Treatment Plan: W-004, Plating Line Sludge from Supernate Treatment; W-995, Mark 15 Filter Cake; W-029, Sludge Treatability Samples (glass and cementitious); W-031, Uranium/Chromium Solution; W-037, High Nickel Plating Line Sludge; W-038, Plating Line Sump Material; W-039, Nickel Plating Line Solution; W-048, Soils from Spill Remediation and Sampling Programs; W-054, Uranium/Lead Solution; W-082, Soils from Chemicals, Metals, and Pesticides Pits Excavation; and Dilute Effluent Treatment Facility (DETF) Filtercake (no Site Treatment Plan code). This is a one-time exclusion for 538 cubic yards of waste (hereinafter referred to as “DOE-SR Vitrified Waste”) that was generated from 1996 through 1999 and 0.12 cubic yard of cementitious treatability samples (hereinafter referred to as “CTS”) generated from 1988 through 1991 (EPA Hazardous Waste No. F006). The one-time exclusion for these wastes is contingent on their being disposed in a low-level radioactive waste landfill, in accordance with the Atomic Energy Act, after August 21, 2002. DOE-SR has demonstrated that concentrations of toxic constituents in the DOE-SR Vitrified Waste and CTS do not exceed the following levels:
		(1) TCLP Concentrations: All leachable concentrations for these metals did not exceed the Land Disposal Restrictions (LDR) Universal Treatment Standards (UTS): (mg/l TCLP): Arsenic-5.0; Barium-21; Beryllium-1.22; Cadmium-0.11; Chromium-0.60; Lead-0.75; Nickel-11; and Silver-0.14. In addition, none of the metals in the DOE-SR Vitrified Waste exceeded the allowable delisting levels of the EPA, Region 6 Delisting Risk Assessment Software (DRAS): (mg/l TCLP): Arsenic-0.0649; Barium-100.0; Beryllium-0.40; Cadmium-1.0; Chromium-5.0; Lead-5.0; Nickel-10.0; and Silver-5.0. These metal concentrations were measured in the waste leachate obtained by the method specified in 40 CFR 261.24.
		Total Concentrations in Unextracted Waste: The total concentrations in the DOE-SR Vitrified Waste, not the

Appendix IX Table 1 – Wastes Excluded from Non-specific Sources		
Facility	Address	Waste Description
		waste leachate, did not exceed the following levels (mg/kg): Arsenic-10; Barium-200; Beryllium-10; Cadmium-10; Chromium-500; Lead-200; Nickel-10,000; Silver-20; Acetonitrile-1.0, which is below the LDR UTS of 38 mg/kg; and Fluoride-1.0
		(2) Data Records: Records of analytical data for the petitioned waste must be maintained by DOE-SR for a minimum of three (3) years, and must be furnished upon request by EPA or the Department, and made available for inspection. Failure to maintain the required records for the specified time will be considered by EPA, at its discretion, sufficient basis to revoke the exclusion to the extent directed by EPA. All data must be maintained with a signed copy of the certification statement in 40 CFR 260.22(i)(12).
		(3) Reopener Language: (A) If, at any time after disposal of the delisted waste, DOE-SR possesses or is otherwise made aware of any environmental data (including, but not limited to, leachate data or groundwater monitoring data) or any other data relevant to the delisted waste indicating that any constituent is identified at a level higher than the delisting level allowed by EPA in granting the petition, DOE-SR must report the data, in writing, to EPA within ten (10) days of first possessing or being made aware of that data. (B) Based on the information described in paragraph (3)(A) and any other information received from any source, EPA will make a preliminary determination as to whether the reported information requires that EPA take action to protect human health or the environment. Further action may include suspending or revoking the exclusion, or other appropriate response necessary to protect human health and the environment. (C) If EPA determines that the reported information does require Agency action, EPA will notify the facility in writing of the action believed necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing DOE-SR with an opportunity to present information as to why the proposed action is not necessary. DOE-SR shall have ten (10) days from the date of EPA’s notice to present such information. (E) Following the receipt of information from DOE-SR, as described in paragraph (3)(D), or if no such information is received within ten (10) days, EPA will issue a final written determination describing the Agency actions that are necessary to protect human health or the environment, given the information received in accordance with paragraphs (3)(A) or (3)(B). Any

Appendix IX Table 1 – Wastes Excluded from Non-specific Sources		
Facility	Address	Waste Description
		required action described in EPA’s determination shall become effective immediately, unless EPA provides otherwise.
		(4) Notification Requirements: DOE-SR must provide a one-time written notification to any State Regulatory Agency in a state to which or through which the delisted waste described above will be transported, at least sixty (60) days prior to the commencement of such activities. Failure to provide such a notification will result in a violation of the delisting conditions and a possible revocation of the decision to delist.

Revise 262.12 to read:

(a) Every generator within the state who produces a hazardous waste and has not previously done so shall file with the Department a Site Identification Form for that waste within thirty (30) days of the effective date of this regulation.

(b) Every generator within the state who produces a new hazardous waste shall file with the Department a revised or new Site Identification Form for that waste within thirty (30) days after such waste is first produced.

(c) Every generator within the state who produces a hazardous waste which is classified or listed for the first time by a revision of R.61-79.261 shall file with the Department a revised or new Site Identification Form for that waste within ninety (90) days after the effective date of such revision.

(d) The notification shall be on a form designated by the Department, and shall be completed as required by the instructions supplied with such forms. The information to be furnished on the form shall include, but not be limited to, the location and general description of such activity, the identified or listed hazardous wastes handled by such person and, if applicable, a description of the production of energy recovery activity carried out at the facility and such other information as the Department deems necessary. A generator shall file a revised or new Site Identification Form whenever the information previously provided becomes outdated or inaccurate.

(e) Persons engaged in the following activities are required to make a separate notification:

(1) Producers of fuels from:

- (i) Any hazardous waste identified or listed in R.61-79.261;
- (ii) Used oil; and
- (iii) Used oil and any other material.

(2) Burners (other than a single two-family residence) for purposed of energy recovery any fuel produced as identified in paragraph one (1).

(3) Distributors or marketers of any fuel as identified in paragraph one (1).

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(f) Every generator within the state who no longer produces any hazardous waste shall file with the Department one subsequent Site Identification Form.

Revise 262.15(a) to read:

(a) A generator may accumulate as much as fifty-five (55) gallons of non-acute hazardous waste and/or either one (1) quart of liquid acute hazardous waste listed in R.61-79.261.31 or section 261.33(e), or one (1) kg (2.2 pounds) of solid acute hazardous waste listed in R.61-79.261.31 or section 261.33(e) in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with the requirements of R.61-79.124, 264, and 270, provided that all of the conditions for exemption in this section are met. A generator may comply with the conditions for exemption in this section instead of complying with the conditions for exemption in section 262.16(b) or section 262.17(a), except as required in section 262.15(a)(7) and (8). The conditions for exemption for satellite accumulation are:

Revise 262.17 introductory paragraph to read:

A large quantity generator may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of R.61-79.124, 264, and 270, or the notification requirements of the SC Hazardous Waste Management Act Section 44-56-120 and section 3010 of RCRA, provided that all of the following conditions for exemption are met:

Revise 262.17(a)(8)(iii)(A)(3) to read:

(3) Any hazardous waste generated in the process of closing either the generator's facility or unit(s) accumulating hazardous waste must be managed in accordance with all applicable standards of R.61-79.262, 263, 265, and 268 of this chapter, including removing any hazardous waste contained in these units within ninety (90) days of generating it and managing these wastes in a RCRA Subtitle C hazardous waste permitted treatment, storage, and disposal facility or interim status facility.

Revise 262.17(c) to read:

(c) Accumulation of F006. A large quantity generator who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the EPA hazardous waste number F006, may accumulate F006 waste on site for more than 90 days, but not more than 180 days without being subject to R.61-79.124, 264, and 270, and the notification requirements of the SC Hazardous Waste Management Act Section 44-56-120 and section 3010 of RCRA, provided that it complies with all of the following additional conditions for exemption:

Strike and reserve 262.18(d)(1) and (d)(2):

(1) [Reserved]

(2) [Reserved]

Revise 262.20(a)(2) to read:

(2) The revised manifest form and procedures in sections 260.10, 261.7, 262.20, 262.21, 262.27, 262.32, 262.34, 262.54 and 262.60, shall not apply until September 5, 2006. The manifest form and procedures in sections 260.10, 261.7, 262.20, 262.21, 262.32, 262.34, 262.54 and 262.60, edition revised as of July 1, 2004, shall be applicable until September 5, 2006.

Revise 262.21(f)(4) to read:

(4) The manifest and continuation sheet must be printed in black ink that can be legibly photocopied, scanned, and faxed, except that the marginal words indicating copy distribution must be printed with a distinct ink color or with another method (e.g., white text against black background in text box, or black text against grey background in text box) that clearly distinguishes the copy distribution notations from the other text and data entries on the form.

Revise 262.21(h)(2) to read:

(2) If the registrant would like a new tracking number suffix, the registrant must submit a proposed suffix to the EPA Director of the Office of Resource Conservation and Recovery, along with the reason for requesting it. The Agency will either approve the suffix or deny the suffix and provide an explanation why it is not acceptable.

Revise 262.41(a) to read:

(a) A large quantity generator who ships any hazardous waste offsite to a treatment, storage, or disposal facility within the United States must prepare and, no later than thirty (30) days after the end of each calendar quarter, submit a written report to the Department including, but not limited to, the following information unless otherwise indicated.

Revise the definition of “Exporter” in 262.81 to read:

“**Exporter**”, also known as primary exporter on the RCRA hazardous waste manifest, means the person domiciled in the United States who is required to originate the movement document in accordance with R.61-79.262.83(d) or the manifest for a shipment of hazardous waste in accordance with R.61-79.262 subpart B of this part which specifies a foreign receiving facility as the facility to which the hazardous wastes will be sent, or any recognized trader who proposes export of the hazardous wastes for recovery or disposal operations in the country of import.

Revise 262.83(a)(6)(i)(B)(2) to read:

(2) Providing the transporter with an additional copy of the manifest, and instructing the transporter via mail, email, or fax to deliver that copy to the U.S. Customs official at the point the hazardous waste leaves the United States in accordance with 263.20(g)(4)(ii).

Revise 262.203(b) to read:

(b) When submitting the Site Identification Form, the eligible academic entity must, at a minimum, fill out the following fields on the form:

Revise 262.204(b) to read:

(b) When submitting the Site Identification Form, the eligible academic entity must, at a minimum, fill out the following fields on the form:

Revise 262.214 introductory paragraph to read:

An eligible academic entity must develop and retain a written Laboratory Management Plan, or revise an existing written plan. The Laboratory Management Plan is a site-specific document that describes how the eligible academic entity will manage unwanted materials in compliance with this subpart. An eligible academic

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entity may write one Laboratory Management Plan for all the laboratories owned by the eligible academic entity that have opted into this subpart, even if the laboratories are located at sites with different EPA Identification Numbers. The Laboratory Management Plan must contain two parts with a total of nine elements identified in paragraphs (a) and (b) of this section. In Part I of its Laboratory Management Plan, an eligible academic entity must describe its procedures for each of the elements listed in paragraph (a) of this section. An eligible academic entity must implement and comply with the specific provisions that it develops to address the elements in Part I of the Laboratory Management Plan. In Part II of its Laboratory Management Plan, an eligible academic entity must describe its best management practices for each of the elements listed in paragraph (b) of this section. The specific actions taken by an eligible academic entity to implement each element in Part II of its Laboratory Management Plan may vary from the procedures described in the eligible academic entity's Laboratory Management Plan, without constituting a violation of this subpart. An eligible academic entity may include additional elements and best management practices in Part II of its Laboratory Management Plan if it chooses.

Revise 263.11(b) to read:

(b) A transporter who has not received an identification number may obtain one by submitting the Site Identification Form required under Section 263.13. Upon receipt, the Department will assign an identification number to the transporter.

Revise 263.13 to read:

(a) Any person who transports hazardous waste within the state and has not previously done so shall file with the Department a Site Identification Form for that activity within thirty (30) days after the effective date of this regulation.

(b) Any person who transports or accepts for transportation within the state a hazardous waste which is classified or listed for the first time by a revision of R.61-79.261 shall file with the Department a revised or new Site Identification Form for that waste within ninety (90) days after the effective date of such revision.

Revise 264.1(g)(1) to read:

(1) The owner or operator of a facility permitted, licensed, or registered by the Department to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded under R.61-79.262.14;

Revise 264.5(a-d) to read:

(a) Any person who owns or operates a facility within the state which treats, stores, or disposes of a hazardous waste and has not previously done so shall file a completed Site Identification Form with the Department within thirty (30) days of the effective date of this regulation.

(b) Any person who plans to construct a new facility to treat, store, or dispose of hazardous waste shall file a completed Site Identification Form with the Department as part of the permit application.

(c) This notification shall be on a form designated by the Department and shall be completed as required by the instructions supplied with such form.

(d) Any person who owns or operates a facility which treats, stores, or disposes of a hazardous waste which is classified or listed for the first time by a revision of R.61-79.261 and has not previously done so shall file a revised or new Site Identification Form for that waste within ninety (90) days after the effective date of such revision. The information to be furnished on the form shall include, but not be limited to, the location and general description of such activity, the identified or listed hazardous wastes handled by such person and, if applicable,

a description of the production or energy recovery activity carried out at the facility and such other information as the Department deems necessary.

Revise 264.11(b) to read:

(b) An owner or operator of a hazardous waste facility who has not previously received an EPA identification number may obtain one by submitting the Site Identification Form required under 264.5. Every facility owner or operator must apply for an EPA identification number in accordance with the notification procedures under 264.5.

Revise 264.13(a)(2) to read:

(2) The analysis may include data developed under R.61-79.261, and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes.

Revise 264.314(e) to read:

(e) The placement of any liquid which is not a hazardous waste in a landfill is prohibited unless the owner or operator of such landfill demonstrates to the Department, or the Department determines that:

Revise 264.340(b)(1) to read:

(1) Except as provided by paragraphs (b)(2) through (b)(4) of this section, the standards of this part do not apply to a new hazardous waste incineration unit that becomes subject to RCRA permit requirements after October 12, 2005; or no longer apply when an owner or operator of an existing hazardous waste incineration unit demonstrates compliance with the maximum achievable control technology (MACT) requirements of part 63, subpart EEE, of this chapter by conducting a comprehensive performance test and submitting to the Administrator a Notification of Compliance under 40 CFR 63.1207(j) and 63.1210(d) of this chapter documenting compliance with the requirements of part 63, subpart EEE. Nevertheless, even after this demonstration of compliance with the MACT standards, RCRA permit conditions that were based on the standards of this part will continue to be in effect until they are removed from the permit or the permit is terminated or revoked, unless the permit expressly provides otherwise.

Revise 264.552(e)(4)(iv)(F) to read:

(F) Alternatives to TCLP. For metal bearing wastes for which metals removal treatment is not used, the Department may specify a leaching test other than the TCLP (SW846 Method 1311, 260.11) to measure treatment effectiveness, provided the Department determines that an alternative leach testing protocol is appropriate for use, and that the alternative more accurately reflects conditions at the site that affect leaching.

Revise 264.1312(a) to read:

(a) The fee calculation formula or methodology that EPA will use initially to determine per manifest fees is as follows:

$$\text{Fee}_i = (\text{System Setup Cost} / [\text{Years} \times N_i]) + (\text{Marginal Cost}_i + [\text{O\&M Cost} / N_i]) \times (1 + \text{Indirect Cost Factor})$$

$$\text{System Setup Cost} = \text{Procurement Cost} + \text{EPA Program Cost}$$

$$\text{O\&M Cost} = \text{Electronic System O\&M Cost} + \text{Paper Center O\&M Cost} + \text{Help Desk Cost} + \text{EPA Program Cost} + \text{CROMERR Cost} + \text{LifeCycle Cost to Modify or Upgrade eManifest System Related Services}$$

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Where Fee_i represents the per manifest fee for each manifest submission type “i” and N_i refers to the total number of manifests completed in a year.

Revise 265.1(c)(7) to read:

(7) A generator accumulating waste onsite in compliance with applicable conditions for exemption in R.61-79.262.14 through 262.17, and R.61-79.262 subparts K and L, except to the extent the requirements of R.61-79.265 are included in those sections and subparts;

Revise 265.1(c)(11) to read:

(11)

Revise 265.5 to read:

(a) Any person who owns or operates a facility within the state which treats, stores, or disposes of a hazardous waste and has not previously done so shall file a completed Site Identification Form with the Department within thirty (30) days of the effective date of this regulation.

(b) Any person who plans to construct a new facility to treat, store, or dispose of hazardous waste shall file a completed Site Identification Form with the Department as part of the permit application.

(c) Any person who owns or operates a facility which treats, stores, or disposes of a hazardous waste which is classified or listed for the first time by a revision of R.61-79.261 shall file a revised or new Site Identification Form for that waste with the Department within ninety (90) days after the effective date of such revision.

Revise 265.71(a)(2)(i) to read:

(i) Sign and date, by hand, each copy of the manifest;

Revise 265.71(f)(1) to read:

(1) Any requirement in these regulations for the owner or operator of a facility to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 262.25.

Revise 265.71(f)(3) to read:

(3) Any requirement in these regulations for a manifest to accompany a hazardous waste shipment is satisfied when a copy of an electronic manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the hazardous waste shipment.

Revise 265.71(h)(3) to read:

(3) Within thirty (30) days of delivery of the waste to the designated facility, the owner or operator of the facility must send one signed and dated copy of the paper replacement manifest to the generator, and send an additional signed and dated copy of the paper replacement manifest to the electronic manifest system, and

Revise 265.193(i)(2) to read:

(2) For other than non-enterable underground tanks, and for all ancillary equipment, the owner or operator must either conduct a leak test as in paragraph (i)(1) of this section or an internal inspection or other tank integrity examination by a qualified Professional Engineer that addresses cracks, leaks, and corrosion or erosion at least

annually. The owner or operator must remove the stored waste from the tank, if necessary, to allow the condition of all internal tank surfaces to be assessed.

Revise 265.1035(c)(4)(i) to read:

(i) For a thermal vapor incinerator designed to operate with a minimum residence time of 0.50 seconds at a minimum temperature of 760°C, period when the combustion temperature is below 760°C.

Replace 266.80(a) Table 1 to read:

Table 1 – 266.80 Applicability and requirements			
If your batteries...	And if you...	Then you...	And you...
(1) Will be reclaimed through regeneration (such as by electrolyte replacement).		are exempt from parts 262 (except for section 262.11), 263, 264, 265, 266, 268, 270, 124 of this chapter, and the notification requirements of the South Carolina HWMA 44-56-120 and at section 3010 of RCRA.	are subject to part 261 and section 262.11.
(2) Will be reclaimed other than through regeneration.	reclaimed through and/or transport these batteries.	are exempt from parts 262 (except for section 262.11), 263, 264, 265, 266, 270, 124 of this chapter, and the notification requirements of South Carolina HWMA 44-56-120 and at section 3010 of RCRA	are subject to part 261, section 262.11, and applicable provisions under part 268.
(3) Will be reclaimed other than through regeneration	reclaimed through but you aren't the reclaimer.	store these batteries	are exempt from parts 262 (except for section 262.11), 263, 264, 265, 266, 270, 124, and the notification requirements of South Carolina HWMA 44-56-120 and at section 1310 of RCRA.
(4) Will be reclaimed other than through regeneration.	Store these batteries before you reclaim them.	Must comply with section 266.80(b) and as appropriate other regulatory provisions described in section 266.80(b)	are subject to part 261, section 262.11, and applicable provisions under part 268.
(5) Will be reclaimed other than through regeneration.	don't store these batteries before you reclaim them.	are exempt from parts 262 (except for section 262.11), 263, 264, 265, 266, 270, 124, and the notification requirements of South Carolina HWMA 44-56-120 and at section 3010 of RCRA	are subject to part 261, section 262.11, and applicable provisions under part 268

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Table 1 – 266.80 Applicability and requirements

If your batteries...	And if you...	Then you...	And you...
(6) Will be reclaimed through regeneration or any other means	export batteries in a foreign country	these are exempt from parts 262 (except for sections 262.11, 262.18 and subpart H), 263, 264, 265, 266, 268, 270, 124, and the notification requirements at the SC Hazardous Waste Management Act 44-56-120 and section 3010 of RCRA.	are subject to part 261, sections 262.11, 262.18, and part 262 subpart H.
(7) Will be reclaimed through regeneration or any other means	Transport batteries in the U.S. to export them for reclamation in a foreign country	these are exempt from parts 263, 264, 265, 266, 268, 270, 124, and the notification requirements at the SC Hazardous Waste Management Act 44-56-120 and section 3010 of RCRA	must comply with applicable requirements in part 262, subpart H.
(8) Will be reclaimed other than through regeneration	Import batteries from a foreign country and store these batteries but you aren't the reclaimer	these are exempt from parts 262 (except for sections 262.11, 262.18, and subpart H), 263, 264, 265, 266, 270, 124, and the notification requirements at the SC Hazardous Waste Management Act 44-56-120 and section 3010 of RCRA	are subject to part 261, sections 262.11, 262.18, part 262 subpart H, and applicable provisions under part 268.
(9) Will be reclaimed other than through regeneration	Import batteries from a foreign country and store these batteries before you reclaim them	these must comply with section 266.80(b) and as appropriate other regulatory provisions described in section 266.80(b)	are subject to part 261, sections 262.11, 262.18, part 262 subpart H, and applicable provisions under part 268.
(10) Will be reclaimed other than through regeneration	Import batteries from a foreign country and don't store these batteries before you reclaim them	these are exempt parts 262 (except for sections 262.11, 262.18, and subpart H), 263, 264, 265, 266, 270, 124, and the notification requirements at SC Hazardous Waste Management Act 44-56-120 and section 3010 of RCRA	are subject to part 261, sections 262.11, 262.18, part 262 subpart H, and applicable provisions under part 268.

Revise 266.80(b)(1)(iv) to read:

- (iv) All applicable provisions in subparts C and D of part 265 of this chapter.

Revise 266.80(b)(2)(iv) to read:

(iv) All applicable provisions in subparts C and D of part 264 of this chapter.

Revise 266.80(b)(2)(v) to read:

(v) All applicable provisions in subpart E of part 264 of this chapter except 264.71 or 264.72 (dealing with the use of the manifest and manifest discrepancies).

Revise 266.100(b)(3) to read:

(3) If you own or operate a boiler or hydrochloric acid production furnace that is an area source under section 63.2 and you elect not to comply with the emission standards under sections 63.1216, 63.1217, and 63.1218 for particulate matter, semivolatile and low volatile metals, and total chlorine, you also remain subject to:

Revise 266.100(b)(4) to read:

(4) The particulate matter standard of 266.105 remains in effect for boilers that elect to comply with the alternative to the particulate matter standard under sections 63.1216(e) and 63.1217(e).

Add 268.7(a)(5)(i-iii) to read:

(i) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited waste(s) being treated, and contain all information necessary to treat the waste(s) in accordance with the requirements of this part, including the selected testing frequency.

(ii) Such plan must be kept in the facility's on-site files and made available to inspectors.

(iii) Wastes shipped off site pursuant to this paragraph must comply with the notification requirements of section 268.7(a)(3).

Revise 268.7(a)(7) to read:

(7) If a generator determines that he or she is managing a prohibited waste that is excluded from the definition of hazardous or solid waste or is exempted from Subtitle C regulation under 261.2 through 261.6 subsequent to the point of generation (including deactivated characteristic hazardous wastes managed in wastewater treatment systems subject to the Clean Water Act (CWA) as specified at 261.4(a)(2), or are CWA equivalent, or are managed in an underground injection well regulated by R.61-9 and R.61-68), he or she must place a one-time notice describing such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from RCRA Subtitle C regulation, and the disposition of the waste, in the facility's on-site files.

Revise 268.9(a) to read:

(a) The initial generator of a solid waste must determine each EPA Hazardous Waste Number (waste code) applicable to the waste in order to determine the applicable treatment standards under subpart D of this part. This determination may be made concurrently with the hazardous waste determination required in 262.11. For purposes of part 268, the waste will carry the waste code for any applicable listed waste (part 261, subpart D). In addition, where the waste exhibits a characteristic, the waste will carry one or more of the characteristic waste codes (part 261, subpart C), except when the treatment standard for the listed waste operates in lieu of the treatment standard for the characteristic waste, as specified in paragraph (b) of this section. If the generator determines that their waste displays a hazardous characteristic (and is not D001 nonwastewaters treated by

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CMBST, RORGS, OR POLYM of 268.42, Table 1), the generator must determine the underlying hazardous constituents (as defined at 268.2(i)) in the characteristic waste.

Replace Table 268.40 under waste code “K088” to read:

268.40 – Treatment Standards for Hazardous Waste					
WASTE CODE	Waste Description And Treatment/Regulatory Subcategory¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
D001 ⁹	Ignitable Characteristic Wastes, except for the 261.21(a)(1) High TOC Subcategory.	NA	NA	DEACT and meet 268.48 standards ⁸ ; or RORGS; or CMBST	DEACT and meet 268.48 standards ⁸ ; or RORGS; or CMBST
	High TOC Ignitable Characteristic Liquids Subcategory based on 261.21(a)(1) – Greater than or equal to 10% total organic carbon. (Note: This subcategory consists of nonwastewaters only.)	NA	NA	NA	RORGS; CMBST; or POLYM
D002 ⁹	Corrosive Characteristic Wastes.	NA	NA	DEACT and meet 268.48 standards ⁸	DEACT and meet 268.48 standards ⁸
D002, D004, D005, D006, D007, D008, D009, D010, D011	Radioactive high level wastes generated during the reprocessing of fuel rods. (Note: This subcategory consists of nonwastewaters only.)	Corrosivity (pH)	NA	NA	HLVIT
		Arsenic	7440-38-2	NA	HLVIT
		Barium	7440-39-3	NA	HLVIT
		Cadmium	7440-43-9	NA	HLVIT
		Chromium (Total)	7440-47-3	NA	HLVIT
		Lead	7439-92-1	NA	HLVIT
		Mercury	7439-97-6	NA	HLVIT
		Selenium	7782-49-2	NA	HLVIT
D003 ⁹	Reactive Sulfides Subcategory based on 261.23(a)(5)	NA	NA	DEACT	DEACT
	Explosives Subcategory based on 261.23(a)(6), (7), and (8)	NA	NA	DEACT and meet 268.48 standards ⁸	DEACT and meet 268.48 standards ⁸
	Unexploded ordnance and other explosive devices which have been the subject of an emergency response.	NA	NA	DEACT	DEACT
	Other Reactives Subcategory based on 261.23(a)(1).	NA	NA	DEACT and meet 268.48 standards ⁸	DEACT and meet 268.48 standards ⁸
	Water Reactive Subcategory based on 261.23(a)(2), (3), and (4). (Note: This subcategory consists of nonwastewaters only.)	NA	NA	NA	DEACT and meet 268.48 standards ⁸
	Reactive Cyanides Subcategory based on 261.23(a)(5).	Cyanides (Total) ⁷	57-12-5	Reserved	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
D004 ⁹	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for arsenic based on the	Arsenic	7440-38-2	1.4 and meet 268.48 standards ⁸	5.0 mg/l TCLP and meet 268.48 standards ⁸

268.40 – Treatment Standards for Hazardous Waste					
WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
	toxicity characteristic leaching procedure (TCLP) in SW846.				
D005 ⁹	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for barium based on the toxicity characteristic leaching procedure (TCLP) in SW846.	Barium	7440-39-3	1.2 and meet 268.48 standards ⁸	21 mg/l TCLP and meet 268.48 standards ⁸
D006 ⁹	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for cadmium based on the toxicity characteristic leaching procedure (TCLP) in SW846.	Cadmium	7440-43-9	0.69 and meet 268.48 standards ⁸	0.11 mg/l TCLP and meet 268.48 standards ⁸
	Cadmium Containing Batteries Subcategory. (Note: This subcategory consists of nonwastewaters only.)	Cadmium	7440-43-9	NA	RTHRM
	Radioactively contaminated cadmium containing batteries. (Note: This subcategory consists of nonwastewaters only) (6/04)	Cadmium	7440-43-9	NA	Macroencapsulation in accordance with 268.45
D007 ⁹	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for chromium based on the toxicity characteristic leaching procedure (TCLP) in SW846.	Chromium (Total)	7440-47-3	2.77 and meet 268.48 standards ⁸	0.60 mg/l TCLP and meet 268.48 standards ⁸
D008 ⁹	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for lead based on the toxicity characteristic leaching procedure (TCLP) in SW846.	Lead	7439-92-1	0.69 and meet 268.48 standards ⁸	0.75 mg/l TCLP and meet 268.48 standards ⁸
	Lead Acid Batteries Subcategory (Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of 268 or exempted under other EPA regulations (see 266.80). This subcategory consists of nonwastewaters only.)	Lead	7439-92-1	NA	RLEAD
	Radioactive Lead Solids Subcategory (Note: these lead solids include, but are not limited to, all forms of lead shielding and other elemental forms of lead. These lead solids do not include treatment residuals such as hydroxide sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozzolanic stabilization, nor do they include organo-lead materials that	Lead	7439-92-1	NA	MACRO

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
	can be incinerated and stabilized as ash. This subcategory consists of nonwastewaters only.)				
D009 ⁹	Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW846; and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues. (High Mercury-Organic Subcategory)	Mercury	7439-97-6	NA	IMERC; OR RMERC
	Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW846; and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues and residues from RMERC. (High Mercury-Inorganic Subcategory)	Mercury	7439-97-6	NA	RMERC
	Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW846; and contain less than 260 mg/kg total mercury and that are residues from RMERC only. (Low Mercury Subcategory)	Mercury	7439-97-6	NA	0.20 mg/l TCLP and meet 268.48 standards ⁸
	All other nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW846, and contain less than 260 mg/kg total mercury and that are not residues from RMERC. (Low Mercury Subcategory)	Mercury	7439-97-6	NA	0.025 mg/l TCLP and meet 268.48 standards ⁸
	All D009 wastewaters.	Mercury	7439-97-6	0.15 and meet 268.48 standards ⁸	NA
	Elemental mercury contaminated with radioactive materials. (Note: This subcategory consists of nonwastewaters only.)	Mercury	7439-97-6	NA	AMLGM
	Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory. (Note: This subcategory consists of nonwastewaters only.)	Mercury	7439-97-6	NA	IMERC

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
	Radioactively contaminated mercury containing batteries. (Note: This subcategory consists of nonwastewaters only) (6/04)	Mercury	7439-97-6	NA	Macroencapsulation in accordance with 268.45
D010 ⁹	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for selenium based on the toxicity characteristic leaching procedure (TCLP) in SW846.	Selenium	7782-49-2	0.82 and meet 268.48 standards ⁸	5.7 mg/l TCLP and meet 268.48 standards ⁸
	Radioactively contaminated silver containing batteries. (Note: This subcategory consists of nonwastewaters only) (6/04)	Silver	7440-22-4	NA	Macroencapsulation in accordance with 268.45
D011 ⁹	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for silver based on the toxicity characteristic leaching procedure (TCLP) in SW846.	Silver	7440-22-4	0.43 and meet 268.48 standards ⁸	0.14 mg/l TCLP and meet 268.48 standards ⁸
D012 ⁹	Wastes that are TC for Endrin based on the TCLP in SW846 Method 1311.	Endrin	72-20-8	BIODG; or CMBST	0.13 and meet 268.48 standards ⁸
		Endrin aldehyde	7421-93-4	BIODG; or CMBST	0.13 and meet 268.48 standards ⁸
D013 ⁹	Wastes that are TC for Lindane based on the TCLP in SW846 Method 1311.	alpha-BHC	319-84-6	CARBN; or CMBST	0.066 and meet 268.48 standards ⁸
		beta-BHC	319-85-7	CARBN; or CMBST	0.066 and meet 268.48 standards ⁸
		delta-BHC	319-86-8	CARBN; or CMBST	0.066 and meet 268.48 standards ⁸
		gamma-BHC (Lindane)	58-89-9	CARBN; or CMBST	0.066 and meet 268.48 standards ⁸
D014 ⁹	Wastes that are TC for Methoxychlor based on the TCLP in SW846 Method 1311.	Methoxychlor	72-43-5	WETOX or CMBST	0.18 and meet 268.48 standards ⁸
D015 ⁹	Wastes that are TC for Toxaphene based on the TCLP in SW846 Method 1311.	Toxaphene	8001-35-2	BIODG or CMBST	2.6 and meet 268.48 standards ⁸
D016 ⁹	Wastes that are TC for 2,4-D (2,4-Dichlorophenoxyacetic acid) based on the TCLP in SW846 Method 1311.	2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	CHOXD, BIODG, or CMBST	10 and meet 268.48 standards ⁸
D017 ⁹	Wastes that are TC for 2,4,5-TP (Silvex) based on the TCLP in SW846 Method 1311.	2,4,5-TP (Silvex)	93-72-1	CHOXD or CMBST	7.9 and meet 268.48 standards ⁸

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
D018 ⁹	Wastes that are TC for Benzene based on the TCLP in SW846 Method 1311.	Benzene	71-43-2	0.14 and meet 268.48 standards ⁸	10 and meet 268.48 standards ⁸
D019 ⁹	Wastes that are TC for Carbon tetrachloride based on the TCLP in SW846 Method 1311.	Carbon tetrachloride	56-23-5	0.057 and meet 268.48 standards ⁸	6.0 and meet 268.48 standards ⁸
D020 ⁹	Wastes that are TC for Chlordane based on the TCLP in SW846 Method 1311.	Chlordane (alpha and gamma isomers)	57-74-9	0.0033 and meet 268.48 standards ⁸	0.26 and meet 268.48 standards ⁸
D021 ⁹	Wastes that are TC for Chlorobenzene based on the TCLP in SW846 Method 1311.	Chlorobenzene	108-90-7	0.057 and meet 268.48 standards ⁸	6.0 and meet 268.48 standards ⁸
D022 ⁹	Wastes that are TC for Chloroform based on the TCLP in SW846 Method 1311.	Chloroform	67-66-3	0.046 and meet 268.48 standards ⁸	6.0 and meet 268.48 standards ⁸
D023 ⁹	Wastes that are TC for o-Cresol based on the TCLP in SW846 Method 1311.	o-Cresol	95-48-7	0.11 and meet 268.48 standards ⁸	5.6 and meet 268.48 standards ⁸
D024 ⁹	Wastes that are TC for m-Cresol based on the TCLP in SW846 Method 1311.	m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77 and meet 268.48 standards ⁸	5.6 and meet 268.48 standards ⁸
D025 ⁹	Wastes that are TC for p-Cresol based on the TCLP in SW846 Method 1311.	p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77 and meet 268.48 standards ⁸	5.6 and meet 268.48 standards ⁸
D026 ⁹	Wastes that are TC for Cresols (Total) based on the TCLP in SW846 Method 1311.	Cresol-mixed isomers (Cresylic acid) (sum o-, m-, and p-cresol concentrations)	1319-77-3	0.88 and meet 268.48 standards ⁸	11.2 and meet 268.48 standards ⁸
D027 ⁹	Wastes that are TC for p-Dichlorobenzene based on the TCLP in SW846 Method 1311.	p-Dichlorobenzene (1,4-Dichlorobenzene)	106-46-7	0.090 and meet 268.48 standards ⁸	6.0 and meet 268.48 standards ⁸
D028 ⁹	Wastes that are TC for 1,2-Dichloroethane based on the TCLP in SW846 Method 1311.	1,2-Dichloroethane	107-06-2	0.21 and meet 268.48 standards ⁸	6.0 and meet 268.48 standards ⁸
D029 ⁹	Wastes that are TC for 1,1-Dichloroethylene based on the TCLP in SW846 Method 1311.	1,1-Dichloroethylene	75-35-4	0.025 and meet 268.48 standards ⁸	6.0 and meet 268.48 standards ⁸
D030 ⁹	Wastes that are TC for 2,4-Dinitrotoluene based on the TCLP in SW846 Method 1311.	2,4-Dinitrotoluene	121-14-2	0.32 and meet 268.48 standards ⁸	140 and meet 268.48 standards ⁸
D031 ⁹	Wastes that are TC for Heptachlor based on the TCLP in SW846 Method 1311.	Heptachlor	76-44-8	0.0012 and meet 268.48 standards ⁸	0.066 and meet 268.48 standards ⁸
		Heptachlor epoxide	1024-57-3	0.016 and meet 268.48 standards ⁸	0.066 and meet 268.48 standards ⁸
D032 ⁹	Wastes that are TC for Hexachlorobenzene based on the TCLP in SW846 Method 1311.	Hexachlorobenzene	118-74-1	0.055 and meet 268.48 standards ⁸	10 and meet 268.48 standards ⁸
D033 ⁹	Wastes that are TC for Hexachlorobutadiene based on the TCLP in SW846 Method 1311.	Hexachlorobutadiene	87-68-3	0.055 and meet 268.48 standards ⁸	5.6 and meet 268.48 standards ⁸

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
D034 ⁹	Wastes that are TC for Hexachloroethane based on the TCLP in SW846 Method 1311.	Hexachloroethane	67-72-1	0.055 and meet 268.48 standards ⁸	30 and meet 268.48 standards ⁸
D035 ⁹	Wastes that are TC for Methyl ethyl ketone based on the TCLP in SW846 Method 1311.	Methyl ethyl ketone	78-93-3	0.28 and meet 268.48 standards ⁸	36 and meet 268.48 standards ⁸
D036 ⁹	Wastes that are TC for Nitrobenzene based on the TCLP in SW846 Method 1311.	Nitrobenzene	98-95-3	0.068 and meet 268.48 standards ⁸	14 and meet 268.48 standards ⁸
D037 ⁹	Wastes that are TC for Pentachlorophenol based on the TCLP in SW846 Method 1311.	Pentachlorophenol	87-86-5	0.089 and meet 268.48 standards ⁸	7.4 and meet 268.48 standards ⁸
D038 ⁹	Wastes that are TC for Pyridine based on the TCLP in SW846 Method 1311.	Pyridine	110-86-1	0.014 and meet 268.48 standards ⁸	16 and meet 268.48 standards ⁸
D039 ⁹	Wastes that are TC for Tetrachloroethylene based on the TCLP in SW846 Method 1311.	Tetrachloroethylene	127-18-4	0.056 and meet 268.48 standards ⁸	6.0 and meet 268.48 standards ⁸
D040 ⁹	Wastes that are TC for Trichloroethylene based on the TCLP in SW846 Method 1311.	Trichloroethylene	79-01-6	0.054 and meet 268.48 standards ⁸	6.0 and meet 268.48 standards ⁸
D041 ⁹	Wastes that are TC for 2,4,5-Trichlorophenol based on the TCLP in SW846 Method 1311.	2,4,5-Trichlorophenol	95-95-4	0.18 and meet 268.48 standards ⁸	7.4 and meet 268.48 standards ⁸
D042 ⁹	Wastes that are TC for 2,4,6-Trichlorophenol based on the TCLP in SW846 Method 1311.	2,4,6-Trichlorophenol	88-06-2	0.035 and meet 268.48 standards ⁸	7.4 and meet 268.48 standards ⁸
D043 ⁹	Wastes that are TC for Vinyl chloride based on the TCLP in SW846 Method 1311.	Vinyl chloride	75-01-4	0.27 and meet 268.48 standards ⁸	6.0 and meet 268.48 standards ⁸
F001, F002, F003, F004, & F005	F001, F002, F003, F004 and/or F005 solvent wastes that contain any combination of one or more of the following spent solvents: acetone, benzene, n-butyl alcohol, carbon disulfide, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, o-cresol, m-cresol, p-cresol, cyclohexanone, o-dichlorobenzene, 2-ethoxyethanol, ethyl acetate, ethyl benzene, ethyl ether, isobutyl alcohol, methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, nitrobenzene, 2-nitropropane, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloro-1,2,2-trifluoroethane, trichloroethylene,	Acetone	67-64-1	0.28	160
		Benzene	71-43-2	0.14	10
		n-Butyl alcohol	71-36-3	5.6	2.6
		Carbon disulfide	75-15-0	3.8	NA
		Carbon tetrachloride	56-23-5	0.057	6.0
		Chlorobenzene	108-90-7	0.057	6.0
		o-Cresol	95-48-7	0.11	5.6
		m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
		p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
		Cresol-mixed isomers (Cresylic acid)(sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88	11.2
		Cyclohexanone	108-94-1	0.36	NA
		o-Dichlorobenzene	95-50-1	0.088	6.0
		Ethyl acetate	141-78-6	0.34	33
		Ethyl benzene	100-41-4	0.057	10
		Ethyl ether	60-29-7	0.12	160
Isobutyl alcohol	78-83-1	5.6	170		
Methanol	67-56-1	5.6	NA		
Methylene chloride	75-9-2	0.089	30		

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
	trichloromonofluoromethane, and/or xylenes [except as specifically noted in other subcategories]. See further details of these listings in 261.31.	Methyl ethyl ketone	78-93-3	0.28	36
		Methyl isobutyl ketone	108-10-1	0.14	33
		Nitrobenzene	98-95-3	0.068	14
		Pyridine	110-86-1	0.014	16
		Tetrachloroethylene	127-18-4	0.056	6.0
		Toluene	108-88-3	0.080	10
		1,1,1-Trichloroethane	71-55-6	0.054	6.0
		1,1,2-Trichloroethane	79-00-5	0.054	6.0
		1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
		Trichloroethylene	79-01-6	0.054	6.0
		Trichloromonofluoromethane	75-69-4	0.020	30
		Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		F003 and/or F005 solvent wastes that contain any combination of one or more of the following three solvents as the only listed F001-5 solvents: carbon disulfide, cyclohexanone, and/or methanol. (formerly 268.41(c))	Carbon disulfide	75-15-0	3.8
Cyclohexanone	108-94-1		0.36	0.75 mg/l TCLP	
Methanol	67-56-1		5.6	0.75 mg/l TCLP	
F005 solvent waste containing 2-Nitropropane as the only listed F001-5 solvent.	2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
F005 solvent waste containing 2-Ethoxyethanol as the only listed F001-5 solvent.	2-Ethoxyethanol	110-80-5	BIODG; or CMBST	CMBST	
F006	Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.	Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
		Silver	7440-22-4	NA	0.14 mg/l TCLP
F007	Spent cyanide plating bath solutions from electroplating operations.	Cadmium	7440-43-9	NA	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
		Silver	7440-22-4	NA	0.14 mg/l TCLP

268.40 – Treatment Standards for Hazardous Waste					
WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
F008	Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.	Cadmium	7440-43-9	NA	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
		Silver	7440-22-4	NA	0.14 mg/l TCLP
F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.	Cadmium	7440-43-9	NA	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
		Silver	7440-22-4	NA	0.14 mg/l TCLP
F010	Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.	Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	NA
F011	Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.	Cadmium	7440-43-9	NA	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
		Silver	7440-22-4	NA	0.11 mg/l TCLP
F012	Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used the process.	Cadmium	7440-43-9	NA	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
		Silver	7440-22-4	NA	0.14 mg/l TCLP
F019	Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
F020, F021, F022, F023, F026	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives, excluding wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (F020); (2) pentachlorophenol, or of intermediates used to produce its derivatives (i.e., F021); (3) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F022); and from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri-, or tetrachlorophenols, excluding wastes from equipment used only for the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (F023); (2) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F026). washing when such phosphating is an exclusive conversion coating process.	HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		HxCDFs (All Hexachlorodibenzofurans)	NA	0.000063	0.001
		PeCDDs (All Pentachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		PeCDFs (All Pentachlorodibenzofurans)	NA	0.000035	0.001
		Pentachlorophenol	87-86-5	0.089	7.4
		TCDDs (All Tetrachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		TCDFs (All Tetrachlorodibenzofurans)	NA	0.000063	0.001
		2,4,5-Trichlorophenol	95-95-4	0.18	7.4
		2,4,6-Trichlorophenol	88-06-2	0.035	7.4
		2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
		F024	Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in 261.31 or 261.32.).	All F024 wastes	NA
2-Chloro-1,3-butadiene	126-99-8			0.057	0.28
3-Chloropropylene	107-05-1			0.036	30
1,1-Dichloroethane	75-34-3			0.059	6.0
1,2-Dichloroethane	107-06-2			0.21	6.0
1,2-Dichloroethane	78-87-5			0.85	18
cis-1,3-Dichloropropylene	10061-01-5			0.036	18
trans-1,3-Dichloropropylene	10061-02-6			0.036	18
bis(2-Ethylhexyl) phthalate	117-81-7			0.28	28
Hexachloroethane	67-72-1			0.055	30
Chromium (Total)	7440-47-3			2.77	0.60 mg/l TCLP
Nickel	7440-02-0			3.98	11 mg/l TCLP
F025	Condensed light ends from the production of certain chlorinated	Carbon tetrachloride	56-23-5	0.057	6.0
		Chloroform	67-66-3	0.046	6.0

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters		
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴		
	aliphatic hydrocarbons, by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. F025-Light Ends Subcategory	1,2-Dichloroethane	107-06-2	0.21	6.0		
		1,1-Dichloroethylene	75-35-4	0.025	6.0		
		Methylene chloride	75-9-2	0.089	30		
		1,1,2-Trichloroethane	79-00-5	0.054	6.0		
		Trichloroethylene	79-01-6	0.054	6.0		
		Vinyl chloride	75-01-4	0.27	6.0		
		Carbon tetrachloride	56-23-5	0.057	6.0		
		Chloroform	67-66-3	0.046	6.0		
		Hexachlorobenzene	118-74-1	0.055	10		
		Hexachlorobutadiene	87-68-3	0.055	5.6		
	Spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons, by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. F025-Spent Filters/Aids and Desiccants Subcategory	Hexachloroethane	67-72-1	0.055	30		
		Methylene chloride	75-9-2	0.089	30		
		1,1,2-Trichloroethane	79-00-5	0.054	6.0		
		Trichloroethylene	79-01-6	0.054	6.0		
		Vinyl chloride	75-01-4	0.27	6.0		
		HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001		
		HxCDFs (All Hexachlorodibenzofurans)	NA	0.000063	0.001		
		PeCDDs (All Pentachlorodibenzo-p-dioxins)	NA	0.000063	0.001		
		PeCDFs (All Pentachlorodibenzofurans)	NA	0.000035	0.001		
		Pentachlorophenol	87-86-5	0.089	7.4		
	Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)	TCDDs (All Tetrachlorodibenzo-p-dioxins)	NA	0.000063	0.001		
		TCDFs (All Tetrachlorodibenzofurans)	NA	0.000063	0.001		
		2,4,5-Trichlorophenol	95-95-4	0.18	7.4		
		2,4,6-Trichlorophenol	88-06-2	0.035	7.4		
		2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4		
			Residues resulting from the incineration or thermal treatment of soil contaminated with EPA Hazardous Wastes Nos. F020, F021, F023, F026, and F027.	HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
				HxCDFs (All Hexachlorodibenzofurans)	NA	0.000063	0.001
				PeCDDs (All Pentachlorodibenzo-p-dioxins)	NA	0.000063	0.001
				PeCDFs (All Pentachlorodibenzofurans)	NA	0.000035	0.001
				Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachlorodibenzo-p-dioxins)	NA			0.000063	0.001		
TCDFs (All Tetrachlorodibenzofurans)	NA			0.000063	0.001		
2,4,5-Trichlorophenol	95-95-4			0.18	7.4		
2,4,6-Trichlorophenol	88-06-2			0.035	7.4		
2,3,4,6-Tetrachlorophenol	58-90-2			0.030	7.4		
F032	Wastewaters (except those that have not come into contact with process contaminants), process residuals,	Acenaphthene	83-32-9	0.059	3.4		
		Anthracene	120-12-7	0.059	3.4		
		Benz(a)anthracene	56-55-3	0.059	3.4		

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		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
	preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with 261.35 of this chapter or sediment sludge from the treatment of wastewater from wood preserving processes that use potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), and where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom creosote and/or penta-chlorophenol.	Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
		Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
		2-4-Dimethyl phenol	105-67-9	0.036	14
		Fluorene	86-73-7	0.059	3.4
		Hexachlorodibenzo-p-dioxins	NA	0.000063, or CMBST ¹¹	0.001, or CMBST ¹¹
		Hexachlorodibenzofurans	NA	0.000063, or CMBST ¹¹	0.001, or CMBST ¹¹
		Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
		Naphthalene	91-20-3	0.059	5.6
		Pentachlorodibenzo-p-dioxins	NA	0.000063, or CMBST ¹¹	0.001, or CMBST ¹¹
		Pentachlorodibenzofurans	NA	0.000035, or CMBST ¹¹	0.001, or CMBST ¹¹
		Pentachlorophenol	87-86-5	0.089	7.4
		Phenanthrene	85-01-8	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Pyrene	129-00-0	0.067	8.2
		Tetrachlorodibenzo-p-dioxins	NA	0.000063, or CMBST ¹¹	0.001, or CMBST ¹¹
		Tetrachlorodibenzofurans	NA	0.000063, or CMBST ¹¹	0.001, or CMBST ¹¹
		2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
		2,4,6-Trichlorophenol	88-06-2	0.035	7.4
		Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
F034	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.	Acenaphthene	83-32-9	0.059	3.4
		Anthracene	120-12-7	0.059	3.4
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
		Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
		Fluorene	86-73-7	0.059	3.4
		Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
		Pyrene	129-00-0	0.067	8.2
		Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP		
F035	Wastewaters (except those that have not come into contact with process contaminants), process residuals,	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
	preservative drippage, and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.				
F037	Petroleum refinery primary oil/water/solids separation sludge-Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as define in 261.31(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.	Acenaphthene	83-32-9	0.059	NA
		Anthracene	120-12-7	0.059	3.4
		Benzene	71-43-2	0.14	10
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
		Chrysene	218-01-9	0.059	3.4
		Di-n-butyl phthalate	84-74-2	0.057	28
		Ethylbenzene	100-41-4	0.057	10
		Fluorene	86-73-7	0.059	NA
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Pyrene	129-00-0	0.067	8.2
		Toluene	108-88-3	0.080	10
		Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA		
Nickel	7440-02-0	NA	11 mg/l TCLP		
F038	Petroleum refinery secondary (emulsified) oil/water/solids separation sludge and/or float generated from the physical and/or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air flotation (IAF) units, tanks and	Benzene	71-43-2	0.14	10
		Benzo(a)pyrene	50-32-8	0.061	3.4
		bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
		Chrysene	218-01-9	0.059	3.4
		Di-n-butyl phthalate	84-74-2	0.057	28
		Ethylbenzene	100-41-4	0.057	10
		Fluorene	86-73-7	0.059	NA
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Pyrene	129-00-0	0.067	8.2
		Toluene	108-88-3	0.080	10

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters	
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴	
	impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges and floats generated in aggressive biological treatment units as defined in 261.31(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological units) and F037, K048, and K051 are not included in this listing.	Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30	
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP	
		Cyanides (Total) ⁷	57-12-5	1.2	590	
		Lead	7439-92-1	0.69	NA	
		Nickel	7440-02-0	NA	11 mg/l TCLP	
F039	Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under subpart D of this part. (Leachate resulting from the disposal of one or more of the following EPA Hazardous Wastes and no other Hazardous Wastes retains its EPA Hazardous Waste Number(s): F020, F021, F022, F026, F027, and/or F028). (6/02, 2/07)	Acenaphthylene	208-96-8	0.059	3.4	
		Acenaphthene	83-32-9	0.059	3.4	
		Acetone	67-64-1	0.28	160	
		Acetonitrile	75-05-8	5.6	NA	
		Acetophenone	96-86-2	0.010	9.7	
		2-Acetylaminofluorene	53-96-3	0.059	140	
		Acrolein	107-02-8	0.29	NA	
		Acrylonitrile	107-13-1	0.24	84	
		Aldrin	309-00-2	0.021	0.066	
		4-Aminobiphenyl	92-67-1	0.13	NA	
		Aniline	62-53-3	0.81	14	
		o-Anisidine (2-methoxyaniline)	90-04-0	0.010	0.66	
		Anthracene	120-12-7	0.059	3.4	
		Aramite	140-57-8	0.36	NA	
		alpha-BHC	319-84-6	0.00014	0.066	
		beta-BHC	319-85-7	0.00014	0.066	
		delta-BHC	319-86-8	0.023	0.066	
		gamma-BHC	58-89-9	0.0017	0.066	
		Benzene	71-43-2	0.14	10	
		Benz(a)anthracene	56-55-3	0.059	3.4	
		Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8	
		Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8	
		Benzo(g,h,i)perylene	191-24-2	0.0055	1.8	
		Benzo(a)pyrene	50-32-8	0.061	3.4	
		Bromodichloromethane	75-27-4	0.35	15	
		Methyl bromide (Bromomethane)	74-83-9	0.11	15	
		4-Bromophenyl phenyl ether	101-55-3	0.055	15	
		n-Butyl alcohol	71-36-3	5.6	2.6	
		Butyl benzyl phthalate	85-68-7	0.017	28	
		2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5	
		Carbon disulfide	75-15-0	3.8	NA	
		Carbon tetrachloride	56-23-5	0.057	6.0	
Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26			
p-Chloroaniline	106-47-8	0.46	16			

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		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
		Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA		
2-Chloro-1,3-butadiene	126-99-8	0.057	NA		
Chlorodibromomethane	124-48-1	0.057	15		
Chloroethane	75-00-3	0.27	6.0		
bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2		
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0		
Chloroform	67-66-3	0.046	6.0		
bis(2-Chloroisopropyl)ether	69638-32-9	0.055	7.2		
p-Chloro-m-cresol	59-50-7	0.018	14		
Chloromethane (Methyl chloride)	74-87-3	0.19	30		
2-Chloronaphthalene	91-58-7	0.055	5.6		
2-Chlorophenol	95-57-8	0.044	5.7		
3-Chloropropylene	107-05-1	0.036	30		
Chrysene	218-01-9	0.059	3.4		
o-Cresol	95-48-7	0.11	5.6		
p-Cresidine	120-71-8	0.010	0.66		
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6		
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6		
Cyclohexanone	108-94-1	0.36	NA		
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15		
Ethylene dibromide (1,2-Dibromomethane)	106-93-4	0.028	15		
Dibromomethane	74-95-3	0.11	15		
2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	0.72	10		
o,p'-DDD	53-19-0	0.023	0.087		
p,p'-DDD	72-54-8	0.023	0.087		
o, p'-DDE	3424-82-6	0.031	0.087		
p,p'-DDE	72-55-9	0.031	0.087		
o,p'-DDT	789-02-6	0.0039	0.087		
p,p'-DDT	50-29-3	0.0039	0.087		
Dibenz(a,h)anthracene	53-70-3	0.055	8.2		
Dibenz(a,e)pyrene	192-65-4	0.061	NA		
m-Dichlorobenzene	541-73-1	0.036	6.0		
o-Dichlorobenzene	95-50-1	0.088	6.0		
p-Dichlorobenzene	106-46-7	0.090	6.0		
Dichlorodifluoromethane	75-71-8	0.23	7.2		
1,1-Dichloroethane	75-34-3	0.059	6.0		
1,2-Dichloroethane	107-06-2	0.21	6.0		
1,1-Dichloroethylene	75-35-4	0.025	6.0		
trans-1,2-Dichloroethylene	156-60-5	0.054	30		
2,4-Dichlorophenol	120-83-2	0.044	14		
2,6-Dichlorophenol	87-65-0	0.044	14		
1,2-Dichloropropane	78-87-5	0.85	18		
cis-1,3-Dichloropropylene	10061-01-5	0.036	18		
trans-1,3-Dichloropropylene	10061-02-6	0.036	18		
Dieldrin	60-57-1	0.017	0.13		
Diethyl phthalate	84-66-2	0.20	28		
2,4-Dimethylaniline (2,4-xylydine)	95-68-1	0.010	0.66		
2,4-Dimethyl phenol	105-67-9	0.036	14		

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		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
		Dimethyl phthalate	131-11-3	0.047	28
		Di-n-butyl phthalate	84-74-2	0.057	28
		1,4-Dinitrobenzene	100-25-4	0.32	2.3
		4,6-Dinitro-o-cresol	534-52-1	0.28	160
		2,4-Dinitrophenol	51-28-5	0.12	160
		2,4-Dinitrotoluene	606-20-2	0.55	28
		Di-n-octyl phthalate	117-84-0	0.017	28
		Di-n-propyl nitrosamine	621-64-7	0.40	14
		1,4-Dioxane	123-91-1	12.0	170
		Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	NA
		Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	NA
		1,2-Diphenylhydrazine	122-66-7	0.087	NA
		Disulfoton	298-04-4	0.017	6.2
		Endosulfan I	939-98-8	0.023	0.066
		Endosulfan II	33213-6-5	0.029	0.13
		Endosulfan sulfate	1031-07-8	0.029	0.13
		Endrin	72-20-8	0.0028	0.13
		Endrin aldehyde	7421-93-4	0.025	0.13
		Ethyl acetate	141-78-6	0.34	33
		Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
		Ethyl benzene	100-41-4	0.057	10
		Ethyl ether	60-29-7	0.12	160
		bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
		Ethyl methacrylate	97-63-2	0.14	160
		Ethylene oxide	75-21-8	0.12	NA
		Famphur	52-85-7	0.017	15
		Fluoranthene	206-44-0	0.068	3.4
		Fluorene	86-73-7	0.059	3.4
		Heptachlor	76-44-8	0.0012	0.066
		1, 2, 3, 4, 6, 7, 8-Heptachlorodibenzo-p-dioxin (1, 2, 3, 4, 6, 7, 8 HpCDD) (6/02)	65822-46-9	0.000035	0.0025
		1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF) (6/02)	67562-39-4	0.000035	0.0025
		1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF) (6/02)	55673-89-7	0.000035	0.0025
		Heptachlor epoxide	1024-57-3	0.016	0.066
		Hexachlorobenzene	118-74-1	0.055	10
		Hexachlorobutadiene	87-68-3	0.055	5.6
		Hexachlorocyclopentadiene	77-47-4	0.057	2.4
		HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		HxCDFs (All Hexachlorodibenzofurans)	NA	0.000063	0.001
		Hexachloroethane	67-72-1	0.055	30
		Hexachloropropylene	1888-71-7	0.035	30
		Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
		Iodomethane	74-88-4	0.19	65
		Isobutyl alcohol	78-83-1	5.6	170
		Isodrin	465-73-6	0.021	0.066
		Isosafrole	120-58-1	0.081	2.6

268.40 – Treatment Standards for Hazardous Waste					
WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
		Kepone	143-50-8	0.0011	0.13
		Methacrylonitrile	126-98-7	0.24	84
		Methanol	67-56-1	5.6	NA
		Methapyrilene	91-80-5	0.081	1.5
		Methoxychlor	72-43-5	0.25	0.18
		3-Methylcholanthrene	56-49-5	0.0055	15
		4,4-Methylene bis(2-chloroaniline)	101-14-4	0.50	30
		Methylene chloride	75-09-2	0.089	30
		Methyl ethyl ketone	78-93-3	0.28	36
		Methyl isobutyl ketone	108-10-1	0.14	33
		Methyl methacrylate	80-62-6	0.14	160
		Methyl methansulfonate	66-27-3	0.018	NA
		Methyl parathion	298-00-0	0.014	4.6
		Naphthalene	91-20-3	0.059	5.6
		2-Naphthylamine	91-59-8	0.52	NA
		p-Nitroaniline	100-01-6	0.028	28
		Nitrobenzene	98-95-3	0.068	14
		5-Nitro-o-toluidine	99-55-8	0.32	28
		p-Nitrophenol	100-02-7	0.12	29
		N-Nitrosodiethylamine	55-18-5	0.40	28
		N-Nitrosodimethylamine	62-75-9	0.40	NA
		N-Nitroso-di-n-butylamine	924-16-3	0.40	17
		N-Nitrosomethylethylamine	10595-95-6	0.40	2.3
		N-Nitrosomorpholine	59-89-2	0.40	2.3
		N-Nitrosopiperidine	100-75-4	0.013	35
		N-Nitrosopyrrolidine	930-55-2	0.013	35
		1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (OCDD) (6/02)	3268-87-9	0.000063	0.0025
		1,2,3,4,6,7,8,9-Octachlorodibenzofuran (OCDF) (6/02)	39001-02-0	0.000063	0.005
		Parathion	56-38-2	0.014	4.6
		Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
		Pentachlorobenzene	608-93-5	0.055	10
		PeCDDs (All Pentachlorodibenzo-p-dioxins)	NA	0.00063	0.001
		PeCDFs (All Pentachlorodibenzofurans)	NA	0.000035	0.001
		Pentachloronitrobenzene	82-68-8	0.055	4.8
		Pentachlorophenol	87-86-5	0.089	7.4
		Phenacetin	62-44-2	0.081	16
		Phenanthrene	85-01-8	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		1,3-Phenylenediamine	108-45-2	0.010	0.66
		Phorate	298-02-2	0.021	4.6
		Phthalic anhydride	85-44-9	0.055	NA
		Pronamide	23950-58-5	0.093	1.5
		Pyrene	129-00-0	0.067	8.2
		Pyridine	110-86-1	0.014	16
		Safrole	94-59-7	0.081	22
		Silvex (2,4,5-TP)	93-72-1	0.72	7.9
		2,4,5-T	93-76-5	0.72	7.9

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		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
		1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
		TCDDs (All Tetrachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		TCDFs (All Tetrachlorodibenzofurans)	NA	0.000063	0.001
		1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
		1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
		Tetrachloroethylene	127-18-4	0.056	6.0
		2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
		Toluene	108-88-3	0.080	10
		Toxaphene	8001-35-2	0.0095	2.6
		Bromoform (Tribromomethane)	75-25-2	0.63	15
		1,2,4-Trichlorobenzene	120-82-1	0.055	19
		1,1,1-Trichloroethane	71-55-6	0.054	6.0
		1,1,2-Trichloroethane	79-00-5	0.054	6.0
		Trichloroethylene	79-01-6	0.054	6.0
		Trichloromonofluoromethane	75-69-4	0.020	30
		2,4,5-Trichlorophenol	95-95-4	0.18	7.4
		2,4,6-Trichlorophenol	88-06-2	0.035	7.4
		1,2,3-Trichloropropane	96-18-4	0.85	30
		1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30
		tris(2,3-Dibromopropyl) phosphate	126-72-7	0.11	NA
		Vinyl chloride	75-01-4	0.27	6.0
		Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Antimony	7440-36-0	1.9	1.15 mg/l TCLP
		Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
		Barium	7440-39-3	1.2	21 mg/l TCLP
		Beryllium	7440-41-7	0.82	NA
		Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	NA
		Fluoride	16964-48-8	35	NA
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Mercury	7439-97-6	0.15	0.025 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
		Selenium	7782-49-2	0.82	5.7 mg/l TCLP
		Silver	7440-22-4	0.43	0.14 mg/l TCLP
		Sulfide	8496-25-8	14	NA
		Thallium	7440-28-0	1.4	NA
		Vanadium	7440-62-2	4.3	NA
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.	Naphthalene	91-20-3	0.059	5.6
		Pentachlorophenol	87-86-5	0.089	7.4
		Phenanthrene	85-01-8	0.059	5.6
		Pyrene	129-00-0	0.067	8.2
		Toluene	108-88-3	0.080	10

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
		Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	Lead	7439-92-1	0.69	0.75 mg/l TCLP
K003	Wastewater treatment sludge from the production of molybdate orange pigments.	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
K004	Wastewater treatment sludge from the production of zinc yellow pigments.	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
K005	Wastewater treatment sludge from the production of chrome green pigments.	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous).	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
	Wastewater treatment sludge from the production of chrome oxide green pigments (hydrated).	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	NA
K007	Wastewater treatment sludge from the production of iron blue pigments.	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
K008	Oven residue from the production of chrome oxide green pigments.	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
K009	Distillation bottoms from the production of acetaldehyde from ethylene.	Chloroform	67-66-3	0.046	6.0
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	Chloroform	67-66-3	0.046	6.0
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	Acetonitrile	75-05-8	5.6	38
		Acrylonitrile	107-13-1	0.24	84
		Acrylamide	79-06-1	19	23
		Benzene	71-43-2	0.14	10
		Cyanide (Total)	57-12-5	1.2	590
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	Acetonitrile	75-05-8	5.6	38
		Acrylonitrile	107-13-1	0.24	84
		Acrylamide	79-06-1	19	23
		Benzene	71-43-2	0.14	10

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		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
		Cyanide (Total)	57-12-5	1.2	590
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.	Acetonitrile	75-05-8	5.6	38
		Acrylonitrile	107-13-1	0.24	84
		Acrylamide	79-06-1	19	23
		Benzene	71-43-2	0.14	10
		Cyanide (Total)	57-12-5	1.2	590
K015	Still bottoms from the distillation of benzyl chloride.	Anthracene	120-12-7	0.059	3.4
		Benzal chloride	98-87-3	0.055	6.0
		Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
		Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
		Phenanthrene	85-01-8	0.059	5.6
		Toluene	108-88-3	0.080	10
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	Hexachlorobenzene	118-74-1	0.055	10
		Hexachlorobutadiene	87-68-3	0.055	5.6
		Hexachlorocyclopentadiene	77-47-4	0.057	2.4
		Hexachloroethane	67-72-1	0.055	30
		Tetrachloroethylene	127-18-4	0.056	6.0
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
		1,2-Dichloropropane	78-87-5	0.85	18
		1,2,3-Trichloropropane	96-18-4	0.85	30
K018	Heavy ends from the fractionation column in ethyl chloride production.	Chloroethane	75-00-3	0.27	6.0
		Chloromethane	74-87-3	0.19	NA
		1,1-Dichloroethane	75-34-3	0.059	6.0
		1,2-Dichloroethane	107-06-2	0.21	6.0
		Hexachlorobenzene	118-74-1	0.055	10
		Hexachlorobutadiene	87-68-3	0.055	5.6
		Hexachloroethane	67-72-1	0.055	30
		Pentachloroethane	76-01-7	NA	6.0
		1,1,1-Trichloroethane	71-55-6	0.054	6.0
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
		Chlorobenzene	108-90-7	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		p-Dichlorobenzene	106-46-7	0.090	NA
		1,2-Dichloroethane	107-06-2	0.21	6.0
		Fluorene	86-73-7	0.059	NA
		Hexachloroethane	67-72-1	0.055	30
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
		1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	NA
		Tetrachloroethylene	127-18-4	0.056	6.0
		1,2,4-Trichlorobenzene	120-82-1	0.055	19
		1,1,1-Trichloroethane	71-55-6	0.054	6.0
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	1,2-Dichloroethane	107-06-2	0.21	6.0
		1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
		Tetrachloroethylene	127-18-4	0.056	6.0
K021		Carbon tetrachloride	56-23-5	0.057	6.0
		Chloroform	67-66-3	0.046	6.0

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		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
	Aqueous spent antimony catalyst waste from fluoromethanes production.	Antimony	7440-36-0	1.9	1.15 mg/l TCLP
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	Toluene	108-88-3	0.080	10
		Acetophenone	96-86-2	0.010	9.7
		Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
		Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
		Phenol	108-95-2	0.039	6.2
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
		Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
		Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	NA	NA	LLEXT fb SSTRP fb CARBN; or CMBST	CMBST
K026	Stripping still tails from the production of methyl ethyl pyridines.	NA	NA	CMBST	CMBST
K027	Centrifuge and distillation residues from toluene diisocyanate production.	NA	NA	CARBAN; or CMBST	CMBST
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	1,1-Dichloroethane	75-34-3	0.059	6.0
		trans-1,2-Dichloroethylene	156-60-5	0.054	30
		Hexachlorobutadiene	87-68-3	0.055	5.6
		Hexachloroethane	67-72-1	0.055	30
		Pentachloroethane	76-01-7	NA	6.0
		1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
		1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
		Tetrachloroethylene	127-18-4	0.056	6.0
		1,1,1-Trichloroethane	71-55-6	0.054	6.0
		1,1,2-Trichloroethane	79-00-5	0.054	6.0
		Cadmium	7440-43-9	0.69	NA
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
K029	Waste from the product steam stripper in the production of 1,1,1-trichloroethane.	Chloroform	67-66-3	0.046	6.0
		1,2-Dichloroethane	107-06-2	0.21	6.0
		1,1-Dichloroethylene	75-35-4	0.025	6.0
		1,1,1-Trichloroethane	71-55-6	0.054	6.0
		Vinyl chloride	75-01-4	0.27	6.0

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		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
K030	Column bodies or heavy ends from the combined production of trichloroethylene and perchloroethylene.	o-Dichlorobenzene	95-50-1	0.088	NA
		p-Dichlorobenzene	106-46-7	0.090	NA
		Hexachlorobutadiene	87-68-3	0.055	5.6
		Hexachloroethane	67-72-1	0.055	30
		Hexachloropropylene	1888-71-7	NA	30
		Pentachlorobenzene	608-93-5	NA	10
		Pentachloroethane	76-01-7	NA	6.0
		1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
		Tetrachloroethylene	127-18-4	0.056	6.0
	1,2,4-Trichlorobenzene	120-82-1	0.055	19	
K031	By-product salts generated in the production of MSMA and cacodylic acid.	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
K032	Wastewater treatment sludge from the production of chlordane.	Hexachlorocyclopentadiene	77-47-4	0.057	2.4
		Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
		Heptachlor	76-44-8	0.0012	0.066
		Heptachlor epoxide	1024-57-3	0.016	0.066
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.	Hexachlorocyclopentadiene	77-47-4	0.057	2.4
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.	Hexachlorocyclopentadiene	77-47-4	0.057	2.4
K035	Wastewater treatment sludges generated in the production of creosote.	Acenaphthene	83-32-9	NA	3.4
		Anthracene	120-12-7	NA	3.4
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Chrysene	218-01-9	0.059	3.4
		o-Cresol	95-48-7	0.11	5.6
		m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
		p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
		Dibenz(a,h)anthracene	53-70-3	NA	8.2
		Fluoranthene	206-44-0	0.068	3.4
		Fluorene	86-73-7	NA	3.4
		Indeno(1,2,3-cd)pyrene	193-39-5	NA	3.4
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2		
Pyrene	129-00-0	0.067	8.2		
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.	Disulfoton	298-04-4	0.017	6.2
K037	Wastewater treatment sludges from the production of disulfoton.	Disulfoton	298-04-4	0.017	6.2
		Toluene	108-88-3	0.080	10
K038	Wastewater from the washing and stripping of phorate production.	Phorate	298-02-2	0.021	4.6
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.	NA	NA	CARBN; or CMBST	CMBST
K040	Wastewater treatment sludge from the production of phorate.	Phorate	298-02-2	0.021	4.6

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		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
K041	Wastewater treatment sludge from the production of toxaphene.	Toxaphene	8001-35-2	0.0095	2.6
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	o-Dichlorobenzene	95-50-1	0.088	6.0
		p-Dichlorobenzene	106-46-7	0.090	6.0
		Pentachlorobenzene	608-93-5	0.055	10
		1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
		1,2,4-Trichlorobenzene	120-82-1	0.055	19
K043	2,6-Dichlorophenol waste from the production of 2,4-D.	2,4-Dichlorophenol	120-83-2	0.044	14
		2,6-Dichlorophenol	187-65-0	0.044	14
		2,4,5-Trichlorophenol	95-95-4	0.18	7.4
		2,4,6-Trichlorophenol	88-06-2	0.035	7.4
		2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
		Pentachlorophenol	87-86-5	0.089	7.4
		Tetrachloroethylene	127-18-4	0.056	6.0
		HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		HxCDFs (All Hexachlorodibenzofurans)	NA	0.000063	0.001
		PeCDDs (All Pentachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		PeCDFs (All Pentachlorodibenzofurans)	NA	0.000035	0.001
		TCDDs (All Tetrachlorodibenzop-dioxins)	NA	0.000063	0.001
		TCDFs (All Tetrachlorodibenzofurans)	NA	0.000063	0.001
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.	NA	NA	DEACT	DEACT
K045	Spent carbon from the treatment of wastewater containing explosives.	NA	NA	DEACT	DEACT
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	Lead	7439-92-1	0.69	0.75 mg/l TCLP
K047	Pink/red water from TNT operations	NA	NA	DEACT	DEACT
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	Benzene	71-43-2	0.14	10
		Benzo(a)pyrene	50-32-8	0.061	3.4
		bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
		Chrysene	218-01-9	0.059	3.4
		Di-n-butyl phthalate	84-74-2	0.057	28
		Ethylbenzene	100-41-4	0.057	10
		Fluorene	86-73-7	0.059	NA
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.509	5.6
		Phenol	108-95-2	0.039	6.2
		Pyrene	129-00-0	0.067	8.2
		Toluene	108-88-33	0.080	10
		Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP		

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
K049	Slop oil emulsion solids from the petroleum refining industry.	Anthracene	120-12-7	0.059	3.4
		Benzene	71-43-2	0.14	10
		Benzo(a)pyrene	50-32-8	0.061	3.4
		bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
		Carbon disulfide	75-15-0	3.8	NA
		Chrysene	218-01-9	0.059	3.4
		2,4-Dimethylphenol	105-67-9	0.036	NA
		Ethylbenzene	100-41-4	0.057	10
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Pyrene	129-00-0	0.067	8.2
		Toluene	108-88-3	0.080	10
		Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Cyanides (Total) ⁷	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP		
Lead	7439-92-1	0.69	NA		
Nickel	7440-02-0	NA	11 mg/l TCLP		
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	Benzo(a)pyrene	50-32-8	0.061	3.4
		Phenol	108-95-2	0.039	6.2
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	NA
		Nickel	7440-02-0	NA	11 mg/l TCLP
K051	API separator sludge from the petroleum refining industry.	Acenaphthene	83-32-9	0.059	NA
		Anthracene	120-12-7	0.059	3.4
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benzene	71-43-2	0.14	10
		Benzo(a)pyrene	50-32-8	0.061	3.4
		bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
		Chrysene	218-01-9	0.059	3.4
		Di-n-butyl phthalate	105-67-9	0.057	28
		Ethylbenzene	100-41-4	0.057	10
		Fluorene	86-73-7	0.059	NA
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Pyrene	129-00-0	0.067	8.2
		Toluene	108-88-3	0.08	10
		Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	NA
		Nickel	7440-02-0	NA	11 mg/l TCLP
K052	Tank bottoms (leaded) from the petroleum refining industry.	Benzene	71-43-2	0.14	10
		Benzo(a)pyrene	50-32-8	0.061	3.4
		o-Cresol	95-48-7	0.11	5.6

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
		m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
		p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
		2,4-Dimethylphenol	105-67-9	0.036	NA
		Ethylbenzene	100-41-4	0.057	10
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Toluene	108-88-3	0.08	10
		Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Lead	7439-92-1	0.69	NA
		Nickel	7440-02-0	NA	11 mg/l TCLP
		K060	Ammonia still lime sludge from coking operations.	Benzene	71-43-2
Benzo(a)pyrene	50-32-8			0.061	3.4
Naphthalene	91-20-3			0.059	5.6
Phenol	108-95-2			0.039	6.2
Cyanides (Total) ⁷	57-12-5			1.2	590
K061	Emission control dust/sludge from the primary production of steel in electric furnaces.	Antimony	7440-36-0	NA	1.15 mg/l TCLP
		Arsenic	7440-38-2	NA	5.0 mg/l TCLP
		Barium	7440-39-3	NA	21 mg/l TCLP
		Beryllium	7440-41-7	NA	1.22 mg/l TCLP
		Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Mercury	7439-97-6	NA	0.025 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
		Selenium	7782-49-2	NA	5.7 mg/l TCLP
		Silver	7440-22-4	NA	0.14 mg/l TCLP
		Thallium	7440-28-0	NA	0.20 mg/l TCLP
		Zinc	7440-66-6	NA	4.3 mg/l TCLP
K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Nickel	7440-02-0	3.98	NA
K069	Emission control dust/sludge from secondary lead smelting. – Calcium Sulfate (Low Lead) Subcategory	Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
	Emission control dust/sludge from secondary lead smelting. – Non-Calcium Sulfate (High Lead) Subcategory	NA	NA	NA	RLEAD
K071	K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are residues from RMERC.	Mercury	7439-97-6	NA	0.20 mg/l TCLP
	K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.) nonwastewaters that are not residues from RMERC.	Mercury	7439-97-6	NA	0.025 mg/l TCLP
	All K071 wastewaters.	Mercury	7439-97-6	0.15	NA
K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.	Carbon tetrachloride	56-23-5	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		Hexachloroethane	67-72-1	0.055	30
		Tetrachloroethylene	127-18-4	0.056	6.0
		1,1,1-Trichloroethane	71-55-6	0.054	6.0
K083	Distillation bottoms from aniline production.	Aniline	62-53-3	0.81	14
		Benzene	71-43-2	0.14	10
		Cyclohexanone	108-94-1	0.36	NA
		Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
		Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
		Nitrobenzene	98-95-3	0.068	14
		Phenol	108-95-2	0.039	6.2
		Nickel	7440-02-0	3.98	11 mg/l TCLP
K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.	Benzene	71-43-2	0.14	10
		Chlorobenzene	108-90-7	0.057	6.0
		m-Dichlorobenzene	541-73-1	0.036	6.0
		o-Dichlorobenzene	95-50-1	0.088	6.0
		p-Dichlorobenzene	106-46-7	0.090	6.0
		Hexachlorobenzene	118-74-1	0.055	10
		Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
		Pentachlorobenzene	608-93-5	0.055	10
		1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
1,2,4-Trichlorobenzene	120-82-1	0.055	19		
K086	Solvent wastes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments,	Acetone	67-64-1	0.28	160
		Acetophenone	96-86-2	0.010	9.7
		bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
		n-Butyl alcohol	71-36-3	5.6	2.6
		Butylbenzyl phthalate	85-68-7	0.017	28

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
	driers, soaps, and stabilizers containing chromium and lead.	Cyclohexanone	108-94-1	0.36	NA
		o-Dichlorobenzene	95-50-1	0.088	6.0
		Diethyl phthalate	84-66-2	0.20	28
		Dimethyl phthalate	131-11-3	0.047	28
		Di-n-butyl phthalate	84-74-2	0.057	28
		Di-n-octyl phthalate	117-84-0	0.017	28
		Ethyl acetate	141-78-6	0.34	33
		Ethylbenzene	100-41-4	0.057	10
		Methanol	67-56-1	5.6	NA
		Methyl ethyl ketone	78-93-3	0.28	36
		Methyl isobutyl ketone	108-10-1	0.14	33
		Methylene chloride	75-09-2	0.089	30
		Naphthalene	91-20-3	0.059	5.6
		Nitrobenzene	98-95-3	0.068	14
		Toluene	108-88-3	0.080	10
		1,1,1-Trichloroethane	71-55-6	0.054	6.0
		Trichloroethylene	79-01-6	0.054	6.0
		Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
Lead	7439-92-1	0.69	0.75 mg/l TCLP		
K087	Decanter tank tar sludge from coking operations.	Acenaphthylene	208-96-8	0.059	3.4
		Benzene	71-43-2	0.14	10
		Chrysene	218-01-9	0.059	3.4
		Fluoranthene	206-44-0	0.068	3.4
		Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
		Toluene	108-88-3	0.080	10
		Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Lead	7439-92-1	0.69	0.75 m/l TCLP
K088	Spent potliners from primary aluminum reduction.	Acenaphthalene	83-32-9	0.059	3.4
		Anthracene	120-12-7	0.059	3.4
		Benzo(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Benzo(b)fluoranthene	205-99-2	0.11	6.8
		Benzo(k)fluoranthene	207-08-9	0.11	6.8
		Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
		Fluoranthene	206-44-0	0.068	3.4
		Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
		Phenanthrene	85-01-8	0.059	5.6
		Pyrene	129-00-0	0.067	8.2
		Antimony	7440-36-0	1.9	1.15 mg/l TCLP
		Arsenic	7440-38-2	1.4	26.1 mg/l TCLP

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
		Barium	7440-39-3	1.2	21 m/l TCLP
		Beryllium	7440-41-7	0.82	1.22 mg/l TCLP
		Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Mercury	7439-97-6	0.15	0.025 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
		Selenium	7782-49-2	0.82	5.7 mg/l TCLP
		Silver	7440-22-4	0.43	0.14 mg/l TCLP
		Cyanide (Total) ⁷	57-12-5	1.2	590
		Cyanide (Amenable) ⁷	57-12-5	0.86	30
		Fluoride	16984-48-8	35	NA
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
		Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
		Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	Hexachloroethane	67-72-1	0.055	30
		Pentachloroethane	76-01-7	0.055	6.0
		1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
		1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
		Tetrachloroethylene	127-18-4	0.056	6.0
		1,1,2-Trichloroethane	79-00-5	0.054	6.0
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	Trichloroethylene	79-01-6	0.054	6.0
		m-Dichlorobenzene	541-73-1	0.036	6.0
		Pentachloroethane	76-01-7	0.055	6.0
		1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
		1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
		Tetrachloroethylene	127-18-4	0.056	6.0
		1,2,4-Trichlorobenzene	120-82-1	0.055	19
		1,1,2-Trichloroethane	79-00-5	0.054	6.0
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	Trichloroethylene	79-01-6	0.054	6.0
		Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
		Heptachlor	76-44-8	0.0012	0.066
		Heptachlor epoxide	1024-57-3	0.016	0.066
K098	Untreated process wastewater from the production of toxaphene.	Hexachlorocyclopentadiene	77-47-4	0.057	2.4
		Toxaphene	8001-35-2	0.0095	2.6
K099	Untreated wastewater from the production of 2,4-D.	2,4-Dichlorophenoxyacetic acid	94-75-7	0.72	10
		HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		HxCDFs (All Hexachlorodibenzofurans)	NA	0.000063	0.001
		PeCDDs (All Pentachlorodibenzo-p-dioxins)	NA	0.000063	0.001

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		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
		PeCDFs (All Pentachlorodibenzofurans)	NA	0.000063	0.001
		TCDDs (All Tetrachlorodibenzo-p-dioxins)	NA	0.000063	0.001
		TCDFs (All Tetrachlorodibenzofurans)	NA	0.000063	0.001
K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.	Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	o-Nitroaniline	88-74-4	0.27	14
		Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
		Cadmium	7440-43-9	0.69	NA
		Lead	7439-92-1	0.69	NA
		Mercury	7439-97-6	0.15	NA
K102	Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	o-Nitrophenol	88-75-5	0.028	13
		Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
		Cadmium	7440-43-9	0.69	NA
		Lead	7439-92-1	0.69	NA
		Mercury	7439-97-6	0.15	NA
K103	Process residues from aniline extraction from the production of aniline.	Aniline	62-53-3	0.81	14
		Benzene	71-43-2	0.14	10
		2,4-Dinitrophenol	51-28-5	0.12	160
		Nitrobenzene	98-95-3	0.068	14
		Phenol	108-95-2	0.039	6.2
K104	Combined wastewater streams generated from nitrobenzene/aniline production.	Aniline	62-53-3	0.81	14
		Benzene	71-43-2	0.14	10
		2,4-Dinitrophenol	51-28-5	0.12	160
		Nitrobenzene	98-95-3	0.068	14
		Phenol	108-95-2	0.039	6.2
		Cyanides (Total) ⁷	57-12-5	1.2	590
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	Benzene	71-43-2	0.14	10
		Chlorobenzene	108-90-7	0.057	6.0
		2-Chlorophenol	95-57-8	0.044	5.7
		o-Dichlorobenzene	95-50-1	0.088	6.0
		p-Dichlorobenzene	106-46-7	0.090	6.0
		Phenol	108-95-2	0.039	6.2
		2,4,5-Trichlorophenol	95-95-4	0.18	7.4
		2,4,6-Trichlorophenol	88-06-2	0.035	7.4
K106	K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.	Mercury	7439-97-6	NA	RMERC
	K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain less than 260 mg/kg total mercury that are residues from RMERC.	Mercury	7439-97-6	NA	0.20 mg/l TCLP

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
	Other K106 nonwastewaters that contain less than 260 mg/kg total mercury and are not residues from RMERC.	Mercury	7439-97-6	NA	0.025 mg/l TCLP
	All K106 wastewaters.	Mercury	7439-97-6	0.15	NA
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K109	Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K111	Product washwaters from the production of dinitrotoluene via nitration of toluene	2,4-Dinitrotoluene	121-14-2	0.32	140
		2,6-Dinitrotoluene	606-20-2	0.55	28
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	NA	NA	CARBAN; OR CMBST	CMBST
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	NA	NA	CARBAN; or CMBST	CMBST
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	Nickel	7440-02-0	3.98	11 mg/l TCLP
		NA	NA	CARBAN; or CMBST	CMBST
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	NA	NA	CARBAN; or CMBST	CMBST
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	Methyl bromide (Bromomethane)	74-83-9	0.11	15
		Chloroform	67-66-3	0.046	6.0
		Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
K118	Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	Methyl bromide (Bromomethane)	74-83-9	0.11	15
		Chloroform	67-66-3	0.046	6.0
		Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
K123	Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.	NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.	NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
K125	Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.	NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.	NA	NA	CMBST; or CHOXD fb (BIODG or CARBN)	CMBST
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.	Methyl bromide (Bromomethane)	74-83-9	0.11	15
K132	Spent absorbent and wastewater separator solids from the production of methyl bromide.	Methyl bromide (Bromomethane)	74-83-9	0.11	15
K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	Methyl bromide (Bromomethane)	74-83-9	0.11	15
		Chloroform	67-66-3	0.046	6.0
		Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
K141	Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludge from coking operations).	Benzene	71-43-2	0.14	10
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-2-8	0.061	3.4
		Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
		Benzo(k)fluoranthene	207-08-9	0.11	6.8
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
K142	Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.	Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
		Benzene	71-43-2	0.14	10
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Benzo(b)fluoranthene (difficult to distinguish from benzo(k))	205-99-2	0.11	6.8
		Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
		Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2		

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
		Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
K143	Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.	Benzene	71-43-2	0.14	10
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
		Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
		Chrysene	218-01-9	0.059	3.4
K144	Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.	Benzene	71-43-2	0.14	10
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
		Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
		Chrysene	218-01-9	0.059	3.4
K145	Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.	Dibenz(a,h)anthracene	53-70-3	0.055	8.2
		Benzene	71-43-2	0.14	10
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Chrysene	218-01-9	0.059	3.4
		Naphthalene	91-20-3	0.059	5.6
K147	Tar storage tank residues from coal tar refining.	Dibenz(a,h)anthracene	53-70-3	0.055	8.2
		Benzene	71-43-2	0.14	10
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
		Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
		Chrysene	218-01-9	0.059	3.4
		Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
K148	Residues from coal tar distillation, including, but not limited to, still bottoms.	Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
		Benzo(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
		Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
K149	Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillations of benzyl chloride.)	Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
		Chlorobenzene	108-90-7	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		Chloromethane	74-87-3	0.19	30
		p-Dichlorobenzene	106-46-7	0.090	6.0
		Hexachlorobenzene	118-74-1	0.055	10
		Pentachlorobenzene	608-93-5	0.055	10
		1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
		Toluene	108-88-3	0.080	10
K150		Carbon tetrachloride	56-23-5	0.057	6.0

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		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
	Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	Chloroform	67-66-3	0.046	6.0
		Chloromethane	74-87-3	0.19	30
		p-Dichlorobenzene	106-46-7	0.090	6.0
		Hexachlorobenzene	118-74-1	0.055	10
		Pentachlorobenzene	608-93-5	0.055	10
		1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
		1,1,2,2-Tetrachloroethane	79-34-5	0.057	6.0
		Tetrachloroethylene	127-18-4	0.056	6.0
		1,2,4-Trichlorobenzene	120-82-1	0.055	19
K151	Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	Benzene	71-43-2	0.14	10
		Carbon tetrachloride	56-23-5	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		Hexachlorobenzene	118-74-1	0.055	10
		Pentachlorobenzene	608-93-5	0.055	10
		1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
		Tetrachloroethylene	127-18-4	0.056	6.0
K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes.	Toluene	108-88-3	0.080	10
		Acetonitrile	75-05-8	5.6	1.8
		Acetophenone	98-86-2	0.010	9.7
		Aniline	62-53-3	0.81	14
		Benomyl ¹⁰	17804-35-2	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
		Benzene	71-43-2	0.14	10
		Carbaryl ¹⁰	63-25-2	0.006; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
		Carbenzadim ¹⁰	10605-21-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
		Carbofuran ¹⁰	1563-66-2	0.006; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
		Carbosulfan ¹⁰	55285-14-8	0.028; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
		Chlorobenzene	108-90-7	0.507	6.0
		Chloroform	67-66-3	0.046	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0		
Methomyl ¹⁰	16752-77-5	0.028; or CMBST, CHOXD,	0.14; or CMBST		

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		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
				BIODG or CARBN	
		Methylene chloride	75-09-2	0.089	30
		Methyl ethyl ketone	78-93-3	0.28	36
		Naphthalene	91-20-3	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Pyridine	110-86-1	0.014	16
		Toluene	108-88-3	0.080	10
		Triethylamine	121-44-8	0.081; or CMBST, CHOXD, BIODG or CARBN	1.5; or CMBST
K157	Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes.	Carbon tetrachloride	56-23-5	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		Chloromethane	74-87-3	0.19	30
		Methomyl ¹⁰	16752-77-5	0.028; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
		Methylene chloride	75-09-2	0.089	30
		Methyl ethyl ketone	78-93-3	0.28	36
		Pyridine	110-86-1	0.014	16
		Triethylamine	121-44-8	0.081; or CMBST, CHOXD, BIODG or CARBN	1.5; or CMBST
K158	Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes.				
		Benzene	71-43-2	0.14	10
		Carbenzadim ¹⁰	10605-21-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
		Carbofuran ¹⁰	1563-66-2	0.006; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
		Carbosulfan ¹⁰	55285-14-8	0.028; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
		Chloroform	67-66-3	0.046	6.0
		Methylene chloride	75-09-2	0.089	30
		Phenol	108-95-2	0.039	6.2
K159	Organics from the treatment of thiocarbamate wastes.	Benzene	71-43-2	0.14	10
		Butylate ¹⁰	2008-41-5	0.042; or CMBST, CHOXD, BIODG or	1.4; or CMBST

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		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
				CARBN	
		EPTC (Eptam) ¹⁰	759-94-4	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
		Molinate ¹⁰	2212-67-1	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
		Pebulate ¹⁰	1114-71-2	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
		Vernolate ¹⁰	1929-77-7	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
K161	Purification solids (including filtration, evaporation, and centrifugation solids), baghouse dust and floor sweepings from the production of dithiocarbamate acids and their salts.	Antimony	7440-36-0	1.9	1.15 mg/l TCLP
		Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
		Carbon disulfide	75-15-0	3.8	4.8 m/l TCLP
		Dithiocarbamates (total) ¹⁰	NA	0.028; or CMBST, CHOXD, BIODG or CARBN	28; or CMBST
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Nickel	7440-02-0	3.98	11.0 mg/l TCLP
		Selenium	7782-49-2	0.82	5.7 mg/l TCLP
K169	Crude oil tank sediment from petroleum refining operations. (8/00)	Benz(a)anthracene	56-55-3	0.059	3.4
		Benzene	71-43-2	0.14	10.
		Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
		Chrysene	218-01-9	0.059	3.4
		Ethyl benzene	100-41-4	0.057	10.
		Fluorene	86-73-7	0.059	3.4
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	81-05-8	0.059	5.6
		Pyrene	129-00-0	0.067	8.2
		Toluene (Methyl Benzene)	108-88-3	0.080	10.
		Xylene(s) (Total)	1330-20-7	0.32	30.
K170	Clarified slurry oil sediment from petroleum refining operations. (8/00)	Benz(a)anthracene	56-55-3	0.059	3.4
		Benzene	71-43-2	0.14	10.
		Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Ethyl benzene	100-41-4	0.057	10.		

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
		Fluorene	86-73-7	0.059	3.4
		Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	81-05-8	0.059	5.6
		Pyrene	129-00-0	0.067	8.2
		Toluene (Methyl Benzene)	108-88-3	0.080	10.
		Xylene(s) (Total)	1330-20-7	0.32	30.
		K171	Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media.) (8/00)	Benz(a)anthracene	56-55-3
Benzene	71-43-2			0.14	10.
Chrysene	218-01-9			0.059	3.4
Ethyl benzene	100-41-4			0.057	10.
Naphthalene	91-20-3			0.059	5.6
Phenanthrene	81-05-8			0.059	5.6
Pyrene	129-00-0			0.067	8.2
Toluene (Methyl Benzene)	108-88-3			0.080	10.
Xylene(s) (Total)	1330-20-7			0.32	30.
Arsenic	7740-38-2			1.4	5. mg/L TCLP
Nickel	7440-02-0			3.98	11.0 mg/L TCLP
Vanadium	7440-62-2			4.3	1.6 mg/L TCLP
Reactive sulfides	NA			DEACT	DEACT
K172	Spent hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media.)			Benzene	71-43-2
		Ethyl benzene	100-41-4	0.057	10.
		Toluene (Methyl Benzene)	108-88-3	0.080	10.
		Xylene(s) (Total)	1330-20-7	0.32	30.
		Antimony	7740-36-0	1.9	1.15 mg/L TCLP
		Arsenic	7740-38-2	1.4	5. mg/L TCLP
		Nickel	7440-02-0	3.98	11.0 mg/L TCLP
		Vanadium	7440-62-2	4.3	1.6 mg/L TCLP
		Reactive Sulfides	NA	DEACT	DEACT
K174	Wastewater treatment sludges from the production of ethylene dichloride or vinyl chloride monomer (6/02)	1, 2, 3, 4, 6, 7, 8-Heptachlorodibenzo-p-dioxin (1, 2, 3, 4, 6, 7, 8 HpCDD)	35822-46-9	0.000035 or CMBST ¹¹	0.0025 or CMBST ¹¹
		1, 2, 3, 4, 6, 7, 8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF)	67562-39-4	0.000035 or CMBST ¹¹	0.0025 or CMBST ¹¹
		1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF)	55673-89-7	0.000035 or CMBST ¹¹	0.0025 or CMBST ¹¹
		HxCDDs (All Hexachlorodibenzo-p-dioxins)	34465-46-8	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
		HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
		1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (OCDD)	3268-87-9	0.000063 or CMBST ¹¹	0.005 or CMBST ¹¹
		1,2,3,4,6,7,8,9-Octachlorodibenzofuran (OCDF)	39001-02-0	0.000063 or CMBST ¹¹	0.005 or CMBST ¹¹
		PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
		PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035 or CMBST ¹¹	0.001 or CMBST ¹¹

268.40 – Treatment Standards for Hazardous Waste					
WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
		TCDDs (All tetrachlorodibenzo- <i>p</i> -dioxins)	41903-57-5	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
		TCDFs (All tetrachlorodibenzofurans)	7440-36-0	1.4	5.0 mg/L TCLP
K175	Wastewater treatment sludge from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process.(6/02)	Mercury ¹²	7438-97-6	NA	0.025 mg/L TCLP
		pH ¹²		NA pH<6.0	
	All K175 wastewaters	Mercury	7438-97-6	0.15	NA
K176	Baghouse filters from the production of antimony oxide, including filters from the production of intermediates (e.g., antimony metal or crude antimony oxide). (6/03)	Antimony	7440-36-0	1.9	1.15 mg/L TCLP
		Arsenic	7440-38-2	1.4	5.0 mg/L TCLP
		Cadmium	7440-43-9	0.69	0.11 mg/L TCLP
		Lead	7439-92-1	0.69	0.75 mg/L TCLP
		Mercury	7439-97-6	0.15	0.025 mg/L TCLP
K177	Slag from the production of antimony oxide that is speculatively accumulated or disposed, including slag from the production of intermediates (e.g., antimony metal or crude antimony oxide). (6/03)	Antimony	7440-36-0	1.9	1.15 mg/L TCLP
		Arsenic	7440-38-2	1.4	5.0 mg/L TCLP
		Lead	7439-92-1	0.69	0.75 mg/L TCLP
K178	Residues from manufacturing and manufacturing-site storage of ferric chloride from acids formed during the production of titanium dioxide using the chloride-ilmenite process. (6/03)	1,2,3,4,6,7,8-Heptachlorodibenzo- <i>p</i> -dioxin (1,2,3,4,6,7,8-HpCDD)	35822-39-4	0.000035 or CMBST ¹¹	0.0025 or CMBST ¹¹
		1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF)	67562-39-4	0.000035 or CMBST ¹¹	0.0025 or CMBST ¹¹
		1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF)	55673-89-7	0.000035 or CMBST ¹¹	0.0025 or CMBST ¹¹
		HxCDDs (All Hexachlorodibenzo- <i>p</i> -dioxins)	34465-46-8	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
		HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
		1,2,3,4,6,7,8,9-Octachlorodibenzo- <i>p</i> -dioxin (OCDD)	3268-87-9	0.000063 or CMBST ¹¹	0.005 or CMBST ¹¹
		1,2,3,4,6,7,8,9-Octachlorodibenzofuran (OCDF)	39001-02-0	0.000063 or CMBST ¹¹	0.005 or CMBST ¹¹
		PeCDDs (All Pentachlorodibenzo- <i>p</i> -dioxins)	36088-22-9	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
		PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035 or CMBST ¹¹	0.001 or CMBST ¹¹
		TCDDs (All tetrachlorodibenzo- <i>p</i> -dioxins)	41903-57-5	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
		TCDFs (All tetrachlorodibenzofurans)	55722-27-5	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
			Thallium	7440-28-0	1.4
K181	Nonwastewaters from the production of dyes and/or pigments	Aniline	62-53-3	0.81	14
		o-Anisidine (2-methoxyaniline)	90-04-0	0.010	0.66

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
	(including nonwastewaters commingled at the point of generation with nonwastewaters from other processes) that, at the point of generation, contain mass loadings of any of the constituents identified in paragraph (c) of section 261.32 that are equal to or greater than the corresponding paragraph (c) levels, as determined on a calendar year basis.	4-Chloroaniline	106-47-8	0.46	16
		p-Cresidine	120-71-8	0.010	0.66
		2,4-Dimethylaniline (2,4-xylidine)	95-68-1	0.010	0.66
		1,2-Phenylenediamine	95-54-5	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN
		1,3-Phenylenediamine	108-45-2	0.10	0.66
P001	Warfarin, & salts, when present at concentrations greater than 0.3%	Warfarin	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P002	1-Acetyl-2-thiourea	1-Acetyl-2-thiourea	591-08-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P003	Acrolein	Acrolein	107-02-8	0.29	CMBST
P004	Aldrin	Aldrin	309-00-2	0.021	0.066
P005	Allyl alcohol	Allyl alcohol	107-18-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P006	Aluminum phosphide	Aluminum phosphide	20859-73-8	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
P007	5-Aminomethyl 3-isoxazolol	5-Aminomethyl 3-isoxazolol	2763-96-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P008	4-Aminopyridine	4-Aminopyridine	504-24-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P009	Ammonium picrate	Ammonium picrate	131-74-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P010	Arsenic acid	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P011	Arsenic pentoxide	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P012	Arsenic trioxide	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P013	Barium cyanide	Barium	7440-39-3	NA	21 mg/l TCLP
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
P014	Thiophenol (Benzene thiol)	Thiophenol (Benzene thiol)	108-98-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P015	Beryllium dust	Beryllium	7440-41-7	RMETI; or RTHRM	RMETL; or RTHRM

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
P016	Dichloromethyl ether (Bis(chloromethyl)ether)	Dichloromethyl ether	542-88-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P017	Bromoacetone	Bromoacetone	598-31-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P018	Brucine	Brucine	357-57-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P020	2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
P021	Calcium cyanide	Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
P022	Carbon disulfide	Carbon disulfide	75-15-0	3.8	CMBST
		Carbon disulfide; alternate ⁶ standard for nonwastewaters only	75-15-0	NA	4.8 mg/l TCLP
P023	Chloroacetaldehyde	Chloroacetaldehyde	107-20-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P024	p-Chloroaniline	p-Chloroaniline	106-47-8	0.46	16
P026	1-(o-Chlorophenyl)thiourea	1-(o-Chlorophenyl)thiourea	5344-82-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P027	3-Chloropropionitrile	3-Chloropropionitrile	542-76-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P028	Benzyl chloride	Benzyl chloride	100-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P029	Copper cyanide	Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
P030	Cyanides (soluble salts and complexes)	Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
P031	Cyanogen	Cyanogen	460-19-5	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
P033	Cyanogen chloride	Cyanogen chloride	506-77-4	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
P034	2-Cyclohexyl-4,6-dinitrophenol	2-Cyclohexyl-4,6-dinitrophenol	131-89-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P036	Dichlorophenylarsine	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P037	Dieldrin	Dieldrin	60-57-1	0.017	0.13
P038	Diethylarsine	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
P039	Disulfoton	Disulfoton	298-04-4	0.017	6.2
P040	0,0-Diethyl O-pyrazinyl phosphorothioate	0,0-Diethyl O-pyrazinyl phosphorothioate	297-97-2	CARBN; or CMBST	CMBST
P041	Diethyl-p-nitrophenyl phosphate	Diethyl-p-nitrophenyl phosphate	311-45-5	CARBN; or CMBST	CMBST
P042	Epinephrine	Epinephrine	51-43-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P043	Diisopropylfluorophosphate (DFP)	Diisopropylfluorophosphate (DFP)	55-91-4	CARBN; or CMBST	CMBST
P044	Dimethoate	Dimethoate	60-51-5	CARBN; or CMBST	CMBST
P045	Thiofanox	Thiofanox	39196-18-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P046	alpha, alpha-Dimethylphenethylamine	alpha, alpha-Dimethylphenethylamine	122-09-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P047	4,6-Dinitro-o-cresol	4,6-Dinitro-o-cresol	543-52-1	0.28	160
	4,6-Dinitro-o-cresol salts	NA	NA	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P048	2,4-Dinitrophenol	2,4-Dinitrophenol	51-28-5	0.12	160
P049	Dithiobiuret	Dithiobiuret	541-53-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P050	Endosulfan	Endosulfan I	939-98-8	0.023	0.066
		Endosulfan II	33213-6-5	0.029	0.13
		Endosulfan sulfate	1031-07-8	0.029	0.13
P051	Endrin	Endrin	72-20-8	0.0028	0.13
		Endrin aldehyde	7421-93-4	0.025	0.13
P054	Aziridine	Aziridine	151-56-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P056	Fluorine	Fluoride (measured in wastewaters only)	16964-48-8	35	ADGAS fb NEUTR
P057	Fluoroacetamide	Fluoroacetamide	640-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P058	Fluoroacetic acid, sodium salt	Fluoroacetic acid, sodium salt	62-74-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P059	Heptachlor	Heptachlor	76-44-8	0.0012	0.066
		Heptachlor epoxide	1024-57-3	0.016	0.066
P060	Isodrin	Isodrin	465-73-6	0.021	0.066

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
P062	Hexaethyl tetraphosphate	Hexaethyl tetraphosphate	757-58-4	CARBN; or CMBST	CMBST
P063	Hydrogen cyanide	Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
P064	Isocyanic acid, ethyl ester	Isocyanic acid, ethyl ester	624-83-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P065	Mercury fulminate nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.	Mercury	7439-97-6	NA	IMERC
	Mercury fulminate nonwastewaters that are either incinerator residues or are residues from RMERC; and contain greater than or equal to 260 mg/kg total mercury.	Mercury	7439-97-6	NA	RMERC
	Mercury fulminate nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.	Mercury	7439-97-6	NA	0.20 mg/l TCLP
	Mercury fulminate nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.	Mercury	7439-97-6	NA	0.025 mg/l TCLP
	All mercury fulminate wastewaters.	Mercury	7439-97-6	0.15	NA
P066	Methomyl	Methomyl	16752-77-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P067	2-Methyl-aziridine	2-Methyl-aziridine	75-55-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P068	Methyl hydrazine	Methyl hydrazine	60-34-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P069	2-Methylacetonitrile	2-Methylacetonitrile	75-86-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P070	Aldicarb	Aldicarb	116-06-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P071	Methyl parathion	Methyl parathion	298-00-0	0.014	4.6
P072	1-Naphthyl-2-thiourea	1-Naphthyl-2-thiourea	86-88-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
P073	Nickel carbonyl	Nickel	7440-02-0	3.98	11 mg/l TCLP
P074	Nickel cyanide	Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
		Nickel	7440-02-0	3.98	11 mg/l TCLP
P075	Nicotine and salts	Nicotine and salts	54-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P076	Nitric oxide	Nitric oxide	10102-43-9	ADGAS	ADGAS
P077	p-Nitroaniline	p-Nitroaniline	100-01-6	0.028	28
P078	Nitrogen dioxide	Nitrogen dioxide	10102-44-0	ADGAS	ADGAS
P081	Nitroglycerin	Nitroglycerin	55-63-0	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P082	N-Nitrosodimethylamine	N-Nitrosodimethylamine	62-75-9	0.40	2.3
P084	N-Nitrosomethylvinylamine	N-Nitrosomethylvinylamine	4549-40-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P085	Octamethylpyrophosphoramid e	Octamethylpyrophosphoramid e	152-16-9	CARBN; or CMBST	CMBST
P087	Osmium tetroxide	Osmium tetroxide	20816-12-0	RMETL; or RTHRM	RMETL; or RTHRM
P088	Endothall	Endothall	145-73-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P089	Parathion	Parathion	56-38-2	0.014	4.6
P092	Phenyl mercuric acetate nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.	Mercury	7439-97-6	NA	IMERC; or RMERC
	Phenyl mercuric acetate nonwastewaters that are either incinerator residues or are residues from RMERC; and still contain greater than or equal to 260 mg/kg total mercury.	Mercury	7439-97-6	NA	RMERC
	Phenyl mercuric acetate nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.	Mercury	7439-97-6	NA	0.20 mg/l TCLP
	Phenyl mercuric acetate nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.	Mercury	7439-97-6	NA	0.025 mg/l TCLP
	All phenyl mercuric acetate wastewaters.	Mercury	7439-97-6	0.15	NA
P093	Phenylthiourea	Phenylthiourea	103-85-5	(WETOX or CHOXD) fb	CMBST

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		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
				CARBN; or CMBST	
P094	Phorate	Phorate	298-02-2	0.021	4.6
P095	Phosgene	Phosgene	75-44-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P096	Phosphine	Phosphine	7803-51-2	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
P097	Famphur	Famphur	52-85-7	0.017	15
P098	Potassium cyanide.	Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
P099	Potassium silver cyanide	Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
		Silver	7440-22-4	0.43	0.14 mg/l TCLP
P101	Ethyl cyanide (Propanenitrile)	Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
P102	Propargyl alcohol	Propargyl alcohol	107-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P103	Selenourea	Selenium	7782-49-2	0.82	5.7 mg/l TCLP
P104	Silver cyanide	Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
		Silver	7440-22-4	0.43	0.14 mg/l TCLP
P105	Sodium azide	Sodium azide	26628-22-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P106	Sodium cyanide	Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
P108	Strychnine and salts	Strychnine and salts	57-24-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P109	Tetraethyldithiopyrophosphate	Tetraethyldithiopyrophosphate	3689-24-5	CARBN; or CMBST	CMBST
P110	Tetraethyl lead	Lead	7439-92-1	0.69	0.75 mg/l TCLP
P112	Tetranitromethane	Tetranitromethane	509-14-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P113	Thallic oxide	Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
P114	Thallium selenite	Selenium	7782-49-2	0.82	5.7 mg/l TCLP
P115	Thallium (I) sulfate	Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
P116	Thiosemicarbazide	Thiosemicarbazide	79-19-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P118	Trichloromethanethiol	Trichloromethanethiol	75-70-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P119	Ammonium vanadate	Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL
P120	Vanadium pentoxide	Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL
P121	Zinc cyanide	Cyanides (Total) ⁷	57-12-5	1.2	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
P122	Zinc phosphide Zn ₃ P ₂ , when present at concentrations greater than 10%	Zinc Phosphide	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
P123	Toxaphene	Toxaphene	8001-35-2	0.0095	2.6
P127	Carbofuran ¹⁰	Carbofuran	1563-66-2	0.006; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
P128	Mexacarbate ¹⁰	Mexacarbate	315-18-4	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P185	Tirpate ¹⁰	Tirpate	26419-73-8	0.056; or CMBST, CHOXD, BIODG or CARBN	0.28; or CMBST
P188	Physostigmine salicylate ¹⁰	Physostigmine salicylate	57-64-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P189	Carbosulfan ¹⁰	Carbosulfan	55285-14-8	0.028; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P190	Metolcarb ¹⁰	Metolcarb	1129-41-5	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P191	Dimetilan ¹⁰	Dimetilan	644-64-4	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P192	Isolan ¹⁰	Isolan	119-38-0	0.056; or CMBST, CHOXD,	1.4; or CMBST

268.40 – Treatment Standards for Hazardous Waste					
WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
				BIODG or CARBN	
P194	Oxamyl	Oxamyl	23135-22-0	0.056; or CMBST, CHOXD, BIODG or CARBN	0.28; or CMBST
P196	Manganese dimethyldithiocarbamate ¹⁰	Dithiocarbamates (total)	NA	0.028; or CMBST, CHOXD, BIODG or CARBN	28; or CMBST
P197	Formparanate ¹⁰	Formparanate	17702-57-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P198	Formetanate hydrochloride ¹⁰	Formetanate hydrochloride	23422-53-9	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P199	Methiocarb ¹⁰	Methiocarb	2032-65-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P201	Promecarb ¹⁰	Promecarb	2631-37-0	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P202	m-Cumenyl methylcarbamate ¹⁰	m-Cumenyl methylcarbamate	64-00-6	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P203	Aldicarb sulfone ¹⁰	Aldicarb sulfone	1646-88-4	0.056; or CMBST, CHOXD, BIODG or CARBN	0.28; or CMBST
P204	Physostigmine ¹⁰	Physostigmine	57-47-6	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
P205	Ziram ¹⁰	Dithiocarbamates (total)	NA	0.028; or CMBST, CHOXD, BIODG or CARBN	28; or CMBST

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
U001	Acetaldehyde	Acetaldehyde	75-07-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U002	Acetone	Acetone	67-64-1	0.28	160
U003	Acetonitrile	Acetonitrile	75-05-8	5.6	CMBST
		Acetonitrile; alternate ⁶ standard for nonwastewaters only	75-05-8	NA	38
U004	Acetophenone	Acetophenone	98-86-2	0.010	9.7
U005	2-Acetylaminofluorene	2-Acetylaminofluorene	53-96-3	0.059	140
U006	Acetyl chloride	Acetyl Chloride	75-36-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U007	Acrylamide	Acrylamide	79-06-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U008	Acrylic acid	Acrylic acid	79-10-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U009	Acrylonitrile	Acrylonitrile	107-13-1	0.24	84
U010	Mitomycin C	Mitomycin C	50-07-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U011	Amitrole	Amitrole	61-82-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U012	Aniline	Aniline	62-53-3	0.81	14
U014	Auramine	Auramine	492-80-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U015	Azaserine	Azaserine	115-02-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U016	Benz(c)acridine	Benz(c)acridine	225-51-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U017	Benzal chloride	Benzal chloride	98-87-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U018	Benz(a)anthracene	Benz(a)anthracene	56-55-3	0.059	3.4
U019	Benzene	Benzene	71-43-2	0.14	10
U020	Benzenesulfonyl chloride	Benzenesulfonyl chloride	98-09-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
U021	Benzidine	Benzidine	92-87-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U022	Benzo(a)pyrene	Benzo(a)pyrene	50-32-8	0.061	3.4
U023	Benzotrichloride	Benzotrichloride	98-07-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED or CMBST
U024	bis(2-Chloroethoxy)methane	bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2
U025	bis(2-Chloroethyl)ether	bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
U026	Chlornaphazine	Chlornaphazine	494-03-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U027	bis(2-Chloroisopropyl)ether	bis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2
U028	bis(2-Ethylhexyl) phthalate	bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
U029	Methyl bromide (Bromomethane)	Methyl bromide (Bromomethane)	74-83-9	0.11	15
U030	4-Bromophenyl phenyl ether	4-Bromophenyl phenyl ether	101-55-3	0.055	15
U031	n-Butyl alcohol	n-Butyl alcohol	71-36-3	5.6	2.6
U032	Calcium chromate	Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
U033	Carbon oxyfluoride	Carbon oxyfluoride	353-50-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U034	Trichloroacetaldehyde (Chloral)	Trichloroacetaldehyde (Chloral)	75-87-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U035	Chlorambucil	Chlorambucil	305-03-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U036	Chlordane	Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
U037	Chlorobenzene	Chlorobenzene	108-90-7	0.057	6.0
U038	Chlorobenzilate	Chlorobenzilate	510-15-6	0.10	CMBST
U039	p-Chloro-m-cresol	p-Chloro-m-cresol	59-50-7	0.018	14
U041	Epichlorohydrin (1-Chloro-2,3-epoxypropane)	Epichlorohydrin (1-Chloro-2,3-epoxypropane)	106-89-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U042	2-Chloroethyl vinyl ether	2-Chloroethyl vinyl ether	110-75-8	0.062	CMBST
U043	Vinyl chloride	Vinyl chloride	75-01-4	0.27	6.0
U044	Chloroform	Chloroform	67-66-3	0.046	6.0
U045	Chloromethane (Methyl chloride)	Chloromethane (Methyl chloride)	74-87-3	0.19	30
U046	Chloromethyl methyl ether	Chloromethyl methyl ether	107-30-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U047	2-Chloronaphthalene	2-Chloronaphthalene	91-58-7	0.055	5.6

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
U048	2-Chlorophenol	2-Chlorophenol	95-57-8	0.044	5.7
U049	4-Chloro-o-toluidine hydrochloride	4-Chloro-o-toluidine hydrochloride	3165-93-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U050	Chrysene	Chrysene	218-01-9	0.059	3.4
U051	Creosote	Naphthalene	91-20-3	0.059	5.6
		Pentachlorophenol	87-86-5	0.089	7.4
		Phenanthrene	85-01-8	0.059	5.6
		Pyrene	129-00-0	0.067	8.2
		Toluene	108-88-3	0.080	10
		Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
U052	Cresols (Cresylic acid)	o-Cresol	95-48-7	0.11	5.6
		m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
		p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
		Cresol-mixed isomers (Cresylic acid)(sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88	11.2
U053	Crotonaldehyde	Crotonaldehyde	4170-30-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U055	Cumene	Cumene	98-82-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U056	Cyclohexane	Cyclohexane	110-82-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U057	Cyclohexanone	Cyclohexanone	108-94-1	0.36	CMBST
		Cyclohexanone; alternate ⁶ standard for nonwastewaters only	108-94-1	NA	0.75 mg/l TCLP
U058	Cyclophosphamide	Cyclophosphamide	50-18-0	CARBAN; or CMBST	CMBST
U059	Daunomycin	Daunomycin	20830-81-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U060	DDD	o,p'-DDD	53-19-0	0.023	0.087
		p,p'-DDD	72-54-8	0.023	0.087
U061	DDT	o-p'-DDT	789-02-6	0.0039	0.087
		p,p'-DDT	50-29-3	0.0039	0.087
		o,p'-DDD	53-19-0	0.023	0.087
		p,p'-DDD	72-54-8	0.023	0.087
		o,p'-DDE	3424-82-6	0.031	0.087
		p,p'-DDE	72-55-9	0.031	0.087
U062	Diallate	Diallate	2303-16-4	(WETOX or CHOXD) fb	CMBST

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
				CARBN; or CMBST	
U063	Dibenz(a,h)anthracene	Dibenz(a,h)anthracene	53-70-3	0.055	8.2
U064	Dibenz(a,i)pyrene	Dibenz(a,i)pyrene	189-55-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U066	1,2-Dibromo-3-chloropropane	1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
U067	Ethylene dibromide (1,2-Dibromoethane)	Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
U068	Dibromomethane	Dibromomethane	74-95-3	0.11	15
U069	Di-n-butyl phthalate	Di-n-butyl phthalate	84-74-2	0.057	28
U070	o-Dichlorobenzene	o-Dichlorobenzene	95-50-1	0.088	6.0
U071	m-Dichlorobenzene	m-Dichlorobenzene	541-73-1	0.036	6.0
U072	p-Dichlorobenzene	p-Dichlorobenzene	106-46-7	0.090	6.0
U073	3,3'-Dichlorobenzidine	3,3'-Dichlorobenzidine	91-94-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U074	1,4-Dichloro-2-butene	cis-1,4-Dichloro-2-butene	1476-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
		trans-1,4-Dichloro-2-butene	764-41-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U075	Dichlorodifluoromethane	Dichlorodifluoromethane	75-71-8	0.23	7.2
U076	1,1-Dichloroethane	1,1-Dichloroethane	75-34-3	0.059	6.0
U077	1,2-Dichloroethane	1,2-Dichloroethane	107-06-2	0.21	6.0
U078	1,1-Dichloroethylene	1,1-Dichloroethylene	75-35-4	0.025	6.0
U079	1,2-Dichloroethylene	trans-1,2-Dichloroethylene	156-60-5	0.054	30
U080	Methylene chloride	Methylene chloride	75-09-2	0.089	30
U081	2,4-Dichlorophenol	2,4-Dichlorophenol	120-83-2	0.044	14
U082	2,6-Dichlorophenol	2,6-Dichlorophenol	87-65-0	0.044	14
U083	1,2-Dichloropropane	1,2-Dichloropropane	78-87-5	0.85	18
U084	1,3-Dichloropropylene	cis-1,3-Dichloropropylene	10061-01-5	0.036	18
		trans-1,3-Dichloropropylene	10061-02-6	0.036	18
U085	1,2:3,4-Diepoxybutane	1,2:3,4-Diepoxybutane	1464-53-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U086	N,N'-Diethylhydrazine	N,N'-Diethylhydrazine	1615-80-1	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U087	O,O-Diethyl S-methyldithiophosphate	O,O-Diethyl S-methyldithiophosphate	3288-58-2	CARBN; or CMBST	CMBST
U088	Diethyl phthalate	Diethyl phthalate	84-66-2	0.20	28
U089	Diethyl stilbestrol	Diethyl stilbestrol	56-53-1	(WETOX or CHOXD) fb	CMBST

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
				CARBN; or CMBST	
U090	Dihydrosafrole	Dihydrosafrole	94-58-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U091	3,3'-Dimethoxybenzidine	3,3'-Dimethoxybenzidine	119-90-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U092	Dimethylamine	Dimethylamine	124-40-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U093	p-Dimethylaminoazobenzene	p-Dimethylaminoazobenzene	60-11-7	0.13	CMBST
U094	7,12-Dimethylbenz(a)anthracene	7,12-Dimethylbenz(a)anthracene	57-97-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U095	3,3'-Dimethylbenzidine	3,3'-Dimethylbenzidine	119-93-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U096	alpha, alpha-Dimethyl benzyl hydroperoxide	alpha, alpha-Dimethyl benzyl hydroperoxide	119-93-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U097	Dimethylcarbamoyl chloride	Dimethylcarbamoyl chloride	79-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U098	1,1-Dimethylhydrazine	1,1-Dimethylhydrazine	57-14-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U099	1,2-Dimethylhydrazine	1,2-Dimethylhydrazine	540-73-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U101	2,4-Dimethylphenol	2,4-Dimethylphenol	105-67-9	0.036	14
U102	Dimethyl phthalate	Dimethyl phthalate	131-11-3	0.047	28
U103	Dimethyl sulfate	Dimethyl sulfate	77-78-1	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U105	2,4-Dinitrotoluene	2,4-Dinitrotoluene	121-14-2	0.32	140
U106	2,6-Dinitrotoluene	2,6-Dinitrotoluene	606-20-2	0.55	28
U107	Di-n-octyl phthalate	Di-n-octyl phthalate	117-84-0	0.017	28
U108	1,4-Dioxane	1,4-Dioxane	123-91-1	(WETOX or CHOXD) fb	CMBST

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		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
				CARBN; or CMBST	
		1,4-Dioxane; alternate ⁶	123-91-1	12.0	170
U109	1,2-Diphenylhydrazine	1,2-Diphenylhydrazine	122-66-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
		1,2-Diphenylhydrazine; alternate ⁶ standard for wastewaters only	122-66-7	0.087	NA
U110	Dipropylamine	Dipropylamine	142-84-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U111	Di-n-propylnitrosamine	Di-n-propylnitrosamine	621-64-7	0.40	14
U112	Ethyl acetate	Ethyl acetate	141-78-6	0.34	33
U113	Ethyl acrylate	Ethyl acrylate	140-88-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U114	Ethylenebisdithiocarbamic acid salts and esters	Ethylenebisdithiocarbamic acid	111-54-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U115	Ethylene oxide	Ethylene oxide	75-21-8	(WETOX or CHOXD) fb CARBN; or CMBST	CHOXD; or CMBST
		Ethylene oxide; alternate ⁶ standard for wastewaters only	75-21-8	0.12	NA
U116	Ethylene thiourea	Ethylene thiourea	96-45-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U117	Ethyl ether	Ethyl ether	60-29-7	0.12	160
U118	Ethyl methacrylate	Ethyl methacrylate	97-63-2	0.14	160
U119	Ethyl methane sulfonate	Ethyl methane sulfonate	62-50-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U120	Fluoranthene	Fluoranthene	206-44-0	0.068	3.4
U121	Trichloromonofluoromethane	Trichloromonofluoromethane	75-69-4	0.020	30
U122	Formaldehyde	Formaldehyde	50-00-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U123	Formic acid	Formic acid	64-18-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U124	Furan	Furan	110-00-9	(WETOX or CHOXD) fb	CMBST

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
				CARBN; or CMBST	
U125	Furfural	Furfural	98-01-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U126	Glycidylaldehyde	Glycidylaldehyde	765-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U127	Hexachlorobenzene	Hexachlorobenzene	118-74-1	0.055	10
U128	Hexachlorobutadiene	Hexachlorobutadiene	87-68-3	0.055	5.6
U129	Lindane	alpha-BHC	319-84-6	0.00014	0.066
		beta-BHC	319-85-7	0.00014	0.066
		delta-BHC	319-86-8	0.023	0.066
		gamma-BHC (Lindane)	58-89-9	0.0017	0.066
U130	Hexachlorocyclopentadiene	Hexachlorocyclopentadiene	77-47-4	0.057	2.4
U131	Hexachloroethane	Hexachloroethane	67-72-1	0.055	30
U132	Hexachlorophene	Hexachlorophene	70-30-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U133	Hydrazine	Hydrazine	302-01-2	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U134	Hydrogen fluoride	Fluoride (measured in wastewaters only)	7664-39-3	35	ADGAS fb NEUTR; or NEUTR
U135	Hydrogen Sulfide	Hydrogen Sulfide	7783-06-4	CHOXD; CHRED, or CMBST	CHOXD; CHRED; or CMBST.
U136	Cacodylic acid	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
U137	Indeno(1,2,3-cd)pyrene	Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
U138	Iodomethane	Iodomethane	74-88-4	0.19	65
U140	Isobutyl alcohol	Isobutyl alcohol	78-83-1	5.6	170
U141	Isosafrole	Isosafrole	120-58-1	0.081	2.6
U142	Kepone	Kepone	143-50-8	0.0011	0.13
U143	Lasiocarpine	Lasiocarpine	303-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U144	Lead acetate	Lead	7439-92-1	0.69	0.75 mg/l TCLP
U145	Lead phosphate	Lead	7439-92-1	0.69	0.75 mg/l TCLP
U146	Lead subacetate	Lead	7439-92-1	0.69	0.75 mg/l TCLP
U147	Maleic anhydride	Maleic anhydride	108-31-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
U148	Maleic hydrazide	Maleic hydrazide	123-33-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U149	Malononitrile	Malononitrile	109-77-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U150	Melphalan	Melphalan	148-82-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U151	U151 (mercury) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.	Mercury	7439-97-6	NA	RMERC
	U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are residues from RMERC only.	Mercury	7439-97-6	NA	0.20 mg/l TCLP
	U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are not residues from RMERC.	Mercury	7439-97-6	NA	0.025 mg/l TCLP
	All U151 (mercury) wastewaters.	Mercury	7439-97-6	0.15	NA
	Elemental Mercury Contaminated with Radioactive Materials	Mercury	7439-97-6	NA	AMLGM
U152	Methacrylonitrile	Methacrylonitrile	126-98-7	0.24	84
U153	Methanethiol	Methanethiol	74-93-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U154	Methanol	Methanol	67-56-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
		Methanol; alternate ⁶ set of standards for both wastewaters and nonwastewaters	67-56-1	5.6	0.75 mg/l TCLP
U155	Methapyrilene	Methapyrilene	91-80-5	0.081	1.5
U156	Methyl chlorocarbonate	Methyl chlorocarbonate	79-22-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U157	3-Methylcholanthrene	3-Methylcholanthrene	56-49-5	0.0055	15
U158	4,4'-Methylene bis(2-chloroaniline)	4,4'-Methylene bis(2-chloroaniline)	101-14-4	0.50	30
U159	Methyl ethyl ketone	Methyl ethyl ketone	78-93-3	0.28	36
U160	Methyl ethyl ketone peroxide	Methyl ethyl ketone peroxide	1338-23-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U161	Methyl isobutyl ketone	Methyl isobutyl ketone	108-10-1	0.14	33
U162	Methyl methacrylate	Methyl methacrylate	80-62-6	0.14	160

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
U163	N-Methyl N'-nitro N-nitrosoguanidine	N-Methyl N'-nitro N-nitrosoguanidine	70-25-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U164	Methylthiouracil	Methylthiouracil	56-04-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U165	Naphthalene	Naphthalene	91-20-3	0.059	5.6
U166	1,4-Naphthoquinone	1,4-Naphthoquinone	130-15-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U167	1-Naphthylamine	1-Naphthylamine	134-32-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U168	2-Naphthylamine	2-Naphthylamine	91-59-8	0.52	CMBST
U169	Nitrobenzene	Nitrobenzene	98-95-3	0.068	14
U170	p-Nitrophenol	p-Nitrophenol	100-02-7	0.12	29
U171	2-Nitropropane	2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U172	N-Nitrosodi-n-butylamine	N-Nitrosodi-n-butylamine	924-16-3	0.40	17
U173	N-Nitrosodiethanolamine	N-Nitrosodiethanolamine	1116-54-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U174	N-Nitrosodiethylamine	N-Nitrosodiethylamine	55-18-5	0.40	28
U176	N-Nitroso-N-ethylurea	N-Nitroso-N-ethylurea	759-73-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U177	N-Nitroso-N-methylurea	N-Nitroso-N-methylurea	684-93-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U178	N-Nitroso-N-methylurethane	N-Nitroso-N-methylurethane	615-53-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U179	N-Nitrosopiperidine	N-Nitrosopiperidine	100-75-4	0.013	35
U180	N-Nitrosopyrrolidine	N-Nitrosopyrrolidine	930-55-2	0.013	35
U181	5-Nitro-o-toluidine	5-Nitro-o-toluidine	99-55-8	0.32	28
U182	Paraldehyde	Paraldehyde	123-63-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U183	Pentachlorobenzene	Pentachlorobenzene	608-93-5	0.055	10
U184	Pentachloroethane	Pentachloroethane	76-01-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
		Pentachloroethane; alternate ⁶ standards for both wastewaters and nonwastewaters	76-01-7	0.055	6.0
U185	Pentachloronitrobenzene	Pentachloronitrobenzene	82-68-8	0.055	4.8
U186	1,3-Pentadiene	1,3-Pentadiene	504-60-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U187	Phenacetin	Phenacetin	62-44-2	0.081	16
U188	Phenol	Phenol	108-95-2	0.039	6.2
U189	Phosphorus sulfide	Phosphorus sulfide	1314-80-3	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
U190	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
		Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
U191	2-Picoline	2-Picoline	109-06-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U192	Pronamide	Pronamide	23950-58-5	0.093	1.5
U193	1,3-Propane sultone	1,3-Propane sultone	1120-71-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U194	n-Propylamine	n-Propylamine	107-10-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U196	Pyridine	Pyridine	110-86-1	0.014	16
U197	p-Benzoquinone	p-Benzoquinone	106-51-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U200	Reserpine	Reserpine	50-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U201	Resorcinol	Resorcinol	108-46-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U203	Safrole	Safrole	94-59-7	0.081	22
U204	Selenium dioxide	Selenium	7782-49-2	0.82	5.7 mg/l TCLP
U205	Selenium sulfide	Selenium	7782-49-2	0.82	5.7 mg/l TCLP
U206	Streptozotocin	Streptozotocin	18883-66-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U207	1,2,4,5-Tetrachlorobenzene	1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
U208	1,1,1,2-Tetrachloroethane	1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
U209	1,1,2,2-Tetrachloroethane	1,1,2,2-Tetrachloroethane	79-34-5	0.057	6.0
U210	Tetrachloroethylene	Tetrachloroethylene	127-18-4	0.056	6.0

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
U211	Carbon tetrachloride	Carbon tetrachloride	56-23-5	0.057	6.0
U213	Tetrahydrofuran	Tetrahydrofuran	109-99-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U214	Thallium (I) acetate	Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
U215	Thallium (I) carbonate	Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
U216	Thallium (I) chloride	Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
U217	Thallium (I) nitrate	Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL
U218	Thioacetamide	Thioacetamide	62-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U219	Thiourea	Thiourea	62-56-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U220	Toluene	Toluene	108-88-3	0.080	10
U221	Toluenediamine	Toluenediamine	25376-45-8	CARBN; or CMBST	CMBST
U222	o-Toluidine hydrochloride	o-Toluidine hydrochloride	636-21-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U223	Toluene diisocyanate	Toluene diisocyanate	26471-62-5	CARBN; or CMBST	CMBST
U225	Bromoform (Tribromomethane)	Bromoform (Tribromomethane)	75-25-2	0.63	15
U226	1,1,1-Trichloroethane	1,1,1-Trichloroethane	71-55-6	0.054	6.0
U227	1,1,2-Trichloroethane	1,1,2-Trichloroethane	79-00-5	0.054	6.0
U228	Trichloroethylene	Trichloroethylene	79-01-6	0.054	6.0
U234	1,3,5-Trinitrobenzene	1,3,5-Trinitrobenzene	99-35-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U235	tris-(2,3-Dibromopropyl)-phosphate	tris-(2,3-Dibromopropyl)-phosphate	126-72-7	0.11	0.10
U236	Trypan Blue	Trypan Blue	72-57-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U237	Uracil mustard	Uracil mustard	66-75-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U238	Urethane (Ethyl carbamate)	Urethane (Ethyl carbamate)	51-79-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U239	Xylenes	Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30

268.40 – Treatment Standards for Hazardous Waste					
WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
U240	2,4-D (2,4-Dichlorophenoxyacetic acid)	2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	0.72	10
	2,4-D (2,4-Dichlorophenoxyacetic acid) salts and esters		NA	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U243	Hexachloropropylene	Hexachloropropylene	1888-71-7	0.035	30
U244	Thiram	Thiram	137-26-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U246	Cyanogen bromide	Cyanogen bromide	506-68-3	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
U247	Methoxychlor	Methoxychlor	72-43-5	0.25	0.18
U248	Warfarin, & salts, when present at concentrations of 0.3% or less	Warfarin	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U249	Zinc phosphide, Zn ₃ P ₂ , when present at concentrations of 10% or less	Zinc Phosphide	1314-84-7	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
U271	Benomyl ¹⁰	Benomyl	17804-35-2	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U278	Bendiocarb ¹⁰	Bendiocarb	22781-23-3	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U279	Carbaryl ¹⁰	Carbaryl	63-25-2	0.006; or CMBST, CHOXD, BIODG or CARBN	0.14; or CMBST
U280	Barban ¹⁰	Barban	101-27-9	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U328	o-Toluidine	o-Toluidine	95-53-4	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN.	CMBST
U353	p-Toluidine	p-Toluidine	106-49-0	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb	CMBST

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WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
				CARBN	
U359	2-Ethoxyethanol	2-Ethoxyethanol	110-80-5	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST
U364	Bendiocarb phenol ¹⁰	Bendiocarb phenol	22961-82-6	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U367	Carbofuran phenol ¹⁰	Carbofuran phenol	1563-38-8	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U372	Carbendazim ¹⁰	Carbendazim	10605-21-7	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U373	Propham ¹⁰	Propham	122-42-9	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U387	Prosulfocarb ¹⁰	Prosulfocarb	52888-80-9	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U389	Triallate ¹⁰	Triallate	2303-17-5	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U394	A2213 ¹⁰	A2213	30558-43-1	0.042; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U395	Diethylene glycol, dicarbamate ¹⁰	Diethylene glycol, dicarbamate	5952-26-1	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U404	Triethylamine ¹⁰	Triethylamine	101-44-8	0.081; or CMBST, CHOXD, BIODG or CARBN	1.5; or CMBST
U409	Thiophanate-methyl ¹⁰	Thiophanate-methyl	23564-05-8	0.056; or CMBST,	1.4; or CMBST

268.40 – Treatment Standards for Hazardous Waste					
WASTE CODE	Waste Description And Treatment/Regulatory Subcategory ¹ (11/99, 8/00, 6/04, 2/07) NOTE: fb means followed by	Regulated hazardous constituent NOTE: NA means not applicable		Waste waters	Non waste waters
		Common Name	CAS ² Number	Concentration ⁵ in mg/l; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as mg/l TCLP or Technology Code ⁴
				CHOXD, BIODG or CARBN	
U410	Thiodicarb ¹⁰	Thiodicarb	59669-26-0	0.019; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST
U411	Propoxur ¹⁰	Propoxur	114-26-1	0.056; or CMBST, CHOXD, BIODG or CARBN	1.4; or CMBST

Footnotes to Treatment Standard Table 268.40

1 The waste descriptions provided in this table do not replace waste descriptions in 261. Descriptions of Treatment /Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.

2 CAS means Chemical Abstract Services. When the waste code and/or regulated constituents are described as a combination of a chemical with its salts and/or esters, the CAS number is given for the parent compound only.

3 Concentration standards for wastewaters are expressed in mg/l and are based on analysis of composite samples.

4 All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in 268.42 Table 1 – Technology Codes and Descriptions of Technology-Based Standards.

5 Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based upon incineration in units operated in accordance with the technical requirements of Part 264 Subpart O or Part 265 Subpart O, or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in 268.40(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

6 Where an alternate treatment standard or set of alternate standards has been indicated, a facility may comply with this alternate standard, but only for the Treatment/Regulatory Subcategory or physical form (i.e., wastewater and/or nonwastewater) specified for that alternate standard.

7 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010C or 9012B, found in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846, as incorporated by reference in 260.11, with a sample size of 10 grams and a distillation time of one hour and 15 minutes. (2/07)

8 These wastes, when rendered nonhazardous and then subsequently managed in CWA, or CWA-equivalent systems, are not subject to treatment standards. (See 268.1(c)(3) and (4)), (See R.61-87.11.D.2).

9 [Reserved 8/00]

10 The treatment standard for this waste may be satisfied by either meeting the constituent concentrations in this table or by treating the waste by the specified technologies: combustion, as defined by the technology code CMBST at 268.42 Table 1 of this Part, for nonwastewaters; and, biodegradation as defined by the technology code BIODG, carbon adsorption as defined by the technology code CARBN, chemical oxidation as defined by the technology code CHOXD, or combustion as defined as technology code CMBST at 268.42 Table 1 of this Part, for wastewaters. (8/00)

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11 For these wastes, the definition of CMBST is limited to: (1) combustion units operating under 266, (2) combustion units permitted under Part 264, Subpart O, or (3) combustion units operating under 265, Subpart O, which have obtained a determination of equivalent treatment under 268.42(b). [Note: NA means not applicable]

12 Disposal of K175 wastes that have complied with all applicable 268.40 treatment standards must also be microencapsulated in accordance with 268.45 Table 1 unless the waste is placed in:

- (1) A Subtitle C monofill containing only K175 wastes that meet all applicable 268.40 treatment standards;
- or
- (2) A dedicated Subtitle C landfill cell in which all other wastes being co-disposed are at pH 6.0.

Note: The treatment standards that heretofore appeared in tables in 268.41, 268.42, and 268.43 of this part have been consolidated into the table "Treatment Standards for Hazardous Wastes."

Revise 268.50(a) to read:

(a) Except as provided for in this section, the storage of hazardous wastes restricted from land disposal under subpart C of this part is prohibited, unless the following conditions are met:

Revise 270.1(a)(3) to read:

(3) Technical regulations. The RCRA permit program has separate additional regulations that contain technical requirements. These separate regulations are used by permit issuing authorities to determine what requirements must be placed in permits if they are issued. These separate regulations are located in R.61-79.264, 266, and 268.

Revise 270.6(a) to read:

(a) When used in part 270 of this chapter, the following publications are incorporated by reference. These incorporations by reference were approved by the Director of the Federal Register pursuant to 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the Federal Register. Copies may be inspected at the Library, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., (3403T), Washington, DC 20460, libraryhq@epa.gov; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

Revise 270.6(b) to read:

(b) The following materials are available for purchase from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, (800) 553-6847; or for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512-1800.

Revise 270.14(b)(11)(iv)(C)(2) to read:

(2) A description of the location(s) to which the waste will be moved and demonstration that those facilities will be eligible to receive hazardous waste in accordance with the regulations under R.61-79.270, R.61-79.124, and R.61-79.264 through R.61-79.266.

Revise 270.19(e) to read:

(e) When an owner or operator of a hazardous waste incineration unit becomes subject to RCRA permit requirements after October 12, 2005, or when an owner or operator of an existing hazardous waste incineration unit demonstrates compliance with the air emission standards and limitations of section 63, subpart EEE of this chapter, (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance)

under sections 63.1207(j) and 63.1210(d) of this chapter documenting compliance with all applicable requirements of part 63, subpart EEE, the requirements do not apply, except those provisions the Department determines are necessary to ensure compliance with sections 264.345(a) and 264.345(c) of this chapter if you elect to comply with section 270.235(a)(1)(i) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the Department may apply the provisions, on a case-by-case basis, for purposes of information collection in accordance with sections 270.10(k), 270.10(l), 270.32(b)(2), and 270.32(b)(3).

Revise 270.22 introductory paragraph to read:

When an owner or operator of a cement or lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace becomes subject to RCRA permit requirements after October 12, 2005, or when an owner or operator of an existing cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace demonstrates compliance with the air emission standards and limitations in part 63, subpart EEE, (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance under sections 63.1207(j) and 63.1210(d) of this chapter documenting compliance with all applicable requirements of part 63, subpart EEE, of this chapter), the requirements of this section do not apply. The requirements of this section do apply, however, if the Department determines certain provisions are necessary to ensure compliance with sections 266.102(e)(1) and 266.102(e)(2)(iii) of this chapter if you elect to comply with section 270.235(a)(1)(i) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events or if you are an area source and elect to comply with the section 266.105, 266.106, and 266.107 standards and associated requirements for particulate matter, hydrogen chloride and chlorine gas, and non-mercury metals; or the Department determines certain provisions apply, on a case-by-case basis, for purposes of information collection in accordance with sections 270.10(k), 270.10(l), 270.32(b)(2), and 270.32(b)(3).

Revise 270.25(e)(3) to read:

(3) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of APTI Course 415: Control of Gaseous Emissions (incorporated by reference as specified in 270.6) or other engineering texts acceptable to the Department that present basic control device information. The design analysis shall address the vent stream characteristics and control device operation parameters as specified in 264.1035(b)(4)(iii).

Revise 270.29 to read:

The Department may, pursuant to the procedures in part 124, deny the permit application either in its entirety or as to the active life of a hazardous waste management facility or unit only.

Revise 270.31(c) to read:

(c) Applicable reporting requirements based upon the impact of the regulated activity and as specified in R.61-79.264, 265, and 266. Reporting shall be no less frequent than specified in the above regulation.

Revise 270.32(b)(3) to read:

(3) If, as the result of an assessment(s) or other information, the Department determines that conditions are necessary in addition to those required under 40 CFR parts 63, subpart EEE, R.61-79.264 or R.61-79.266 to ensure protection of human health and the environment, he or she shall include those terms and conditions in a RCRA permit for a hazardous waste combustion unit.

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Revise 270.42(j)(1) to read:

(1) Facility owners or operators must have complied with the Notification of Intent to Comply (NIC) requirements of 40 CFR 63.1210 that were in effect prior to Oct 11, 2000 (see 40 CFR 63.1200-63.1499 revised as of July 1, 2000), in order to request a permit modification under this section for the purpose of technology changes needed to meet the standards under 40 CFR 63.1203, 63.1204, and 63.1205.

Revise 270.62 introductory paragraph to read:

When an owner or operator of a hazardous waste incineration unit becomes subject to RCRA permit requirements after October 12, 2005, or when an owner or operator of an existing hazardous waste incineration unit demonstrates compliance with the air emission standards and limitations in 40 CFR part 63, Subpart EEE, (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance, under 63.1207(j) and 63.1210(d) documenting compliance with all applicable requirements of part 63 subpart EEE), the requirements do not apply, except those provisions the Department determines are necessary to ensure compliance with 264.345(a) and 264.345(c) if you elect to comply with 270.235(a)(1)(i) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the Department may apply the provisions, on a case-by-case basis, for purposes of information collection in accordance with 270.10(k), 270.10(l), 270.32(b)(2), and 270.32(b)(3).

Revise 270.65(a) to read:

(a) The Department may issue a research, development, and demonstration permit for any hazardous waste treatment facility which propose to utilize an innovative and experimental hazardous waste treatment technology or process for which permit standards for such experimental activity have not been promulgated under R.61-79.264 or R.61-79.266. Any such permit will include such terms and conditions as will assure protection of human health and the environment. Such permits:

Revise 270.65(b) to read:

(b) For the purpose of expediting review and issuance of permits under this section, the Department may, consistent with the protection of human health and the environment, modify or waive permit application and permit issuance requirements in R.61-79.124 and R.61-79.270 except that there may be no modification or waiver of regulations regarding financial responsibility (including insurance) or of procedures regarding public participation.

Revise 273.4(b)(2) to read:

(2) Mercury-containing equipment that is not a hazardous waste. Mercury-containing equipment is a hazardous waste if it exhibits one or more of the characteristics identified in part 261, subpart C or is listed in part 261, subpart D; and

Revise 273.13(c)(2) to read:

(iii) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules from that containment device to a container that is subject to all applicable requirements of parts 260 through 270;

(iv) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that is subject to all applicable requirements of parts 260 through 270;

(iv) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that is subject to all applicable requirements of parts 260 through 270;

Fiscal Impact Statement:

The amendments have no substantial fiscal or economic impact on the state or its political subdivisions. There is no anticipated additional cost by the Department or state government due to any requirements of this regulation.

Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: 61-79, Hazardous Waste Management Regulations.

Purpose: The purpose of this amendment is to realize the benefits of and maintain state consistency with the EPA by adopting the final “Modernizing Ignitable Liquids Determinations” rule published in the Federal Register on July 7, 2020, at 85 FR 40594-40608.

Legal Authority: 1976 Code Sections 44-56-10 et seq.

Plan for Implementation: These amendments will take legal effect upon General Assembly approval and upon publication in the *South Carolina State Register*. Department personnel will then take appropriate steps to inform the regulated community of the new amendments. Additionally, a copy of the regulation will be posted on the Department’s website, accessible at www.scdhec.gov/regulations-table. Printed copies may also be requested, for a fee, from the Department’s Freedom of Information Office.

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

The Department amends R.61-79 to adopt the final EPA “Modernizing Ignitable Liquids Determinations” rule published in the Federal Register on July 7, 2020, at 85 FR 40594-40608. The rule updates flash point test methods used to determine if a liquid waste is hazardous. It allows the use of non-mercury thermometers in approved analytical methods that currently require mercury thermometers. This rule also provides greater clarity to determinations of hazardous waste, provides more flexibility in testing requirements, and improves environmental compliance, thereby enhancing the protection of human health and the environment.

DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated increased cost to the state or its political subdivisions resulting from these revisions. This final rule modifies Test Methods for Evaluating Solid Waste: Physical/Chemical Methods (SW-846) test methods while also retaining the current procedures to provide entities increased flexibility. EPA analysis estimates that this rule will result in nationwide annualized cost savings of \$78,500 to \$477,000 to 235 commercial laboratories, and that human and environmental health will benefit from the reduced use of mercury thermometers (Federal Register, Vol 85, No. 130, page 40595).

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the state or its political subdivisions.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The revisions to R.61-79 enhance current protections of human and environmental health through implementation of updated testing methods for determining whether liquid waste is hazardous, reducing use of mercury thermometers, and a more flexible testing regime.

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

If the regulation is not implemented, there will be detrimental effects on the environment and public health because South Carolina would not be implementing or realizing the benefits of the EPA's "Modernizing Ignitable Liquids Determinations" rule, among them updated test methods for determining hazardous liquid wastes, reduced use of mercury thermometers, and more flexibility in testing requirements.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

The Department amends R.61-79, Hazardous Waste Management Regulations, to adopt the EPA's final "Modernizing Ignitable Liquids Determinations" rule published in the Federal Register on July 7, 2020, at 85 FR 40594-40608, and correct typographical errors, citation errors, and other errors and omissions. The EPA has given authorized states, including South Carolina, the discretion to adopt this rule as it will make existing standards neither more nor less stringent than current requirements. This rule updates test methods for determining liquid hazardous waste, allows for the use of non-mercury thermometers in several methods that previously required mercury thermometers, and provides more flexibility in testing requirements. Adoption of this rule increases flexibility for the regulated community and thereby enhances the protection of human health and the environment.

Document No. 5103

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-1-140(11), 44-1-150, 44-55-825, 44-55-827, and 48-1-10 et seq.

61-56. Onsite Wastewater Systems.

Synopsis:

Pursuant to R.61-56, Onsite Wastewater Systems, the Department of Health and Environmental Control ("Department") provides oversight for safe treatment and disposal of domestic wastewater to protect the health of the citizens and communities in South Carolina. In accordance with R.61-56, Onsite Wastewater Systems, the Department issues onsite wastewater contractor licenses, permits to construct, and approvals to operate for individual onsite wastewater treatment systems (septic systems).

The Department amends R.61-56, Onsite Wastewater Systems, to clarify a definition relating to rippable rock and update procedures for processing applications associated with subdivisions and variances as well as expands the provision for who is allowed to perform soil evaluations and prepare onsite wastewater system layouts. The amendments will bring clarity to the regulation and streamline permitting procedures.

The Department had a Notice of Drafting published in the August 27, 2021, South Carolina State Register.

Section-by-Section Discussion of Amendments:

Section	Type of Change	Purpose
101.1 - Rippable Rock	Deletion	Amended definition of Rippable Rock to remove the reference pertaining to mini excavator.

102.1 (2)(b-c) & 102.1 (3)(b-c)	Addition	Amended language to allow the subcontractors of the Department to perform soil evaluations and prepare system layouts at a rate limited by the regulation.
102.1 (5)	Addition/Deletion	Amended wording to establish a clear threshold when the Department will not perform soil evaluations or system layouts for a subdivision or portion thereof.
104.4 (3)	Addition	Amended wording pertaining to a variance request to include a processing time. Amended wording to reiterate the importance of protecting human health and the environment.

Instructions:

Amend R.61-56, Onsite Wastewater Systems, pursuant to each individual instruction provided with the text of the amendments below.

Text:

61-56. Onsite Wastewater Systems.

(Statutory Authority: S.C. Code Sections 44-1-140(11), 44-1-150, 44-55-825, 44-55-827, and 48-1-10 et seq.)

Amend Section 101.1, definition of Rippable Rock, to read:

Rippable Rock - The rippability of rock material is a measure of its ability to be excavated with conventional excavation equipment (e.g., rubber-tired backhoe).

Amend Section 102.1 to read:

102. Onsite Wastewater System Site Evaluation and Fees.

102.1. Site Evaluations.

(1) An applicant for a permit to construct an onsite wastewater system, nonwater-carried sewage treatment system, wastewater combustion system, or gray water subsurface reuse system shall, at the time an application for a permit to construct is submitted to the Department, pay to the Department the site evaluation fee set forth in Section 102.2.

(2) Soil evaluations shall be conducted only by:

(a) A certified Department staff member;

(b) A licensed Professional Soil Classifier or other licensed person qualified to practice soil classifying under S.C. Code 40-65-40(7) and otherwise deemed qualified by the Department who has contracted with the Department. The contractor may not charge a rate more than three (3) times the Department’s permit fees; or

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(c) A privately hired licensed Professional Soil Classifier or other licensed person qualified to practice professional soil classifying under S.C. Code Section 40-65-40(7), provided that the burden of documenting qualification under S.C. Code Section 40-65-40(7) is on the licensed professional. The licensed professional shall provide to the Department verification of licensure and confirmation from their licensing board that the person is qualified to practice professional soil classifying within the scope of their license. The Department will disallow a soil evaluation from any person not able to provide verification to the Department's satisfaction.

(3) Except as provided in Section 102.1(4) and 102.1(5), an onsite wastewater system layout in accordance with Section 400, Appendices of Standards for Permitted Systems, may be prepared by:

(a) A certified Department staff member;

(b) A Registered Professional Engineer licensed in South Carolina who is not Department staff and has subcontracted with the Department to prepare onsite wastewater system layouts at a rate not more than three (3) times the Department's permit fee; or

(c) A privately hired Registered Professional Engineer licensed in South Carolina or the same licensed person under Section 102.1(2)(b) or (c) who conducted the soil evaluation for the site.

(4) Only a Registered Professional Engineer may design a system and prepare a system layout for Standard 610/611 – Specialized Onsite Wastewater Systems, Standard 150 – Large and Community Onsite Wastewater Systems, nonwater-carried sewage treatment systems, wastewater combustion systems, and gray water subsurface reuse systems.

(5) The Department will not perform a soil evaluation or prepare a system layout for any subdivision or portion of a subdivision with ten (10) or more lots without access to all available utilities. Soil evaluations for any lots that are part of a subdivision with ten (10) or more lots without access to all available utilities must be conducted by a licensed person meeting the criteria of Section 102.1(2)(b) or (c). Proposed system layouts for any lots that are part of a subdivision must be prepared by a third-party Registered Professional Engineer or Professional Soil Classifier meeting the criteria under Section 102.1(3)(b) or (c). The Soils Report and proposed system layout must be submitted with the onsite wastewater system permit application for the purpose of the Department review and issuance of a permit to construct.

Amend Section 104.4 to read:

104.4. Variances and Exemptions.

(1) The Department may, on a case-by-case basis, approve and issue a variance or exemption from one or more requirements of this regulation upon a finding that:

(a) The granting of the variance or exemption will not compromise protection to human health and the environment.

(b) Because of the characteristics of the site, it is not practical or feasible for the onsite wastewater system to meet the requirements of this regulation without taking into account the current science and best technology available.

(2) A request for variance or exemption must be in writing and include the following:

(a) A detailed description of the regulatory requirements for which the variance or exemption is sought.

(b) Sufficient data to demonstrate to the satisfaction of the Department that compliance with the regulatory requirement will not be practical or feasible.

(3) The Department may request additional information to evaluate the request. A complete variance request will be processed within three (3) business days of receiving the request. If approved, the variance or exemption will be issued in writing and may contain conditions. The Department may revoke issued variances as it deems appropriate to protect human health and the environment.

Fiscal Impact Statement:

The fiscal impact of the proposed amendment to expand who is allowed to perform soil evaluations and prepare onsite wastewater system layouts is unclear, because the utilization of subcontractors rather than certified Department staff members to perform soil evaluations and prepare system layouts may provide a costs savings to the Department. There are no anticipated additional fiscal impacts to the Department or state government due to any other requirements of this amendment.

Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: 61-56, Onsite Wastewater Systems.

Purpose: The Department proposes amending R.61-56, Onsite Wastewater Systems, to clarify a definition relating to rippable rock and update procedures for processing applications associated with subdivisions and variances as well as expands the provision for who is allowed to perform soil evaluations and prepare onsite wastewater system layouts. The proposed amendments will bring clarity to the regulation and streamline permitting procedures.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

Legal Authority: 1976 Code Sections 44-1-140(11), 44-1-150, 44-55-825, 44-55-827, and 48-1-10 et seq.

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments. Additionally, a copy of the regulation will be posted on the Department’s website, accessible at www.scdhec.gov/regulations-table. Printed copies may also be requested, for a fee, from the Department’s Freedom of Information Office.

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

The proposed amendments are needed and reasonable, as they will provide clarification regarding the requirements contained in R.61-56, Onsite Wastewater Systems. The proposed amendments will also serve to streamline permitting procedures to improve overall effectiveness of the Department’s administration of the regulation.

DETERMINATION OF COSTS AND BENEFITS:

Internal Costs:

The utilization of subcontractors rather than certified Department staff members to perform soil evaluations and prepare system layouts may provide a costs savings to the Department. There are no additional internal costs to the Department or state government due to any other requirements of this amendment.

External Costs:

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The proposed revisions do not increase any fees charged by the Department under the current regulation. The proposed revisions would expand existing site evaluation options and allow more streamlined permit processing by allowing an applicant to submit a soil evaluation and a proposed system layout from an individual deemed qualified and who has subcontracted with the Department. If the applicant chooses to use a Department subcontractor, the subcontractor may charge a rate up to three (3) times the Department's permit fee for providing these services.

Under the proposal, applicants desiring to install systems for a subdivision consisting of ten (10) or more lots would be required to submit third-party soils work from a Professional Soil Classifier (PSC), a Registered Professional Engineer licensed in South Carolina, or a qualified individual who has subcontracted with the Department. If a PSC performs the soils work, the applicant would then have the option to either have the PSC submit a proposed system layout under one of the system standards established within R.61-56, Onsite Wastewater Systems, or give the soils report to a Registered Professional Engineer to design a specialized septic system through the 610 Standard. Subdivision permit applicants may incur additional costs for the soils work and proposed system layouts.

Benefits:

These amendments improve clarity and consistency, streamline permitting, and clarify existing definitions.

UNCERTAINTIES OF ESTIMATES:

The fiscal impact and costs of the amendment expanding who is allowed to perform soil evaluations and prepare onsite wastewater system layouts is uncertain. The utilization of subcontractors rather than certified Department staff members to perform soil evaluations and prepare system layouts may provide a costs savings to the Department and may increase costs to the applicants.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

There is no anticipated negative environmental or public health effect resulting from the proposed amendments of this regulation.

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

The proposed amendments positively impact the environment and public health by providing clarity for industry and efficiency in the Department's oversight of the disposal of septage and sewage. The failure to implement the proposed amendments would mean a failure to realize this positive impact.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

The Department proposes amending R.61-56, Onsite Wastewater Systems, to clarify a definition relating to rippable rock and update procedures for subdivisions and variances. The proposed amendments will streamline permitting procedures.

Document No. 5057
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
 Statutory Authority: 1976 Code Sections 44-69-10 et seq.

61-77. Standards for Licensing Home Health Agencies.

Synopsis:

Pursuant to S.C. Code Sections 44-69-10 et seq., the Department of Health and Environmental Control (“Department”) sets standards for the care, treatment, health, safety, welfare, and comfort of patients served by home health agencies, and for the maintenance and operation of home health agencies. The Department amends R.61-77, Standards for Licensing Home Health Agencies, to ensure alignment with current federal and state laws, and revise definitions and requirements for obtaining licensure, inspections, personnel, enforcement, patient care, record maintenance and retention, and licensure standards.

The Department had a Notice of Drafting published in the April 23, 2021, *South Carolina State Register*.

Instructions:

Replace R.61-77 in its entirety with this amendment.

Section-by-Section Discussion of Amendments:

Section	Type of Change	Purpose
Statutory Authority	Addition	To clarify appropriate S.C. Code authority.
Table of Contents	Reorganization and Revision	To reflect proposed section organization and section title amendments in regulation text.
Section Titles	Revision	All uses of the word “Section” in header titles throughout the regulation removed to be consistent with other Departmental regulations.
100 – Definitions and Licensure Former Part 1 – Definitions and Licensing Requirements	Revision	Title amended to be consistent with other Departmental regulations.
101 – Definitions		
101.A – Abuse	Addition	New definition to clarify meaning of terms used in Section 600.
101.B – Administrator	Addition	New definition to clarify meaning of terms used in Section 600.
101.C – Authorized Healthcare Provider	Addition	New definition to align with statutory language.
101.D – Branch Office	Reorganization and Revision	Recodified from former 101.C and amended to align with statutory definition.

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Section	Type of Change	Purpose
101.E – Comprehensive Assessment	Addition	New definition to clarify meaning of term used in Section 902.
101.F – Consultation	Reorganization and Revision	Recodified from former 101.B and amended for consistency with other Departmental regulations.
101.G – Contracted Party	Addition	New definition to clarify meaning for term used in Section 1300.
Former 101.C – Continuing Care Retirement Community	Deletion	Term no longer used in the regulation.
101.H – Department	Reorganization	Recodified from former 101.D.
101.I – Direct Care Staff	Addition	New definition to align with statutory language and to provide meaning for term used in Section 501.
101.J – Discharge	Addition	New definition to clarify meaning of term used in Section 802 and throughout the regulation.
101.K – Exploitation	Addition	New definition to clarify meaning of terms used in Section 600.
101.L – Health Assessment	Reorganization and Revision	Recodified from former 101.E and amended to clarify term used in the regulation.
101.M – Home Health Agency	Reorganization	Recodified form former 101.F.
101.N – Home Health Aide Services	Reorganization and Revision	Recodified from former 101.G and amended to clarify term used in the regulation.
101.O – Home Health Services	Reorganization and Revision	Recodified from former 101.H and amended to align with statutory language.
101.P – Incident	Addition	New definition to clarify meaning of term used in Section 600.
101.Q – Inspection	Reorganization and Revision	Recodified from former 101.I and amended for readability.
101.R – Intermittent	Reorganization	Recodified from former 101.J.
101.S – Investigation	Reorganization	Recodified from former 101.K.
101.T – Joint Annual Report	Addition	New definition to clarify meaning of term used in Section 604.
101.U – License	Reorganization	Recodified from former 101.L.
101.V – Licensed Practical Nurse	Reorganization	Recodified from former 101.M.
101.W – Licensee	Reorganization	Recodified from former 101.N.
101.X – Medical Social Worker	Reorganization and Revision	Recodified from former 101.O and amended for readability.
101.Y – Medical Social Worker Assistant	Reorganization	Recodified from former 101.P.

Section	Type of Change	Purpose
101.Z – Neglect	Addition	New definition to clarify meaning of terms used in Section 600.
101.AA – Occupational Therapist	Reorganization	Recodified from former 101.Q.
101.BB – Occupational Therapist Assistant	Reorganization	Recodified from former 101.R.
101.CC – Parent Home Health Agency	Reorganization	Recodified from former 101.S.
101.DD – Part-time	Reorganization	Recodified from former 101.T.
101.EE – Patient	Reorganization	Recodified from former 101.U.
101.FF – Physician	Reorganization	Recodified from former 101.V.
101.GG – Physical Therapist	Reorganization	Recodified from former 101.W.
101.HH – Physical Therapist Assistant	Reorganization	Recodified from former 101.X.
Former 101.Y – Podiatrist	Deletion	Included in proposed 101.CC.
101.II – Quality Improvement	Reorganization and Revision	Recodified from former 101.Z and amended for readability.
101.JJ – Registered Nurse	Reorganization	Recodified from former 101.AA.
101.KK – Representative	Addition	New definition to clarify meaning of term used throughout the regulation.
Former 101.BB – Repeat Violations	Deletion	Term no longer used in the regulation.
101.LL – Revocation of License	Reorganization and Revision	Recodified from former 101.CC and amended to be consistent with other Departmental regulations.
101.MM – Skilled Nursing	Reorganization and Revision	Recodified from former 101.DD and amended to align with definition in S.C. Code 15-79-110(9).
101.NN – Speech Therapist	Reorganization	Recodified from former 101.EE.
101.OO – Staff	Reorganization and Revision	Recodified from former 101.FF and amended for readability.
101.PP – Start of Care Date	Addition	New definition to clarify meaning of term used in Section 701.
Former 101.GG – Subunit	Deletion	Term no longer used in the regulation.
101.QQ – Suspension of License	Reorganization and Revision	Recodified from former 101.HH and amended for readability.
101.RR – Therapeutic Service	Reorganization and Revision	Recodified from former 101.II and amended for readability.
101.SS – Treatment Plan	Addition	New definition to clarify term used in the regulation.
102 – License Requirements	Revision	Title and content amended to be consistent with other Departmental regulations and align with statutory language.

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Section	Type of Change	Purpose
200 – Enforcement of Regulations Former Part 2 – Enforcing Regulations	Reorganization, Revision, and Addition	Title amended to be consistent with other Departmental regulations. Section 201 added; Sections 202-203 recodified to be consistent with other Departmental regulations and amended for readability.
300 – Enforcement Actions Former Part 3	Revision	Sections 301-302 amended to be consistent with other Departmental regulations.
Former Part 4 – Management	Reorganization	Recodified to proposed Section 500 to be consistent with other Departmental regulations.
400 – Policies and Procedures Former Part 5	Reorganization and Revision	Recodified from former Part 5 to be consistent with other Departmental regulations and amended to clarify required policies and procedures.
500 – Staffing	Addition	New section and section title added for consistency with other Departmental regulations.
501 – General	Addition	New section to be consistent with other Departmental regulations and to align with statutory requirement for criminal background checks.
502 – Administrator	Reorganization and Revision	Recodified from former Section 401 to be consistent with other Departmental regulations and amended for readability.
503 – Clinical Manager	Reorganization and Revision	Recodified from former Section 402 to be consistent with other Departmental regulations and amended for readability.
504 – Health Status	Reorganization and Revision	Recodified from former Section 1002 to be consistent with other Departmental regulations.
600 – Reporting	Reorganization	Recodified from former Part 11.
601 – Incidents	Addition	New section to be consistent with other Departmental regulations.
602 – Administrator Changes	Reorganization and Revision	Recodified from former Section 1102 and amended to be consistent with other Departmental regulations.
603 – Agency Closure	Addition	New section to be consistent with other Departmental regulations.
604 – Joint Annual Report	Reorganization and Revision	Recodified from former Section 1104 and amended to clarify the requirements for submission of the report.
700 – Patient Records	Reorganization	Recodified from former Part 9.

Section	Type of Change	Purpose
701 – Content	Reorganization and Revision	Recodified section from former Section 901 to be consistent with other Departmental regulations.
702 – Record Maintenance	Reorganization and Revision	Recodified section from former Section 902 to be consistent with other Departmental regulations.
703 – Authentication	Addition	New section to be consistent with other Departmental regulations.
704 – Record Retention	Addition	New section to be consistent with other Departmental regulations.
800 – Admission, Discharges, and Transfers	Reorganization	Recodified from former Part 6 – Admissions.
801 – Admission	Reorganization and Revision	Recodified from former Section 601 to be consistent with other Departmental regulations and amended to clarify requirements for admission.
802 – Discharge	Addition	New section to be consistent with other Departmental regulations and to clarify requirements for discharging a Patient.
803 – Transfer		Recodified from former Section 901.E and amended to clarify requirements for discharging a Patient.
900 – Patient Care, Treatment, and Services	Reorganization and Revision	Recodified from former Part 7 – Patient Care/Treatment Services.
901 – General	Reorganization and Revision	Recodified from former Section 701.B to be consistent with other Departmental regulations and amended to improve readability.
902 – Comprehensive Assessment	Reorganization and Revision	Recodified from former Section 901.B and amended to clarify regulatory requirement.
903 – Treatment Plan	Reorganization and Revision	Recodified from former Section 701.A and amended to improve readability and to reflect current industry terminology.
1000 – Patient Rights	Reorganization	Recodified from former Part 8.
1001 – General	Reorganization and Revision	Recodified from former Section 801 and amended to improve readability.
1002 – Informed Consent	Addition	New section to clarify requirements related to obtaining written informed consent from Patients.
1003 – Patient Protections	Addition	New section to align with statutory requirements.

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Section	Type of Change	Purpose
1100 – Reserved	Addition	Reserved to be consistent with other Departmental regulations and for future use.
1200 – Medication and Treatment Orders	Reorganization and Revision	Recodified from former Part 12 – Drug and Treatment Orders, and amended to improve readability and align with current statute.
1300 – Agreements with Contracted Parties	Reorganization and Revision	Recodified from former Part 13 – Agreements with Other Agencies/Individuals, and amended to improve readability.
1400 – Emergency Procedures and Disaster Preparedness	Addition	New section and section title to be consistent with other Departmental regulations and to clarify requirements for disaster preparedness.
1401 – Disaster Preparedness	Addition	New section to be consistent with other Departmental regulations.
1402 – Continuity of Care, Treatment, and Services	Addition	New section to be consistent with other Departmental regulations and to clarify requirements related to Continuity of Care, Treatment, and Services.
1500-1600 – Reserved	Addition	Reserved to be consistent with other Departmental regulations and for future use.
1700 – Infection Control	Reorganization and Revision	Recodified from former Part 10 – Personnel, and amended to be consistent with other Departmental regulations.
1701 – Staff Practices	Reorganization and Revision	Recodified from former part 1001.B to be consistent with other Departmental regulations and amended to reflect best practices, CDC guidelines, and other applicable federal, state, and local laws and regulations related to infection control.
1702 – Tuberculosis Risk Assessment and Screening	Reorganization and Revision	Recodified from former part 1002 to be consistent with other Departmental regulations and amended to reflect current CDC and DHEC TB Control guidelines.
1800 – Quality Improvement Program	Reorganization and Revision	Recodified from former Part 14 and amended to be consistent with other Departmental regulations.
Former Part 15 – Continuing Care Retirement Community	Deletion	Content no longer relevant to this regulation.

Section	Type of Change	Purpose
1900-2600 – Reserved	Addition	Reserved to be consistent with other Departmental regulations and for future use.
2700 – Severability	Reorganization	Recodified from former Part 16 to be consistent with other Departmental regulations.

Text:

61-77. Standards for Licensing Home Health Agencies.

Statutory Authority: S.C. Code Sections 44-69-10 et seq.

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SECTION 1800 – QUALITY IMPROVEMENT PROGRAM

SECTION 1900 – [RESERVED]

SECTION 2000 – [RESERVED]

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SECTION 2700 – SEVERABILITY

SECTION 2800 – GENERAL

SECTION 100 – DEFINITIONS AND LICENSURE

101. Definitions.

A. Abuse. Physical Abuse or Psychological Abuse.

1. Physical Abuse. Intentionally inflicting or allowing to be inflicted physical injury on a Patient by an act or failure to act. Physical abuse includes, but is not limited to, slapping, hitting, kicking, biting, choking, pinching, burning, actual or attempted sexual battery, use of medication outside the standards of reasonable medical practice for the purpose of controlling behavior, and unreasonable confinement. Physical Abuse also includes the use of a restrictive or physically intrusive procedure to control behavior for the purpose of punishment except that a therapeutic procedure prescribed by a licensed physician or other qualified professional or that is part of a written plan of care by a licensed physician or other qualified professional is not considered physical abuse. Physical abuse does not include altercations or acts of assault between Patients.

2. Psychological Abuse. Deliberately subjecting a Patient to threats or harassment or other forms of intimidating behavior causing fear, humiliation, degradation, agitation, confusion, or other forms of serious emotional distress.

B. Administrator. The individual designated by the governing body or Licensee who is in charge of and responsible for the administration of the Home Health Agency. May also be referred to as Director.

C. Authorized Healthcare Provider. An individual authorized by law and currently licensed in South Carolina as a Physician, advanced practice registered nurse, or physician assistant to provide specific treatments, care, and services to Patients.

D. Branch Office. A location or site from which a Home Health Agency provides services within a portion of the total geographic area served by the Parent Agency. The Branch Office is part of the Agency and is located

sufficiently close to share administration, supervision, and services in a manner that renders it unnecessary for the branch independently to meet the licensure requirements as an Agency.

E. Comprehensive Assessment. An individualized assessment that reflects each Patient's current health status, includes information that may be used to demonstrate the Patient's progress toward achievement of the desired outcomes, identifies the Patient's need for Home Health Services, and reflects the Patient's medical, nursing, rehabilitative, social and Discharge planning needs.

F. Consultation. A visit by Department representatives who will provide information to Agencies with the goal of facilitating compliance with the regulation.

G. Contracted Party. An individual, business, or other entity who enters into an agreement with a Home Health Agency to provide care, treatment, or services normally provided by the Home Health Agency to a Patient.

H. Department. The South Carolina Department of Health and Environmental Control.

I. Direct Care Staff. Those individuals who provide direct treatment, care, and services to Patients, including:

1. A Registered Nurse, Licensed Practical Nurse, or certified nurse assistant;
2. Any other licensed professional employed by or contracting with a Home Health Agency who provides to Patients direct care or services and includes, but is not limited to, a physical, speech, occupational, or respiratory care therapist;
3. A person who is not licensed but provides physical assistance or care to a Patient served by a Home Health Agency;
4. A person employed by or under contract with a Home Health Agency who works within any building housing Patients; or
5. A person employed by or under contract with a Home Health Agency whose duties include the possibility of Patient contact.

J. Discharge. The point at which treatment, care, and services provided by a Home Health Agency are terminated and the Home Health Agency no longer maintains active responsibility for the care of the Patient.

K. Exploitation. 1) Causing or requiring a Patient to engage in activity or labor which is improper, unlawful, or against the reasonable and rational wishes of the Patient. Exploitation does not include requiring a Patient to participate in an activity or labor which is a part of a written plan of care or which is prescribed or authorized by a licensed physician attending the Patient; 2) An improper, unlawful, or unauthorized use of the funds, assets, property, power of attorney, guardianship, or conservatorship of a Patient by a person for the profit or advantage of that person or another person; or 3) Causing a Patient to purchase goods or services for the profit or advantage of the seller or another person through: undue influence, harassment, duress, force, coercion, or swindling by overreaching, cheating, or defrauding the vulnerable adult through cunning arts or devices that delude the vulnerable adult and cause him to lose money or other property.

L. Health Assessment. An evaluation of the health status of a Staff member by a Physician, other Authorized Healthcare Provider, or Registered Nurse in accordance with Agency policy.

M. Home Health Agency ("Agency"). A public, nonprofit, or proprietary organization, whether owned or operated by one or more persons or legal entities, which furnishes or offers to furnish Home Health Services.

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N. Home Health Aide Services. Services provided by an individual supervised by a Registered Nurse or licensed therapist who renders assistance in the home to Patients with personal care problems and who meets minimum qualifications and training as set by the Home Health Agency.

O. Home Health Services. Those items and services furnished to an individual by a Home Health Agency, or by others under arrangement with the Home Health Agency, on a visiting basis and, except for subsection 5, below, in a place of temporary or permanent residence used as the individual's home as follows:

1. Part-time or Intermittent skilled nursing care as ordered by a Physician or other Authorized Healthcare Provider and provided by or under the supervision of a Registered Nurse and at least one other service listed below:

2. Physical, occupational, or speech therapy;

3. Medical social services, Home Health Aide Services, and other therapeutic services;

4. Medical supplies and the use of medical appliances;

5. Any of the above items and services provided on an outpatient basis under arrangements made by the Home Health Agency with a hospital, nursing home, or rehabilitation center and the furnishing of which involves the use of equipment of such a nature that the items and/or services cannot readily be made available to the individual in his/her home, or which are furnished at one of the above facilities while the Patient is there to receive such items or services, but not including transportation of the individual in connection with any such items or services.

P. Incident. An unusual, unexpected adverse event, including any accidents, that could potentially cause harm, injury, or death to Patients or Staff members.

Q. Inspection. A visit by individuals authorized by the Department to a licensed Home Health Agency or to a proposed Home Health Agency for the purpose of determining compliance with this regulation.

R. Intermittent. Any combination of temporary skilled nursing, Home Health Aide, and/or Therapeutic Services, provided on a less-than-daily basis, or if provided daily, is less than eight (8) hours per day.

S. Investigation. A visit by individuals authorized by the Department to an unlicensed or licensed Home Health Agency for the purpose of determining the validity of allegations of violations received by the Department relating to this regulation.

T. Joint Annual Report. An annual statistical and utilization data report submitted to the South Carolina Revenue and Fiscal Affairs Office.

U. License. A License issued by the Department to a Home Health Agency to provide Home Health Services in designated counties within the state.

V. Licensed Practical Nurse. An individual who is currently licensed as such by the South Carolina Board of Nursing.

W. Licensee. The individual, corporation, or public entity who has received a License to provide Home Health Services and with whom rests the ultimate responsibility for compliance with this regulation.

X. Medical Social Worker. A person who has one (1) year of social work experience in a health care setting and is licensed by the South Carolina Board of Social Work Examiners at the Master (LMSW) or Independent (LISW) level.

Y. Medical Social Worker Assistant. A person who has at least one (1) year of social work experience in a health care setting, is licensed by the South Carolina Board of Social Work Examiners, and provides services under the supervision of a Medical Social Worker as defined in 101.X.

Z. Neglect. The failure or omission of a caregiver to provide the care, goods, or services necessary to maintain the health or safety of a Patient including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services and the failure or omission has caused, or presents a substantial risk of causing, physical or mental injury to the Patient. Noncompliance with regulatory standards alone does not constitute Neglect. Neglect includes the inability of a Patient, in the absence of a caretaker, to provide for his or her own health or safety which produces or could reasonably be expected to produce serious physical or psychological harm or substantial risk of death.

AA. Occupational Therapist. A person currently licensed as such by the South Carolina Board of Occupational Therapy.

BB. Occupational Therapist Assistant. A person who is currently licensed as such by the South Carolina Board of Occupational Therapy.

CC. Parent Home Health Agency (“Parent Agency”). The Agency that develops and maintains administrative control Branch Offices.

DD. Part-time. Any combination of temporary skilled nursing, Home Health Aide, and/or Therapeutic Services being provided for less than eight (8) hours per day.

EE. Patient. A person who receives treatment, services, or care from a Home Health Agency licensed by the Department.

FF. Physician. A doctor of medicine, podiatrist, or doctor of osteopathic medicine licensed by the South Carolina Board of Medical Examiners.

GG. Physical Therapist. An individual currently licensed as such by the South Carolina Board of Physical Therapy.

HH. Physical Therapist Assistant. An individual who is currently licensed as such by the South Carolina Board of Physical Therapy.

II. Quality Improvement. The process used by the Home Health Agency to examine its methods and practices of providing care, identifying the opportunities to improve its performance, and taking actions that result in higher quality of care for the Home Health Agency’s Patients.

JJ. Registered Nurse. An individual who is currently licensed as such by the South Carolina Board of Nursing.

KK. Representative. The Patient’s legal representative, such as a guardian, who makes healthcare decisions on the Patient’s behalf, or a Patient-selected representative who participates in making decisions related to the Patient’s care or well-being, including but not limited to, a family member or an advocate for the Patient.

LL. Revocation of License. An action by the Department to cancel or annul a Home Health Agency license by recalling, withdrawing, or rescinding its authority to operate.

MM. Skilled Nursing. A service provided by a Registered Nurse that:

1. Is ordered by a Physician or other Authorized Healthcare Provider;

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2. Requires the skills of technical or professional personnel such as Registered Nurses, Licensed Practical Nurses, Physical Therapists, Occupational Therapists, and speech pathologists or audiologists; and

3. Is furnished directly by, or under, the supervision of such personnel.

NN. Speech Therapist. An individual currently licensed as such by the South Carolina Board of Speech-Language Pathology and Audiology.

OO. Staff. Those individuals, including Direct Care Staff, who are employees of the Home Health Agency.

PP. Start of Care Date. The first visit where the Home Health Agency provides hands-on, direct care services, or treatments to the Patient.

QQ. Suspension of License. An action by the Department requiring a Licensee to cease operations for a period of time and/or requiring a Home Health Agency to cease admitting Patients, until such time as the Department rescinds that restriction.

RR. Therapeutic Services. Services provided by a licensed or supervised therapist within their scope of practice and as prescribed by a Physician or other Authorized Healthcare Provider, which can be safely provided in the home.

SS. Treatment Plan. A written plan that describes the Patient's condition and details the treatment to be provided, expected outcomes, and expected duration of the treatment prescribed by the Physician or other Authorized Healthcare Provider.

102. Licensure.

A. License. No person, private or public organization, political subdivision, or governmental agency shall establish, conduct, or maintain a Home Health Agency or represent itself as providing Home Health Services without first obtaining a License from the Department. No Agency shall admit Patients prior to the effective date of licensure. When it has been determined by the Department that Home Health Services are being provided at a location, and the owner has not been issued a License from the Department, the owner shall cease operations immediately and ensure the safety, health, and well-being of Patients. Current and/or previous violations of the S.C. Code of Laws or Department regulations may jeopardize the issuance of a License for the Agency, the licensing of any other Agency or facility type, or addition to an existing Agency or facility. The Home Health Agency shall provide only the services, treatment, or care it is licensed to provide pursuant to the Home Health Services definition in Section 101.M of this regulation. (I)

B. Compliance. An initial License shall not be issued to a proposed Home Health Agency, until the applicant has demonstrated to the Department that the proposed Home Health Agency is in substantial compliance with the licensing standards. A paper or electronic copy of the licensing standards shall be maintained at the Home Health Agency and accessible to all Home Health Agency Staff. In the event a Licensee, who already has a Home Health Agency or facility licensed by the Department, makes application for another Home Health Agency, the currently licensed Home Health Agency and/or facility shall be in substantial compliance with the applicable standards prior to the Department issuing a License to the proposed Home Health Agency.

C. Licensed Services. The Home Health Agency shall provide services only in the county(ies) identified on the face of the License and shall provide services to the entire county(ies) identified on the License. (I)

D. Issuance of License.

1. The Home Health Agency shall post the License issued by the Department in a conspicuous place in a public area within the Home Health Agency.

2. The issuance of a License does not guarantee adequacy or quality of individual care, treatment, personal safety, fire safety, or the well-being of any Patient of the Home Health Agency.

3. A License is not assignable or transferable and is subject to revocation at any time by the Department for the Licensee's failure to comply with the laws and regulations of this state.

4. A License shall be effective for a specified Home Health Agency, at a specific location(s), for a specified period following the date of issue as determined by the Department. A License shall remain in effect until the Licensee is notified otherwise by the Department.

5. Multiple types of care on the same premises shall be licensed separately even though they are owned by the same entity.

E. Home Health Agency Name. No proposed Home Health Agency shall be named, nor any existing Home Health Agency have its name changed, to the same or similar name as any other Home Health Agency licensed in South Carolina. If the Home Health Agency is part of a "chain operation" it shall then have the geographic area in which it is located as part of its name.

F. Application. Applicants for a License shall submit to the Department a complete and accurate application, on a form prescribed, prepared, and furnished by the Department, prior to initial licensing and periodically thereafter at intervals determined by the Department. The applicant shall ensure the application is signed by the owner(s) if an individual or partnership; by two (2) officers if a corporation; or by the head of the governmental department having jurisdiction if a governmental unit. Corporations or limited partnerships, limited liability companies, or any other organized business entity shall be registered with the South Carolina Secretary of State's Office if required to do so by state law.

G. Required Documentation. The applicant shall ensure the application for initial licensure includes:

1. The full name and address of the proposed Home Health Agency and the owner, and the names of the persons in control of the Home Health Agency. The Department may require additional information, including affirmative evidence of the applicant's ability to comply with this regulation;

2. The applicant's oath assuring that the contents of the application are accurate and true;

3. Proof of ownership of real property in which the Agency is located, or lease agreement allowing the Licensee to occupy the real property in which the Agency is located; and

4. The county(ies) in which the Home Health Agency will provide services.

H. Licensing Fees. Each applicant shall pay a License fee prior to the issuance of a License. The initial and renewal License fee shall be one hundred dollars (\$100.00) plus fifty dollars (\$50.00) for each county served. All fees are non-refundable, shall be made payable to the Department by credit card or secured portal or specific website, and shall be submitted with the application. Governmental Home Health Agencies are exempt from payment of License fees. Annual licensing fees shall also include any outstanding Inspection fees.

I. Licensing Late Fee. Failure to submit a renewal application and fee to the Department by the License expiration date may result in a late fee(s) of twenty-five percent (25%) of the License fee amount, but not less than seventy-five dollars (\$75.00), in addition to the License fee. Failure to submit the License fee and late fees to the Department within thirty (30) calendar days of the License expiration date shall render the Home Health Agency unlicensed.

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J. License Renewal. For a License to be renewed, applicants shall file an application with the Department, shall pay the License renewal fee, and shall not have pending enforcement actions by the Department. If the License renewal is delayed due to enforcement actions, the License renewal shall be issued only when the matter has been resolved satisfactorily by the Department, or when the adjudicatory process is completed, whichever is applicable.

K. Amended License.

The Home Health Agency shall request issuance of an amended License by application to the Department prior to any of the following circumstances:

1. Change of a Home Health Agency location from one geographic site to another;
2. Change of the Home Health Agency's name or address;
3. Change in the county(ies) in which the Home Health Agency provides services. The Home Health Agency shall pay an amended License fee of fifty dollars (\$50.00) for each additional county to be served; or
4. Establishment of new Branch Offices of the Home Health Agency.

L. Change of Licensee. The Home Health Agency shall request issuance of a new License by application to the Department prior to any of the following circumstances:

1. A change in the controlling interest even if, in the case of a corporation or partnership, the legal entity retains its identity and name; or
2. A change of the legal entity, for example, sole proprietorship to or from a corporation, partnership to or from a corporation, even if the controlling interest does not change.

M. Variance. The Home Health Agency may request a variance to this regulation in a format as determined by the Department. Variances shall be considered on a case-by-case basis by the Department. The Department may revoke issued variances as it determines appropriate.

SECTION 200 – ENFORCEMENT OF REGULATIONS

201. General.

The Department shall utilize Inspections, Investigations, Consultations, and other pertinent documentation regarding a proposed or licensed Home Health Agency to enforce this regulation.

202. Inspections and Investigations.

A. The Home Health Agency shall be inspected prior to initial licensing and subsequently as determined by the Department.

B. All Home Health Agencies are subject to Inspection and/or Investigation at any time without prior notice by individuals authorized by the South Carolina Code of Laws. When Staff are absent from the Parent Home Health Agency, the Home Health Agency shall post information at the entrance of the Home Health Agency to those seeking legitimate access to the Home Health Agency, as to the expected return of the Staff. The Home Health Agency shall ensure the posted information includes contact information and the expected time of return of the Staff members and Patients. The Home Health Agency shall ensure the contact information includes the name of a designated contact and his or her telephone number. The Home Health Agency shall ensure the telephone number for the designated contact is not the Home Health Agency telephone number. (I)

C. Individuals authorized by South Carolina law shall be granted access to all properties and areas, objects, documents, and records at the time of Inspections and Investigations and in a timely manner and have the authority to require the Agency to make photocopies of those documents required in the course of Inspections or Investigations. Photocopies shall be used only for purposes of enforcement of regulations and confidentiality shall be maintained except to verify individuals in enforcement action proceedings. Records shall be made available to individuals authorized by the Department in a timely manner. (I)

D. When there is noncompliance with the licensing standards, the Agency shall submit an acceptable written plan of correction in a format determined by the Department. The Agency shall return the plan of correction by the date specified on the report of Inspection and/or Investigation. The Agency shall describe the following in the written plan of correction:

1. The actions taken to correct each cited deficiency;
2. The actions taken to prevent recurrences (actual and similar); and
3. The actual or expected completion dates of those actions. (II)

E. The Home Health Agency shall ensure reports of Inspections or Investigations conducted by the Department, including the Agency response, are provided to the public upon written request with the redaction of the names of those individuals in the report. (II)

F. Inspection Fees. In accordance with S.C. Code Section 44-7-270, the Department may charge a fee for Inspections. The fee for initial and routine Inspections shall be two hundred fifty dollars (\$250.00) plus twenty-five dollars (\$25.00) per county served. The fee for follow-up Inspections shall be one hundred twenty-five dollars (\$125.00) plus twenty-five dollars (\$25.00) per county served.

203. Consultations.

Consultations may be provided by the Department as requested by the Agency or as deemed appropriate by the Department.

SECTION 300 – ENFORCEMENT ACTIONS

301. General.

When the Department determines that a Home Health Agency is in violation of any statutory provision, rule, or regulation relating to the operation or maintenance of such Agency, the Department, upon proper notice to the Licensee, may deny, suspend, or revoke Licenses, or assess a monetary penalty.

302. Violation Classifications.

Violations of standards in this regulation are classified as follows:

A. Class I violations are those that present an imminent danger to the health, safety, or well-being of the Patients of the Home Health Agency or a substantial probability that death or serious physical harm could result therefrom. A physical condition or one or more practices, means, methods, or operations in use in an Agency may constitute such a violation. The condition or practice constituting a Class I violation shall be abated or eliminated immediately unless a fixed period of time, as stipulated by the Department, is required for correction. Each day such violation exists after expiration of this time shall be considered a subsequent violation.

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B. Class II violations are those, other than Class I violations, that the Department determines to have a direct or immediate relationship to the health, safety, or well-being of the Agency's Patients. The citation of a Class II violation shall specify the time within which the violation is required to be corrected. Each day such violation exists after expiration of this time shall be considered a subsequent violation.

C. Class III violations are those that are not classified as Class I or II in this regulation or those that are against best practices. The citation of a Class III violation shall specify the time within which the violation is required to be corrected. Each day such violation exists after expiration of this time shall be considered a subsequent violation.

D. The notations (I) or (II), placed within sections of this regulation, indicate those standards are Class I or II violations if they are not met, respectively. Failure to meet standards not so annotated are Class III violations.

E. When assessing a monetary penalty, the Department may invoke S.C. Code Section 44-7-320(C) to determine the dollar amount or may utilize the following schedule:

FREQUENCY	CLASS I	CLASS II	CLASS III
1 st	\$500-1,500	\$300-800	\$100-300
2 nd	1,000-3,000	500-1,500	300-800
3 rd	2,000-5,000	1,000-3,000	500-1,500
4 th	5,000	2,000-5,000	1,000-3,000
5 th	5,000	5,000	2,000-5,000
6 th	5,000	5,000	5,000

SECTION 400 – POLICIES AND PROCEDURES

A. The Home Health Agency shall maintain and adhere to written policies and procedures addressing the manner in which the requirements of this regulation shall be met. The Home Health Agency shall be in full compliance with the policies and procedures.

B. The Home Health Agency shall establish a time period for review, not to exceed two (2) years, of all policies and procedures, and such reviews shall be documented and signed by the Administrator. The Home Health Agency shall ensure all policies and procedures are accessible to Agency Staff, printed or electronically, at all times.

SECTION 500 – STAFFING

501. General.

A. Before being employed or contracted as a Staff member, all Direct Care Staff shall undergo a criminal background check pursuant to S.C. Code Section 44-7-2910. Staff members and volunteers of the Home Health Agency shall not have a prior conviction or pled no contest (*nolo contendere*) to unlawful conduct toward a child, as defined by S.C. Code Section 63-45-70; Abuse, Neglect, or Exploitation of a vulnerable adult, as defined by S.C. Code Sections 43-35-10, et seq.; or any similar criminal offense. (I)

B. The Agency shall define in writing the responsibilities, qualifications, and competencies of Staff for all positions. The Agency shall ensure that the type and number of Staff are:

1. Properly licensed or credentialed in their respective professional fields as required for assigned job duties;
2. Trained as necessary to perform the duties for which they are responsible in an effective manner;

3. Capable of rendering care and services to Patients; and
4. Capable of following applicable regulations.

C. The facility shall maintain current information regarding all Staff members, to include:

1. Name, address, and telephone number;
2. Date of hire and date of initial Patient contact;
3. Past employment, experience, and education;
4. Professional licensure or credentials; and
5. Job description signed by the Staff member.

502. Administrator.

A. The Home Health Agency shall have a full-time Administrator who is responsible for the overall management and operation of the Agency and meets one of the following:

1. A Physician or other Authorized Healthcare Provider;
2. A Registered Nurse; or
3. Has training and experience in health service administration and at least one (1) year of supervisory administrative experience in home health care or a related healthcare program.

B. A Staff member shall be designated, in writing, to act in the absence of the Administrator, such as, a listing of the lines of authority by position title, including the names of the persons filling these positions.

503. Clinical Manager.

The Home Health Agency shall designate a Physician or other Authorized Healthcare Provider, or a Registered Nurse to supervise the professional clinical activities in providing Home Health Services in accordance with the orders and Treatment Plan of the Physician or other Authorized Healthcare Provider responsible for the care of the Patient.

504. Health Status. (I)

A. The Home Health Agency shall ensure all Staff members who have contact with Patients have a documented Health Assessment within twelve (12) months prior to initial Patient contact. The Health Assessment shall include tuberculin skin testing as described in Section 1702.

B. If a Staff member is working at multiple Home Health Agencies or facilities operated by the same Licensee, copies of the documented Health Assessment shall be accessible at each location.

SECTION 600 – REPORTING

601. Incidents.

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A. The Home Health Agency shall document every Incident, and include an Incident review, investigation, and evaluation as well as corrective action taken, if any. The Home Health Agency shall retain all documented Incidents reported pursuant to this Section for six (6) years after the Patient involved is last Discharged. The Home Health Agency shall ensure the records are readily available and stored for the first year following Patient Discharge.

B. The Home Health Agency shall report the following types of Incidents to the Patient's Representative or emergency contact for each affected individual at the earliest practicable hour, not exceeding twenty-four (24) hours of the Incident. The Home Health Agency shall notify the Department immediately, not to exceed twenty-four (24) hours, via the Department's electronic reporting system or as otherwise determined by the Department. Incidents requiring reporting include, but are not limited to:

1. Confirmed or suspected crimes against a Patient by Agency Staff;
2. Confirmed or suspected Abuse, Neglect, or Exploitation of a Patient by Agency Staff;
3. Medication errors with adverse impact by Agency Staff;
4. Hospital admission or death resulting from an Incident while in the care of Agency Staff; and
5. Bone or joint fracture while in the care of Agency Staff.

C. The Home Health Agency shall submit a separate written investigation report within five (5) calendar days of every Incident required to be reported to the Department pursuant to Section 601.A via the Department's electronic reporting system or as otherwise determined by the Department. The Home Health Agency shall ensure reports submitted to the Department contain: the Home Health Agency name, License number, type of Incident, the date the Incident occurred, a Patient medical record identification number, Patient age and sex, number of Staff directly injured or affected, witness(es)' name(s), identified cause of the Incident, internal investigation results if cause unknown, a brief description of the Incident including location where occurred, and treatment of injuries.

602. Administrator Changes.

A. The Agency shall notify the Department, in a means as determined by the Department, within seventy-two (72) hours of any change in Administrator status.

B. The Licensee shall notify the Department in a means as determined by the Department within ten (10) calendar days of any change in the Administrator, including the name of the newly-appointed individual, their qualifications pursuant to Section 502, and effective date of the appointment.

603. Agency Closure.

In the event of closure of an Agency for any reason, the Home Health Agency shall ensure continuity of care by promptly notifying the Patient's Physician or other Authorized Healthcare Provider and arranging for referral to other Home Health Agencies at the direction of the Physician or other Authorized Healthcare Provider. The Home Health Agency shall notify the Department in writing of the closure by the Agency no later than five (5) business days prior to closure. (II)

604. Joint Annual Report.

All Home Health Agencies shall submit a Joint Annual Report as specified by the Department.

SECTION 700 – PATIENT RECORDS**701. Content (II).**

A. The Home Health Agency shall maintain an organized record for each Patient. The Home Health Agency shall ensure all entries in the Patient record are permanently written, typed, or electronic media, authenticated by the author, and dated.

B. The Home Health Agency shall ensure Patient records reflect services, treatment, and care provided directly to the Patient by the Home Health Agency or by the Contracted Party, including Patient progress, and descriptions of the planned clinical outcomes achieved.

C. The Home Health Agency shall ensure the specific Patient record entries and documentation include, at a minimum:

1. Face sheet;
 - a. Basic identification information;
 - b. Diagnosis;
 - c. Primary care Physician's name and phone number;
 - d. Representative's name, or name of other individual to be contacted in case of emergency, and phone number;
 - e. Patient's address and phone number;
 - f. Admission date; and
 - g. Start of Care Date;
2. Comprehensive Assessment;
3. Original Treatment Plan and subsequent reviews and changes;
4. Clinical notes including all interventions, medication administration, treatments, and services, and responses to those interventions;
5. Physician or other Authorized Healthcare Provider orders; and
6. Signed and dated original Informed Consent.

702. Record Maintenance.

A. The Licensee shall provide accommodations, space, supplies, and equipment for the protection, storage, and maintenance of Patient records in an organized manner. The Home Health Agency shall determine the medium in which information is stored.

B. Patient records are the property of the Licensee. The Home Health Agency shall maintain all Patient records at the Home Health Agency, including Contracted Party Patient records, and make available to Staff and other

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authorized individuals at all times, with the exception of Patient records being utilized with active Patients or by court order. (II)

C. The Home Health Agency shall ensure Patient record confidentiality and shall only make Patient records available to individuals authorized by law. (II)

703. Authentication.

Home Health Agencies shall have policies and procedures to prohibit the use or authentication of Patient records by unauthorized users.

704. Record Retention.

A. The Home Health Agency shall ensure Patient records are completed upon Discharge within a timeframe as determined by the Home Health Agency, but no later than thirty (30) calendar days from the Patient's Discharge.

B. The Home Health Agency shall retain all Patient records for at least ten (10) years from the Patient's Discharge. The Home Health Agency shall retain all other documentation required by this regulation at least twelve (12) months or since the last Inspection, whichever is the longer period. If the Patient is a minor, the Home Health Agency shall retain the Patient's records at least until after the expiration the period of election following achievement of majority as prescribed by applicable law.

C. The Licensee shall arrange for preservation of records prior to closing a Home Health Agency, and shall notify the Department, in writing, describing these arrangements within ten (10) calendar days of closure.

D. In the event of change of ownership, the Home Health Agency shall ensure all active Patient records or copies of active Patient records are transferred to the new owner(s).

SECTION 800 – ADMISSIONS, DISCHARGES, AND TRANSFERS

801. Admission.

The Home Health Agency shall admit Patients for treatment on the basis of a reasonable expectation that the Patient's medical, nursing, and social needs can be met by the Agency in the Patient's place of residence.

802. Discharge.

The Home Health Agency shall ensure each Patient, or Representative if applicable, is informed of and participates in Discharge planning. The Home Health Agency shall develop and maintain a written plan of Discharge with the Patient or Representative that includes Patient or Representative signature and date, a Discharge summary, and Discharge instructions.

803. Transfer.

The Home Health Agency shall provide requested Patient record information to healthcare providers no later than two (2) business days following notification of the transfer to ensure continuity of care.

SECTION 900 – PATIENT CARE, TREATMENT, AND SERVICES

901. General.

The Home Health Agency shall ensure nursing and other Therapeutic Services relative to the needs of the Patient, including medications administered, are provided in a safe and effective manner; in accordance with federal, state, and local laws and regulations; and established professional practices. The Home Health Agency shall ensure the care and services provided are supervised by appropriate qualified professionals. (I)

902. Comprehensive Assessment.

The Home Health Agency shall complete a Patient-specific Comprehensive Assessment consistent with the Patient's immediate needs within a time period determined by the Home Health Agency, but no later than five (5) business days after admission. The Home Health Agency shall ensure the Comprehensive Assessment addresses the Patient's medical, nursing, rehabilitative, social, and Discharge planning needs and is used in making individual treatment decisions. The Home Health Agency shall review and/or revise the Comprehensive Assessment as changes in the Patient's condition occur or due to a major decline or improvement in the Patient's health status.

903. Treatment Plan.

The Home Health Agency shall develop and implement a Treatment Plan based on the interdisciplinary needs of the Patient as determined by the Comprehensive Assessment. The Home Health Agency shall ensure the Treatment Plan identifies desired measurable clinical outcomes and the methods by which the outcomes are achieved through implementation of the plan and includes medical emergency situations. The Home Health Agency shall notify the Physician or other Authorized Healthcare Provider when planned clinical outcomes are not achieved or when there is a significant change in the Patient's clinical condition. The Home Health Agency shall ensure the Treatment Plan is approved and reviewed by a Physician or other Authorized Healthcare Provider at a frequency as determined by the Agency but no less frequently than every sixty (60) calendar days.

SECTION 1000 – PATIENT RIGHTS

1001. General (II).

A. The Home Health Agency shall ensure Patient rights are guaranteed, and inform each Patient of:

1. The care to be provided and the opportunity to participate in care planning;
2. Grievance and complaint procedures including the Department's contact information and provisions prohibiting retaliation;
3. Confidentiality of Patient records;
4. Respect for the Patient's property;
5. Specific coverage and non-coverage of services and of his or her liability for payment;
6. Advance directive options;
7. Freedom from Abuse, Neglect, and Exploitation; and
8. Respect and dignity in receiving care.

1002. Informed Consent.

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The Home Health Agency shall obtain written informed consent from the Patient, or Representative, for Home Health Services upon admission and provide a copy to the Patient. The informed consent between the Patient and the Home Health Agency shall include at least the following:

- A. An explanation of the specific care, services, and/or equipment provided by the Home Health Agency;
- B. An explanation of the conditions under which the Patient may be Discharged; and
- C. Documentation of the explanation of the Patient's rights pursuant to Section 1001 and the grievance procedure.

1003. Patient Protections.

The Home Health Agency shall comply with all relevant federal, state, and local laws and regulations related to Patient protections, as appropriate, including Title VI, Section 601 of the Civil Rights Act of 1964 and the Americans with Disabilities Act, and ensure that there is no discrimination with regard to source of payment in the recruitment, location of Patient, and acceptance or provision of goods and services to Patients or potential Patients, provided that payment offered is not less than the cost of providing services. (II)

SECTION 1100 – [RESERVED]

SECTION 1200 – MEDICATION AND TREATMENT ORDERS

The Home Health Agency shall ensure orders for medications and treatments are signed by a Physician or other Authorized Healthcare Provider and incorporated in the Patient's record. The Home Health Agency shall ensure verbal orders are received by a licensed nurse or licensed therapist and include the time of receipt of the order, description of the order, identification of the Physician or other Authorized Healthcare Provider and the individual receiving the order. The Home Health Agency shall ensure the verbal orders are authenticated and dated by a Physician or other Authorized Healthcare Provider pursuant to the Home Health Agency's policies and procedures, but no later than thirty (30) calendar days after the order is given. (II)

SECTION 1300 – AGREEMENTS WITH CONTRACTED PARTIES

A. When a Home Health Agency utilizes a Contracted Party to provide services, treatment, or care, the Home Health Agency shall maintain a written agreement with the Contracted Party which describes how the services are provided in accordance with the Patient Treatment Plan and which ensures that personnel providing these services are qualified and properly supervised.

B. The Home Health Agency shall ensure the Contracted Party complies with this regulation.

SECTION 1400 – EMERGENCY PROCEDURES AND DISASTER PREPAREDNESS. (II)

1401. Disaster Preparedness.

A. The Home Health Agency shall develop and maintain a written emergency preparedness plan that shall be reviewed and updated at least annually. The Home Health Agency shall ensure the emergency preparedness plan addresses the needs of the Patients, and includes continuity of treatment, care, and services provided by the Agency to the Patients.

B. The Home Health Agency shall provide data, evacuation status, and other requested information during an emergent event as determined by the Department, and at a frequency as determined by the Department.

1402. Continuity of Care, Treatment, and Services.

The Home Health Agency shall have a written plan to be implemented to ensure the continuation of essential Patient services for such reasons as power outage, water shortage, or in the event of the absence from work of any portion of the work force resulting from inclement weather or other causes.

SECTION 1500 – [RESERVED]

SECTION 1600 – [RESERVED]

SECTION 1700 – INFECTION CONTROL

1701. Staff Practices. (I)

A. The Home Health Agency shall maintain and implement Staff practices that prevent the spread of infectious, contagious, and communicable diseases, including but not limited to, standard precautions, transmission-based precautions, contact precautions, airborne precautions, and isolation techniques. The Home Health Agency shall ensure proper disposal of toxic and hazardous substances. The Home Health Agency shall ensure the preventive measures and practices are in compliance with applicable guidelines of the Bloodborne Pathogens Standard of the Occupational Safety and Health Act of 1970, the Centers for Disease Control and Prevention, R.61-105, Infectious Waste Management, and other applicable federal, state, and local laws and regulations.

B. The Home Health Agency shall ensure the practice of hand hygiene to prevent the hand transfer of pathogens, and the use of barrier precautions such as gloves in accordance with established guidelines.

1702. Tuberculosis Risk Assessment and Screening (I).

A. Tuberculosis (TB) Testing. The Home Health Agency shall utilize either Tuberculin Skin Test or Blood Assay for Mycobacterium tuberculosis (BAMT) for detecting Mycobacterium tuberculosis infection.

B. The Home Health Agency shall conduct an annual tuberculosis risk assessment in accordance with the Centers for Disease Control and Prevention guidelines.

C. Baseline Status.

1. The Home Health Agency shall determine the baseline status of all Staff according to current Centers for Disease Control and Prevention and Department tuberculosis guidelines.

2. Tuberculosis Screening. All Staff within three (3) months prior to Patient contact shall have a baseline two-step Tuberculin Skin Test or a single Blood Assay for Mycobacterium tuberculosis. If a new Staff member has had a documented negative Tuberculin Skin Test or a Blood Assay for Mycobacterium tuberculosis result within the previous twelve (12) months, a single Tuberculin Skin Test or the single Blood Assay for Mycobacterium tuberculosis may be administered and read to serve as the baseline prior to Patient contact.

D. Positive TB Screening Tests.

1. For all Staff with a history of positive TB screening, the Home Health Agency shall secure and maintain documentation of treatment, or if no documentation is available consult with and document consultation with the Department’s TB Control.

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2. For all Staff with a newly positive reaction (Positive Reactors) for *Mycobacterium tuberculosis* infection, the Home Health Agency shall secure and maintain documentation of a chest X-ray performed to rule out active disease.

a. If TB is present, the Home Health Agency shall report any known or suspected cases of TB disease to the Department's Bureau of Communicable Disease Prevention and Control in a form and manner as prescribed by the Department within twenty-four (24) hours and exclude the Staff member from work until he or she is evaluated by the Department's TB Control Program.

b. Latent TB Infection (LTBI). For new positive reactors without TB disease, as determined by a normal chest X-ray, the Home Health Agency shall educate him or her on preventative treatment and document in the individual Staff file his or her decision to receive or decline preventative treatment.

3. The Home Health Agency shall maintain documentation that the Positive Reactor who declines preventive treatment is:

a. Assessed annually for signs and symptoms of TB;

b. Advised of the lifelong risk of developing and transmitting TB to Patients, other Staff members, and the community; and

c. Informed of symptoms that suggest the onset of TB and the procedure to follow should such symptoms develop.

E. Post Exposure. After known exposure to a person with potentially infectious tuberculosis disease without the use of adequate personal protection, the Home Health Agency shall ensure the tuberculosis status of all Staff is determined in a manner prescribed in the current Centers for Disease Control and Prevention and Department tuberculosis guidelines.

F. Annual Tuberculosis Training. The Home Health Agency shall ensure all Staff receive annual training regarding tuberculosis to include risk factors and signs and symptoms of tuberculosis disease. The Home Health Agency shall ensure the annual tuberculosis training is documented in a Staff record and maintained at the Agency.

G. Serial Screening. The Home Health Agency shall follow the current Centers for Disease Control and Prevention and Department tuberculosis guidelines related to serial screening.

SECTION 1800 – QUALITY IMPROVEMENT PROGRAM

A. The Home Health Agency shall have a written, implemented quality improvement program, to include risk management and infection control, which provides effective self-assessment and implementation of measures designed to improve the services rendered by the Agency.

B. The Home Health Agency shall ensure the quality improvement program includes:

1. Establishing desired outcomes and the criteria by which policy and procedure effectiveness is regularly, systematically, and objectively measured;

2. Identifying, evaluating, and determining the causes of any deviation from the desired outcomes;

3. Identifying the action taken to correct current deviations and prevent future deviation, and the persons responsible for implementation of these actions;

4. Addressing quality indicator data to evaluate:
 - a. Quality of Patient care and Staff performance;
 - b. Appropriateness of the combination of services/mix of professionals reflected on the Treatment Plan;
and
 - c. Effectiveness of the communication among Agency Staff.
5. Analyzing the appropriateness and clinical necessity of admission, treatment, care and services; and
6. Establishing a systematic method of obtaining feedback from Patients and Representatives.

SECTION 1900 – [RESERVED]

SECTION 2000 – [RESERVED]

SECTION 2100 – [RESERVED]

SECTION 2200 – [RESERVED]

SECTION 2300 – [RESERVED]

SECTION 2400 – [RESERVED]

SECTION 2500 – [RESERVED]

SECTION 2600 – [RESERVED]

SECTION 2700 – SEVERABILITY

In the event that any portion of this regulation is construed by a court of competent jurisdiction to be invalid or otherwise unenforceable, such determination shall in no manner affect the remaining portions of this regulation, and they shall remain in effect, as if such invalid portions were not originally a part of this regulation.

SECTION 2800 – GENERAL

Conditions which have not been addressed in these standards shall be managed in accordance with the best practices as determined and interpreted by the Department.

Fiscal Impact Statement:

Implementation of this regulation will not require additional resources. There is no anticipated additional cost by the Department or state government due to any requirements of this regulation.

Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: 61-77, *Standards for Licensing Home Health Agencies.*

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Purpose: The Department amends R.61-77, Standards for Licensing Home Health Agencies, to ensure alignment with current federal and state laws, and revise definitions and requirements for obtaining licensure, inspections, personnel, enforcement, patient care, record maintenance and retention, and licensure standards. The amendments also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

Legal Authority: S.C. Code Sections 44-69-10 *et seq.*

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments. Additionally, a copy of the regulation will be posted on the Department's website, accessible at www.scdhec.gov/regulations-table. Printed copies may also be requested, for a fee, from the Department's Freedom of Information Office.

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

The amendments are necessary to update provisions with current practices and standards. The amendments include language to ensure alignment with current federal and state laws, revise definitions and requirements for obtaining licensure, inspections, personnel, enforcement, patient care, record maintenance and retention, and licensure standards. The amendments also update the structure of the regulation throughout for consistency with other Department regulations.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of these amendments will not require additional resources. There is no anticipated additional cost to the Department or state government due to any requirements of these amendments. There are no anticipated additional costs to the regulated community.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The amendments to R.61-77 seek to support the Department's goals relating to the protection of public health through implementing updated requirements for home health agencies. There are no anticipated effects on the environment.

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

There is no anticipated detrimental effect on the environment. If the amendments are not implemented, the regulation will be maintained in its current form without realizing the benefits of the amendments herein.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

The Department amends R.61-77, Standards for Licensing Home Health Agencies, to ensure alignment with current federal and state laws, and revise definitions and requirements for obtaining licensure, inspections, personnel, enforcement, patient care, record maintenance and retention, and licensure standards. The

amendments also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

Document No. 5051
COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-112-100

62-600 - 62-612. Determination of Rates of Tuition and Fees.

Synopsis:

R.62-600 through 62-612 of Chapter 62 is being amended and replaced in its entirety. Revisions to the existing regulation for the SC Residency Regulation are being considered to clarify the policies and procedures for administering the program. In the proposed amendment, the regulation is being updated to reflect recently passed Act 29 of 2021, relating to the allowance of veterans and covered individuals using specific education benefits to be charged at a tuition rate equivalent to the institution's in-state rate. The revisions seek to promote consistency among the State institutions and their residency classification processes.

A Notice of Drafting was published in the *South Carolina State Register* on April 23, 2021.

Instructions:

Replace 62-600 – 62-612 in its entirety.

Text:

ARTICLE V
DETERMINATION OF RATES OF TUITION AND FEES

Table of Contents:

- 62-600. Rates of Tuition and Fees.
- 62-601. Code of Laws Governing Residence.
- 62-602. Definitions.
- 62-603. Establishing Residency, Citizens and Permanent Residents.
- 62-604. Non-Resident Aliens, Non-Citizens, and Non-Permanent Residents.
- 62-605. Establishing the Requisite Intent to Become a South Carolina Domiciliary.
- 62-606. Maintaining Residence.
- 62-607. Effect of Change of Residency.
- 62-608. Effect of Marriage.
- 62-609. Exceptions.
- 62-610. Application for Change of Resident Status.
- 62-611. Incorrect classification.
- 62-612. Inquiries and Appeals.

62-600. Rates of Tuition and Fees.

A. Resident classification is an essential part of tuition and fee determination, admission regulations, scholarship eligibility, and other relevant policies of the state. It is important that institutions have fair and equitable regulations that can be administered consistently and are sensitive to the interests of both students and the state. The Commission on Higher Education hereby establishes regulations for the Statute Governing

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Residency for Tuition and Fee Purposes to be applied consistently by all South Carolina institutions of higher education. These regulations do not address residency matters relating to in county categories used within the State's technical colleges.

B. Institutions of higher education are required by the Statute to determine the residence classification of applicants. The initial determination of one's resident status is made at the time of admission. The determination made at that time, and any determination made thereafter, prevails for each subsequent semester until information becomes available that would impact the existing residency status and the determination is successfully challenged. The burden of proof rests with the students to show evidence as deemed necessary to establish and maintain their residency status.

62-601. Code of Laws Governing Residence.

Rules regarding the establishment of legal residence for tuition and fee purposes for institutions of higher education are governed by Title 59, Chapter 112 of the 1976 South Carolina Code of Laws, as amended.

62-602. Definitions.

A. "Academic Session" is defined as a term or semester of enrollment. (62-607.B)

B. "Continue to be Enrolled" is defined as continuous enrollment without an interruption that would require the student to pursue a formal process of readmission to that institution. Formal petitions or applications for change of degree level shall be considered readmissions. (62-607.A)

C. "Dependent Person" is defined as one whose predominant source of income or support is from payments from a parent, spouse, or guardian, who claims the dependent person on his/her/their federal income tax return. In situations where the dependent is submitting the tax return of joint filers, the residency of both filers should be considered. In the case of those individuals who are supported by family members who do not earn enough reportable income for taxation purposes, a dependent person can be defined as one who qualifies as a dependent or exemption on the federal income tax return of the parent, spouse, or guardian. A dependent person is also one for whom payments are made, under court order, for child support and the cost of the dependent person's college education. A dependent person's residency is presumed to be that of the person upon whom they are dependent. (62-602.G) (62-602.N) (62-603.B) (62-605.C) (62-607.A)

D. "Domicile" is defined as the true, fixed, principal residence and place of habitation. It shall indicate the place where a person intends to remain, or to where one expects to return upon leaving without establishing a new domicile in another state. For purposes of this section, one may have only one legal domicile. One is presumed to abandon automatically an old domicile upon establishing a new one. Housing provided on an academic session basis for student at institutions shall be presumed not to be a place of principal residence, as residency in such housing is by its nature temporary. (62-602.E) (62-602.K) (62-602.M) (62-602.N) (62-603.A) (62-603.B) (62-605.B) (62-605.C) (62-607.A) (62-607.B) (62-608.A) (62-608.C) (62-608.D) (62-609.A.3) (62-609.A.4)

E. "Full time employment" is defined as employment that consists of at least thirty seven and one half hours a week on a single job in a full time status, with gross earnings of at least minimum wage. However, a person who works less than thirty seven and one half hours a week but receives or is entitled to receive full time employee benefits shall be considered to be employed full time if such status is verified by the employer. A person who meets the eligibility requirements of the Americans with Disabilities Act must present acceptable evidence that they satisfy their prescribed employment specifications in order to qualify as having full time employment. (62-605.C.1) (62-609.A.2) (62-609.A.3)

F. "Guardian" is defined as one legally responsible for the care and management of the person or property of a minor child based upon the five tests for dependency prescribed by the Internal Revenue Service; provided, however, that where circumstances indicate that such guardianship or custodianship was created primarily for the purpose of conferring South Carolina domicile for tuition and fee purposes on such child or dependent person, it shall not be given such effect. (62-602.C) (62-602.E) (62-602.I) (62-602.M) (62-603.B) (62-605.C)

G. "Immediately Prior" is defined as the period of time between the offer of admission and the first day of class of the term for which the offer was made, not to exceed one calendar year. (62-607.A)

H. "Independent Person" is defined as one in his/her majority (eighteen years of age or older) or an emancipated minor, whose predominant source of income is his/her own earnings or income from employment, investments, or payments from trusts, grants, scholarships, commercial, educational or student loans in the name

of the independent person and provided by an insured and federally regulated financial entity, or payments made in accordance with court order and for the purposes of determining residency for tuition and fees. An independent person:

(1) must provide more than half of his or her support, which shall include the institutional cost of attendance as defined by Title IV, during the twelve months immediately prior to the date that classes begin for the semester for which resident status is requested ;

(2) cannot claim the domicile of another individual as their own for the purposes of establishing intent to become a South Carolina resident;

(3) must have established his/her own domicile and provide documentation of establishing his/her own domicile for twelve months to include documentation of renting a domicile if applicable, prior to receiving in-state tuition and fees; and

(4) cannot be claimed as a dependent or exemption on the federal tax return of his or her parent, spouse, or guardian for the year in which resident status is requested. (62-602.N) (62-603.A) (62-605.C) (62-607.B) (62-608.B)

I. "Minor" is defined as a person who has not attained the age of eighteen years. An "emancipated minor" shall mean a minor whose parents have entirely surrendered the right to the care, custody and earnings of such minor and are no longer under any legal obligation to support or maintain such minor. (62-602.G)

J. "Non-resident Alien" is defined as a person who is not a citizen or permanent resident of the United States. By virtue of their non-resident status "non-resident aliens" generally do not have the capacity to establish domicile in South Carolina. (62-602.M) (62-604.A)

K. "Parent" is defined as the father, mother, stepfather, stepmother, foster parent or parent of a legally adopted child. (62-602.C) (62-602.E) (62-602.I) (62-602.J) (62-602.M) (62-603.B) (62-603.C) (62-605.C)

L. "Reside" is defined as continuous and permanent physical presence within the State, provided that absences for short periods of time shall not affect the establishment of residence. Excluded are absences associated with requirements to complete a degree, absences for military training service, and like absences, provided South Carolina domicile is maintained. (62-603.A) (62-606.B) (62-609.A) (62-609.A.3) (62-609.A.4) (62-609.B)

M. "Resident" for tuition and fee purposes is defined as an independent person who has abandoned all prior domiciles and has been domiciled in South Carolina continuously for at least twelve months immediately preceding the first day of class of the term for which resident classification is sought and for whom there is an absence of domiciliary evidence in other states or countries, notwithstanding other provisions of the Statute. (62-600.A) (62-600.B) (62-602.I) (62-602.K) (62-602.M) (62-603.A) (62-603.B) (62-603.C) (62-604.A) (62-605.A) (62-605.C) (62-605.C.7) (62-606.A) (62-606.A.5) (62-606.B) (62-607.A) (62-608.B) (62-609.A.3) (62-610.A) (62-610.B) (62-611.A) (62-611.B)

N. "Spouse" is defined as the husband or wife of a married person in accordance with Title 20, Chapter 1 of the 1976 South Carolina Code of Laws, as amended. (62-602.C) (62-602.E) (62-602.I) (62-602.M) (62-603.B) (62-605.C)

O. "Temporary Absence" is defined as a break in enrollment during a fall or spring semester (or its equivalent) during which a student is not registered for class. (62-606.A)

P. "Terminal Leave" is defined as a transition period following active employment and immediately preceding retirement (with a pension or annuity), during which the individual may use accumulated leave. (62-609.A.4)

Q. "United States Armed Forces" is defined as the United States Air Force, Army, Marine Corps, Navy, and Coast Guard. (62-606.B) (62-609.A(1))

R. "Trust" is defined as a legal entity created by a grantor for the benefit of designated beneficiaries under the laws of the state and the valid trust instrument. However, that where circumstances indicate that such trust was created primarily for the purpose of conferring South Carolina domicile for tuition and fee purposes on such child or independent person, it shall not be given such effect.

62-603. Establishing Residency, Citizens and Permanent Residents.

A. Independent persons who have physically resided and been domiciled in South Carolina for twelve continuous months immediately preceding the date the classes begin for the semester for which resident status

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is claimed may qualify to pay in state tuition and fees. The twelve month residency period starts when the independent person establishes the intent to become a South Carolina resident per Section 62-605 entitled "Establishing the Requisite Intent to Become a South Carolina Domiciliary." The twelve month residency period cannot start until the absence of indicia in other states is proven. Absences from the State during the twelve month period may affect the establishment of permanent residence for tuition and fee purposes.

B. The resident status of a dependent person is based on the resident status of the person who provides more than half of the dependent person's support and claims or, only in the case of those individuals who are supported by family members who do not earn enough reportable income for taxation purposes, qualifies to claim the dependent person as a dependent for federal income tax purposes. Thus, the residence and domicile of a dependent person shall be presumed to be that of their parent, spouse, or guardian.

C. In the case of divorced or separated parents, the resident status of the dependent person may be based on the resident status of the parent who claims the dependent person as a dependent for tax purposes; or based on the resident status of the parent who has legal custody or legal joint custody of the dependent person; or based on the resident status of the person who makes payments under a court order for child support and at least the cost of his/her college tuition and fees.

62-604. Non-Resident Aliens, Non-Citizens, and Non-Permanent Residents.

A. Except as otherwise specified in this section or as provided in Section 62-609 (1) & (2), independent non-citizens and non-permanent residents of the United States will be assessed tuition and fees at the non-resident, out of state rate. Independent non-resident aliens, including refugees, asylees, and parolees may be entitled to resident, in state classification once they have been awarded permanent resident status by the United States Citizenship and Immigration Services (USCIS) and meet all the statutory residency requirements provided that all other domiciliary requirements are met. Time spent living in South Carolina immediately prior to the awarding of permanent resident status does not count toward the twelve month residency period. Certain non resident aliens present in the United States in specified visa classifications are eligible to receive in state residency status for tuition and fee purposes as prescribed by the Commission on Higher Education. They are not, however, eligible to receive state sponsored tuition assistance/scholarships.

B. Title 8 of the Code of Federal Regulations (CFR) serves as the primary resource for defining visa categories.

62-605. Establishing the Requisite Intent to Become a South Carolina Domiciliary.

A. Resident status may not be acquired by an applicant or student while residing in South Carolina for the primary purpose of enrollment in an institution or for access to state supported programs designed to serve South Carolina residents. An applicant or student from another state who comes to South Carolina usually does so for the purpose of attending school. Therefore, an applicant or student who enrolls as a non-resident in an institution is presumed to remain a non-resident throughout his or her attendance and does not qualify under any of the residency provisions.

B. If a person asserts that his/her domicile has been established in this State, the individual has the burden of proof. Such persons must provide to the designated residency official of the institution to which they are applying any and all evidence the person believes satisfies the burden of proof. The residency official will consider any and all evidence provided concerning such claim of domicile, but will not necessarily regard any single item of evidence as conclusive evidence that domicile has been established.

C. For independent persons or the parent, spouse, or guardian of dependent persons, indicia showing intent to become a South Carolina resident may include, although any single indicator may not be conclusive, the following indicia:

- (1) Statement of full time employment;
- (2) Designating South Carolina as state of legal residence on military record;
- (3) Possession of a valid South Carolina driver's license, or if a non-driver, a South Carolina identification card. Failure to obtain this within 90 days of the establishment of the intent to become a South Carolina resident will delay the beginning date of residency eligibility until a valid South Carolina driver's license is obtained;
- (4) Possession of a valid South Carolina vehicle registration card for every vehicle the independent person is in sole or partial ownership. Failure to obtain this within 45 days of the establishment of the intent to become

a South Carolina resident will delay the beginning date of residency eligibility until the applicant obtains a valid South Carolina vehicle registrations card(s);

- (5) Maintenance of an established and current domicile in South Carolina;
- (6) Paying South Carolina income taxes as a resident during the past tax year, including income earned outside of South Carolina from the date South Carolina domicile was claimed;
- (7) Ownership of principal residence in South Carolina;
- (8) Licensing for professional practice (if applicable) in South Carolina.

D. The individual seeking residency must ensure that no item from the list above or any other item, reflects residency or intent to be a resident in another state or country. Having any one item from the list above or any other item(s) reflecting residency in another state or country will delay the beginning date of residency. The absence of indicia in other states or countries is required before the student is eligible to pay in state rates.

62-606. Maintaining Residence.

A. A person's temporary absence from the State does not necessarily constitute loss of South Carolina residence unless the person has acted inconsistently with the claim of continued South Carolina residence during the person's absence from the State. The burden is on the person to show retention of South Carolina residence during the person's absence from the State. A person who obtains indicia in another state after leaving the state is demonstrating intent to be a resident of that state. Steps a person should take to retain South Carolina resident status for tuition and fee purposes include:

- (1) Continuing to use a South Carolina permanent address on all records;
- (2) Maintaining South Carolina driver's license;
- (3) Maintaining South Carolina vehicle registration;
- (4) Satisfying South Carolina resident income tax obligation. Individuals claiming permanent residence in South Carolina are liable for payment of income taxes on their total income from the date that they established South Carolina residence. This includes income earned in another state or country.

B. Active duty members of the United States Armed Forces and their dependents who are permanently assigned to a state outside of South Carolina on active duty are eligible to pay in state tuition and fees as long as they continuously claim South Carolina as their state of legal residence during their military service. Documentation will be required in all cases to support this claim, including an official Leave and Earnings Statement (LES) demonstrating South Carolina as the member's state of legal residence. South Carolina residents who change their state of legal residence while in the military lose their South Carolina resident status for tuition and fee purposes.

62-607. Effect of Change of Residency.

A. Notwithstanding other provisions of this section, any dependent person of a legal resident of this state who has been domiciled with his/her family in South Carolina for a period of not less than three years immediately prior to his/her enrollment may enroll at the in state rate and may continue to be enrolled at such rate even if the parent, spouse or guardian upon whom he is dependent moves his domicile from this State. The student must continue to be enrolled and registered for classes (excluding summers) in order to maintain eligibility to pay in state rates in subsequent semesters. Transfers within or between South Carolina colleges and universities of a student seeking a certificate, diploma, associate, baccalaureate, or graduate level degree does not constitute a break in enrollment.

B. If domicile of an independent person in South Carolina is lost after enrollment, and information becomes available that would impact the existing residency status, eligibility for in state rates shall end on the last day of the academic session during which domicile is lost. Application of this provision shall be at the discretion of the institution involved. However, a student must continue to be enrolled and registered for classes (excluding summers) in order to maintain eligibility to pay in state rates in subsequent semesters.

62-608. Effect of Marriage.

A. In ascertaining domicile of a married person, irrespective of gender, such a review shall be determined just as for an unmarried person by reference to all relevant evidence of domiciliary intent.

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B. If a non-resident marries a South Carolina resident, the non-resident does not automatically acquire South Carolina resident status. The non-resident may acquire South Carolina resident status if the South Carolina resident is an independent person and the non-resident is a dependent of the South Carolina resident.

C. Marriage to a person domiciled outside South Carolina shall not be solely the reason for precluding a person from establishing or maintaining domicile in South Carolina and subsequently becoming eligible or continuing to be eligible for residency.

D. No person shall be deemed solely by reason of marriage to a person domiciled in South Carolina to have established or maintained domicile in South Carolina and consequently to be eligible for or to retain eligibility for South Carolina residency.

62-609. Exceptions.

A. Persons in the following categories qualify to pay in state tuition and fees without having to establish a permanent home in the state for twelve months. Persons who qualify under any of these categories must meet the conditions of the specific category on or before the first day of class of the term for which payment of in state tuition and fees is requested. The following categories apply only to in state tuition and do not apply to State supported scholarships and grants. Individuals who qualify for in state tuition and fees under the following exceptions do not automatically qualify for LIFE, SC HOPE or Palmetto Fellows Scholarships. However, where all scholarship & grant timelines related to residency and academic requirements are met, persons in categories (1), (3) and (4) may qualify for state scholarships or grants:

(1) "Military Personnel and their Dependents": Members of the United States Armed Forces who are permanently assigned in South Carolina on active duty and their dependents are eligible to pay in state tuition and fees. When such personnel are transferred from the State, their dependents may continue to pay in state tuition and fees as long as they are continuously enrolled or transfer to an eligible institution during the term or semester, excluding summer terms, immediately following their enrollment at the previous institution. In the event of a transfer, the receiving institution shall verify the decision made by the student's previous institution in order to certify the student's eligibility for in-state tuition rates. It is the responsibility of the transferring student to ensure that all documents required to verify both the previous and present residency decisions are provided to the institution. Members of the United States Armed Forces who are permanently assigned in South Carolina on active duty (and their dependents) may also be eligible to pay in state tuition and fees as long as they are continuously enrolled after their discharge from the military, provided they have demonstrated an intent to establish a permanent home in South Carolina and they have resided in South Carolina for a period of at least twelve months immediately preceding their discharge. Military personnel who are not stationed in South Carolina and/or former military personnel who intend to establish South Carolina residency must fulfill the twelve month "physical presence" requirement for them or their dependents to qualify to pay in state tuition and fees.

(2) "Faculty and Administrative Employees with Full Time Employment and their Dependents": Full time faculty and administrative employees of South Carolina state supported colleges and universities and their dependents are eligible to pay in state tuition and fees.

(3) "Residents with Full Time Employment and their Dependents:": Persons who reside, are domiciled, and are full time employed with an employer that is physically located in the State and who continue to work full time until they meet the twelve month requirement and their dependents are eligible to pay in state tuition and fees, provided that they have taken steps to establish a permanent home in the State. Steps an independent person must take to establish residency in South Carolina are listed in Section 62-605 entitled ("Establishing the Requisite Intent to Become a South Carolina Domiciliary").

(4) "Retired Persons and their Dependents:": Retired persons with taxable retirement income received as monthly/quarterly/annual disbursements from a retirement account, or who are receiving a pension or annuity who reside in South Carolina and have been domiciled in South Carolina as prescribed in the Statute for less than a year may be eligible for in state rates if they maintain residence and domicile in this State. All retirement income must show South Carolina income tax withholdings prior to the first day of classes for the term in which residency is being sought. Social Security is not considered as a type of eligible retirement income. Persons on terminal leave who have established residency in South Carolina may be eligible for in state rates even if domiciled in the State for less than one year if they present documentary evidence from their employer showing they are on terminal leave. The evidence should show beginning and ending dates for the terminal leave period

and that the person will receive a pension or annuity when he/she retires. Steps an independent person must take to establish residency in South Carolina are listed in Section 62-605 entitled (“Establishing the Requisite Intent to Become a South Carolina Domiciliary”).

(5) “Covered Individuals Receiving Specific Education Benefits:” Covered individuals living in South Carolina, who are enrolled in a public institution of higher education and receiving educational assistance under Chapter 30, Chapter 31 and Chapter 33, Title 38 of the United States Code, are entitled to pay in-state tuition and fees without regard to the length of time the covered individual has resided in this State. For purposes of this subsection, a covered individual is defined as:

(a) a veteran who served ninety days or longer on active duty in the Uniformed Service of the United States, their respective Reserve forces, or the National Guard;

(b) a person who is entitled to and receiving assistance under Section 3319, Title 38 of the United States Code by virtue of the person's relationship to the veteran described in subitem (a);

(c) a person using transferred benefits under Section 3319, Title 38 of the United States Code while the transferor is on active duty in the Uniformed Service of the United States, their respective Reserve forces, or the National Guard;

(d) a person who is entitled to and receiving assistance under Section 3311(b)(9), Title 38 of the United States Code; or

(e) a person who is entitled to and is receiving assistance under Section 3102(a), Title 38 of the United States Code.

A covered individual shall remain eligible for in-state rates as long as he remains continuously enrolled in an in-state institution or transfers to another in-state institution during the term or semester, excluding summer terms, immediately following his enrollment at the previous in-state institution. In the event of a transfer, the in-state institution receiving the covered individual shall verify the covered individual's eligibility for in-state rates with the covered individual's prior in-state institution. It is the responsibility of the transferring covered individual to ensure all documents required to verify both the previous and present residency decisions are provided to the in-state institution

B. South Carolina residents who wish to participate in the Regional Contract Program sponsored by the Southern Regional Education Board (SREB) must have continuously resided in the State for other than educational purposes for at least two years immediately preceding their submission of the residency status application and must meet all other residency requirements during this two year period. Individuals who qualify for in-state tuition and fees are not automatically classified as South Carolina residents. A determination of one's resident status made at the time of one's initial application to be certified as a South Carolina resident for purposes of participation in the Regional Contract Program does not prevail for each subsequent academic year. A South Carolina resident student who has been certified as a State resident for the purpose of participating in the Southern Regional Education Board Contract Program must be recertified prior to the beginning of each fall semester for each academic year for which benefits are requested.

C. South Carolina residents who wish to participate in the Academic Common Market program sponsored by the Southern Regional Education Board must be a resident for at least one year, or satisfy the conditions of an exception as provided in R.62-609A(1), R.62-609A(3) or R.62-609A(4), immediately preceding application for consideration and must meet all other residency requirements during this one year period.

62-610. Application for Change of Resident Status.

A. Persons applying for a change of resident classification must complete a residency application/petition and provide supporting documentation prior to a reclassification deadline as established by the institution.

B. The burden of proof rests with those persons applying for a change of resident classification who must show required evidence to document the change in resident status.

62-611. Incorrect classification.

A. Persons incorrectly classified as residents are subject to reclassification and to payment of all non-resident tuition and fees not paid. If incorrect classification results from false or concealed facts, such persons may be charged tuition and fees past due and unpaid at the out of state rate. The violator may also be

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subject to administrative, civil, and financial penalties. Until these charges are paid, such persons will not be allowed to receive transcripts or graduate from a South Carolina institution.

B. Residents whose resident status changes are responsible for notifying the Residency Official of the institution attended of such changes.

62-612. Inquiries and Appeals.

A. Inquiries regarding residency requirements and determinations should be directed to the institutional residency official.

B. Each institution will develop an appeals process to accommodate persons wishing to appeal residency determinations made by the institution's residency official. Each institutions appeal process should be directed by that institutions primary residency officer, in conjunction with those individuals who practice the application of State residency regulations on a daily basis. The professional judgment of the residency officer and administrators will constitute the institutional appeal process. Neither the primary residency official nor appellate official(s) may waive the provisions of the Statute or regulation governing residency for tuition and fee purposes.

Fiscal Impact Statement:

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

Statement of Rationale:

These regulations are updated to be consistent with changes in law and to clarify the policies and procedures for administering the program

Document No. 5052
COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Sections 59-149-10 et seq.

62-1200.1 - 62-1200.75. Legislative Incentives for Future Excellence (LIFE) Scholarship Program and Legislative Incentives for Future Excellence (LIFE) Scholarship Enhancement.

Synopsis:

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-1200.1 through 62-1200.75, LIFE Scholarship Program. Revisions to the existing regulation for the LIFE Scholarship & LIFE Scholarship Enhancement Program are being considered to clarify the policies and procedures for administering the program. In the proposed amendments, regulation is being update to reflect the passage of Act 36 of 2021, allowing for the awarding of LIFE Scholarship to students in approved Associate's Degree programs. In addition, language is being added to ensure that students are allowed the same amount of time in high school to earn the scholarship, but allows for certain exceptions. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency

The proposed regulation will require legislative review.

A Notice of Drafting was published in the *State Register* on April 23, 2021.

Instructions:

Replace 62-1200.1 – 62-1200.75 in its entirety.

Text:

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- 62-1200.20. Terms of Eligibility: LIFE Scholarship and LIFE Scholarship Enhancement.
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- 62-1200.45. Military Mobilization: LIFE Scholarship and LIFE Scholarship Enhancement.
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- 62-1200.55. Appeals Procedures: LIFE Scholarship and LIFE Scholarship Enhancement.
- 62-1200.60. Institutional Policies and Procedures for Awarding: LIFE Scholarship and LIFE Scholarship Enhancement.
- 62-1200.65. Institutional Disbursements: LIFE Scholarship and LIFE Scholarship Enhancement.
- 62-1200.70. Program Administration and Audits: LIFE Scholarship and LIFE Scholarship Enhancement.
- 62-1200.75. Suspension and Termination of Institutional Participation: LIFE Scholarship and LIFE Scholarship Enhancement.

62-1200.1. Purpose of the LIFE Scholarship Program.

Pursuant to Act 418, which was initially established in 1998 as Title 59 of the 1976 code and amended by Act 162 during the 2005 legislative session, the Commission on Higher Education shall promulgate regulation and establish procedures for administration of the LIFE Scholarship Program. The General Assembly established the LIFE Scholarship Program in order to increase the access to higher education, improve the employability of South Carolina’s students so as to attract business to the State, provide incentives for students to be better prepared for college, and to encourage students to graduate from college on time.

With Act 115, which was established in 2007 as Title 59 of the 1976 code during the 2007 legislative session, the General Assembly established the LIFE Scholarship Enhancement in order to increase the number of students in the State majoring in mathematics and science and to increase the access to higher education, improve the employability of South Carolina’s students so as to attract business to the State, provide incentives for students to be better prepared for college, and to encourage students to graduate from college on time. Students enrolled at two-year institutions are not eligible to receive a LIFE Scholarship Enhancement. In order to receive a LIFE Scholarship Enhancement, all students must qualify for the LIFE Scholarship as stipulated herein.

Independent and public institutions of higher learning in this, or any other state in the U.S., outside the U.S. or abroad, are prohibited from using the Legislative Incentive for Future Excellence or “LIFE” Scholarship in programs that promote financial aid incentives or packages. Any mention of the Legislative Incentive for Future Excellence or “LIFE” Scholarship in these financial aid packages must indicate the scholarship to be separate from the University that is offering the financial aid package, and reference the Legislative Incentive for Future Excellence or “LIFE” Scholarship as a separate financial aid award, provided to the student by the State of South Carolina.

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All eligible independent and public institutions that participate in the program must verify the lawful presence of any student who receives a LIFE Scholarship and LIFE Scholarship Enhancement prior to awarding the Scholarship to the student. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien's immigration status with the federal government pursuant to 8 USC Section 1373(c).

62-1200.5. Program Definitions.

A. "Academic year" is defined as the twelve month period during which a full-time student is expected to earn thirty credit hours. The period of time used to measure the academic year will consist of the fall, spring and summer terms (or its equivalent).

B. A student who has earned a GED diploma or SC High School Diploma through Adult Education without a cumulative GPA may be eligible to earn the LIFE Scholarship at the end of the first academic year of a non-GED program. The student must meet the annual credit hour requirement (or equivalent) and a 3.0 "LIFE GPA" at the end of the first academic year. To qualify for subsequent years, the student must meet all eligibility requirements as stated in Section 62-1200.15., Continued Eligibility section of the LIFE Scholarship and LIFE Scholarship Enhancement.

C. An "approved five-year bachelor's degree program" shall mean a five-year bachelor's program as defined and approved by the Commission on Higher Education to receive the LIFE Scholarship for a maximum of ten terms at the same eligible institution in order to complete the requirements for a bachelor's degree. An approved five-year bachelor's degree program does not include inter-institutional and cooperative "3+2" programs (normally in a science degree field and an engineering program).

D. "Annual credit hour requirement" shall be defined as an average of thirty (30) credit hours earned at the end of the academic year based on initial college enrollment at all eligible institutions attended, excluding hours for remedial, continuing education, and non-degree coursework. Credit hours earned before high school graduation, including Advanced Placement (AP) credit hours, International Baccalaureate (IB) credit hours, exempted credit hours as well as credit hours earned on active duty, must be placed on the student's official college transcript by the institution at which they are earned, and must be counted toward the annual credit hour requirement. Eligible LIFE Scholarship recipients may prorate their award amount for the term of graduation (see section 62-1200.10.P.).

E. "Associate's degree program" is defined as a two-year technical or occupational program, at least a two-year program that is acceptable for full credit towards a bachelor's degree as defined by the U.S. Department of Education.

F. "Attempted credit hours" shall be defined as courses in which a student earns a grade and is included in the grade point calculation for that institution. Eligible credit hours that do not transfer must also be included. Credit hours earned through dual-enrollment prior to high school graduation must be included in the LIFE GPA. Exempted credit hours, Advanced Placement (AP), International Baccalaureate (IB), College Level Examination Program (CLEP), remedial/developmental courses, non-degree credit courses for an associate's degree or higher, Pass/Fail, Satisfactory/Unsatisfactory and non-penalty withdrawal credit hours are excluded from the "attempted credit hours." If a student transfers, refer to the institution's grading policy where the credit hours were earned. Any credit hours attempted or earned before high school graduation, hours exempted by examination, Advanced Placement (AP) or International Baccalaureate (IB) credit hours do not count against the terms of eligibility.

G. "Bachelor's degree program" is defined as an undergraduate program of study leading to a bachelor's degree as defined by the U.S. Department of Education.

H. "Book allowance" shall mean funds that may be applied to the student's account for expenses towards the cost-of-attendance including the cost of textbooks.

I. “CIP Code (Classification of Instructional Program)” The U.S. Department of Education’s standard for federal surveys and state reporting for institutional data (majors, minors, options and courses). For the purpose of receiving the LIFE Scholarship Enhancement, CIP codes have been approved by the Commission on Higher Education for eligible degree programs in the fields of mathematics and science.

J. “Cost-of-attendance” as defined by Title IV Regulations and may include tuition, fees, living expenses, and other expenses such as costs related to disability or dependent care.

K. “Cost-of-tuition” shall mean the amount charged for enrolling in credit hours of instruction and mandatory fees assessed to all students. Other fees, charges, or cost of textbooks cannot be included.

L. “Declared major” shall be defined, for the purposes of the LIFE Scholarship Enhancement, as a degree program in which a student is enrolled as a full-time, degree-seeking student. The student must meet all requirements as stipulated by the policies established by the institution and the academic department to be enrolled as a declared major in an eligible program. Students cannot take courses related to a specific program without meeting institutional and departmental policies and be considered as a declared major. Students must be enrolled as a declared major in an eligible program that is approved and assigned a CIP code by the Commission. Eligible programs are those listed as such on the Commission’s website.

M. “Degree-seeking student” is defined as any full-time student enrolled in an eligible institution which leads to the first one-year certificate, first two-year program or associate’s degree, or first bachelor’s or program of study that is structured so as not to require a bachelor’s degree for acceptance into the program and leads to a graduate degree. Upon completion of the first one-year certificate, first two-year program or associate’s degree, first approved associate’s degree program that requires a minimum of 68 credit hours, or first bachelor’s or program of study that is structured so as not to require a bachelor’s degree for acceptance into the program and leads to a graduate degree, the student cannot use scholarship funds to pursue a program in the same or preceding level. Students are eligible to receive the Scholarship for a maximum of eight terms (or its equivalent) towards an undergraduate degree, as long as all other eligibility requirements are met and the program is approved by the Commission on Higher Education. Students must be enrolled in an undergraduate degree program in order to receive a LIFE Scholarship and a LIFE Scholarship Enhancement each academic term. In cases where students are enrolled in a program of study that is structured so as not to require a bachelor’s degree for acceptance into the program and leads to a graduate degree, which will be the students’ first academic degree awarded, the students must maintain their undergraduate status to be awarded the LIFE Scholarship and the LIFE Scholarship Enhancement, with the exception of students declaring a major in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master’s of Science in Physician Assistant Studies Program at the Medical University of South Carolina, the Doctor of Pharmacy Program at the University of South Carolina-Columbia, and the Doctor of Pharmacy Program at the Medical University of South Carolina. Students who have been awarded a bachelor’s degree or graduate degree are not eligible to be awarded a LIFE Scholarship or a LIFE Scholarship Enhancement. Students enrolled in a CHE approved five-year bachelor’s degree program may be eligible to receive a LIFE Scholarship for a fifth year of full-time, undergraduate work and a LIFE Scholarship Enhancement for a fourth year of full-time undergraduate coursework.

N. “Eligible institution” shall be defined, solely for the purposes of the annual credit hour requirement and the LIFE GPA calculation, as an accredited public or independent postsecondary, degree-granting institution located in-state or out-of-state. The institution must be accredited by an agency recognized by the U.S. Department of Education for participation in federally funded financial aid programs. This list may be found on the US Department of Education’s website.

O. “Eligible program of study” is defined as a program of study leading to: 1) at least a one-year educational program that leads to a first certificate or other recognized educational credential (e.g., diploma); 2) the first associate’s degree; 3) at least a two-year program that is acceptable for full credit towards a bachelor’s degree;

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4) the first bachelor's degree; or 5) a program of study that is structured so as not to require a bachelor's degree for acceptance into the program and leads to a graduate degree. Students are eligible to receive the LIFE Scholarship for a maximum of eight terms (or its equivalent) towards an undergraduate degree as long as all eligibility requirements are met and the program is approved by the Commission on Higher Education. Students who have been awarded a bachelor's or graduate degree are not eligible for Scholarship or Enhancement funding. Students enrolled in an approved associate's degree program that requires a minimum of 68 credit hours may be eligible to receive a LIFE Scholarship for a maximum of six consecutive semesters at an eligible two-year institution. Students enrolled in an approved five-year degree program may be eligible to receive a LIFE Scholarship for a fifth year of full-time, undergraduate work and a LIFE Scholarship Enhancement for a fourth year of full-time undergraduate coursework. (see Section 62-1200.20 (C))

P. "Eligible degree program/Qualifying degree program" shall be defined, for the purposes of the LIFE Scholarship Enhancement, as a degree program in mathematics or science as approved by the SC Commission on Higher Education. These programs shall include science and mathematics disciplines, computer science or informational technology, engineering, science education, math education and health care and related disciplines including medicine and dentistry as defined by the Commission on Higher Education. Enrollment in a minor does not meet the requirement of an eligible degree program for a LIFE Scholarship Enhancement. Students must be enrolled as a declared major in an eligible program that is approved and assigned a CIP code by the Commission. Eligible programs must be approved by the South Carolina Commission on Higher Education. Eligible/Qualifying programs are those listed as such on the Commission's website.

Q. "Felonies" shall be defined as a crimes classified under State statute (16-1-10) and typically require imprisonment for more than one year.

R. "Fifth year/senior year" shall mean any student who is enrolled in his or her ninth or tenth semester of full-time, undergraduate coursework in an approved five-year program following high school graduation. The student is in his/her fifth year of consecutive, full-time college enrollment based on the student's initial date of college enrollment after graduation from high school.

S. "First year student/Freshman" is defined as any student who is enrolled as a first year student in his or her first or second semester of undergraduate coursework following high school graduation.

T. "Fourth year/senior year" shall mean seventh or eighth semester of full-time, undergraduate coursework following high school graduation. The student is in his/her fourth year of consecutive, full-time college enrollment based on the student's initial date of college enrollment after graduation from high school.

U. "Full-time student" shall mean a student who has matriculated into an eligible program of study and who enrolls full-time, usually fifteen credit hours for fall and spring terms or twelve credit hours for fall, eight credit hours for winter, and twelve credit hours for spring trimester terms. The student must earn an average of thirty credit hours per academic year to receive a LIFE Scholarship. In order for the student to be eligible for Scholarship disbursement, the student must be enrolled full-time at the home institution as stipulated by Title IV Regulations, except that credit hours may not include remedial/developmental, continuing education, and non-degree credit courses for an associate's degree or higher. Eligible LIFE Scholarship recipients may prorate their award amount for the term of graduation (see section 62-1200.10.P.).

V. "General Educational Development (GED) Diploma" is defined as a GED high school diploma that was completed in South Carolina or outside of the state while the student was a dependent of a legal resident of South Carolina who had custody or paid child support and college expenses of the dependent GED diploma student. A student who earns a GED diploma cannot receive a LIFE Scholarship during his/her initial year (or equivalent) of college enrollment but may earn the scholarship in subsequent years.

W. "High school" is defined as a public, private, charter, virtual, Montessori or Magnet high school located in South Carolina, recognized home school association or program as defined in the State Statute, (Sections

59-65-40, 45, and 47) or a preparatory high school located outside of the state while the student is a dependent of a legal resident of South Carolina who has custody or pays child support and college expenses of the dependent high school student in accordance with State Statute 59-112-10. A "preparatory high school" (out-of-state) is defined as a school recognized by the state in which the school is located to offer curricula through the twelfth grade and prepares students for college entrance.

X. "Home institution" shall mean the institution where the student is currently enrolled as a degree-seeking student and may be eligible for financial aid at the same institution.

Y. "Independent institutions/private institutions" are those institutions eligible to participate in the South Carolina Tuition Grants Program as defined in Chapter 113 of Title 59 of the 1976 Code, which stipulates that an "independent institution of higher learning means any independent eleemosynary junior or senior college in South Carolina which is accredited by the Southern Association of Colleges and Schools; or an independent bachelor's level institution chartered before 1962 whose major campus and headquarters are located within South Carolina; or an independent bachelor's level institution which was incorporated in its original charter in 1962, was granted a license to operate in 1997 by the Commission on Higher Education, has continued to maintain a campus in South Carolina, and is accredited by the Southern Association of Colleges and Schools. Institutions whose sole purpose is religious or theological training or the granting of professional degrees do not meet the definition of 'public or independent institution' for purposes of this chapter."

Z. "Ineligible degree program" shall be defined, for the purposes of the LIFE Scholarship Enhancement, as a degree program that is not included on the Commission's posted list of approved eligible programs and assigned a CIP code.

AA. "Initial college enrollment" shall mean the first time the student enrolls into a postsecondary degree-granting institution after high school graduation, completion of a GED/Adult Education Program or completion of an approved home school program. The terms of eligibility and the annual credit hour requirement are based upon initial college enrollment and continuous enrollment. This means that students must adhere to the 30 credit hour requirement even if they have a break in enrollment. Any break in enrollment (excluding summer) will also count against the terms of eligibility.

BB. "LIFE GPA" shall be defined as the cumulative grade point average calculation that includes credit hours and grades earned at all eligible institutions based on a 4.0 scale. The LIFE grade point average must not include attempted credit hours earned for continuing education courses, non-degree credit courses for an associate's degree or higher and remedial/developmental courses. See Section 62-1200.60 for the steps to calculate the "LIFE GPA."

CC. "LIFE Scholarship recipient" is defined as a student who meets all of the eligibility requirements to receive a LIFE Scholarship and is awarded LIFE Scholarship funds during a given academic year. Students who meet the eligibility requirements for a LIFE Scholarship but do not receive any LIFE Scholarship funds, due to the cost of attendance being met by other sources of financial aid, do not meet the definition of a LIFE Scholarship recipient.

DD. "Military mobilization" is defined as a situation in which the U.S. Department of Defense orders members of the United States Armed Forces to active duty away from their normal duty assignment during a time of war or national emergency.

EE. "Misdemeanor offenses" shall be defined as a crimes classified under State statute (16-1-100) which are typically punishable by fine or imprisonment for less than one year. A complete listing is located in title 16 of State statute. Examples of alcohol and drug misdemeanors in South Carolina include but are not limited to possession of alcohol under the age of 21, possession of marijuana/illegal drugs, open-container, transfer of alcohol to person under 21, false information as to age (fake ID), etc.

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FF. “Non-degree credit courses” shall be defined as courses that count towards graduation in a certificate or diploma program only. Non-degree credit courses must not be used in the “LIFE GPA” calculation or towards the annual credit hour requirement for an associate’s degree or higher.

GG. A “one-year educational program” is defined as an undergraduate program of study leading to recognized credentials (e.g., certificates or diplomas), as defined by the U.S. Department of Education for participation in federally funded financial aid programs and which prepares students for gainful employment in recognized occupations.

HH. “Private institutions” are those institutions eligible to participate in the South Carolina Tuition Grants Program as defined in Chapter 113 of Title 59 of the 1976 Code, which stipulates that an “independent institution of higher learning means any independent eleemosynary junior or senior college in South Carolina which is accredited by the Southern Association of Colleges and Schools; or an independent bachelor’s level institution chartered before 1962 whose major campus and headquarters are located within South Carolina; or an independent bachelor’s level institution which was incorporated in its original charter in 1962, was granted a license to operate in 1997 by the Commission on Higher Education, has continued to maintain a campus in South Carolina, and is accredited by the Southern Association of Colleges and Schools. Institutions whose sole purpose is religious or theological training or the granting of professional degrees do not meet the definition of ‘public or independent institution’ for purposes of this chapter.”

II. “Program of study that is structured so as not to require a bachelor’s degree for acceptance into the program and leads to a graduate degree”, which will be the student’s first academic degree awarded. Students are eligible to receive the LIFE Scholarship for a maximum of eight terms (or its equivalent) and the LIFE Scholarship Enhancement for a maximum of six terms (or its equivalent) as long as all other eligibility requirements are met and the program is approved by the Commission on Higher Education. Students who have been awarded a bachelor’s or graduate degree are not eligible for Scholarship funding. Students must maintain their undergraduate status in order to receive a LIFE Scholarship and a LIFE Scholarship Enhancement each academic term, with the exception of students declaring a major in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master’s of Science in Physician Assistant Studies Program at the Medical University of South Carolina, the Doctor of Pharmacy Program at the University of South Carolina-Columbia and the Doctor of Pharmacy Program at the Medical University of South Carolina.

JJ. “Public institutions” are institutions of higher learning as defined in Chapter 103 of Title 59 of the 1976 Code, which stipulates “public higher education shall mean any state supported postsecondary educational institution and shall include technical and comprehensive educational institutions.”

KK. “Remedial/developmental coursework” shall mean sub-collegiate level preparatory courses in English, mathematics, reading and any courses classified as remedial by the institution where the course is taken.

LL. “Satisfactory academic progress” shall be defined as the academic progress in the declared major as required by the institution and academic department in which the student is enrolled as a full-time, degree-seeking student. The student must meet all requirements for satisfactory academic progress towards completion of the declared major as established by the policies of both the institution and academic department in which the student is enrolled to meet the requirements of satisfactory academic progress.

MM. “Second year/sophomore year” shall mean any student who is enrolled in his or her third or fourth semester of full-time, undergraduate coursework following high school graduation. The student is in his/her second year of consecutive, full-time college enrollment based on the student’s initial date of college enrollment after graduation from high school.

NN. “South Carolina resident” shall be defined as an individual who satisfies the requirements of residency in accordance with the State of South Carolina State Statute for Tuition and Fees, Section 59-112-10 and all related guidelines and regulations promulgated by the Commission on Higher Education as established by the

institutional residency officer each academic year. A student must be considered a South Carolina resident at the time of high school graduation, and at the time of initial college enrollment, in order to receive a LIFE Scholarship.

OO. “Third year/junior year” shall mean the fifth or sixth semester of full-time, undergraduate coursework following high school graduation. The student is enrolled in his/her third year of consecutive, full-time enrollment based on the student’s initial date of college enrollment after graduation from high school.

PP. “3 plus 2 programs” is defined, for the purposes of the LIFE Scholarship Enhancement, as a program (typically an engineering major) in which a student completes three years of a baccalaureate program at one institution, at which time the student transfers to a second institution and completes the remaining two years of an undergraduate degree program. When the student completes the fourth year of enrollment, credit hours are transferred back to the initial institution, which confers the first baccalaureate degree (e.g., physics) using articulated credits from the second institution. At the end of the second year of enrollment at the second institution, the student receives the second baccalaureate degree (e.g., engineering). 3 plus 2 programs for the purposes of receiving the LIFE Scholarship Enhancement shall be defined and approved by the SC Commission on Higher Education. Students must be enrolled as a declared major in an eligible program that is approved and assigned a CIP code by the Commission. Enrollment in a minor does not meet the requirement of an eligible degree program for a LIFE Scholarship Enhancement award.

QQ. “Transfer student” shall be defined as a student who has changed enrollment from one institution to a SC public or independent institution.

RR. “Substantially deviates” shall be defined, for the purposes of reviewing out-of-state preparatory high school grading scales, as being less than equivalent to the 2007 Uniform Grading Policy.

SS. "Preparatory high school" (out-of-state) is defined as a school recognized by the state in which the school is located to offer curricula through the twelfth grade and prepares students for college entrance.

TT. “Lawful Presence” is defined as individuals who are US citizens, permanent residents, or non-US citizens and non-permanent residents who are legally present in the US. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien’s immigration status with the federal government pursuant to 8 USC Section 1373(c).

UU. “Continuously enrolled” is defined as enrollment without an interruption that would require the student to pursue a formal process of readmission to that institution. Formal petitions or applications for change of degree level shall be considered readmissions. Students who attend summer terms or are selected for military mobilization are considered continuously enrolled. Students who are enrolled in internships, cooperative work programs, travel study programs, or National or International Exchange Programs that are approved by the home institution are considered continuously enrolled.

VV. An “approved associate’s degree program that requires a minimum of 68 credit hours” shall mean an associate’s degree program as approved by the Commission on Higher Education that requires a minimum of 68 earned credit hours to complete the degree at an eligible two-year institution. A student initially enrolling in an approved associate’s degree program that requires a minimum of 68 credit hours may receive a maximum of six consecutive terms of LIFE Scholarship funding.

62-1200.10. Student Eligibility: LIFE Scholarship and LIFE Scholarship Enhancement.

A. To be eligible for a LIFE Scholarship, students must:

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1. Be a U.S. citizen or a legal permanent resident that meets the definition of an eligible non-citizen under State Residency Statutes at the time of high school graduation, whose lawful presence has been verified at the time of enrollment at the institution; and

2. Be classified by the awarding institution as a South Carolina resident for in-state purposes at the time of high school graduation and at the time of enrollment at the institution, as set forth by Section 59-112-10, and be either a member of a class graduating from a high school located in this State, or a student who has successfully completed at least three of the final four years of high school within this State, or a home school student who has successfully completed a high school home school program in this State in the manner required by law, or a student graduating from a preparatory high school outside this State, while a dependent of a parent or guardian who is a legal resident of this State and has custody of the dependent according to State Statute, Section 59-149-50A or a student whose parent or guardian has served in or has retired from one of the United States Armed Forces within the last four years, paid income taxes in this State for a majority of the years of service, and is a resident of this State. A student must be a legal permanent resident of the United States before being considered to be a South Carolina resident;

3. Meet two of the following three criteria if a first-time entering freshman at an eligible four-year institution:

(a) Earn a cumulative 3.0 grade point average (GPA) based on the South Carolina Uniform Grading Policy (UGP) upon high school graduation. No other grading policy will be allowed to qualify for the LIFE Scholarship. Final high school GPAs shall be based on the four-year period of high school attendance, with the exception of Carnegie Units earned prior to high school. There may be other exceptions, as deemed necessary by the Commission. Grade point averages must be reported to two decimal places (minimum) and may not be rounded. For example, a student who earns a 2.99 GPA is not eligible. Institutions shall use the final GPA as reported on the official transcript. The final official high school transcript must be dated in accordance with the Commission established date(s). If a South Carolina resident student is graduating from an out of state high school, it is the responsibility of the out of state student's school counselor to convert the student's final high school GPA and class ranking to an eligible final high school GPA based on the South Carolina Uniform Grading Policy. The converted final high school GPA and class ranking (if applicable) must be provided to the eligible South Carolina Institution before a student can be awarded.

(b) Score at least an 1100 on the Scholastic Assessment Test (SAT) or an equivalent ACT score of 22. Test scores will be accepted through the CHE determined national test administration of the SAT and ACT during the year of high school graduation. The student must use the highest SAT Math score combined with the highest SAT Evidenced-based Reading score. It is permissible to select scores from different test administrations in order to obtain the qualifying composite score. For purposes of meeting the ACT test score requirement, the student can use the highest English, Math, Reading and Science scores. It is permissible to select scores from different test administrations in order to obtain the qualifying composite score.

(c) Rank in the top thirty percent of the graduating class in a high school with an approved, official rank policy, consisting of high school diploma candidates only. The rank must also be based on the UGP only. Students cannot be removed from the class because they did not meet the eligibility criteria, are not residents of the State, do not meet citizenship requirements, plan to attend college out-of-state, etc. The class rank information must include all students who attended your high school that school year. Ranking percentages must be reported to two decimal places (minimum) and may not be rounded. For example, a student who has a class rank of 13 of 43 ($13/43 \times 100 = 30.23\%$) will not rank in the top thirty percent of the class since 30.23% is not within thirty percent. To determine the top thirty percent for graduating classes with three or less students, the student who is ranked number one in the class would be considered in the top thirty percent for LIFE Scholarship eligibility. Only one student may occupy each place in class rank. Institutions shall use the final ranking as reported by the high school on the official transcript, and on a submitted rank report provided by the high school the student graduated from. A ranking report must be attached to the official transcript regardless of the graduating high school. High schools or home school associations that do not rank as a policy; or high schools

whose grading policy deviates from the current SC Uniform Grading Policy and that do not convert the graduating class to the current SC UGP to determine class rank, must use the GPA and SAT or ACT criteria when attempting to meet the academic requirements for the LIFE Scholarship. High schools or home school associations shall not use ranking for the sole purpose of obtaining eligibility for the state scholarships. The rank policy and rank policy information must be available to parents, students, colleges, and universities, and the Commission on Higher Education in publication form to include a school's website, student/parent handbook, and/or school profile. This language must include the ranking policy in place at the school/association. The ranking policy should be consistent in all places where the rank policy is published and is the same information disseminated to parents, students, colleges/universities, and the Commission. The SC UGP GPA and class rank (if school/association officially ranks as a policy) must be printed on an official final end of year high school transcript, which must also include a uniform date of calculation as determined by the Commission on Higher Education. The graduation date must also be printed on the final end of senior year high school transcript, and include no grades earned after the date of the graduating high school class for the graduation year.

(d) For the purposes of meeting the rank criterion, the existing high school rank of a South Carolina resident attending an out-of-state high school may be used provided it is calculated pursuant to a state-approved, standardized grading scale at the respective out-of-state high school. If the eligible South Carolina institution determines that a state-approved standardized grading scale substantially deviates from the South Carolina Uniform Grading Policy (SC UGP), the institution must submit the grading scale to CHE for further review. If CHE confirms the out-of-state grading scale substantially deviates from the SC UGP, the state-approved, standardized grading scale shall not be used to meet the eligibility requirements for the LIFE Scholarship. All members of the student's Senior class at the out of state high school must be ranked in accordance with the South Carolina Uniform Grading Policy in these cases. When converting scores to the SC UGP, weighting must adhere to the SC UGP (i.e. honors no more than .50 and AP/IB no more than 1.0). In addition, scores/grades must correspond to the SC UGP. For example, if a student earned a 90 in an honors class, the conversion of the score/grade must be equivalent to the points assigned according to the current SC UGP. The guidance counselor from the out-of-state preparatory school also has the option of converting the cumulative GPAs of all students in the applicant's class to the SC UGP to determine if the student ranks within the top thirty percent of the class. To be considered equivalent to the SC UGP, the out-of-state school's grading scale must adhere to the following minimum requirements:

(1) Must include all courses carrying Carnegie units, including units earned at the middle school and high school level;

(2) To be equivalent to an "A" letter grade, the numerical average must be ≥ 90 ; to be equivalent to a "B" letter grade the numerical average must be between 80 and 89 ; to be equivalent to a "C" letter grade the numerical average must be between 70 and 79 ; to be equivalent to a "D" letter grade the numerical average must be between 60 and 69 ; and to be equivalent to a "F" letter grade the numerical average must be between 50 and 59 (if a course with a numerical average of < 62 is considered passing by the high school the student earned the grade, then a 73 numerical average should be given);

(3) Cannot add more than one half (.50) additional quality point for honors courses; cannot add more than one additional quality point for dual enrollment (DE) courses, Advanced Placement (AP) courses, and standard level International Baccalaureate (IB) courses; and, cannot add more than two additional quality points for higher level IB courses;

(4) Must classify all other courses as College Preparatory if they are not already classified as honors, DE, AP or IB. For a class to be classified as honors, the course must be in English, mathematics, science or social studies or be the third/fourth level for all other content areas; and,

(5) If no numerical average is available, all letter grades must be converted to the equivalent numerical average based on the following: all "A" letter grades must be converted to a 95 numerical average, all "B" letter

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grades must be converted to a 85 numerical average, all “C” letter grades must be converted to a 75 numerical average, all “D” letter grades must be converted to a 65 numerical average, and all “F” numerical averages must be converted to a 50 numerical average.

4. Earn a cumulative 3.0 grade point average (GPA) on the Uniform Grading Policy upon high school graduation and score at least an 1100 on the Scholastic Assessment Test (SAT I) or an equivalent ACT score of 22 as determined by the Commission if a first-time entering freshman graduates from a non-ranking South Carolina high school, non-ranking South Carolina approved home school association or out-of-state preparatory high school and attends an eligible four-year institution;

5. Earn a cumulative 3.0 grade point average (GPA) upon high school graduation on the Uniform Grading Policy if a first-time entering freshman at an eligible two-year or technical institution. No other grading policy will be allowed to qualify for the LIFE Scholarship. Grade point ratios must be reported to two decimal places (minimum) and may not be rounded. For example, a student who earns a 2.99 GPA is not eligible. Institutions shall use the final GPA as reported by the high school on the official transcript;

6. Be admitted, enrolled full-time, and classified as a degree-seeking student at a public or independent institution in South Carolina;

7. Certify that he/she has never been adjudicated delinquent, convicted, or pled guilty or *nolo contendere* to any felonies or any second or subsequent alcohol/drug related offenses under the laws of this or any other state or under the laws of the United States in order to be eligible for a LIFE Scholarship, except that a high school or college student otherwise qualified who has been adjudicated delinquent or has been convicted or pled guilty or *nolo contendere* to a second or subsequent alcohol or drug-related misdemeanor offense nevertheless shall be eligible or continue to be eligible for such scholarships after the expiration of one academic year from the date of the adjudication, conviction, or plea by submitting an affidavit each academic year to the institution. However, a high school or college student who has been adjudicated delinquent, convicted, or pled guilty or *nolo contendere* to a second alcohol/drug related misdemeanor offense is ineligible for the next academic year of enrollment at an eligible institution after the date of the adjudication, conviction or plea. If the adjudication, conviction, or plea occurs during the academic year after the student has already submitted a signed affidavit to the institution, the student will be eligible to receive the Scholarship the remainder of the academic year. However, the student will be ineligible for the Scholarship the following entire academic year of enrollment. If a student completes a pretrial intervention program and has his/her record expunged the conviction will not affect Scholarship eligibility; and

8. Certify that he/she has not defaulted and does not owe a refund or repayment on any federal or state financial aid. If a student has an Institutional Student Information Record (ISIR) or its equivalent on file, the ISIR information will be used to verify default status or refund/repayment owed on any Federal or State financial aid. Students who have not completed a Free Application for Federal Student Aid (FAFSA) must have an affidavit on file to verify that he/she is not in default and does not owe a refund or repayment on any Federal or State financial aid including, state grants/scholarships, Federal Pell Grant, Supplemental Educational Opportunity Grant, Perkins Loan and Federal Stafford Loan.

B. Any credit hours attempted or earned before high school graduation, hours exempted by examination, International Baccalaureate (IB) or Advanced Placement (AP) credit hours do not count against the terms of eligibility as provided in State Statute, Section 59-149-60. The credit hours earned before high school graduation can be used toward the credit hour requirement. Credit hours earned through CLEP, IB or AP will be used toward the credit hour requirement.

C. Service members of the United States Armed Forces will not be penalized for any credit hours earned while on active duty. The credit hours earned on active duty will not count against the terms of eligibility, but will be used towards the annual credit hour requirement.

D. First-time entering freshmen will not be penalized for any credit hours earned during the summer session immediately prior to the student's initial college enrollment. The credit hours earned will not count against the terms of eligibility. The credit hours may be used toward the annual credit hour requirement.

E. Students who complete their high school graduation requirements prior to the official graduation date reported on the final high school transcript may be eligible to receive the LIFE Scholarship dependent on the approval of the eligible institution. The student must complete and submit an Early Graduation Application, an official high school transcript, an official letter from the high school principal verifying that he/she has met all graduation requirements, and SAT/ACT scores (if attending a four-year institution) by the established deadline. Early graduates cannot use class rank in order to qualify for the LIFE Scholarship at four-year institutions. Early graduates who enroll mid-year (spring term) and are awarded the LIFE Scholarship through the Early Graduation process will officially begin their initial college enrollment. In order to receive the LIFE Scholarship the next academic year, the student must earn a minimum of fifteen credit hours and a 3.0 "LIFE GPA" at the end of the academic year. The student will be eligible to receive the maximum number of terms of eligibility based on initial college enrollment. If a student does not submit an early graduation application for the spring term and has not officially graduated, the student should not have received the LIFE Scholarship and that term will not count against his/her terms of Scholarship eligibility.

F. First-time entering freshmen who enroll mid-year (spring semester) are eligible for the LIFE Scholarship if they qualified upon high school graduation.

G. LIFE Scholarship funds may not be applied to the cost of continuing education, remedial/developmental or non-degree credit courses for an associate's degree or higher. Twelve credit hours of the course load must be non-remedial/developmental, non-continuing education or degree-credit courses for an associate's degree or higher in order to receive LIFE Scholarship funds. Continuing education, non-degree credit for an associate's degree or higher and remedial/developmental courses will not be included in the "LIFE GPA" or credit hour calculations.

H. Non-degree credit hours shall be used to meet the full-time eligibility criteria for a diploma or certificate program only. Students must sign an affidavit certifying that they understand that non-degree credit hours will not be used in calculating the "LIFE GPA" or credit hour requirements if they are enrolled in an Associate's degree or higher.

I. Credit hours earned during the student's first two term(s) of remedial/developmental enrollment will not be used to determine remaining Scholarship eligibility at the completion of remediation unless the student has completed at least twelve credit hours of non-remedial/developmental coursework each term of enrollment. First-time entering freshmen attending an eligible two-year institution or technical college who enroll in fewer than twelve credit hours of non-remedial/developmental, including at least three hours of remedial/developmental courses during the first term(s) will not be eligible for Scholarship funds during this period. The student's initial college enrollment will begin after a maximum of two terms of remediation at an eligible two-year or technical college only. The student will be eligible for the Scholarship for the term following Spring or Fall term immediately after the completion of remediation if the student was eligible to receive the LIFE Scholarship upon high school graduation. A student is allowed a maximum of two terms of remediation, which must be within the first two terms of attendance at an eligible institution, before his/her terms of eligibility start. If the student requires more than one academic year of remedial/developmental coursework, then he/she will not be eligible for the LIFE Scholarship the term after completion of remediation. If the student was not eligible for the Scholarship upon high school graduation, the student must meet the conditions set forth in Section J below in order to gain the LIFE Scholarship.

J. Students who do not meet the scholarship eligibility requirements upon high school graduation and enroll in remedial/developmental courses during a maximum of two terms at an eligible two-year institution or technical college, and who enroll in fewer than twelve credit hours of non-remedial/developmental courses, must

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meet the scholarship eligibility requirements (earn a 3.0 “LIFE GPA” and earn an average of thirty credit hours for the academic year) at the end of the first year of enrollment in non-remedial/developmental courses to be eligible to receive the scholarship for the second year of enrollment in non-remedial/developmental courses. Credit hours earned during the student’s first two term(s) of remedial/developmental enrollment will not be used to determine remaining Scholarship eligibility at the completion of remediation unless the student has completed at least twelve credit hours of non-remedial/developmental coursework each term of enrollment.

K. Students receiving a LIFE Scholarship are not eligible to receive a Palmetto Fellows Scholarship, SC HOPE Scholarship or Lottery Tuition Assistance in the same academic year.

L. Students who have already been awarded their first bachelor’s degree or graduate degree are not eligible to receive the LIFE Scholarship. In cases where students are enrolled in a program of study that is structured so as not to require a bachelor’s degree for acceptance into the program and leads to a graduate degree, which will be the students’ first academic degree awarded, the students must maintain their undergraduate status in order to receive a LIFE Scholarship and a LIFE Scholarship Enhancement each academic term, with the exception of students majoring in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master’s of Science in Physician Assistant Studies Program at the Medical University of South Carolina, the Doctor of Pharmacy Program at the University of South Carolina-Columbia and the Doctor of Pharmacy Program at the Medical University of South Carolina.

M. All documents required for determining LIFE Scholarship eligibility must be submitted to the institution by their established deadline(s). Students must submit official transcripts from all previous and current institutions, which provide evidence to calculate the “LIFE GPA,” determine initial college enrollment and earned annual credit hour requirement. Students that complete coursework at another institution at any time during the academic year (fall, spring, summer) must submit an official transcript to the home institution at the end of the academic year to determine eligibility for the LIFE Scholarship.

N. First-time entering freshmen who attended out-of-state preparatory high schools or graduated from a South Carolina high school prior to the full implementation of the South Carolina Uniform Grading Policy must have their high school transcript converted to the UGP in order to qualify for the LIFE Scholarship. It is the responsibility of the out-of-state preparatory high school or South Carolina high school to convert the student’s GPA to the Uniform Grading Policy.

O. To be eligible for a LIFE Scholarship Enhancement each academic year, the student must:

1. Meet all of the eligibility requirements at the end of each academic year to receive a LIFE Scholarship as stipulated by state law and regulation and be a recipient of LIFE Scholarship funds at the time of LIFE Scholarship Enhancement disbursement. The student must receive the underlying LIFE Scholarship;

2. Be enrolled as a full-time, degree-seeking student in a declared major of science or mathematics in an eligible program that is approved and assigned a CIP code by the Commission on Higher Education at the time of disbursement of LIFE Scholarship Enhancement funds. Eligible programs include degrees awarded in math and science fields, computer science or informational technology, engineering, science education, math education and healthcare and related disciplines including medicine and dentistry. The student must meet all requirements for satisfactory academic progress towards completion of the declared major as established by the policies of both the institution and the academic department in which the student is enrolled;

3. Be enrolled at an eligible four-year public or independent institution located in South Carolina;

4. Beginning with the Fall 2007 freshman class and thereafter, all students must have successfully completed a total of at least fourteen credit hours of instruction in mathematics and life and physical science courses, in any combination, by the end of the student’s first year of enrollment in college (based on initial date of college enrollment). For purposes of meeting the required minimum level of instruction in mathematics and

life and physical science courses during a student's first year, Exempted Credit Hours placed on the student's official college transcript by the institution at which they were earned, College Level Examination Program (CLEP), Dual Enrollment, Pass/Fail courses with a grade of "Pass" (only), Satisfactory/Unsatisfactory courses with a grade of "Satisfactory" (only), International Baccalaureate (IB) courses and Advanced Placement (AP) courses in mathematics and life and physical sciences taken in high school in which the student scored a three or more on the advanced placement test and received college credit may count toward the fulfillment of this minimum requirement. The Commission will issue a list of eligible courses by CIP code for determining eligible coursework to meet the fourteen credit hour requirement. Remedial/developmental, continuing education, non-degree credit coursework and credit hours earned for courses taken after the end of the student's first year of college enrollment cannot be used to meet the specified minimum fourteen credit hour course level requirement to gain eligibility to receive the LIFE Scholarship Enhancement;

5. Meet the continued eligibility requirements for the LIFE Scholarship of a minimum 3.0 LIFE GPA and a minimum average of 30 credit hours by the end of each academic year;

6. Be in the second, third or fourth year of full-time enrollment (based on initial date of college enrollment after high school graduation) at an eligible four-year public or independent institution in South Carolina. Students enrolled full-time in an eligible, approved five-year degree program may also be eligible to receive a LIFE Scholarship Enhancement in their fifth year of college enrollment (based on initial date of college enrollment); and

7. Students who initially enroll in college mid-year (i.e., spring term) as a freshman and meet the requirements under Section 62-1200.10 may be eligible to receive a LIFE Scholarship Enhancement at the beginning of the spring term of the next academic year (i.e., beginning with the third consecutive term of full-time enrollment based on initial date of college enrollment). The student must earn a minimum average of 15 credit hours and a 3.0 LIFE GPA to be awarded a LIFE Scholarship the following academic year and a minimum average of 30 credit hours by the end of the first academic year (i.e., by the end of the fall term or second consecutive term of full-time enrollment based on initial date of college enrollment) of enrollment to receive a LIFE Scholarship Enhancement beginning the spring term of the second, third and/or fourth year of college enrollment.

P. The LIFE Scholarship and LIFE Scholarship Enhancement are to be annual awards. Half of the Scholarship and Enhancement funds are to be disbursed in the fall and half are to be disbursed in the spring. In the cases where students who initially enroll in college mid-year (i.e., spring term) as a freshman and meet the requirements under Sections 62-1200.10 (O) and 62-1200.15 (C), such student shall be awarded the LIFE Scholarship Enhancement one year after initial college enrollment (i.e., spring term). Students who change their major from an ineligible degree program to an eligible degree program during the same academic year shall not receive the LIFE Scholarship Enhancement until the beginning of the next academic year (i.e., fall term). Students who change their major from an eligible degree program to an ineligible degree program during the same academic year may continue to receive the LIFE Scholarship Enhancement during the current academic year; however, the student cannot be awarded the LIFE Scholarship Enhancement the next academic year of enrollment in an ineligible degree program. During the student's final term of attendance, not to exceed the eighth term of enrollment based on initial college enrollment, the institution may prorate the LIFE Scholarship and the LIFE Scholarship Enhancement award amount, for the number of credit hours attempted for the current term of attendance, which must be the term of graduation for the student. Proration will be based on 12 credit hours.

62-1200.15. Continued Eligibility: LIFE Scholarship and LIFE Scholarship Enhancement.

A. Students must meet the following criteria to renew eligibility for the LIFE Scholarship:

1. Continue to meet all eligibility requirements as stated in the "Student Eligibility" Section;

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2. Earn at least a 3.0 “LIFE GPA” by the end of the academic year; and

3. Meet the annual credit hour requirement (or its equivalent) by the end of the academic year based on initial college enrollment:

(a) earn a minimum of 30 (or the equivalent) credit hours if entering the second year; or

(b) earn a minimum of 60 (or the equivalent) credit hours if entering the third year; or

(c) earn a minimum of 90 (or the equivalent) credit hours if entering the fourth year; or

(d) earn a minimum of 120 (or its equivalent) credit hours if entering the fifth year of an approved five-year bachelor’s degree program.

B. Students who meet the continued eligibility requirements by the end of the spring term and who enroll in Maymester or summer term will not be eligible to receive the LIFE Scholarship if their cumulative grade point average falls below the minimum 3.0 “LIFE GPA” requirement by the end of the summer term.

C. Students who are LIFE eligible upon high school graduation and initially enroll in college mid-year (spring term) may be eligible to receive the LIFE Scholarship the next academic year, if the student earns a minimum of fifteen (15) credit hours and a 3.0 “LIFE GPA” at the end of the academic year. For subsequent years, the student must meet the annual credit hour requirement and 3.0 LIFE GPA for renewal:

(a) earn a minimum of 45 (or the equivalent) credit hours if entering the fourth semester based on initial college enrollment; or

(b) earn a minimum of 75 (or the equivalent) credit hours if entering the sixth semester based on initial college enrollment; or

(c) earn a minimum of 105 (or the equivalent) credit hours if entering the eighth semester based on initial college enrollment; or

(d) earn a minimum of 135 (or its equivalent) credit hours if entering the tenth semester of an approved five-year bachelor’s degree program based on initial college enrollment.

Students who fail to meet the initial academic eligibility criteria to receive the LIFE Scholarship upon high school graduation, and who initially enroll in college mid-year (spring term) may be eligible to receive the LIFE Scholarship beginning in their second Fall term of college attendance at an eligible institution, if the student earns a minimum of forty-five (45) credit hours and a 3.0 “LIFE GPA” by the end of the prior academic year. The student may be eligible to receive the maximum number of terms of eligibility based on initial college enrollment.

D. Students must meet the following criteria to renew eligibility for the LIFE Scholarship Enhancement:

1. Continue to meet all eligibility requirements as stated in the “Student Eligibility: LIFE Scholarship and the LIFE Scholarship Enhancement” Section;

2. Be a recipient of LIFE Scholarship funds at the time of LIFE Scholarship Enhancement disbursement; and

3. Be enrolled full-time at an eligible four-year public or independent institution as a declared major in an eligible science or mathematics program as stipulated under Section 62-1200.10.

E. Students who meet the continued eligibility requirements by the end of the spring term and who enroll in Maymester or summer term will not be eligible to receive the LIFE Scholarship Enhancement if their cumulative grade point average falls below the minimum 3.0 “LIFE GPA” requirement by the end of the summer term resulting in ineligibility for a LIFE Scholarship. Students who do not meet the continued eligibility requirements to receive the LIFE Scholarship cannot receive a Scholarship or LIFE Scholarship Enhancement for the following academic year.

F. The student may be eligible to receive the maximum number of terms of eligibility (i.e., six consecutive terms) for a LIFE Scholarship Enhancement starting the second year of college enrollment (based on initial date of college enrollment after high school graduation).

G. At the end of the spring term each academic year, the institution must notify all LIFE Scholarship recipients who have not met continued eligibility requirements for the next academic year. The notification should include information regarding the student’s ability to attend summer school in order to meet the continued eligibility requirements.

62-1200.20. Terms of Eligibility: LIFE Scholarship and LIFE Scholarship Enhancement.

A. The maximum number of terms of eligibility is based on the student’s initial college enrollment with the exception of the summer term immediately prior to the student’s initial college enrollment and up to one academic year of full-time enrollment in remedial/developmental coursework.

B. Students may receive a LIFE Scholarship for a maximum of two terms for a one-year educational program, four terms for an associate’s degree program or at least a two-year program that is acceptable for full credit towards a bachelor’s degree, six terms towards an approved associate’s degree program that requires a minimum of 68 credit hours, eight terms (or its equivalent) towards the first bachelor’s degree or program of study that is structured so as not to require a bachelor’s degree for acceptance into the program and leads to a graduate degree program or ten consecutive terms towards an approved five-year bachelor’s degree program. (See chart in “C” below.) In cases where students are enrolled in a program of study that is structured so as not to require a bachelor’s degree for acceptance into the program and leads to a graduate degree, which will be the students’ first academic degree awarded, such students must maintain their undergraduate status to be awarded the LIFE Scholarship and the LIFE Scholarship Enhancement each academic term, with the exception of students majoring in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master’s of Science in Physician Assistant Studies Program at the Medical University of South Carolina, the Doctor of Pharmacy Program at the University of South Carolina-Columbia and the Doctor of Pharmacy Program at the Medical University of South Carolina. Students who have already been awarded their first bachelor’s degree or graduate degree are not eligible to be awarded a LIFE Scholarship or a LIFE Scholarship Enhancement. Students are eligible to receive the LIFE Scholarship for a maximum of eight consecutive terms (or its equivalent) and a LIFE Scholarship Enhancement for a maximum of six consecutive terms (or its equivalent), as long as all other eligibility requirements are met and the program is approved by the Commission on Higher Education.

C. If a student pursues the following program, the terms of eligibility for the LIFE Scholarship will be based upon the student’s initial college enrollment:

Degree/Program	Average Credit Hours Earned at the End of Each Academic Year					
	Maximum Terms of Eligibility	1st Year = 30 credit hours	2nd Year = 60 credit hours	3rd Year = 90 credit hours	4th Year = 120 credit hours	Fifth Year = 150 credit hours

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	Terms of Remaining Eligibility at the End of Each Academic Year					
	2	0	0	0	0	0
One-year Certificate/Diploma	2	0	0	0	0	0
Associate/Two-year Program	4	2	0	0	0	0
Approved Associate's Degree Program that requires a minimum of 68 credit hours	6	4	2	0	0	0
Bachelor/First Professional	8	6	4	2	0	0
Approved Five-year Bachelor	10	8	6	4	2	0

D. The maximum number of terms of eligibility for a LIFE Scholarship Enhancement is based on the student's continued eligibility for a LIFE Scholarship and beginning with the student's second year of college enrollment (based on initial date of college enrollment), with the exception of the summer term immediately prior to the student's initial college enrollment and up to one academic year of full-time enrollment in remedial/developmental coursework. A student may receive a LIFE Scholarship for a maximum of two terms towards a one-year certificate/diploma, four terms for a two-year associate's degree at an eligible two year institution, six terms towards an approved associate's degree program that requires a minimum of 68 credit hours, and eight terms towards a bachelor's degree at an eligible institution. The terms of eligibility that may be used towards a certificate, diploma or associate's degree at a two-year institution must be taken within the first two years of college, based on initial college enrollment. The terms of eligibility that may be used towards an approved associate's degree program that requires a minimum of 68 credit hours at a two year institution must be taken within the first three years of college, based on initial college enrollment.

E. Students may receive a LIFE Scholarship Enhancement for a maximum of six consecutive terms (i.e., three academic years) for a first bachelor's degree in an eligible program or an eligible program of study that is structured so as not to require a bachelor's degree for acceptance into the program and leads to a graduate degree program, and eight consecutive terms (i.e., four academic years) towards an approved five-year bachelor's degree program and six consecutive terms towards a 3 plus 2 program. Students must be enrolled in an eligible four-year public or independent institution in South Carolina as a declared major in an eligible science or mathematics major or an eligible program that is approved and assigned a CIP code by the Commission on Higher Education. In cases where students are enrolled in a program of study that is structured so as not to require a bachelor's degree for acceptance into the program and leads to a graduate degree, which will be the students' first academic degree awarded, students must maintain their undergraduate status to be awarded the LIFE Scholarship and the LIFE Scholarship Enhancement, with the exception of students declaring a major in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master's of Science in Physician Assistant Studies Program at the Medical University of South Carolina, the Doctor of Pharmacy Program at the University of South Carolina-Columbia and the Doctor of Pharmacy Program at the Medical University of South Carolina.. Students who have already been awarded their first bachelor's degree or graduate degree are not eligible to be awarded a LIFE Scholarship or a LIFE Scholarship Enhancement. Students are eligible to receive a LIFE Scholarship for a maximum of eight consecutive terms (or its equivalent) and a LIFE Scholarship Enhancement for a maximum of six consecutive terms (or its equivalent) towards an undergraduate degree, as long as all other eligibility requirements are met and the program is approved by the Commission on Higher Education. Students enrolled in an approved five-year degree program may be eligible to receive a LIFE Scholarship for a fifth year of full-time, undergraduate work and a LIFE Scholarship Enhancement for a fourth year of full-time undergraduate coursework.

62-1200.25. Regaining or Earning Eligibility: LIFE Scholarship and LIFE Scholarship Enhancement.

A. Students who were U.S. Citizens or legal permanent residents, and South Carolina residents at the time of high school graduation and college enrollment, but were not initially eligible upon high school graduation or failed to meet the continued eligibility requirements can earn or regain eligibility for the LIFE Scholarship if they:

1. Meet all eligibility requirements as stated in the “Student Eligibility” Section;
2. Earn at least a 3.0 “LIFE GPA” by the end of the academic year;
3. Meet the annual credit hour requirement by the end of the academic year based on Initial college enrollment:
 - (a) earn a minimum of 30 (or the equivalent) credit hours if entering the second year; or
 - (b) earn a minimum of 60 (or the equivalent) credit hours if entering the third year; or
 - (c) earn a minimum of 90 (or the equivalent) credit hours if entering the fourth year; or
 - (d) earn a minimum of 120 (or its equivalent) credit hours if entering the fifth year of an approved five-year bachelor’s degree program.
 - (e) earn the required number of credit hours as stated in Section 62-1200. 15 (C) for students who initially enroll mid-year.

B. A student who has earned a GED diploma may be eligible to earn the LIFE Scholarship at the end of the first academic year of a non-GED program. The student must meet the annual credit hour requirement (or equivalent) and a 3.0 “LIFE GPA” at the end of the first academic year. To qualify for subsequent years, the student must meet all eligibility requirements as stated in Section A above.

C. A student who has graduated from a homeschool association not approved by the state of South Carolina may be eligible to earn the LIFE Scholarship at the end of the first academic year based on initial college enrollment. The student must meet the annual credit hour requirement (or equivalent) and a 3.0 “LIFE GPA” at the end of the first academic year. The student may also qualify in subsequent years by meeting all eligibility requirements as stated in Section A above.

D. Students who have met the initial eligibility criteria for the LIFE Scholarship and initially enroll in college mid-year (spring term) may be eligible to receive the LIFE Scholarship the next academic year, if the student earns a minimum of fifteen credit hours and earns a cumulative 3.0 “LIFE GPA” at the end of the academic year. For subsequent years, the student must meet the annual credit hour requirement for renewal (refer to Section 62-1200. 15 (C) for the required number of credit hours for mid-year students). The student may be eligible to receive the maximum number of terms of eligibility based on initial college enrollment.

E. Students who were not initially eligible for a LIFE Scholarship (as stated in this section) upon high school graduation or failed to meet the continued eligibility requirements for a LIFE Scholarship may earn or regain eligibility for a LIFE Scholarship Enhancement if they:

1. Meet all eligibility requirements as stipulated in Section 62-1200.10 and are recipients of a LIFE Scholarship;
2. Earn at least a 3.0 “LIFE GPA” and meet the annual credit hour requirement by the end of each academic year based on initial college enrollment to receive a LIFE Scholarship; and
3. Be a recipient of LIFE Scholarship funds at the time of LIFE Scholarship Enhancement funds disbursement.

62-1200.30. Transfer Students: LIFE Scholarship and LIFE Scholarship Enhancement.

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A. Students must meet all eligibility requirements for a LIFE Scholarship and for a LIFE Scholarship Enhancement as stipulated in Section 62-1200.10.

B. Transfer students who receive the LIFE Scholarship and transfer mid-year to another institution may be eligible to receive the Scholarship for the spring term if they met the eligibility requirements at the end of the previous academic year (See “Transfer Student” Section B for eligibility requirements):

1. Freshmen who transfer mid-year to the same type of institution (two-year to two-year or four year to four-year) must have met the Scholarship requirements of the respective institution at the time of initial college enrollment; or

2. Freshmen who transfer mid-year from a two-year to a four-year institution must meet the eligibility requirements of a first-time entering freshmen enrolling at a four-year institution; or

3. Freshmen who transfer mid-year from a four-year to a two-year institution must meet the eligibility requirements of a first-time entering freshmen enrolling at a two-year institution.

C. For determining initial eligibility for transfer students for the first-time at an eligible public or independent institution in South Carolina, students must meet the following requirements at the end of the previous academic year:

1. Earn a cumulative 3.0 LIFE GPA; and

2. Meet one of the following:

(a) earn a minimum of thirty credit hours (or equivalent) at all institutions if entering the second year of college based on initial college enrollment; or

(b) earn a minimum of sixty credit hours (or equivalent) at all institutions if entering the third year of college based on initial college enrollment; or

(c) earn a minimum of ninety credit hours (or equivalent) at all institutions if entering the fourth year of college based on initial college enrollment; or

(d) earn a minimum of one hundred twenty credit hours (or equivalent) at all institutions if entering the fifth year of college in an approved five-year bachelor’s degree program based on initial college enrollment; or

(e) earn the required number of credit hours as stated in Section 62-1200.15 (C) for students who initially enroll mid-year based on initial college enrollment.

D. For eligibility in subsequent years, transfer students must earn a 3.0 LIFE GPA and meet the annual credit hour requirement (or its equivalent) at all eligible institutions by the end of the academic year based on initial college enrollment.

E. The institution where the student is transferring will determine the classification of the entering transferring student based on initial college enrollment and will use this classification to determine the remaining terms of eligibility in compliance with the “Terms of Eligibility” Section.

F. Students transferring to an eligible public or independent four-year South Carolina institution may be eligible to receive a LIFE Scholarship Enhancement if they meet the requirements under Section 62-1200.10 and:

1. The student is a LIFE Scholarship recipient and transferring from an out-of-state institution or from an in-state four-year institution to an eligible public or independent four-year institution at the end of the academic year. The student must earn a minimum 3.0 LIFE GPA and a minimum average of 30 credit hours by the end of each academic year of enrollment (based on initial date of college enrollment) to receive a LIFE Scholarship Enhancement beginning the fall term of the second, third and/or fourth year of enrollment. Transfer students enrolled full-time in an eligible, approved five-year degree program may be eligible to receive a LIFE Scholarship Enhancement in their fifth year of college enrollment (based on initial date of college enrollment after high school graduation).

2. The student is a LIFE Scholarship recipient and transferring from an out-of-state institution or from an in-state four-year institution to an eligible public or independent four-year institution mid-year (i.e., spring term). The student may be eligible to receive a LIFE Scholarship Enhancement for the spring term of the second, third or fourth year of enrollment, if the student earned a 3.0 LIFE GPA and minimum average of 30 credit hours by the end of each academic year of enrollment (based on initial date of college enrollment). Transfer students enrolled full-time in an eligible, approved five-year degree program may be eligible to receive a LIFE Scholarship Enhancement in their fifth year of college enrollment (based on initial date of college enrollment after high school graduation).

3. The student is a LIFE Scholarship recipient and transferring from a two-year institution to an eligible public or independent four-year institution at the end of the academic year. The student must earn a 3.0 LIFE GPA and a minimum average of 30 credit hours by the end of each academic year of enrollment (based on initial date of college enrollment) to receive a LIFE Scholarship Enhancement beginning the fall term of the second, third and/or fourth year of enrollment. Transfer students enrolled full-time in an eligible, approved five-year degree program may be eligible to receive a LIFE Scholarship Enhancement in their fifth year of college enrollment (based on initial date of college enrollment after high school graduation).

4. The student is a LIFE Scholarship recipient and transferring from a two-year institution to an eligible public or independent four-year institution mid-year (i.e., spring term). The student may be eligible to receive a LIFE Scholarship Enhancement for the spring term of the second, third or fourth year of initial college enrollment, if the student earned a 3.0 LIFE GPA and a minimum average of 30 credit hours by the end of each academic year of enrollment (based on initial date of college enrollment). Transfer students enrolled full-time in an eligible, approved five-year degree program may be eligible to receive a LIFE Scholarship Enhancement in their fifth year of college enrollment (based on initial date of college enrollment after high school graduation).

62-1200.35. Students with Disabilities: LIFE Scholarship and LIFE Scholarship Enhancement.

A. Students who qualify under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 must meet all eligibility requirements as defined in “Student Eligibility, Continued Eligibility, Regaining or Earning Eligibility, or Transfer Students” Sections except for the full-time enrollment requirement, if approved by the Disability Services Provider at the home institution. Students must comply with all institutional policies and procedures in accordance with ADA and Section 504 of the Rehabilitation Act of 1973. It is the responsibility of the transfer student to provide written documentation concerning services from the previous institutional Disability Services Provider.

B. The institutional Disability Services Provider must provide written documentation to the Office of Financial Aid prior to each academic year or term verifying that the student is approved to be enrolled in less than full-time status or earn less than the required annual credit hours. The institution is responsible for retaining appropriate documentation according to the “Program Administration and Audits” Section.

C. For renewal, students who qualify under ADA and Section 504 of the Rehabilitation Act of 1973 must meet all requirements as stated in the “Continued Eligibility” Section, except that if a student does not meet the annual credit hour requirement, the student must have been approved by the institutional Disability Services

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Provider in the prior academic year to be enrolled in less than “full-time” status or less than the required thirty credit hours. Each academic year, students must complete the required number of credit hours approved by the institutional Disability Services Provider for LIFE Scholarship and LIFE Scholarship Enhancement renewal and earn a 3.0 “LIFE GPA.” Students must comply with all institutional policies and procedures in accordance with ADA and Section 504 of the Rehabilitation Act of 1973.

D. Students who qualify under ADA and Section 504 of the Rehabilitation Act of 1973 may receive the maximum number of terms of eligibility as stated in the “Terms of Eligibility” Section.

E. In order to be eligible for the LIFE Scholarship and LIFE Scholarship Enhancement, students who no longer qualify under ADA and Section 504 of the Rehabilitation Act of 1973 must comply with all requirements set forth under the “Student Eligibility, Continued Eligibility, Regaining or Earning Eligibility, or Transfer Students” Sections.

62-1200.40. Enrollment in Internships, Cooperative Work Programs, Travel Study Programs and National and International Student Exchange Programs: LIFE Scholarship and LIFE Scholarship Enhancement.

A. Students enrolled in internships, cooperative work programs, travel study programs, or National or International Student Exchange Programs that are approved by the home institution and that the home institution accepts as full-time transfer credit are eligible to receive LIFE Scholarship and LIFE Scholarship Enhancement funds during the period in which the student is enrolled in such programs. Students will be required to meet the continued eligibility requirements.

B. Eligible students may use the appropriated portion of LIFE Scholarship and LIFE Scholarship Enhancement funds for internships, cooperative work programs, travel study programs or National or International Student Exchange Programs that are approved by the home institution and that the home institution accepts as full-time transfer credit. LIFE Scholarship and LIFE Scholarship Enhancement funds must be paid directly to the student’s account at the home institution and cannot exceed the cost-of-attendance at the home institution or the cost-of-attendance at the host institution, whichever is less. The Commission on Higher Education will not transfer LIFE Scholarship or LIFE Scholarship Enhancement funds directly to the institution where the student will participate in internships, cooperative work programs, travel study programs or National or International Student Exchange Programs. The institution is responsible for LIFE Scholarship and LIFE Scholarship Enhancement funds according to the “Policies and Procedures for Awarding” Section.

C. Students who enroll in one academic term at the home institution and also enroll in an internship, cooperative work program, travel study program or National or International Student Exchange Program that are approved by the home institution and that do not award full-time transfer credit during the same academic year, must complete an average of thirty credit hours and earn a 3.0 “LIFE GPA” by the end of the academic year to be eligible for LIFE Scholarship and LIFE Scholarship Enhancement renewal for the next academic year (see Section 62-1200.15 (3)(a-d) for example). Students who did not use the entire eligibility for LIFE Scholarship and LIFE Scholarship Enhancement funds during this period shall be allowed to receive LIFE Scholarship and LIFE Scholarship Enhancement funds during the succeeding summer or at the end of the maximum terms of eligibility based on their initial college enrollment date (provided the student meets continued eligibility requirements).

D. For students enrolled in an internship, cooperative work program, travel study program or National or International Student Exchange Program during the entire academic year that is approved by the home institution but does not award full-time transfer credit for the entire academic year, LIFE Scholarship and LIFE Scholarship Enhancement renewal for the next academic year will be based on the prior year’s eligibility. Students who did not use the entire eligibility for LIFE Scholarship and LIFE Scholarship Enhancement funds during this period shall be allowed to receive LIFE Scholarship and LIFE Scholarship Enhancement funds during the succeeding summer or at the end of the maximum terms of eligibility based on initial college enrollment (provided the student meets the continued eligibility requirements).

E. Students enrolled in an internship, a cooperative work program, a travel study program or national or international student exchange program during the academic year that is approved by the home institution and did not use the entire eligibility for LIFE Scholarship and LIFE Scholarship Enhancement funds during this period shall be allowed to receive LIFE Scholarship and LIFE Scholarship Enhancement funds during the succeeding summer or at the end of the maximum terms of eligibility based on initial college enrollment (provided the student meets the continued eligibility requirements). In order to receive LIFE Scholarship and LIFE Scholarship Enhancement funds for summer school at the home institution, students must enroll in twelve credit hours during the summer. In order to maintain eligibility for the next academic year for students who only attend summer school at the home institution, the student must earn twelve credit hours during the academic year. For students who enroll in summer school and one other term of the academic year at the home institution, the student must earn a total of twenty-seven credit hours (or its equivalent) for the academic year. The student must meet all eligibility requirements as specified in the “Student Eligibility” and “Continued Eligibility” Sections, except for the completion of the annual credit hour requirement for the academic year.

F. The home institution will be responsible for obtaining official certification of the student’s grade point average, credit hours earned, and satisfactory academic progress for the purposes of determining eligibility for LIFE Scholarship and LIFE Scholarship Enhancement renewal for the next academic year.

62-1200.45. Military Mobilization: LIFE Scholarship and LIFE Scholarship Enhancement.

A. Service members who are enrolled in college and are affected by military mobilizations will not be penalized for the term they are required to withdraw after the full refund period based on the institutional policies and procedures. Institutions are strongly encouraged to provide a full refund of required tuition, fees and other institutional charges or to provide a credit in a comparable amount against future charges for students who are forced to withdraw as a result of military mobilization. Additionally, the term(s) that the service member is mobilized will not count against the maximum terms of eligibility. The service member shall be allowed to receive the unused terms for the LIFE Scholarship and LIFE Scholarship Enhancement while mobilized during the succeeding summer or at the end of the maximum terms of eligibility based on initial college enrollment (provided the service member meets continued eligibility requirements). The service member must re-enroll in an eligible institution within twelve months upon their demobilization and provide official documentation to verify military deployment to the institutional Financial Aid Office upon re-enrollment to receive LIFE Scholarship and LIFE Scholarship Enhancement. Reinstatement of the LIFE Scholarship and the LIFE Scholarship Enhancement will be based upon the service member’s eligibility at the time he/she was mobilized. If the student re-enrolls after the twelve month period, the service member must submit an Appeal Application to the Commission on Higher Education by the established deadline in order to be considered for reinstatement.

B. Service members who are enrolled in college and are mobilized for an entire academic year may renew the LIFE Scholarship and the LIFE Scholarship Enhancement for the next academic year, if they met the eligibility requirements at the end of the prior academic year. Service members who did not use the LIFE Scholarship and LIFE Scholarship Enhancement funds/terms of eligibility during this period due to military mobilization shall be allowed to receive the LIFE Scholarship and LIFE Scholarship Enhancement funds during the succeeding summer or at the end of the maximum terms of eligibility based on initial college enrollment (provided the service member meets continued eligibility requirements).

C. Service members who are enrolled in college and are mobilized for one academic term must complete an average of thirty credit hours and earn a 3.0 “LIFE GPA” by the end of the academic year to be eligible for LIFE Scholarship and LIFE Scholarship Enhancement renewal for the next academic year (see Section 62-1200.15 (3)(a-d) for example). Service members who did not use LIFE Scholarship and LIFE Scholarship Enhancement funds/terms of eligibility during this period shall be allowed to receive the LIFE Scholarship and LIFE Scholarship Enhancement during the succeeding summer or at the end of the maximum terms of eligibility based on initial college enrollment (provided the service member meets the continued eligibility requirements).

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D. In order to receive the LIFE Scholarship and the LIFE Scholarship Enhancement for summer school for the unused term(s), the service member must enroll in twelve credit hours during the succeeding summer term at the home institution. For service members who enroll in summer school and one other term of the academic year, the service member must earn a total of twenty-seven credit hours (or its equivalent) for the academic year. In order to maintain eligibility for the next academic year for service members who only attend summer school, the member must earn twelve credit hours during the academic year. The service member must meet all eligibility requirements as specified in the “Student Eligibility” and “Continued Eligibility” Sections for the LIFE Scholarship and LIFE Scholarship Enhancement, except for the completion of the thirty credit hour requirement for the academic year.

E. The home institution will be responsible for receiving verification of military mobilization status, “LIFE GPA,” credit hours earned and terms of eligibility based on the service member’s initial college enrollment and eligibility for LIFE Scholarship and LIFE Scholarship Enhancement renewal for the next academic year.

F. Service members of the United States Armed Forces will not be penalized for any credit hours earned while on military mobilization. The credit hours earned will not count against the terms of eligibility, but will be used toward the annual credit hour requirement for the LIFE Scholarship and towards the minimum fourteen credit hour course level requirement for the LIFE Scholarship Enhancement.

62-1200.50. LIFE Scholarship Refunds and Repayments.

A. In the event a student who has been awarded a LIFE Scholarship and LIFE Scholarship Enhancement withdraws, is suspended from the institution, or drops below full-time enrollment status during any term of the academic year, institutions must reimburse the LIFE Scholarship Program for the amount of the LIFE Scholarship and LIFE Scholarship Enhancement for the term in question pursuant to the refund policies of the institution. Collection is the responsibility of the institution.

B. In the event a student withdraws or drops below full-time status after the institution’s refund period and therefore must pay tuition and fees for full-time enrollment, the LIFE Scholarship and LIFE Scholarship Enhancement may be retained pursuant to the refund policies of the institution.

62-1200.55. Appeals Procedures: LIFE Scholarship and LIFE Scholarship Enhancement.

A. The Commission on Higher Education shall define the appeals procedures.

B. Students who did not meet the continued eligibility requirements for the LIFE Scholarship at the end of the academic year due to an extenuating circumstance may request an appeal with the Commission on Higher Education.

C. The Commission on Higher Education will allow a student to submit only one appeal each academic year based on an extenuating circumstance.

D. A completed appeal’s application must be filed with the Commission on Higher Education by the established deadline of the academic year the scholarship is requested. The student must provide a completed application for appeal, a letter requesting an appeal describing the extenuating circumstance, official transcripts from all prior institutions, and any other supporting documentation to substantiate the basis for the appeal. It is the responsibility of the student to ensure that all documents necessary to file an appeal are received at the Commission by the established deadline. Commission staff will not contact the student regarding missing or incomplete appeals documentation. Failure to submit a completed appeal’s application by the required deadline(s) will result in forfeiture of the scholarship.

E. The LIFE Scholarship shall be suspended during the appeal period, but will be awarded retroactively if the appeal is granted.

F. Appeal Guidelines apply only to the LIFE Scholarship, not the LIFE Scholarship Enhancement. Students cannot appeal solely on the basis of a loss of a LIFE Scholarship Enhancement. However, students who appeal and are awarded the LIFE Scholarship under this section may be eligible to receive the LIFE Scholarship Enhancement.

G. The Appeals Committee's decision is final.

62-1200.60. Institutional Policies and Procedures for Awarding: LIFE Scholarship and LIFE Scholarship Enhancement.

A. All eligible institutions are responsible for ensuring that each student has met the criteria based on state law and regulation to determine eligibility for the LIFE Scholarship and the LIFE Scholarship Enhancement as stipulated in Section 62-1200.10 and Section 62-1200.15.

B. Each institution is responsible for reviewing all students based on the "LIFE GPA" calculation below to determine eligibility for the LIFE Scholarship. Institutions must use official transcripts from all eligible institutions for each student and the steps in Section E below.

C. The institution must use grades earned at all eligible institutions during any term (fall, spring, and/or summer) for calculating a "LIFE GPA" at the end of the academic year.

D. The student must certify by submitting a signed affidavit that he/she is responsible for submitting transcripts from all previous and current eligible institutions. Students who complete coursework at another institution at anytime during the academic year (fall, spring, summer) must submit an official transcript to the home institution at the end of the academic year to determine eligibility for the LIFE Scholarship.

E. Steps for calculating a "LIFE GPA:"

1. Convert all grades earned at an eligible institution to a 4.0 scale based on each institution's grading policy where the grades were earned = Grade Points

2. Multiply the grade points by attempted credit hours = Quality Points (QP)

3. Divide the total quality points by the total number of attempted credit hours = LIFE GPA

4. "LIFE GPA" Formula:
$$\frac{\text{Grade Points X Attempted Credited Hours} = \text{QP}}{\text{Total Attempted Credit Hours}} = \text{LIFE GPA}$$

F. The "LIFE GPA" must include all grades earned at eligible institutions, including courses that do not transfer based on the institution's policy and college courses taken while in high school.

G. The "LIFE GPA" must not include attempted credit hours earned for continuing education courses, non-degree credit courses for an associate's degree or higher and remedial/developmental courses.

H. The student must meet the annual credit hour requirement at the end of the academic year based on initial college enrollment as defined in the "Continued Eligibility," "Regaining or Earning Eligibility" or "Transfer Students" Sections.

I. LIFE Scholarship awards are to be used only for payment toward the cost-of-attendance as established by Title IV Regulations. Eligible four-year public and independent institutions shall identify award amounts up to the cost-of-tuition for thirty credit hours, not to exceed four thousand seven hundred dollars, plus a three hundred dollar book allowance (maximum \$5,000 including cost-of-tuition plus book allowance) per academic year.

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Eligible two-year public or technical institutions shall identify award amounts, which cannot exceed the cost-of-tuition for thirty credit hours plus a three hundred dollar book allowance (maximum \$5,000 including cost-of-tuition plus book allowance) per academic year. For students enrolled at eligible two-year independent institutions, the award amount shall not exceed the maximum cost-of-tuition at the two-year USC regional institutions plus a three hundred dollar book allowance (not to exceed a maximum award amount of \$5,000 including cost-of-tuition plus book allowance) per academic year. Half shall be awarded during the fall term and half during the spring term (or its equivalent), assuming continued eligibility. The LIFE Scholarship in combination with all other gift aid, including Federal, State, private and institutional funds, shall not exceed the cost-of-attendance as defined in Title IV regulations for any academic year.

J. The LIFE Scholarship Enhancement is an annual award. Half of the funds are to be disbursed in the fall term and half to be disbursed in the spring term. Students who change their major from an ineligible degree program to an eligible degree program during the same academic year shall not receive the LIFE Scholarship Enhancement until the beginning of the next academic year (i.e., fall term). Students who change their major from an eligible degree program to an ineligible degree program during the same academic year may continue to receive the LIFE Scholarship Enhancement during the current academic year; however, the student cannot be awarded the LIFE Scholarship Enhancement the next academic year of enrollment in an ineligible degree program.

K. The institution shall specify exact LIFE Scholarship Enhancement amounts to be used only for payment toward the cost-of-attendance as established by Title IV Regulations at eligible four-year public and independent institutions in South Carolina. The annual LIFE Scholarship Enhancement award amount shall not exceed \$2,500.00 per academic year for no more than three years of instruction if enrolled in an eligible four-year degree program or for not more than four years of instruction if enrolled in an eligible approved five-year degree program. Students enrolled in an eligible 3 plus 2 program shall receive a LIFE Scholarship for no more than four years of instruction and a LIFE Scholarship Enhancement for no more than three years of instruction. Half of the LIFE Scholarship Enhancement funds shall be awarded in the fall term and half during the spring term (or its equivalent), assuming continued eligibility. The LIFE Scholarship Enhancement in combination with all other gift aid, including Federal, State, private and institutional funds, shall not exceed the cost-of-attendance as defined in Title IV Regulations for any academic year.

L. In determining the amount awarded for the LIFE Scholarship Enhancement, all other sources of gift aid, including federal, State, private and institutional funds and the base LIFE Scholarship must be applied to the unmet total cost of attendance in accord with Title IV Regulations before calculating the LIFE Scholarship Enhancement amount and receiving the funds. Adjustments to the financial aid package will be made to the LIFE Scholarship Enhancement in accordance with prescribed Title IV Regulations in order to prevent an over award.

M. Students who have already been awarded a first bachelor's degree or graduate degree are not eligible to receive a LIFE Scholarship or a LIFE Scholarship Enhancement. Students enrolled in a program of study that is structured so as not to require a bachelor's degree and leads to a graduate degree as defined in the "Program Definitions" Section must maintain their undergraduate status in order to receive a LIFE Scholarship and a LIFE Scholarship Enhancement each academic term, with the exception of students majoring in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master's of Science in Physician Assistant Studies Program at the Medical University of South Carolina, the Doctor of Pharmacy Program at the University of South Carolina-Columbia and the Doctor of Pharmacy Program at the Medical University of South Carolina.

N. Eligible institutions shall provide an award notification to eligible students that contains the terms and conditions of the LIFE Scholarship and the LIFE Scholarship Enhancement. Institutions will notify students and the SC Commission on Higher Education of any adjustments in LIFE Scholarship and LIFE Scholarship Enhancement funds that may result from an over award, change in eligibility, change in the student's residency or change in financial status or other matters.

O. The institution must retain annual paper or electronic documentation for each LIFE Scholarship and LIFE Scholarship Enhancement award to include at a minimum:

1. Award notification;
 2. Institutional disbursement to student;
 3. Student's residency status;
 4. Refunds and repayments (if appropriate);
 5. Enrollment and curriculum requirements;
 6. Verification of a 3.0 "LIFE GPA" and the required number of annual credit hours based on initial college enrollment;
 7. Affidavit documenting that the student: a) has never been convicted of any felonies and/or a second or subsequent alcohol/ drug-related misdemeanor offenses within the past academic year; b) understands that non-degree credit hours will not be used in calculating the "LIFE GPA" or credit hour requirements if they are enrolled in an associate's degree or higher; and c) must certify that they have submitted transcripts from all previous and current institutions attended;
 8. Institutional Student Information Record (ISIR) or affidavit documenting that the student is not in default or does not owe a refund or repayment on any state or federal financial aid;
 9. High school transcript(s) and corresponding rank report (if applicable) verifying graduation or home school completion date, grade point averages and class ranks (first-time entering freshmen) or GED or Adult Education High School Diploma;
 10. SAT or ACT scores (first-time entering freshmen);
 11. Verification of student's disability from Institutional Disability Service Provider and verification of reduced course-load requirement (if appropriate);
 12. Military mobilization orders (if appropriate);
 13. Beginning with the 2007-08 freshman class and thereafter, all institutions must retain documentation verifying that students met the minimum fourteen credit hour course level requirement by the end of the first year of college enrollment for the LIFE Scholarship Enhancement;
 14. Verification from academic department of enrollment in a declared major in an eligible degree program (LIFE and Palmetto Fellows Scholarship Enhancement purposes only);
 15. Documentation from Registrar or Admissions office that student's final high school GPA has been calculated pursuant to a grading scale that is at least equal to the SC UGP (For students who are attempting to use a class rank from an out-of-state institution to qualify for the LIFE Scholarship); and
 16. Verification from the institution that lawful presence of the student in the US has been verified.
- P. It is the institution's responsibility to ensure that only eligible students receive a LIFE Scholarship and LIFE Scholarship Enhancement award.

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Q. Any student who has attempted to obtain or has obtained a LIFE Scholarship and a LIFE Scholarship Enhancement award through means of a willfully false statement or failure to reveal any material fact, condition, or circumstances affecting eligibility will be subject to applicable civil or criminal penalties, including loss of the LIFE Scholarship and the LIFE Scholarship Enhancement.

R. At the end of the spring term each academic year, the institution must notify all LIFE Scholarship recipients who have not met the continued eligibility requirements for the next academic year. The notification should include information regarding the student's ability to attend summer school in order to meet the continued eligibility requirements.

62-1200.65. Institutional Disbursements: LIFE Scholarship and LIFE Scholarship Enhancement.

A. Eligible four-year public and independent institutions shall award LIFE Scholarship amounts, which cannot exceed the cost-of-tuition for thirty credit hours a year, not to exceed four thousand seven hundred dollars, plus a three hundred dollar book allowance (maximum \$5,000 including cost-of-tuition plus book allowance) per academic year. Eligible two-year public or technical institutions shall award LIFE Scholarship amounts, which cannot exceed the cost-of-tuition for thirty credit hours plus a three hundred dollar book allowance (not to exceed a maximum award amount of \$5,000 including cost-of-tuition plus book allowance) per academic year. For students enrolled at eligible two-year independent institutions, the award amount for a LIFE Scholarship shall not exceed the maximum cost-of-tuition at the two-year USC regional institutions plus a three hundred dollar book allowance (not to exceed a maximum award amount of \$5,000 including cost-of-tuition plus book allowance) per academic year. Half of the LIFE Scholarship shall be awarded during the fall term and half during the spring term (or its equivalent), assuming continued eligibility. LIFE Scholarship funds cannot be disbursed during the summer or any interim sessions with the exception to disbursements that meet the requisites under the "Enrollment in Internships, Cooperative Work Programs, Travel Study Programs and National and International Student Exchange Programs" or "Military Mobilization" Sections. The LIFE Scholarship in combination with all other gift aid, including Federal, State, private and institutional funds, shall not exceed the cost-of-attendance as defined in Title IV regulations for any academic year.

B. Eligible four-year public and independent institutions only shall award LIFE Scholarship Enhancement amounts, which cannot exceed the cost-of-attendance for thirty credit hours a year, not to exceed \$2,500 per academic year. The LIFE Scholarship Enhancement cannot be disbursed during the summer or any interim sessions with the exception of disbursements that meet the requisites under the "Enrollment in Internships, Cooperative Work Programs, Travel Study Programs and National and International Student Exchange Programs" or "Military Mobilization" Sections. The LIFE Scholarship Enhancement in combination with all other gift aid, including Federal, State, private and institutional funds, shall not exceed the cost-of-attendance as defined in Title IV Regulations for any academic year.

C. The LIFE Scholarship and the LIFE Scholarship Enhancement may not be applied to a second bachelor's degree or a graduate degree program as defined in the "Program Definitions" Section. In the event of early graduation, the LIFE Scholarship and LIFE Scholarship Enhancement awards are discontinued. Students are eligible to receive the LIFE Scholarship for a maximum of eight consecutive terms (or its equivalent) and a LIFE Scholarship Enhancement for a maximum of six consecutive terms (or its equivalent) towards an undergraduate degree, as long as all other eligibility requirements are met and the program is approved by the Commission on Higher Education. In such cases where students are enrolled in a program of study that is structured so as not to require a bachelor's degree for acceptance into the program and leads to a graduate degree, which will be the students' first academic degree awarded, such students must maintain their undergraduate status to be awarded the LIFE Scholarship and the LIFE Scholarship Enhancement, with the exception of students majoring in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master's of Science in Physician Assistant Studies Program at the Medical University of South Carolina, the Doctor of Pharmacy Program at the University of South Carolina-Columbia and the Doctor of Pharmacy Program at the Medical University of South Carolina. Students who have already been awarded their first bachelor's degree or graduate degree are not eligible to be

awarded a LIFE Scholarship or a LIFE Scholarship Enhancement. Students enrolled in an approved five-year degree program may be eligible to receive a LIFE Scholarship for a fifth year of full-time, undergraduate work and a LIFE Scholarship Enhancement for a fourth year of full-time undergraduate coursework.

D. In determining the amount awarded for the LIFE Scholarship Enhancement, all other sources of gift aid, including federal, State, private and institutional funds and the base LIFE Scholarship, must be applied to the unmet total cost-of-attendance in accord with Title IV Regulations before calculating the LIFE Scholarship Enhancement amount and receiving the funds. Adjustments to the financial aid package will be made to the base LIFE Scholarship and LIFE Scholarship Enhancement in accordance with prescribed Title IV Regulations in order to prevent an over award.

E. After the last day to register for each term of the academic year, the institution will verify enrollment of each recipient as a South Carolina resident who is a full-time, degree-seeking student. The institution must submit a request for LIFE Scholarship and LIFE Scholarship Enhancement funds and/or return of funds by the established deadline each term. In addition, a listing of all eligible recipients by identification numbers with award amounts for the term must be sent to the Commission on Higher Education. At this time any unused funds must be returned to the Commission on Higher Education immediately.

F. The Commission will disburse LIFE Scholarship and LIFE Scholarship Enhancement awards to the eligible institutions to be placed in each eligible student’s account.

G. The student must be enrolled at the time of disbursement of LIFE Scholarship and LIFE Scholarship Enhancement funds as a full-time student at the home institution, and meet all requirements as established in the “Student Eligibility” Section for a LIFE Scholarship and the a LIFE Scholarship Enhancement. Students who are retroactively awarded must have been enrolled in a minimum of twelve credit hours (full-time) as a declared major in an eligible program under Section 62-1200.10 at the home institution at the time the LIFE Scholarship and LIFE Scholarship Enhancement would have been disbursed for that term.

H. The LIFE Scholarship and LIFE Scholarship Enhancement are to be annual awards. Half of the funds are to be disbursed in the fall term and half to be disbursed in the spring term. Students who change their major from an ineligible degree program to an eligible degree program during the same academic year shall not receive the LIFE Scholarship Enhancement until the beginning of the next academic year (i.e., fall term). Students who change their major from an eligible degree program to an ineligible degree program during the same academic year may continue to receive the LIFE Scholarship Enhancement during the current academic year; however, the student cannot be awarded the LIFE Scholarship Enhancement the next academic year of enrollment in an ineligible degree program.

62-1200.70. Program Administration and Audits: LIFE Scholarship and LIFE Scholarship Enhancement.

A. The South Carolina Commission on Higher Education shall be responsible for the oversight of functions (e.g., guidelines, policies, rules, regulation) relative to this program with participating institutions. The Commission on Higher Education shall be responsible for the allocation of funds, promulgation of guidelines and regulation governing the LIFE Scholarship Program, any audits or other oversight as may be deemed necessary to monitor the expenditures of scholarship funds.

B. According to the Audit Policies and Procedures for Scholarship and Grant Programs Manual, all eligible institutions that participate in the program must abide by program policies, rules or regulation. Institutions also agree to maintain and provide all pertinent information, records, reports or any information as may be required or requested by the Commission on Higher Education or the General Assembly to ensure proper administration of the program.

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C. The Chief Executive Officer at each participating institution shall identify to the Commission on Higher Education a LIFE Scholarship institutional representative who is responsible for the operation of the program on the campus and will serve as the contact person. The institutional representative will act as the student's fiscal agent to receive and deliver funds for use under the program.

D. The participating institution shall identify to the Commission on Higher Education an institutional representative who is responsible for determining residency classification for the purposes of awarding the LIFE Scholarship.

E. All eligible independent and public institutions that participate in the program must verify the lawful presence of any student who receives a LIFE Scholarship and LIFE Scholarship Enhancement prior to awarding the Scholarship to the student. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien's immigration status with the federal government pursuant to 8 USC Section 1373(c).

62-1200.75. Suspension or Termination of Institutional Participation: LIFE Scholarship and LIFE Scholarship Enhancement.

A. The Commission may review institutional administrative practices to determine institutional compliance with pertinent statutes, guidelines, rules or regulations. If such a review determines that an institution has failed to comply with Program statutes, guidelines, rules or regulations, the Commission may suspend, terminate, or place certain conditions upon the institution's continued participation in the Program and require reimbursement to the LIFE Scholarship Program for any LIFE Scholarship or LIFE Scholarship Enhancement funds lost or improperly awarded.

B. Upon receipt of evidence that an institution has failed to comply, the Commission on Higher Education shall notify the institution in writing of the nature of such allegations and conduct an audit.

C. If an audit indicates that a violation or violations may have occurred or are occurring at any eligible public or independent institution, the Commission on Higher Education shall secure immediate reimbursement from the institution in the event that any funds were expended out of compliance with the provisions of the Act, any relevant statutes, guidelines, rules, and regulations.

D. The institution is responsible for determining South Carolina residency and lawful presence of all LIFE Scholarship and LIFE Scholarship Enhancement recipients. If it is determined that the institution has failed to verify the lawful presence and South Carolina residency of a LIFE Scholarship or LIFE Scholarship Enhancement recipient, the institution shall immediately reimburse the funds disbursed in error.

E. Independent and public institutions of higher learning in this, or any other state in the U.S., outside the U.S. or abroad, are prohibited from using the Legislative Incentive for Future Excellence or "LIFE" Scholarship in programs that promote financial aid incentives or packages. Any mention of the Legislative Incentive for Future Excellence or "LIFE" Scholarship in these financial aid packages must indicate the scholarship to be separate from the University that is offering the financial aid package, and reference the Legislative Incentive for Future Excellence or "LIFE" Scholarship as a separate financial aid award, provided to the student by the State of South Carolina.

F. The student shall be required to provide a state recognized, unique identifier in order to award, disburse and/or transfer the student's LIFE Scholarship to an eligible institution.

Fiscal Impact Statement:

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

Statement of Rationale:

These regulations are updated to be consistent with changes in law and to clarify the policies and procedures for administering the program.

Document No. 5053
COMMISSION ON HIGHER EDUCATION
 CHAPTER 62
 Statutory Authority: 1976 Code Section 59-104-20

62-300 - 62-375. Palmetto Fellows Scholarship Program.

Synopsis:

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-300 through 62-375, Palmetto Fellows Scholarship Program and Palmetto Fellows Scholarship Enhancement. Revisions to the existing regulation for the Palmetto Fellows Scholarship are being considered to include the administration of the Palmetto Fellows Scholarship at two-year public and independent institutions. In addition, language was modified to reflect the Palmetto Fellows Scholarship Enhancement is only eligible for students enrolled at a four-year institution. There are also additional changes being proposed to clarify that coursework completed after the uniform calculation deadline each year cannot be included in the final GPA for that year and to also update the ACT qualifying score to the SAT equivalent via the College Board Concordance table. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency.

The proposed regulation will require legislative review.

A Notice of Drafting was published in the *State Register* on April 23, 2021.

Instructions:

Replace R.62-300 through 62-375 in its entirety.

Text:

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- 62-318. Eligibility for Palmetto Fellows Scholarship Enhancement.
- 62-320. Palmetto Fellows Scholarship Application.
- 62-325. Palmetto Fellows Scholarship Selection Process.
- 62-330. Policies and Procedures for Awarding the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement.
- 62-335. Duration and Renewal of Awards.
- 62-340. Transfer of Reapplication for the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement.
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National or International Exchange Programs.

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62-355. Appeals Procedures.

62-360. Institutional Disbursement of Funds.

62-365. Refunds and Repayments.

62-370. Program Administration and Audits.

62-375. Suspension or Termination of Institutional Participation.

62-300. Purpose of the Palmetto Fellows Scholarship and Scholarship Enhancement.

A. Pursuant to Act 458 and amended by Act 95 and Act 162 in 2005, the Commission on Higher Education shall promulgate regulation and establish procedures to administer the Palmetto Fellows Scholarship Program. The General Assembly established the Palmetto Fellows Scholarship Program to foster scholarship among the State's postsecondary students and retain outstanding South Carolina high school graduates in the State through awards based on scholarship and achievement. The purpose of the Palmetto Fellows Scholarship Program is to recognize the most academically talented high school seniors in South Carolina and to encourage them to attend eligible colleges or universities in the State. A secondary purpose is to help retain talented minority students who might otherwise pursue studies outside the State.

B. Pursuant to Act 115 and amended by Act 235 in 2008, the Commission on Higher Education shall promulgate regulation and establish procedures for administration of the Palmetto Fellows Scholarship Enhancement. The General Assembly established the Palmetto Fellows Scholarship Enhancement in order to foster scholarship among the State's postsecondary students through awards based on scholarship and achievement. The purpose of the Palmetto Fellows Scholarship Enhancement Program is to recognize the most academically talented college students throughout the state of South Carolina in the areas of mathematics and science and encourage them to attend eligible colleges or universities in the State. In order to receive a Palmetto Fellows Scholarship Enhancement, all students must qualify for a Palmetto Fellows Scholarship as stipulated herein.

C. Independent and public institutions of higher learning in this or any other state in the U.S., outside the U.S. or abroad are prohibited from using the Palmetto Fellows Scholarship in programs that promote financial aid incentives or packages. Any mention of the Palmetto Fellows Scholarship in these financial aid packages must indicate the scholarship to be separate from the University that is offering the financial aid package, and reference the Palmetto Fellows Scholarship as a separate financial aid award, provided to the student by the State of South Carolina.

62-305. Allocation of Program Funds.

A. Funds made available for higher education grants and scholarships under Chapter 143 of Title 59 of the 1976 Code, as amended under Act 458, South Carolina Children First: Resources for Scholarship and Tuition Act of 1996, shall be included in the annual appropriation to the Commission on Higher Education. Fifty percent of the appropriation shall be designated for the Palmetto Fellows Scholarship Program and the remaining fifty percent shall be for the Need-based Grants Program. However, in instances where the equal division of the appropriated funds between the Palmetto Fellows Scholarship and Need-based Grants Programs exceeds the capacity to make awards in either program, the Commission on Higher Education has the authority to re-allocate the remaining funds between the two programs.

B. Under the South Carolina Education Lottery Act, a designated amount shall be allocated for Palmetto Fellows Scholarships and shall be included in the annual appropriation to the Commission on Higher Education.

C. After expending funds appropriated for Palmetto Fellows Scholarships from all other sources, there is automatically appropriated from the general fund of the State whatever amount is necessary to provide Palmetto Fellows Scholarships to all students meeting the requirements of Section 59-104-20.

D. The Palmetto Fellows Scholarship Enhancement is contingent upon the availability of funds appropriated by the General Assembly each academic year.

62-310. Definitions.

A. “Academic year” is defined as the twelve-month period of time during which a full-time student is expected to earn thirty credit hours. The period of time used to measure the academic year consists of the fall, spring and immediately succeeding summer terms.

B. “Annual credit hour requirement” is defined for the Palmetto Fellows Scholarship as a minimum of thirty (30) credit hours taken and earned at the end of each academic year based on the date of initial college enrollment. Credit hours cannot include remedial, continuing education, exempted credit hours (such as AP, CLEP, IB, etc.), credit hours earned before high school graduation (dual enrollment) and credit hours earned the summer term immediately following high school graduation. Credit hours earned before high school graduation, including Advanced Placement (AP) credit hours, International Baccalaureate (IB) credit hours, exempted credit hours as well as credit hours earned on active duty, must be placed on the student’s official college transcript by the institution at which they are earned, and be counted toward the annual credit hour requirement for the purposes of the Palmetto Fellows Scholarship Enhancement. Eligible Palmetto Fellows may prorate their award amount for the term of graduation (see section 62-330.B.).

C. “Approved five-year bachelor’s degree program” is defined as a five-year bachelor’s program that is defined and approved by the Commission on Higher Education to receive the Palmetto Fellows Scholarship for a maximum of ten terms and the Scholarship Enhancement for a maximum of eight terms at the same eligible independent or public institution in order to complete the requirements for a bachelor’s degree. An approved five-year bachelor’s degree program does not include institutional and cooperative “3 plus 2” programs.

D. “Bachelor’s degree program” is defined as an undergraduate program of study leading to the first bachelor’s degree as defined by the U.S. Department of Education.

E. “CIP (Classification of Instructional Program) Code” is defined as the U.S. Department of Education’s standard for federal surveys and state reporting for institutional data (majors, minors, options and courses). For the purpose of receiving the Palmetto Fellows Scholarship Enhancement, CIP Codes have been approved by the Commission on Higher Education for eligible degree programs in the fields of mathematics and science.

F. “Continuing education coursework” is defined as postsecondary courses designed for personal development and that cannot be used as credit toward a degree.

G. “Continuously enrolled” is defined as enrollment without an interruption that would require the student to pursue a formal process of readmission to that institution. Formal petitions or applications for change of degree level shall be considered readmissions with the exception of students changing degree level within the programs cited in paragraphs L and HH of this section and students who have been granted preapproved leave status for no longer than one semester by their institution. Continuously enrolled includes summer terms, military mobilization, or students who transfer from a four-year institution only to return to a four-year institution. Students who are enrolled in internships, cooperative work programs, travel study programs, or National or International Exchange Programs that are approved by the home institution are considered continuously enrolled. Any student who has been suspended, expelled, does not attend subsequent (or consecutive semesters) that does not require a formal process of readmission to that institution, or voluntarily withdraws from a four-year institution and/or enrolls at a two-year institution during the interruption is considered to be no longer continuously enrolled.

H. “Cost-of-attendance” is defined by Title IV regulations and may include tuition, fees, books, room and board, and other expenses related to transportation, disability or dependent care.

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I. “Cumulative grade point average (GPA)” is defined as the cumulative institutional GPA used for graduation purposes, which includes dividing the total number of quality points earned in all courses by the total credit hours in all courses attempted at the student’s home institution. The cumulative GPA must be at least a 3.0 at the home institution for graduation purposes at the end of each academic year based on the date of initial college enrollment.

J. “Date of initial college enrollment” is defined as the first time a student matriculates into a postsecondary degree-granting institution after high school graduation or completion of an approved home school program, excluding the summer term immediately prior to the student’s enrollment in the first regular academic year. Students must remain continuously enrolled as any break in enrollment (excluding summer) will count toward the student’s terms of eligibility.

K. For the purposes of the Scholarship Enhancement, “declared major” is defined as an eligible degree program in which a student is enrolled as a full-time, degree-seeking student. The student must meet all requirements as stipulated by the policies established by the institution and the academic department the student is enrolled in a declared major in an eligible degree program. Students cannot take courses related to a specific program without meeting institutional and departmental policies and be considered enrolled in a declared major. Students must be enrolled in a declared major in an eligible degree program that is approved and assigned a CIP code by the Commission. Eligible degree programs are those listed as such on the Commission’s Web site. Students who change their declared major from an ineligible degree program to an eligible degree program within the same academic year shall not receive the Palmetto Fellows Scholarship Enhancement for that academic year. Additionally, students who change their declared major from an eligible degree program to an ineligible degree program within the same academic year will not lose eligibility until the next academic year.

L. “Degree-seeking student” is defined as a student enrolled full-time in a program of study that leads to the first bachelor’s degree, first approved five-year bachelor’s degree or a program of study that is structured so as not to require a bachelor’s degree at an eligible independent or public institution. Students must maintain their undergraduate status in order to receive the Palmetto Fellows Scholarship and the Scholarship Enhancement each academic year, with the exception of students enrolled in the following programs: 1) Master of Science in Physician Assistant Studies at the Medical University of South Carolina; 2) Doctor of Pharmacy at the Medical University of South Carolina; 3) Doctor of Pharmacy at the University of South Carolina; and 4) Doctor of Pharmacy at Presbyterian College.

M. “Eligible degree program” is defined for the purposes of the Palmetto Fellows Scholarship Enhancement as a degree program in mathematics or science as approved by the SC Commission on Higher Education. These programs include science or mathematics disciplines, computer science or informational technology, engineering, health care and health care related disciplines (including nursing, pre-medicine and pre-dentistry) as defined by the Commission on Higher Education. Enrollment in a minor does not meet the requirements of an eligible degree program for the Palmetto Fellows Scholarship Enhancement. Students must be enrolled in a declared major in an eligible degree program that is approved and assigned a CIP Code by the Commission. Eligible degree programs are those listed as such on the Commission’s Web site.

N. “Eligible high school” is defined as a public, private, charter, virtual, Montessori, or Magnet high school located within South Carolina, an approved home school program as defined in relevant State Statute (Sections 59-65-40, 45, and 47) or a preparatory high school located outside of the State while the student is a dependent of a legal resident of South Carolina who has custody or pays child support and college expenses of the dependent high school student in accordance with Section 59-112-10. A "preparatory high school" (out-of-state) is defined as a public or private school recognized by the state in which the school is located to offer curricula through the twelfth grade and prepares students for college entrance.

O. “Early awards” is defined as a period determined by CHE to apply for the Palmetto Fellows Scholarship. Application must be made through the students’ high school. This period is generally from the end of the student’s junior year (3rd year in high school) through April of the student’s senior year (4th year in high school).

P. “Early graduate” is defined as a student who graduates mid-year their senior year.

Q. “Eligible institution” is defined as a South Carolina two-year or four-year public or independent postsecondary, degree-granting institution.

R. “Felonies” are defined as crimes classified under State statute (Section 16-1-10) for which the punishment in federal or state law and typically requires imprisonment for more than one year.

S. “Fifth year” is defined as the ninth or tenth consecutive term of undergraduate coursework in an approved five-year bachelor’s program. The fifth year is based on the student’s date of initial college enrollment after graduation from high school.

T. “First/freshman year” is defined as the first or second consecutive term of undergraduate coursework following high school graduation.

U. “For graduation purposes” is defined as any grade or credit hour that the home institution requires in accordance with their policies and procedures for graduation of the student, including electives and additional coursework.

V. “Fourth year” is defined as the seventh or eighth consecutive term of undergraduate coursework. The fourth year is based on the student’s date of initial college enrollment after graduation from high school.

W. “Full-time student” shall mean a student who has matriculated into a program of study leading to the first year certificate program, first two-year diploma program, first associate degree, first bachelor’s degree, first approved five-year bachelor’s degree or a program of study that is structured so as not to require a bachelor’s degree and leads to a graduate degree and who enrolls full-time, usually fifteen credit hours for the fall and fifteen credit hours for the spring term. In order for the student to be eligible for Scholarship disbursement, the student must be enrolled full-time at the home institution as stipulated by Title IV Regulations, except that credit hours may not include remedial coursework or continuing education coursework. Eligible Palmetto Fellows may prorate their award amount for the term of graduation (see section 62-330.B.).

X. “Gift aid” is defined as scholarships and grants that do not nor will not under any circumstance require repayment, and excludes any self-help aid such as student loans and work-study.

Y. “Home institution” is defined as the independent or public institution where the student is currently enrolled as a full-time, degree-seeking student and may be eligible for financial aid at the same institution.

Z. “Independent institutions” are defined, for the purposes of the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement Programs, as those two-year and four-year institutions eligible to participate in the South Carolina Tuition Grants Program as defined in Chapter 113 of Title 59 of the 1976 Code, which stipulates that an “independent institution of higher learning means any independent eleemosynary junior or senior college in South Carolina whose major campus and headquarters are located within South Carolina and which is accredited by the Southern Association of Colleges and Schools; or an independent bachelor’s level institution which was incorporated in its original charter in 1962, was granted a license to operate in 1997 by the Commission on Higher Education, has continued to maintain a campus in South Carolina, and is accredited by the Southern Association of Colleges and Schools. Institutions whose sole purpose is religious or theological training or the granting of professional degrees do not meet the definition of ‘public or independent institutions’ for purpose of this charter”. Two-year independent institutions are not eligible to participate in the Palmetto Fellows Scholarship Program.

AA. “Ineligible degree program” is defined for the purposes of the Palmetto Fellows Scholarship Enhancement as any degree program that is not on the Commission’s posted list of eligible degree programs.

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BB. “Late awards” is defined as a period determined by CHE for high school seniors to apply for the Palmetto Fellows Scholarship. Application must be made through the students’ high school. This period is generally from May through June of the academic year.

CC. Lawful Presence” is defined as individuals who are US citizens, permanent residents, or non-US citizens and non-permanent residents who are legally present in the US. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien’s immigration status with the federal government pursuant to 8 USC Section 1373(c). Only those individuals whose lawful presence in the US has been verified prior to initial college enrollment may receive the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement.

DD. “Military mobilization” is defined as a situation in which the U.S. Department of Defense orders service members to active duty away from their normal duty assignment during a time of war or national emergency. Service members include: 1) active duty and reserve members in the Army, Navy, Air Force, Marine Corps and Coast Guard, and; 2) members of the Army and Air National Guard.

EE. “Misdemeanor offenses” are defined as crimes classified under State statute (Section 16-1-100), less serious than felonies, and are typically punishable by fine or imprisonment for less than one year. A complete listing is located under Title 16 of State statute. Examples of alcohol and/or drug-related misdemeanor offenses in South Carolina include, but are not limited to, possession of alcohol while under the age of 21, possession of marijuana/illegal drugs, open container, transfer of alcohol to persons under 21, providing false information as to age (fake identification), etc.

FF. “Multi-handicapped student” shall be defined as a student who, in addition to being visually or hearing impaired, has at least one additional disabling condition that qualifies the student to receive specialized postsecondary education.

GG. “Palmetto Fellow” is defined as a student awarded the Palmetto Fellows Scholarship during his/her senior year of high school and continues to meet all eligibility requirements to receive the Palmetto Fellows Scholarship. A Palmetto Fellow who is not awarded any Palmetto Fellows Scholarship funds due to the cost of attendance being met by other sources of financial aid will still be classified as a Palmetto Fellow.

HH. “Program of study that is structured so as not to require a bachelor’s degree” shall be defined as a program of study that is structured so as not to require a bachelor’s degree for acceptance into the program and leads to a graduate degree, which will be the student’s first academic degree awarded, as defined by the U.S. Department of Education. Students are eligible for a maximum of eight terms as long as all other eligibility criteria are met and the program is approved by the Commission on Higher Education. Students must maintain their undergraduate status each academic term, with the exception of students enrolled in the following programs: 1) Master of Science in Physician Assistant Studies at the Medical University of South Carolina; 2) Doctor of Pharmacy at the Medical University of South Carolina; 3) Doctor of Pharmacy at the University of South Carolina; and 4) Doctor of Pharmacy at Presbyterian College. Students who have been awarded a bachelor’s or graduate degree are not eligible for funding.

II. “Public institutions” are defined, for the purposes of the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement Programs, as those two-year and four-year institutions of higher learning as defined in Chapter 103 of Title 59 of the 1976 Code, which stipulates “public higher education shall mean any state supported postsecondary educational institution and shall include technical and comprehensive educational institutions.”

JJ. “Reapplication student” is defined as a student who applied for and was offered the Palmetto Fellows Scholarship as a senior in high school, but declined the award to take a Gap year or attend an out-of-state, four-year institution. Students taking a Gap year (see section 62-310.SS.) must enroll in an eligible South Carolina institution no later than the fall term one year immediately following high school graduation and make

a request to CHE for reapplication for the Palmetto Fellows Scholarship. During the Gap year, the student cannot attend any institution of higher education or earn any college credit hours or they forfeit their Palmetto Fellows Scholarship. If the student was offered the Palmetto Fellows Scholarship as a senior in high school, but declined the award to attend an out-of-state institution at any time during the eight eligible terms immediately following high school graduation, after attending an out-of-state four-year institution, the student must return to South Carolina, enroll in an eligible South Carolina four-year institution, and make a request to CHE for reapplication for the Palmetto Fellows Scholarship.

KK. “Remedial coursework” shall be defined as sub-collegiate level preparatory courses in English, mathematics, reading or any other course deemed remedial by the institution where the course is taken.

LL. “Second year” is defined as the third or fourth consecutive term of full-time, undergraduate coursework. The second year is based on the student’s date of initial college enrollment after graduation from high school.

MM. “South Carolina resident” is defined as an individual who satisfies the requirements of residency in accordance with the state of South Carolina’s Statute for Tuition and Fees, Section 59-112-10, and all related guidelines and regulations promulgated by the Commission on Higher Education as determined by the institutional residency officer each academic year. A student must be considered a South Carolina resident at the time of high school graduation, and at the time of initial college enrollment, in order to receive a Palmetto Fellows Scholarship.

NN. “Satisfactory academic progress in a declared major” is defined for the purposes of the Scholarship Enhancement as the progress required by the institution and academic department in which the student is enrolled as a full-time, degree-seeking student. Students must meet all requirements for satisfactory academic progress toward degree completion in their declared major as established by the policies of both the institution and the declared major in which the student is enrolled to meet the requirements of satisfactory academic progress.

OO. “Substantially deviates” shall be defined, for the purposes of reviewing out-of-state preparatory high school grading scales, as being less than equivalent to the current South Carolina Uniform Grading Policy.

PP. “Transfer student” is defined, for the purposes of the Program, as a student who has changed full-time enrollment from one eligible independent or public institution to another eligible independent or public institution.

QQ. “Transient student” is defined as a student enrolled in a non-matriculated status, which means he/she is granted temporary admission to earn credit hours that will transfer back to his/her home institution toward a degree. A transient student is not eligible to receive the Palmetto Fellows Scholarship or the Scholarship Enhancement unless the student is participating in a program that is both approved and accepted as full-time transfer credit by the home institution.

RR. “Third year” is defined as the fifth or sixth consecutive term of undergraduate coursework. The third year is based on the student’s date of initial college enrollment after graduation from high school.

SS. “Gap Year” is defined as a period of time immediately following high school graduation, including a semester or academic year (Fall and Spring semesters) taken by the student as a break between high school graduation and the date of initial college enrollment. The Gap year must be taken immediately following high school graduation and does not constitute a break in enrollment.

62-315. Initial Eligibility for Palmetto Fellows Scholarship.

A. In order to qualify for consideration for a Palmetto Fellows Scholarship, a student must:

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1. Meet the eligibility criteria stipulated under the “Palmetto Fellows Scholarship Application” Section;
2. Be enrolled as a senior in an eligible high school;
3. Be classified as a South Carolina resident at the time of college enrollment;

4. Be a U.S. citizen or a lawful permanent resident that meets the definition of an eligible non-citizen under State Residency Statutes whose lawful presence in the US has been verified at the time of enrollment at the institution. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien’s immigration status with the federal government pursuant to 8 USC Section 1373(c). A student must be a legal permanent resident of the United States before being considered to be a South Carolina resident;

5. Be seriously considering attending, have applied, or have been accepted for admission to an eligible two-year or four-year degree-granting independent or public institution in South Carolina as a first-time, full-time, degree-seeking student; and

6. Certify that he/she has never been adjudicated delinquent, convicted or pled guilty or *nolo contendere* to any felonies and any second or subsequent alcohol, or drug related offenses under the laws of this or any other state or under the laws of the United States by submitting a signed affidavit each academic year to the home institution testifying to the fact, except that a high school or college student who has been adjudicated delinquent, convicted, or pled guilty or *nolo contendere* of a second or subsequent alcohol or drug related misdemeanor offense is only ineligible the next academic year of enrollment in an eligible independent or public institution after the date of the adjudication, conviction or plea. If the adjudication, conviction, or plea occurs during the academic year after the student has already submitted a signed affidavit to the home institution, the student will continue to be eligible for the remainder of that academic year. However, the student will be ineligible the following academic year of enrollment. If a student completes a pretrial intervention program and subsequently has his/her record expunged, the conviction will not affect the student’s eligibility;

7. Submit the official Palmetto Fellows Scholarship Application by the established deadline(s) and comply with all the directions contained therein.

B. The high schools shall ensure that all students meeting the eligibility criteria are given the opportunity to be included in the applicant pool.

C. A student who graduates immediately after the high school sophomore year is eligible to apply for the Palmetto Fellows Scholarship, providing that the student meets all eligibility requirements as described in the “Initial Eligibility” Section and providing that the student is entering an eligible independent or public four-year institution no later than the fall term one year immediately following high school graduation.

D. A student who graduates in December/January of the high school senior year (considered an early graduate) is eligible to apply for the Palmetto Fellows Scholarship after the completion of the junior year but prior to graduating high school, provided that the student meets all eligibility requirements as described in the “Initial Eligibility” Section and provided that the student is entering an eligible independent or public four-year institution no later than the Spring term one year immediately following high school graduation. Early graduates must be certified by the high school principal that they have met the South Carolina graduation requirements. Students who graduate high school mid-year are unable to use rank as an eligibility criterion. The South Carolina UGP GPA, as well as the high school graduation date, must be printed on the official final high school transcript. Students must enroll full-time continuously at a four-year institution no later than the Spring term one year immediately upon high school graduation. Early graduates who enroll mid-year (spring term) and are awarded the Palmetto Fellows Scholarship through the Early Graduation process will officially begin their initial college enrollment. In order to receive the Palmetto Fellows Scholarship the next academic year for a student who enrolls

mid-year, the student must earn a minimum of fifteen credit hours and a 3.0 cumulative institutional GPA by the end of the academic year.

E. Students cannot earn eligibility for the Palmetto Fellows Scholarship after high school graduation. All students must apply and be awarded during the high school senior year.

F. Students receiving the Palmetto Fellows Scholarship are not eligible for the LIFE Scholarship, SC HOPE Scholarship or Lottery Tuition Assistance within the same academic year.

G. Any student who attempts to obtain or obtains the Palmetto Fellows Scholarship through means of a willfully false statement or failure to reveal any material fact, condition or circumstances affecting eligibility will be subject to applicable civil or criminal penalties, including loss of the Palmetto Fellows Scholarship.

62-318. Eligibility for Palmetto Fellows Scholarship Enhancement.

A. To be eligible for the Palmetto Fellows Scholarship Enhancement each academic year, a student must be:

1. A Palmetto Fellow at the time the Scholarship Enhancement is disbursed;
2. Enrolled full-time, degree-seeking in a declared major in an eligible degree program;
3. Making satisfactory academic progress toward completion of his/her declared major; and
4. Enrolled in the second year, third year, fourth year, or fifth year (if enrolled in a Commission approved five-year bachelor's degree) at an eligible four-year independent or public institution.

B. Students must successfully complete at least fourteen credit hours of instruction in mathematics or life and physical science or a combination of both at the end of the first year for the 2007 freshman class and thereafter. For the purpose of meeting the fourteen credit hour requirement at the end of the student's first year, exempted credit hours (AP, CLEP, IB, etc), credit hours earned while in high school (dual enrollment, credit hours earned during the summer session immediately prior to the student's date of initial college enrollment, Pass/Fail courses with a grade of "Pass" (only), International Baccalaureate (IB) courses and Advanced Placement (AP) courses in mathematics and life and physical sciences taken in high school in which the student scored a three or more on the advanced placement test and received college credit may be used. However, remedial coursework and continuing education coursework cannot be used to meet the fourteen credit hour requirement.

C. Students who initially enroll in college mid-year (i.e., spring term) as a first year student and meet the requirements under Section 62-318 may be eligible to receive a Palmetto Fellows Scholarship Enhancement at the beginning of the spring term of the next academic year (i.e., beginning with the third consecutive term of full-time enrollment based on initial date of college enrollment). A student who initially enrolls mid-year (i.e., spring term) must earn a minimum of 15 credit hours and a 3.0 cumulative institutional GPA to be awarded a Palmetto Fellows Scholarship the following academic year. A student must earn a 3.0 cumulative institutional GPA and a minimum of 30 credit hours each subsequent year of enrollment to receive a Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement.

D. Any student who attempts to obtain or obtains the Palmetto Fellows Scholarship Enhancement through means of a willfully false statement or failure to reveal any material fact, condition or circumstances affecting eligibility will be subject to applicable civil or criminal penalties, including loss of the Palmetto Fellows Scholarship Enhancement.

62-320. Palmetto Fellows Scholarship Application.

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A. The Commission on Higher Education will send information regarding the application process to all South Carolina high schools, home school associations and district superintendents. High schools and/or home school associations that do not receive information regarding the application process from the Commission on Higher Education by the beginning of each application process must contact the Commission for information. It is the sole responsibility of the high schools, home schools, home school associations, and district superintendents to contact CHE regarding the Palmetto Fellows Scholarship program including the application process. High school officials will identify students who meet the specified eligibility criteria by each established deadline. High school officials must submit applications (both electronic and paper documentation) no later than the established deadline(s) along with the appropriate signatures, official transcripts and test score verification to the Commission on Higher Education. High school officials must certify each eligible applicant's signature form. Students who are enrolled at out-of-state high schools are personally responsible for contacting the Commission on Higher Education about the application process and must adhere to the same established deadline(s).

B. The high schools and home school associations must submit a list to the Commission on Higher Education indicating the names of all students who meet the eligibility criteria at their high school. The list should indicate whether the student is submitting a completed application or declining the opportunity to apply. If the student declines the opportunity to apply, the high school will submit a form for each of these students, signed by both the student and the parent/guardian and indicating the reason(s) for not submitting an application. Students who decline to apply for the Scholarship forfeit any future eligibility under this Program.

C. Applications for early awards must be submitted to the Commission on Higher Education for the Palmetto Fellows Scholarship by the date established each academic year. Students must meet one of the following set of academic criteria in order to be eligible to apply for the early awards (students cannot use the early awards criteria to apply during the late awards):

1. Score at least 1200 on the SAT or 25 on the ACT through the test administration date as determined by CHE of the senior year; earn a minimum 3.50 cumulative GPA on the current South Carolina Uniform Grading Policy (UGP) at the end of the junior year; and rank in the top six percent of the class at the end of either the sophomore or the junior year; or

2. The alternate criteria of a score at least 1400 on the SAT or 31 on the ACT through the test administration date as determined by CHE of the senior year and earn a minimum 4.00 cumulative GPA on the UGP at the end of the junior year, without regard to class rank.

3. High schools or home school associations that do not rank as an official policy; or high schools whose grading policy deviates from the current South Carolina Uniform Grading Policy and do not convert the graduating class grades to the current South Carolina UGP to determine class rank, must use the alternate criteria of meeting the academic requirements for the Palmetto Fellow Scholarship.

4. High schools or home school associations shall not use ranking for the sole purpose of obtaining eligibility for the state scholarships.

D. Applications for late awards must be submitted to the Commission on Higher Education for the Palmetto Fellows Scholarship by the date established in June each academic year. Students must meet one of the following set of academic criteria in order to be eligible to apply for the late awards:

1. Score at least 1200 on the SAT or 25 on the ACT through the test administration date as determined by CHE of the senior year; earn a minimum 3.50 cumulative GPA on the UGP at the end of the senior year; and rank in the top six percent of the class at the end of the sophomore, junior or senior year; or

2. Score at least 1400 on the SAT or 31 on the ACT through the test administration date as determined by CHE of the senior year and earn a minimum 4.00 cumulative GPA on the UGP at the end of the senior year, without regard to class rank.

3. High schools or home school associations that do not rank as a policy; or high schools whose grading policy deviates from the current South Carolina Uniform Grading Policy and that do not convert the graduating class grades to the current South Carolina UGP to determine class rank, must use the alternate criteria of meeting the academic requirements for the Palmetto Fellow Scholarship.

4. High schools or home school associations shall not use ranking for the sole purpose of obtaining eligibility for the state scholarships.

E. Students must have official verification that they earned the requisite score on the SAT or an equivalent ACT score. In order to determine the minimum composite score for the SAT, students must use the highest Math score combined with the highest Evidence-Based Reading and Writing score. However, students cannot use the Essay subsection score to meet the minimum SAT score requirement. In order to determine the minimum composite score for the ACT, students must use the highest English score combined with the highest Math score, Reading score and Science score.

F. Grade point averages must be based on the current South Carolina Uniform Grading Policy, reported with at least two decimal places, and may not be rounded up. The South Carolina UGP GPA and class rank (if school/association officially ranks as a policy) must be printed on an official final end of year high school transcript, which must also include a uniform date of calculation as determined by the Commission on Higher Education. The graduation date must also be printed on the final end of senior year high school transcript. No coursework completed after the date of uniform calculation can be included in the end of the year GPA. Student must meet the scholarship eligibility criteria within four years of high school coursework.

G. Class rank must be based on the South Carolina Uniform Grading Policy using diploma candidates only. Class rank is determined at the end of the sophomore, junior and senior years (not the beginning of the next school year) before including any summer school coursework or including any students who transfer into your high school after the school year ended in May/June. Students cannot be removed from the class because they did not meet the eligibility criteria to apply, declined to apply, are not residents of the State, do not meet citizenship requirements, plan to attend college out-of-state, etc. The class rank information must include all students who attended your high school that school year. Only one student may occupy each place in class rank. The rank policy and rank policy information must be available to parents, students, colleges, and universities, and the Commission on Higher Education in publication form to include a school's website, student/parent handbook, and/or school profile. This language must include the ranking policy in place at the school/association. The ranking policy should be consistent in all places where the rank policy is published and is the same information disseminated to parents, students, colleges/universities, and the Commission. The South Carolina UGP GPA and class rank (if school/association officially ranks as a policy) must be printed on an official final end of year high school transcript, which must also include a uniform date of calculation as determined by the Commission on Higher Education. The graduation date must also be printed on the final end of senior year high school transcript.

H. The number of students included in the top six percent of the class will be the next whole number if the top six percent is not already a whole number. For example, a class size of 185 students would include the top twelve students since 11.1 rounds up to twelve. For those high schools that officially rank as a policy (see section 62-320.G.) with fewer than twenty students in the class, the top two students (students ranked as number one and two) shall be considered for the Scholarship regardless of whether they rank in the top six percent of the class. These students must meet all other eligibility criteria.

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I. In order to apply for the Palmetto Fellows Scholarship using rank as one of the eligibility criteria, home school students must be a member of an approved home school program (as defined in relevant State Statute) that provides an official class rank for their members. All high schools (see section 62-310.N.) and home school associations must submit a rank report on official school/association letterhead that includes the class rank and GPA based on the current South Carolina Uniform Grading Policy for all students in the applicant's class. If a student is unable to obtain rank verification, he/she may also be eligible to apply using the alternative criteria of scoring at least 1400 on the SAT (or 31 on the ACT) and earning a minimum 4.00 cumulative GPA on the South Carolina UGP, without regard to class rank. These students must meet all other eligibility criteria.

J. For schools or home school associations that do not rank as an official policy, students must use the alternate criteria to meet eligibility requirements for the Palmetto Fellows Scholarship.

K. For the purposes of meeting the rank criterion, the existing high school rank of a South Carolina resident attending an out-of-state high school may be used, provided it is calculated pursuant to a state-approved, standardized grading scale at the respective out-of-state high school. If the Commission on Higher Education determines that a state-approved standardized grading scale substantially deviates from the South Carolina Uniform Grading Scale, the state-approved, standardized grading scale shall not be used to meet the eligibility requirements for the Palmetto Fellows Scholarship. The school counselor from the out-of-state preparatory school also has the option of converting the cumulative GPAs of all students in the applicant's class to the current South Carolina UGP to determine if the student ranks within the top six percent of the class and must provide a ranking report that identifies all students in the applicant's class and their respective GPA's based on the South Carolina UGP. When converting scores to the South Carolina UGP, weighting must adhere to the South Carolina UGP (i.e. honors no more than .50 and AP/IB no more than 1.0). In addition, scores/grades must correspond to the South Carolina UGP. For example, if a student earned a 90 in an honors class, the conversion of the scores/grades must be equivalent to the points assigned according to the current South Carolina UGP. To be considered equivalent, the out-of-state school's grading scale must adhere to the following minimum requirements:

1. Must include all courses carrying Carnegie units, including units earned at the middle school and high school level;

2. To be equivalent to an "A" letter grade, the numerical average must be ≥ 90 ; to be equivalent to a "B" letter grade the numerical average must be between 80 and 89; to be equivalent to a "C" letter grade the numerical average must be between 70 and 79; to be equivalent to a "D" letter grade the numerical average must be between 60 and 69; and to be equivalent to a "F" letter grade the numerical average must be between 51 and 59 (if a course with a numerical average of < 51 is considered passing by the high school the student earned the grade, then a 65 numerical average should be given);

3. Cannot add more than one half (.50) additional quality point for honors courses; cannot add more than one additional quality point for dual enrollment (DE) courses, Advanced Placement (AP) courses, and standard level International Baccalaureate (IB) courses; and, cannot add more than two additional quality points for higher level IB courses;

4. Must classify all other courses as College Preparatory if they are not already classified as honors, DE, AP or IB. For a class to be classified as honors, the course must be in English, mathematics, science or social studies or be the third/fourth level for all other content areas; and

5. If no numerical average is available, all letter grades must be converted to the equivalent numerical average based on the following: all "A" letter grades must be converted to a 95 numerical average, all "B" letter grades must be converted to a 85 numerical average, all "C" letter grades must be converted to a 75 numerical average, all "D" letter grades must be converted to a 65 numerical average, and all "F" letter grades must be converted to a 50 numerical average.

L. Students who attend out-of-state preparatory high school may also be eligible to apply by using the alternative criteria of scoring at least 1400 on the SAT (or 31 on the ACT) and earning a minimum 4.00 cumulative GPA on the current South Carolina Uniform Grading Policy. The student's school counselor must convert the student's grades to the UGP to determine if the student meets the GPA requirement. These students must meet all other eligibility criteria, including South Carolina residency requirements.

M. Students submitted for the late award will need to make arrangements for tuition and fee payments as a student will not be notified of their PFS status in enough time to meet any institutionally established payment deadlines.

62-325. Palmetto Fellows Scholarship Selection Process.

A. The Commission on Higher Education will notify students of their selection as a Palmetto Fellow along with the terms and conditions of the award.

B. Students who have met the academic requirements of the Scholarship must return a form to the Commission that designates an eligible two-year or four-year independent or public institution in which they plan to enroll by the date established by the Commission on Higher Education. The Palmetto Fellows Scholarship will only be awarded to those students who have a lawful presence in the United States and have been identified as a South Carolina resident at the time of initial college enrollment.

C. Visually impaired, hearing impaired or multi-handicapped students who qualify for the Scholarship may use the Palmetto Fellows Scholarship to attend a two-year or four-year out-of-state institution that specializes in educating students with their impairment upon receiving prior approval from the Commission on Higher Education. The Commission on Higher Education shall make the final decision whether an out-of-state institution specializes in the postsecondary education of visually impaired, hearing impaired or multi-handicapped students.

D. The Commission on Higher Education shall ensure that there is equitable minority participation in the Program.

62-330. Policies and Procedures for Awarding the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement.

A. The institution will identify award amounts, which cannot exceed:

1. \$6,700 the first/freshman year and \$7,500 for the second year, third year, fourth year and fifth year (if applicable) for the Palmetto Fellows Scholarship; Eligible Palmetto Fellows may prorate their award amount for the term of graduation.

2. \$2,500 for the second year, third year, fourth year and fifth year (if applicable) for the Palmetto Fellows Scholarship Enhancement if enrolled in a eligible four-year degree program or for not more than four years of instruction if enrolled in an eligible approved five-year degree program. Eligible Palmetto Fellows may prorate their award amount for the term of graduation.

3. For mid-year initial college enrollment (i.e. a student who starts college in the spring term), a student may receive a maximum of \$3,350 for the spring term. Beginning the second academic year (i.e. the fall term) a student may receive up to \$7,500 for the second year, third year, fourth year and fifth academic year (if applicable) for the Palmetto Fellows Scholarship; Eligible Palmetto Fellows may prorate their award amount for the term of graduation.

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B. Half shall be awarded during the fall term and half during the spring term. Palmetto Fellows Scholarships and Palmetto Fellows Scholarship Enhancements are to be used only toward payment for cost-of-attendance as established by Title IV Regulations with modifications set forth in D below for the academic year the award is made at the designated independent or public institution. The maximum amount awarded shall not exceed the cost-of-attendance as established by Title IV Regulations for any academic year. During the final term of attendance, the institution may prorate the Palmetto Fellow Scholarship and the Palmetto Fellows Scholarship Enhancement award amount, for the number of credit hours attempted for the current term of attendance, which must be the term of graduation for the student. Proration will be based on 12 credit hours.

C. Students who change their major from an ineligible degree program to an eligible degree program during the same academic year cannot be awarded the Palmetto Fellows Scholarship Enhancement until the next academic year. Additionally, students who change their major from an eligible degree program to an ineligible degree program during the same academic year will retain their Palmetto Fellows Scholarship Enhancement eligibility for the remainder of the current academic year.

D. Charges for room and board are to be limited as follows:

1. Room charges shall not exceed the average cost of on-campus residential housing; and
2. Board charges shall not exceed the cost of the least expensive campus meal plan that includes 21 meals per week.

E. In determining the amount awarded for the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement, all other sources of gift aid, including federal, State, private and institutional funds, must be applied to the unmet cost-of-attendance before calculating the Scholarship and Enhancement amounts and making the award. Adjustments to the financial aid package will be made to the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement in accordance with prescribed Title IV regulations in order to prevent an over-award.

F. Although a student may be named a Palmetto Fellow, the student may not receive a monetary award, if the award when combined with all other sources of gift aid would cause the student to receive financial assistance in excess of the student's cost-of-attendance as defined by Title IV regulations and the guidelines contained herein.

G. Eligible two-year and four-year independent and public institutions will notify students of their award along with the terms and conditions.

H. Effective Fall 2008, Section 59-101-430 (A), Chapter 101, Title 59 of the 1976 Code states that unlawful aliens are prohibited from attending South Carolina Public institutions of higher learning. This does apply to students who are currently enrolled, as well as new enrollees. In accordance of this law, institutions must institute a process that verifies an individual's lawful presence in the United States. This process must verify any alien's immigration status with the federal government. Students receiving the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement must be verified. Any student that is not verified and documented by the institution will not receive the Scholarship.

I. All eligible independent and public institutions that participate in the program must verify the lawful presence in the US of any student who receives a Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement prior to awarding the Scholarship to the student. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien's immigration status with the federal government pursuant to 8 USC Section 1373(c).

J. The institution must retain annual paper or electronic documentation for each award to include at a minimum:

1. Institutional Student Information Record (ISIR) or affidavit documenting that the student is not in default or does not owe a refund on any state or federal financial aid
2. Affidavit documenting that the student has never been convicted of any felonies and has not been convicted of any second or subsequent alcohol/drug-related misdemeanor offense within the past academic year as stated under “Initial Eligibility” and “Duration and Renewal of Awards” Sections
3. Award notification
4. Institutional disbursements to student
5. Verification student is not in default and does not owe a refund or repayment
6. Student’s residency status and citizenship status
7. Enrollment status and degree-seeking status
8. Verification of cumulative GPA and annual credit hours for renewal purposes
9. Verification from the institutional Disability Services Provider of student’s disability and approval of reduced course-load requirement (if appropriate)
10. Military mobilization orders (if appropriate)
11. Verification student met fourteen credit hour requirement at the end of the first year of college enrollment for the 2007-08 freshman class and thereafter (Palmetto Fellows Scholarship Enhancement purposes only)
12. Verification from academic department of enrollment in a declared major in an eligible degree program (Palmetto Fellows Scholarship Enhancement purposes only).
13. Verification from the institution that lawful presence in the US, and has been verified.

K. It is the institution’s responsibility to ensure that only eligible students receive the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement.

L. The student shall be required to provide a state recognized unique identifier in order for the institution to award, disburse, and/or transfer the student’s state scholarship and/or grant to an eligible institution.

62-335. Duration and Renewal of Awards.

A. The Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement where applicable shall be initially awarded for one academic year. The institution shall adjust the amount of the Scholarship and Enhancement awards during the academic year in the event of a change in the student’s eligibility.

B. Students selected as Palmetto Fellows must enter an eligible two-year or four-year independent or public institution no later than the fall term one year immediately following high school graduation. Students must be continuously enrolled at an eligible two-year or four-year institution. Students with a break in continuous full-time enrollment at a two-year or four-year institution will forfeit the scholarship.

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C. A Palmetto Fellows Scholarship may be renewed annually for no more than a total of two terms towards a one-year certificate or diploma program, or four terms (based on the date of initial college enrollment) toward the first associate degree or two-year diploma program, or eight terms (based on the date of initial college enrollment) toward the first bachelor's degree or a program of study that is structured so as not to require a bachelor's degree and leads to a graduate degree or for no more than a total of ten terms (based on the date of initial college enrollment) toward the first approved five-year bachelor's degree. The Palmetto Fellows Scholarship Enhancement may not be awarded for no more than a total of six terms (based on the date of initial college enrollment) toward the first bachelor's degree or a program of study that is structured so as not to require a bachelor's degree and leads to a graduate degree or for no more than a total of eight terms (based on the date of initial college enrollment) toward the first approved five-year bachelor's degree. Students who have already been awarded their first bachelor or graduate degree are not eligible to receive the Palmetto Fellows Scholarship or the Palmetto Fellows Scholarship Enhancement. During the final term of attendance, the institution may prorate the Palmetto Fellow Scholarship and the Palmetto Fellows Scholarship Enhancement award amount, for the number of credit hours attempted for the current term of attendance, which must be the term of graduation for the student. Proration will be based on 12 credit hours (see section 62-330.B).

D. The institution is responsible for obtaining institutional certification of each recipient's cumulative grade point average and annual credit hours for the purposes of determining eligibility for award renewal. For the Palmetto Fellows Scholarship Enhancement, the institution must also obtain verification from the academic department of enrollment in a declared major in an eligible degree program.

E. By the end of the spring term each academic year, the institution must notify all Palmetto Fellows who have not met the continued eligibility requirements for the next academic year. The notification should include information regarding the student's ability to attend summer school in order to meet the continued eligibility requirements.

F. The eligible two-year or four-year independent or public institution is responsible for reporting to the Commission on Higher Education credit hours earned at the home institution only. Transfer credit hours cannot be reported by the home institution.

G. In order to retain eligibility for the Palmetto Fellows Scholarship after the initial year, the student must meet the following continued eligibility requirements:

1. Enroll and be continuously enrolled at an eligible two-year or four-year public or independent institution as a full-time, degree-seeking student at the time of Scholarship disbursement;

2. Earn at least a 3.0 cumulative GPA at the home institution for graduation purposes by the end of each academic year;

3. Earn a minimum of thirty credit hours for graduation purposes by the end of each academic year. Exempted credit hours (such as AP, CLEP, etc.), credit hours earned before high school graduation, and credit hours earned the summer term immediately following high school graduation cannot be used to meet the annual credit hour requirement;

4. Certify each academic year that he/she has not defaulted and does not owe a refund or repayment on any federal or state financial aid. If a student has an Institutional Student Information Record (ISIR) or its equivalent on file, the ISIR information will be used to verify default status or refund/repayment owed. Students who have not completed the Free Application for Federal Student Aid (FAFSA) must have an affidavit on file to verify that he/she is not in default and does not owe a refund or repayment on any federal or state financial aid, including the state grants/scholarships, Pell Grant, Supplemental Educational Opportunity Grant, Federal Perkins or Stafford Loan; and

5. Certify each academic year that he/she has never been adjudicated delinquent, convicted or pled guilty or *nolo contendere* to any felonies and any second or subsequent alcohol/drug-related misdemeanor offenses under the laws of this or any other state or under the laws of the United States by submitting a signed affidavit to the home institution. However, a high school or college student who has been adjudicated delinquent, convicted, or pled guilty or *nolo contendere* of a second or subsequent alcohol or drug-related misdemeanor offense is only ineligible for the next academic year of enrollment at an eligible independent or public institution after the date of the adjudication, conviction or plea. If the adjudication, conviction or plea occurs during the academic year after the student has already submitted a signed affidavit to the institution, the student will continue to be eligible for the remainder of the academic year. However, the student will be ineligible for the Scholarship for the following academic year of enrollment. If a student completes a pretrial intervention program and his/her record is subsequently expunged, the charge will not affect Scholarship eligibility.

H. In order to retain eligibility for the Palmetto Fellows Scholarship Enhancement, a student must:

1. Be a Palmetto Fellow at the time the Scholarship Enhancement is disbursed;
2. Be enrolled and continuously enrolled at an eligible four-year public or independent institution as a full-time, degree-seeking student in a declared major in an eligible degree program;
3. Be making satisfactory academic progress toward completion of his/her declared major;
4. Be enrolled in the second year, third year, fourth year or fifth year (if enrolled in a Commission approved five-year bachelor's degree) at an eligible four-year independent or public institution; and
5. Successfully complete at least fourteen credit hours of instruction in mathematics or life and physical science or a combination of both at the end of the first year for the 2007 freshman class and thereafter. For the purpose of meeting the fourteen credit hour requirement at the end of the student's first year, exempted credit hours (AP, CLEP, IB, etc), credit hours earned while in high school (dual enrollment), and credit hours earned during the summer session immediately prior to the student's date of initial college enrollment may be used. However, remedial coursework and continuing education coursework cannot be used to meet the fourteen credit hour requirement. Palmetto Fellows who were already enrolled in at least their second year in the 2007-2008 academic year only are not required to meet the fourteen credit hour requirement at the end of their first/freshman year.

I. Any student who attempts to obtain or obtains a Palmetto Fellows Scholarship or Palmetto Fellows Scholarship Enhancement through means of a willfully false statement or failure to reveal any material fact, condition, or circumstances affecting eligibility will be subject to applicable civil or criminal penalties, including loss of the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement.

62-340. Transfer of or Reapplication for the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement.

A. Palmetto Fellows enrolled at an eligible two-year or four-year independent or public institution may transfer to another two-year or four-year eligible independent or public institution in South Carolina upon obtaining prior approval from the Commission on Higher Education, by submitting a transfer form, which is available on the Commission's Web site.

B. A student who applied for and was offered the Palmetto Fellows Scholarship as a senior in high school, but declined the award to attend an out-of-state two-year or four-year institution no later than the fall term one year immediately following high school graduation or a student who attends an out-of-state institution at any time during the eight eligible terms, must reapply if they transfer to an eligible two-year or four-year independent or public institution in South Carolina. The reapplication form is available on the Commission's Web site.

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C. Transfer students and reapplication students are only eligible to receive the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement for the remaining terms of eligibility (based on the date of initial college enrollment).

D. Transfer students and reapplication students must comply with all standards for continued eligibility as defined under the “Duration and Renewal of Awards” Section in order for their award to be eligible for transfer.

E. The eligible two-year or four-year independent or public institution is responsible for reviewing all Palmetto Fellows transferring to their institution to determine whether the students are eligible for the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement.

F. The eligible two-year or four-year independent or public institution is responsible for reporting to the Commission on Higher Education credit hours earned at their institution only. Transfer credit hours cannot be reported by the home institution.

62-345. Students with Disabilities.

A. Palmetto Fellows who qualify under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 must meet all eligibility requirements as defined in the “Initial Eligibility” Section, except for the full-time enrollment requirement, in order to be eligible to receive funding. Students must comply with all institutional policies and procedures in accordance with ADA and Section 504 of the Rehabilitation Act of 1973.

B. For renewal, Palmetto Fellows who qualify under ADA and Section 504 of the Rehabilitation Act of 1973 must meet all renewal requirements as defined in the “Duration and Renewal of Awards” Section, except for a student not meeting the annual credit hour requirement who is approved by the Disability Services Provider at the home institution to be enrolled in less than full-time status or less than the required annual credit hours for that academic year. Each academic year for award renewal, students must earn the required number of hours approved by the institutional Disability Services Provider at the home institution and earn a minimum 3.0 cumulative grade point average at the home institution for graduation purposes. Students must comply with all institutional policies and procedures in accordance with ADA and Section 504 of the Rehabilitation Act of 1973.

C. The institutional Disability Services Provider must provide written documentation to the Office of Financial Aid prior to each academic year verifying that the student is approved to be enrolled in less than full-time status or less than the required annual credit hours. It is the responsibility of transfer students and reapplication students to provide written documentation from the previous institutional Disability Services Provider.

D. Palmetto Fellows who qualify under ADA and Section 504 of the Rehabilitation Act of 1973 are eligible to receive up to the maximum number of available terms and available funds.

62-350. Enrollment in Internships, Cooperative Work Programs, Travel Study Programs, or National or International Student Exchange Programs.

A. Students enrolled in internships, cooperative work programs, travel study programs, or National or International Student Exchange Programs that are approved by the home institution and that the home institution accepts as full-time transfer credit are eligible to receive Palmetto Fellows Scholarship and Palmetto Fellow Scholarship Enhancement funds during the period in which the student is enrolled in such programs. Students will be required to meet the continued eligibility requirements.

B. Eligible students may use the appropriated portion of the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement funds for internships, cooperative work programs, travel study programs, or National or International Student Exchange Programs that are approved by the home institution and that the

home institution accepts as full-time transfer credit. Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement funds must be paid directly to the student's account at the home institution. The amount awarded cannot exceed the cost-of-attendance at the home institution or the cost-of-attendance at the host institution, whichever is less. The Commission on Higher Education will not transfer funds to the institutions where students will participate in internships, cooperative work programs, travel study programs, or National or International Student Exchange Programs. The home institution is responsible for funds according to the "Program Administration and Audits" Section.

C. Students who enroll in one academic term at the home institution and also enroll in an internship, cooperative work program, travel study program, or National or International Student Exchange Program that are approved by the home institution and that do not award full-time transfer credit during the same academic year must earn at least fifteen credit hours and a minimum 3.0 cumulative grade point average at the home institution for graduation purposes by the end of the academic year to be eligible for renewal the next academic year. The student may continue to be eligible for up to the maximum terms of eligibility based on the date of initial college enrollment (provided the student meets the continued eligibility requirements).

D. For students enrolling in an internship, cooperative work program, travel study program, or National or International Student Exchange Program that is approved by the home institution but does not award full-time transfer credit for the entire academic year, renewal for the next academic year will be based on the prior year's eligibility. The student may continue to be eligible for up to the maximum terms of eligibility based on the date of initial college enrollment (provided the student meets the continued eligibility requirements).

E. Students enrolling in an internship, a cooperative work program, a travel study program, or National or International Student Exchange Program that are approved by the home institution during the academic year and did not use their entire eligibility for the Palmetto Fellows Scholarship or the Palmetto Fellows Scholarship Enhancement funds during this period shall be allowed to receive one term of Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement funds during the succeeding summer or at the end of the maximum terms of eligibility based on the date of initial college enrollment (provided the student meets the continued eligibility requirements). In order to receive the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement funds for the succeeding summer term, students must enroll in twelve credit hours at the home institution. In order to maintain eligibility for the next academic year for students who only attend summer school, the student must earn at least twelve credit hours by the end of the academic year. For students who enroll in summer school and one other term of the academic year, the student must earn a total of at least 27 credit hours by the end of the academic year. The student must meet all continued eligibility requirements, except for the completion of the annual credit hour requirement for the academic year.

F. The home institution will be responsible for obtaining official certification of the student's cumulative grade point average and annual credit hours earned for purposes of determining eligibility for Scholarship and Enhancement renewal for the next academic year. For purposes of Enhancement eligibility, the home institution must also obtain certification from the academic department of enrollment in a declared major in an eligible degree program.

62-351. Military Mobilization.

A. Service members who are enrolled in college and are affected by military mobilizations will not be penalized for the term they are required to withdraw after the full refund period based on the institutional policies and procedures. Institutions are strongly encouraged to provide a full refund of required tuition, fees and other institutional charges or to provide a credit in a comparable amount against future charges for students who are forced to withdraw as a result of military mobilization. Additionally, the term(s) that the service member is mobilized will not count against the maximum terms of eligibility. The service member shall be allowed to receive the unused term(s) while mobilized during the succeeding summer term or at the end of the maximum terms of eligibility (provided the service member meets continued eligibility requirements). The service member

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must re-enroll in an eligible independent or public institution within twelve months upon their demobilization and provide official documentation to verify military deployment to the institutional Financial Aid Office upon re-enrollment. Reinstatement will be based upon the service member's eligibility at the time he/she was mobilized. If the service member re-enrolls after the twelve month period, the service member must submit an Appeal Application to the Commission on Higher Education by the established deadline in order to be considered for reinstatement.

B. Service members who are enrolled in college and are mobilized for a minimum of one academic year may be eligible the next academic year, if they met the continued eligibility requirements at the end of the last academic year of attendance. Service members may continue to be eligible for up to the maximum terms of eligibility based on the date of initial college enrollment (provided the service member meets the continued eligibility requirements).

C. Service members who are enrolled in college and are mobilized for one academic term must complete at least fifteen credit hours and a minimum 3.0 cumulative grade point average at the home institution for graduation purposes by the end of the academic year to be eligible for renewal for the next academic year. Service members may continue to be eligible for up to the maximum terms of eligibility based on the date of initial college enrollment (provided the service member meets the continued eligibility requirements).

D. In order to receive the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement for summer school for any unused term(s), the service member must enroll in twelve credit hours during the succeeding summer term at the home institution. For service members who enroll in summer school and one other term of the academic year, the service member must earn a total of at least twenty-seven credit hours by the end of the academic year. In order to maintain eligibility for the next academic year for service members who only attend summer school, the member must earn at least twelve credit hours by the end of the academic year. The service member must meet all continued eligibility requirements, except for the completion of the annual credit hour requirement for the academic year.

E. The home institution will be responsible for obtaining verification of military mobilization status, cumulative grade point average and annual credit hours for the purpose of determining eligibility to renew the Palmetto Fellows Scholarship for the next academic year. For purposes of the Palmetto Fellows Scholarship Enhancement, the home institution must also obtain certification from the academic department of enrollment in a declared major in an eligible degree program.

62-355. Appeals Procedures.

A. The Commission on Higher Education shall define the procedures for scholarship appeals.

B. A student who does not meet the continued eligibility criteria for renewal of the Palmetto Fellows Scholarship forfeits continued participation in the Program and may request an appeal based on extenuating circumstances.

C. A student is allowed to submit only one appeal each academic year.

D. A completed appeal's application must be filed with the Commission on Higher Education by the established deadline of the academic year the scholarship is requested. The student must provide a completed application for appeal, a letter requesting an appeal describing the extenuating circumstance, official transcripts from all prior institutions, and any other supporting documentation to substantiate the basis for the appeal. It is the responsibility of the student to ensure that all documents necessary to file an appeal are received at the Commission by the established deadline. Commission staff will not contact the student regarding missing or incomplete appeals documentation. Failure to submit a completed appeal's application by the required deadline(s) will result in forfeiture of the scholarship.

E. A student who fails to submit an appeal by the required deadline will result in forfeiture of the award.

F. The Palmetto Fellows Scholarship shall be suspended during the appeal period, but will be awarded retroactively if the appeal is granted.

G. Students cannot appeal solely on the loss of the Palmetto Fellows Scholarship Enhancement.

H. The Appeals Committee's decision is final.

62-360. Institutional Disbursement of Funds.

A. The institution will identify award amounts, which cannot exceed:

1. \$6,700 the first/freshman year and \$7,500 for the second year, third year, fourth year and fifth year (if applicable) for the Palmetto Fellows Scholarship; Eligible Palmetto Fellows may prorate their award amount for the term of graduation (see section 62-330.B.).

2. \$2,500 for the second year, third year, fourth year and fifth year (if applicable) for the Palmetto Fellows Scholarship Enhancement if enrolled in a eligible four-year degree program or for not more than four years of instruction if enrolled in an eligible approved five-year degree program. Eligible Palmetto Fellows may prorate their award amount for the term of graduation (see section 62-330.B.).

3. For mid-year initial college enrollment (i.e. a student who starts college in the spring term), a student may receive a maximum of \$3,350 for the spring term. Beginning the second academic year (i.e. the fall term) a student may receive up to \$7,500 for the second year, third year, fourth year and fifth year (if applicable) for the Palmetto Fellows Scholarship; Eligible Palmetto Fellows may prorate their award amount for the term of graduation (see section 62-330.B.).

B. Half shall be awarded during the fall term and half during the spring term. Funds cannot be disbursed during the summer or any interim sessions except for disbursements made in accordance with the requirements of the "Enrollment in Internships, Cooperative Work Programs, Travel Study Programs, or National or International Student Exchange Programs" or "Military Mobilization" Sections. Palmetto Fellows may not be funded for more than a total of eight terms of study toward the first bachelor's degree or a program of study that is structured so as not to require a bachelor's degree and leads to a graduate degree or for more than a total of ten terms of study toward the first approved five-year degree. Palmetto Fellows Scholarship Enhancements may not be funded for more than a total of six terms toward the first bachelor's degree or a program of study that is structures so as not to require a bachelor's degree or for no more than a total of eight terms toward the first-approved bachelor's degree.

C. The Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement cannot be applied to remedial coursework, continuing education coursework, a second bachelor's degree or to graduate coursework, unless the graduate coursework is required as part of a program of study that is structured so as not to require a bachelor's degree and leads to a graduate degree as defined in the "Definitions" Section or the student is enrolled in one of the following programs: 1) Master of Science in Physician Assistant Studies at the Medical University of South Carolina; 2) Doctor of Pharmacy at the Medical University of South Carolina; 3) Doctor of Pharmacy at the University of South Carolina; and 4) Doctor of Pharmacy at Presbyterian College. In the event of early graduation, the award is discontinued.

D. Students who change their major from an ineligible degree program to an eligible degree program during the same academic year cannot be awarded the Palmetto Fellows Scholarship Enhancement until the next academic year. Additionally, students who change their major from an eligible degree program to an ineligible

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degree program during the same academic year will retain their Palmetto Fellows Scholarship Enhancement eligibility for the remainder of the current academic year.

E. The institution shall provide each Palmetto Fellow with an award notification for each academic year, which will contain the terms and conditions of the Scholarship and other financial aid awarded. Students will be notified of adjustments in financial aid due to changes in eligibility and/or over-award issues. The Commission on Higher Education, for documentation purposes, requires that each institution obtain verification of acceptance of the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement and terms for the awards.

F. After the last day to register for each term of the academic year, the institution will verify enrollment of each recipient as a South Carolina resident who is a full-time degree-seeking student.

G. The institution must submit a request for funds and/or return of funds by the established deadline each term. The Commission will disburse funds to eligible independent and public institutions to be placed in each eligible student's account. In addition, a listing of eligible recipients by identification number with the award amounts must be sent to the Commission on Higher Education by the established deadline each term. At this time, any unused funds must be returned to the Commission immediately.

H. The Commission will disburse awards to the eligible four-year independent and public institutions to be placed in each eligible student's account.

I. The student shall be required to provide a state recognized unique identifier in order for the institution to award, disburse, and/or transfer the student's state scholarship and/or grant to an eligible institution.

62-365. Refunds and Repayments.

A. In the event a student who has been awarded the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement withdraws, is suspended from the institution, or drops below full-time status during any regular term of the academic year, institutions must reimburse the Program for the amount of the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement for the term in question pursuant to refund policies of the institution. Collection is the responsibility of the institution.

B. In the event a student withdraws or drops below full-time status after the institution's refund period and therefore must pay tuition and fees for full-time enrollment, the award may be retained by the student pursuant to the refund policies of the institution.

C. In the event a student who has been awarded the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement and has been identified as not being a South Carolina resident at any time, the institution must reimburse funds to CHE for the time period the student was no longer a South Carolina resident.

62-370. Program Administration and Audits.

A. The South Carolina Commission on Higher Education shall be responsible for the oversight of functions (e.g., guidelines, policies, rules, regulations) relative to this Program with the eligible independent and public institutions. The Commission on Higher Education shall be responsible for the allocation of funds, promulgation of guidelines and regulation governing the Program, any audits, or other oversight as may be deemed necessary to monitor the expenditure of funds.

B. According to the Audit Policies and Procedures for Scholarship and Grant Programs Manual, all eligible independent and public institutions must abide by all Program policies, rules and regulations. Institutions also agree to maintain and provide all pertinent information, records, reports or any information as may be required

or requested by the Commission on Higher Education or the General Assembly to ensure proper administration of the Program.

C. The Chief Executive Officer at each eligible independent and public institution shall identify to the Commission on Higher Education an institutional representative who is responsible for the operation of the Program on the campus and will serve as the contact person for the Program. The institutional representative will act as the student’s fiscal agent to receive and deliver funds for use under the Program.

D. All eligible independent and public institutions that participate in the program must verify the lawful presence in the US of any student who receives a Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement prior to awarding the Scholarship to the student. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien’s immigration status with the federal government pursuant to 8 USC Section 1373(c).

E. The participating institution shall identify to the Commission on Higher Education an institutional representative who will be responsible for determining residency and lawful presence classification for the purposes of awarding the Palmetto Fellows Scholarship.

F. Independent and public institutions of higher learning in this, or any other state in the U.S., are prohibited from using the Palmetto Fellows Scholarship in programs that promote financial aid incentives or packages. Any mention of the Palmetto Fellows Scholarship in these financial aid packages must indicate the scholarship to be separate from the University that is offering the financial aid package, and reference the Palmetto Fellows Scholarship as a separate financial aid award, provided to the student by the State of South Carolina.

62-375. Suspension or Termination of Institutional Participation.

A. The Commission on Higher Education may review institutional administrative practices to determine compliance with pertinent statutes, guidelines, rules or regulations. If such a review determines that an institution has failed to comply with Program statutes, guidelines, rules or regulations, the Commission on Higher Education may suspend, terminate, or place certain conditions upon the institution’s continued participation in the Program and require reimbursement to the Program for any funds lost or improperly awarded.

B. Upon receipt of evidence that an institution has failed to comply, the Commission on Higher Education shall notify the institution in writing of the nature of such allegations and conduct an audit.

C. If an audit indicates that a violation(s) may have occurred or are occurring at any eligible independent or public institution, the Commission on Higher Education shall secure immediate reimbursement from the institution in the event that any funds were expended out of compliance with the provisions of the Act, any relevant statutes, guidelines, rules, and regulations.

Fiscal Impact Statement:

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

Statement of Rationale:

These regulations are updated to be consistent with changes in law and to clarify the policies and procedures for administering the program.

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Document No. 5054
COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-142-20

62-450 - 62-505. South Carolina Need-based Grants Program.

Synopsis:

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-450 through 62-505, South Carolina Need-based Grants Program. The proposed regulation increases the maximum funding amount that full-time students may receive in a South Carolina Need-based Grant by \$1,000 and by \$500 for part-time students. In addition, the proposed regulation provides the institutions the ability to award and disburse SC Need-based Grant for up to three terms a year, rather than two, within the maximum annual funding amount to eligible students. The regulation also allows students to receive up to a maximum award amount over the course of their studies, rather than limiting award eligibility to a number of semesters.

A Notice of Drafting was published in the *State Register* on April 23, 2021.

Instructions:

Replace R.62-450 through 62-505 in its entirety.

Text:

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- 62-465. Student Eligibility.
- 62-470. Policies and Procedures for Awarding Need-based Grants.
- 62-475. Duration of Award and Continued Eligibility.
- 62-480. Students with Disabilities.
- 62-485. Enrollment in Internships, Cooperative Work Programs, Travel Study Programs, or National or International Student Exchange Programs.
- 62-490. Institutional Disbursement of Need-based Grants.
- 62-495. Refunds and Repayments.
- 62-500. Program Administration and Audits.
- 62-505. Suspension or Termination of Institutional Participation.

62-450. Purpose of the South Carolina Need-based Grants Program.

Pursuant to Act 458, South Carolina Children First: Resources for Scholarships and Tuition Act of 1996, of the 1995-1996 Appropriations Bill, the Commission on Higher Education shall promulgate regulation and establish procedures to administer the South Carolina Need-based Grants Program. The purpose of the South Carolina Need-based Grants Program is to provide additional financial aid assistance to South Carolina's neediest students. The program will assist students who wish to attend public or independent colleges or universities in the State.

62-455. Allocation of Need-based Grant Funds to Public and Independent Institutions.

A. Funds made available for higher education grants and scholarships under Chapter 143 of Title 59 of the 1976 Code, as amended under Act 458, South Carolina Children First: Resources for Scholarship and Tuition Act of 1996, shall be included in the annual appropriation to the Commission on Higher Education. Fifty percent of the appropriation shall be designated for the Palmetto Fellows Scholarship Program and the remaining fifty percent shall be for the Need-based Grants Program. However, in instances where the equal division of the appropriated funds between the Palmetto Fellows Scholarship and Need-based Grants Programs exceeds the capacity to make awards in either program, the Commission on Higher Education has the authority to re-allocate the remaining funds between the two programs. The Commission on Higher Education shall allocate to public or independent institutions on behalf of eligible State Need-based Grant students as follows:

1. Annual allocations of funds to the public institutions will be determined by the Commission on Higher Education using a methodology consistent with Section 59-142-40, South Carolina Code of Laws, 1976, as amended.

2. Annual allocations of funds to the independent institutions will be determined by the Commission on Higher Education using a methodology consistent with Section 59-142-40, South Carolina Code of Laws, 1976, as amended. The funds allocated for Need-based Grants shall be included in the annual appropriation to the Commission on Higher Education and transferred annually into the budget of the South Carolina Tuition Grants Commission, which will distribute these funds as Tuition Grants.

B. Independent and public institutions of higher learning in this, or any other state in the U.S., outside the U.S. or abroad are prohibited from using the SC Need-based Grant in programs that promote financial aid incentives or packages. Any mention of the SC Need-based Grant in these financial aid packages must indicate the scholarship to be separate from the University that is offering the financial aid package, and reference the SC Need-based Grant as a separate financial aid award, provided to the student by the State of South Carolina.

62-460. Program Definitions for Administering South Carolina Need-based Grants at Public Institutions.

A. "Academic year" is defined as the fall, spring and summer semesters during which a part-time student would be expected to earn a minimum of six credit hours for each semester the student is enrolled for a minimum of 12 credit hours or a full-time student would be expected to earn a minimum of twelve credit hours for each semester to earn a minimum of 24 credit hours.

B. "Associate degree program" is defined as a two-year technical or occupational program or an associate's degree program (Associate of Arts or Associate of Science) which leads to the first two years of a baccalaureate degree at a location approved by the U.S. Department of Education for participation in Federally funded financial aid programs and authorized by the Commission on Higher Education.

C. "Baccalaureate degree program" is defined as an undergraduate program of study leading to the first bachelor's degree at a location approved by the U.S. Department of Education for participation in Federally funded financial aid programs and authorized by the Commission on Higher Education.

D. "Degree-seeking student" is defined as any part-time or full-time student enrolled in an eligible program of study at an eligible institution.

E. "Eligible program" is defined as a program of study leading to: 1) the first baccalaureate degree 2) a program of study that is structured so as not to require a baccalaureate degree and leads to a graduate degree; 3) first associate's degree or two-year program that is acceptable for full credit towards a bachelor's degree; or 4) one-year program that leads to other recognized credentials (e.g., first diploma or first certificate). Study toward the first diploma or certificate may be followed by study toward the first associate's degree, which may be followed by transfer to the first baccalaureate degree or a program of study that is structured so as not to require

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a baccalaureate degree and leads to a graduate degree. Students who have already obtained a baccalaureate degree are not eligible for subsequent grant funds.

F. "Full-time student" shall mean a student who has matriculated into an eligible program of study, and who enrolls in a minimum of twelve credit hours during the regular academic semester.

G. "Independent institutions" are those institutions eligible to participate in the South Carolina Tuition Grants Program as defined in Chapter 113 of Title 59 of the 1976 Code, which stipulates that "an independent institution of higher learning means any independent eleemosynary junior or senior college in South Carolina whose major campus and headquarters are located within South Carolina and which is accredited by the Southern Association of Colleges and Schools."

H. "Lawful Presence" is defined as individuals who are US citizens, permanent residents, or non-US citizens and non-permanent residents who are legally present in the US. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien's immigration status with the federal government pursuant to 8 USC Section 1373(c)..

I. "Need analysis" shall mean the process of analyzing the household and financial information on the student's financial aid application and calculating the amount the family can be expected to contribute to the educational costs. For Federal Student Aid Programs, the need analysis system is defined under Title IV of the Higher Education Act of 1965.

J. "Needy student" shall mean a post-secondary student enrolled in or accepted for enrollment in a public institution who demonstrates to the institution the financial inability, either parental, familial, or personal, to bear the total cost-of-attendance for any regular academic semester. The determination of need shall be made in accordance with Federal need analysis formulae and provisions.

K. An "offense" shall mean a violation of any law or rule in any state or Federal criminal justice system.

L. "One-year program" is defined as an undergraduate program of study leading to other recognized educational credentials (e.g., certificates or diplomas that prepare students for gainful employment in a recognized occupation) at a location approved by the U.S. Department of Education for participation in Federally funded financial aid programs and is authorized by either the Commission on Higher Education or the State Board for Technical and Comprehensive Education.

M. "Part-time student" shall mean a student who has matriculated into an eligible program of study, and who enrolls in a minimum of six credit hours and a maximum of eleven credit hours during the regular academic semester.

N. "Program of study that is structured so as not to require a baccalaureate degree" is a program of study that is structured so as not to require a baccalaureate degree for acceptance into the program and leads to a graduate degree, which will be the student's first academic degree awarded, at a location approved by the U.S. Department of Education for participation in Federally funded financial aid programs. Students are eligible to receive the grant for a maximum of eight full-time equivalent semesters as long as all other eligibility criteria are met. Students who have been awarded a baccalaureate or graduate degree are not eligible for grant funding.

O. "Public institutions" are those institutions as defined in Chapter 103 of Title 59 of the 1976 Code, which stipulates that: "1) 'public higher education' shall mean state-supported education in the post-secondary field, including comprehensive and technical education; 2) 'public institution of higher learning' shall mean any state-supported post-secondary educational institution and shall include technical and comprehensive educational institutions."

P. "Remedial coursework" shall mean sub-collegiate level preparatory courses in English, mathematics, and reading offered at the State's technical colleges.

Q. "Satisfactory academic progress" shall mean the minimum academic standard for academic progress established by the public institution for the purpose of complying with Title IV regulations for Federal Student Aid Programs.

R. "South Carolina resident" shall be defined as an individual who satisfies the requirements of residency in accordance with the State of South Carolina Statute for Tuition and Fees, Statute 59-112-10.

62-465. Student Eligibility.

A. To be eligible for a Need-based Grant each academic year, the student must:

1. Be a "needy student" following the financial need analysis as established under Title IV Regulations for determining eligibility for Federal Student Aid. The student must file the Free Application for Federal Student Aid (FAFSA) Form;

2. Be a U.S. citizen or a lawful permanent resident that meets the definition of an eligible non-citizen under State Residency Statutes whose lawful presence in the US has been verified at the time of enrollment at the institution;

3. Be a resident of the state of South Carolina for twelve consecutive months as defined in Chapter 112 of Title 59 of the 1976 Code of Laws governing the determination of residency for tuition and fee purposes;

4. Be enrolled or accepted for enrollment as a part-time or full-time degree-seeking student in an eligible program of study at an eligible public institution in South Carolina. A student enrolled in less than six credit hours during one semester may not receive a Need-based Grant for the semester in question but is eligible for reapplication for a grant upon return to part-time or full-time status;

5. Be enrolled and attending or have completed at the time of the grant disbursement in a minimum of six credit hours if part-time for the semester or twelve credit hours if full-time for the semester;

6. Certify that he/she has not been adjudicated delinquent or been convicted or pled guilty or nolo contendere to any felonies or any second or subsequent alcohol or drug-related offenses under the laws of this or any other state or under the laws of the United States in order to be eligible for a South Carolina Need-based Grant, except that a high school or college student otherwise qualified who has been adjudicated delinquent or has been convicted or pled guilty or nolo contendere to a second or subsequent alcohol or drug-related misdemeanor offense nevertheless shall be eligible or continue to be eligible for such grants after the expiration of one academic year from the date of the adjudication, conviction, or plea; and be eligible for the need-based grants for a maximum of four academic years of two semesters by submitting a signed affidavit each academic year to the institution. However, a high school or college student who has been adjudicated delinquent, convicted, or pled guilty or nolo contendere of a second or subsequent alcohol/drug related misdemeanor offense is ineligible for the next academic year of enrollment at an eligible institution after the date of the adjudication, conviction or plea. If the adjudication, conviction, or plea occurs during the academic year after the student has already submitted a signed affidavit to the institution, the student will be eligible to receive the Need-based Grant the remainder of the academic year. However, the student will be ineligible for the Need-based Grant the following entire academic year of enrollment. If a student completes a pretrial intervention program and has his/her record expunged the conviction will not affect grant eligibility; and

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7. Verify that he/she does not owe a refund or repayment on a State Grant, a Pell Grant, or a Supplemental Educational Opportunity Grant and is not in default on a loan under the Federal Perkins Loan or Federal Stafford Loan Programs; and

8. Must reapply for the Need-based Grant each academic year and meet all eligibility requirements annually.

9. Students who have previously earned credit hours and are applying for the South Carolina Need-based Grant for the first time must have earned at least a cumulative 2.0 grade point average on a 4.0 scale for graduation purposes at the end of the academic year before being awarded the Grant.

B. Students who meet satisfactory academic progress (see 62-475. D.) may not receive Need-based Grant funding totaling more than \$14,000 if the students are seeking their first baccalaureate degree or a program of study that is structured so as not to require a baccalaureate degree and leads to a graduate degree, \$7,000 if the students are seeking their first associate's degree, or \$3,500 if the students are seeking their first one-year certificate or diploma. Students may only receive Need-based Grant funding for up to three semesters of the academic year. Students who have already been awarded their first baccalaureate degree are not eligible to receive a Need-based Grant.

C. Students enrolled in an eligible program of study as stated in the "Program Definitions" Section may include remedial courses as part of the minimum number of required credit hours for part-time or full-time status, as long as such courses carry credit hours and meet Title IV limitations on remedial coursework.

D. Any false information provided by the student or any attempt to obtain or expend any Need-based Grant for unlawful purposes or any purpose other than in payment or reimbursement for the cost-of-attendance at the institution authorized to award the grant will be cause for immediate cancellation of the Need-based Grant. Any student who has obtained a Need-based Grant through means of a willfully false statement or failure to reveal any material fact, condition, or circumstances affecting eligibility will be subject to applicable civil or criminal penalties, including loss of the Need-based Grant.

62-470. Policies and Procedures for Awarding Need-based Grants.

A. The Need-based Grants Program for the public institutions will be campus-administered. Grant funds will supplement the student financial aid awards administered by the participating public colleges and universities.

B. The participating institution will make awards in amounts to be defined in accordance with the Need-based Grants Program regulation and criteria, but not to exceed \$1,750 per eligible part-time student and \$3,500 per eligible full-time student per academic year, based on the institution's allocated funds for Need-based Grants and other financial aid awarded to individual applicants. However, the Commission, due to inflation increases or other relevant factors, may periodically adjust the maximum award for the Need-based Grants Program. An eligible student may receive a Need-based Grant for up to three terms of the academic year, not to exceed 100 percent of the annual award amount, assuming continued eligibility. No more than fifty percent of the annual award amount shall be disbursed in any given term.

C. Need-based Grants are to be used only towards payment for the cost-of-attendance as defined by Title IV Regulations as modified by D below for the academic year for which the award is made at the designated institution. The maximum amount awarded shall not exceed the cost-of-attendance as defined in Title IV Regulations for any year.

D. Charges for room and board are to be limited as follows:

1. Room charges shall not exceed the average cost of on-campus residential housing; and

2. Board charges shall not exceed the cost of the least expensive on-campus meal plan, which includes 21 meals per week.

E. In determining the amount awarded for the Need-based Grant, all other sources of gift aid, including Federal, State, private and institutional funds, must be applied to the total cost-of-attendance before calculating the unmet need and awarding the grant. The Need-based Grant shall be awarded only after all other sources of gift aid have been exhausted. Adjustments to the financial aid package will be made to the Need-based Grant in accordance with prescribed Title IV Regulations in order to prevent an over-award.

F. Institutions must give first priority and award the maximum allowable Need-based Grant (\$3,500 if full-time or \$1,750 if part-time) to students who are in the custody of the South Carolina Department of Social Services (DSS). However, institutions should not award the maximum amount if, by doing so, this causes the student to exceed the unmet need according to Title IV Regulations. Students who may be eligible under this provision are responsible for contacting the institution and providing official verification to the institution that he/she is in custody of DSS. Acceptable verification shall include a letter from DSS.

G. Participating institutions will notify students of their Need-based Grant along with the terms and conditions of the award.

H. The student shall be required to provide a nationally recognized unique identifier in order for the institution to award, disburse, and/or transfer the student's state scholarship and/or grant to an eligible institution.

I. Annual allocations of funds to the public institutions will be determined by the Commission on Higher Education using a methodology consistent with Section 59-142-40, South Carolina Code of Laws, 1976, as amended. Unused funds, which cannot be awarded by an institution, must be returned to the Commission on Higher Education, which may redirect the funds to institutions where unmet need exists.

J. Effective Fall 2008, Section 59-101-430 (A), Chapter 101, Title 59 of the 1976 Code states that unlawful aliens are prohibited from attending SC Public institutions of higher learning. This does apply to students who are currently enrolled, as well as new enrollees. In accordance of this law, institutions must institute a process that verifies an individual's lawful presence in the United States. Students receiving the SC Need-based Grant must be verified. Any student who is not verified and documented by the institution will not receive the Grant.

K. All eligible independent and public institutions that participate in the program must verify the lawful presence of any student who receives a SC Need-based Grant prior to awarding the Grant to the student. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien's immigration status with the federal government pursuant to 8 USC Section 1373(c).

L. The institution must retain annual paper or electronic documentation for each award to include at a minimum:

1. Need analysis

2. Affidavit documenting that the student has never been convicted of any felonies or any second or subsequent alcohol or drug related misdemeanor offenses as stated under "Student Eligibility" and "Duration of Award and Continued Eligibility" Sections

3. Award notification

4. Institutional disbursement to student

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5. Refund or repayment (if appropriate)
6. Satisfactory academic progress
7. Student's residency status
8. Enrollment and curriculum requirements
9. Student's disability (if appropriate)
10. Student is in custody of DSS (if appropriate)
11. Student award based upon approval of institutional appeal (if appropriate)
12. Verification from the institution that lawful presence in the US has been verified.

M. It is the institution's responsibility to ensure that only eligible students receive a Need-based Grant.

62-475. Duration of Award and Continued Eligibility.

A. Need-based Grants shall be awarded for up to three terms each academic year. The institution shall adjust the amount of the grant award during the academic year in the event of a change in the student's eligibility.

B. Award decisions will be made annually and are not automatically guaranteed. Students who have already been awarded their first baccalaureate degree are not eligible to receive a Need-based Grant.

C. Students must reapply each academic year for a Need-based Grant in accord with these guidelines and other pertinent statutes and regulations and with application timeliness and procedures stipulated by the participating institution. Students applying for a Need-based Grant must complete a FAFSA Form and be a needy student. The student must also complete any supplemental forms that may be required by the institution.

D. The institution shall be responsible for securing institutional certification of each recipient's cumulative grade point average, credit hours attempted and earned, and satisfactory academic progress for purposes of determining eligibility for award renewal.

E. For continued eligibility, the student is required to:

1. For graduation purposes, earn at least 24 credit hours each regular academic year if awarded a Need-based Grant as a full-time student or earn at least twelve credit hours if awarded a Need-based Grant as a part-time student. If a student is awarded a Need-based Grant for one semester of the academic year as a part-time student and the other semester as a full-time student, the student must earn at least eighteen credit hours each regular academic year. If a full-time student is awarded a Need-based Grant for only one semester of the academic year, the student must earn at least twelve credit hours by the end of the academic year. A part-time student who is awarded a Need-based Grant for only one semester must earn at least six credit hours by the end of the academic year. Credits earned during any additional semesters (i.e., interim, winterim or other non-regular semester) cannot be used to replace or reduce the minimum credit hour requirement for the regular academic year; and

2. Earn at least a cumulative 2.0 grade point average on a 4.0 scale for graduation purposes by the end of each regular academic year.

F. Students wishing to appeal any grant award decision must submit a written request to the institution's Director of Financial Aid. This request will be handled in accordance with the institution's financial aid appeal procedures. The institution's decision on appeals shall be final.

62-480. Students with Disabilities.

A. Students who qualify under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 must meet all eligibility requirements as defined in “Student Eligibility” Section except for a student who is approved by the Disability Services Provider to be enrolled in less than part-time status is eligible to receive grant funding. Students must comply with all institutional policies and procedures in accordance with ADA and Section 504 of the Rehabilitation Act of 1973.

B. For renewal, students who qualify under ADA and Section 504 of the Rehabilitation Act of 1973 must meet all renewal requirements as defined in “Duration of Award and Continued Eligibility” Section except for a student not meeting the annual credit hour requirement who is approved by the Disability Services Provider to be enrolled in less than part-time status for that academic year. Students must earn the required number of hours approved by the institutional Disability Services Provider each academic year for grant renewal and earn a minimum 2.0 cumulative grade point average on a 4.0 scale by the end of the academic year. Students must comply with all institutional policies and procedures in accordance with ADA and Section 504 of the Rehabilitation Act of 1973.

C. The institutional Disability Services Provider must provide written documentation to the Office of Financial Aid each academic year verifying that the student is approved to be enrolled in less than part-time status.

D. Students who qualify under ADA and Section 504 of the Rehabilitation Act of 1973 are eligible to receive up to the maximum number of available semesters and available funds.

62-485. Enrollment in Internships, Cooperative Work Programs, Travel Study Programs, or National or International Student Exchange Programs.

A. Students enrolled in an internship, cooperative work program, travel study program, or National or International Student Exchange Program approved by the student’s home institution, and enrolled in fewer than six credit hours, shall not be eligible to receive a Need-based Grant during the period in which the student is enrolled in such programs or courses. Students enrolled in such programs may receive a Need-based Grant for up to two terms of the academic year if determined to be eligible.

B. Students enrolled in internships, cooperative work programs, travel study programs, or National or International Student Exchange Programs that are approved by the home institution and that the home institution accepts as at least part-time transfer credit (minimum of six credit hours) are eligible to receive Need-based Grant funds during the period in which the student is enrolled in such programs. Students will be required to meet the continued eligibility requirements.

C. Eligible students may use the appropriated portion of the Need-based Grant funds for internships, cooperative work programs, travel study programs, or National or International Student Exchange Programs that are approved by the home institution and that the home institution accepts as at least part-time transfer credit (minimum of six credit hours). Need-based Grant funds must be paid directly to the student’s account at the home institution. The amount awarded cannot exceed the cost-of-attendance at the home institution or the cost-of-attendance at the host institution, whichever is less. The Commission on Higher Education will not transfer grant funds to the institutions where students will participate in internships, cooperative work programs, travel study programs, or National or International Student Exchange Programs. The institution is responsible for grant funds according to the “Program Administration and Audits” Section.

D. The home institution will be responsible for securing official certification of the student’s cumulative grade point average, credit hours earned, and satisfactory academic progress for the purposes of determining eligibility for grant renewal for the next academic year.

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62-490. Institutional Disbursement of Need-based Grants.

A. The participating institution will identify award amounts, which cannot exceed \$1,750 per eligible part-time student and \$3,500 per eligible full-time student per academic year. A maximum of fifty percent of the annual award amount may be disbursed in a given term of the academic year, not to exceed 100 percent over the course of three terms of the academic year. Students who meet satisfactory academic progress (see 62-475. D.) may not receive Need-based Grant funding totaling more than \$14,000 if the students are seeking their first baccalaureate degree or a program of study that is structured so as not to require a baccalaureate degree and leads to a graduate degree, \$7,000 if the students are seeking their first associate's degree, or \$3,500 if the students are seeking their first one-year certificate or diploma. Students who have obtained an associate's degree initially are eligible to apply for a Need-based Grant upon enrollment in their first baccalaureate degree or a program of study that is structured so as not to require a baccalaureate degree. Students who have obtained a recognized educational credential in a one-year program initially are eligible for application for a Need-based Grant upon enrollment in their first associate's degree, first baccalaureate degree, or a program of study that is structured so as not to require a baccalaureate degree and leads to a graduate degree.

B. A Need-based Grant may not be applied to a second baccalaureate degree or to graduate coursework, unless the graduate coursework is required as part of a program of study that is structured so as not to require a baccalaureate degree as defined in the "Program Definitions" Section.

C. The institution shall provide an award notification each academic year to Need-based Grant recipients, which will contain the terms and conditions of the grant and other financial aid awarded. Students will be notified of adjustments in financial aid due to changes in eligibility and/or over-award issues. The Commission on Higher Education, for documentation purposes, requires that each institution obtain verification of acceptance of the Need-based Grant and terms for the award.

D. After the last day to register for each semester of the academic year, the institution will verify enrollment of each recipient as a South Carolina resident that is a part-time or full-time degree-seeking student. According to the Scholarship and Grant Programs Policies and Procedures Manual, a listing of eligible recipients by social security number with the award amounts for the semester will be sent to the Commission on Higher Education with the institution's request for funds. A year-end reconciliation report will be submitted to the Commission on Higher Education prior to June 30th. Any unused funds shall be refunded to the Commission on Higher Education no later than June 30th of each fiscal year.

E. The student shall be required to provide a nationally recognized unique identifier in order for the institution to award, disburse, and/or transfer the student's state scholarship and/or grant to an eligible institution.

62-495. Refunds and Repayments.

A. In the event a student who has been awarded a Need-based Grant withdraws, is suspended from the institution, or drops below part-time (six credit hours) or full-time (twelve credit hours) status during any regular semester of the academic year, institutions must reimburse the Need-based Grants Program for the amount of the grant for the semester in question pursuant to refund policies of the institution. Collection is the responsibility of the institution.

B. The institution may redistribute such funds to other eligible students in accordance with the guidelines, or if such funds cannot be redistributed within the academic year, the institution shall return the refund amount to the Commission on Higher Education for redistribution to other institutions.

C. In the event a student withdraws or drops below part-time or full-time status after the institution's refund period and therefore must pay tuition and fees for part-time or full-time enrollment, the award may be retained by the student pursuant to the refund policies of the institution.

D. In the event a student who has been awarded the SC Need-based Grant has been identified as not being a SC resident at any time, the institution must reimburse funds to CHE for the time period the student was no longer a SC resident.

62-500. Program Administration and Audits.

A. The South Carolina Commission on Higher Education will coordinate the oversight of functions (e.g., guidelines, policies, rules, regulations) relative to this program with eligible institutions. The Commission on Higher Education shall be responsible for the allocation of funds, promulgation of the regulation and rules, any audits, or other statewide oversight of the Need-based Grants Program as deemed necessary to monitor the expenditure of grant funds.

B. According to the Audit Policies and Procedures for Scholarship and Grant Programs Manual, all eligible institutions that participate in the program must abide by program policies, rules or regulations. Institutions also agree to maintain and provide all pertinent information, records, reports, or any information as may be required or requested by the Commission on Higher Education or the General Assembly to ensure proper administration of the program.

C. Participating institutions are authorized to establish additional guidelines, rules, and regulations for awarding the grants consistent with the South Carolina Need-based Grants Program Regulation contained herein.

D. The Chief Executive Officer at each participating institution shall identify to the Commission on Higher Education a Need-based Grant institutional representative who is responsible for the operation of the program on the campus and will serve as the contact person for the program. The institutional representative will act as the student fiscal agent to receive and deliver funds for use under the program.

E. The institutions shall institute a process by which a SC Need-based Grant recipient's lawful presence in the United States is verified. The institution shall verify SC residency status and lawful presence in the United States upon college enrollment. If an institution has determined at any time that a recipient no longer meets SC residency requirements, the scholarship will be forfeited and funds are to be returned to CHE.

F. The participating institution shall identify to the Commission on Higher Education an institutional representative who will act as the point of contact for all inquiries pertaining to residency and legal presence classification for the purposes of awarding the SC Need-based Grant.

G. Independent and public institutions of higher learning in this, or any other state in the U.S., are prohibited from using the SC Need-based Grant in programs that promote financial aid incentives or packages. Any mention of the SC Need-based Grant in these financial aid packages must indicate the scholarship to be separate from the University that is offering the financial aid package, and reference the SC Need-based Grant as a separate financial aid award, provided to the student by the State of South Carolina.

62-505. Suspension or Termination of Institutional Participation.

A. The Commission may review institutional administrative practices to determine institutional compliance with pertinent statutes, guidelines, rules or regulations. If such a review determines that an institution has failed to comply with program statutes, guidelines, rules or regulations, the Commission may suspend, terminate, or place certain conditions upon the institution's continued participation in the program and require reimbursement to the State Need-based Grants Program for any funds lost or improperly awarded.

B. Upon receipt of evidence that an institution has failed to comply, the Commission on Higher Education shall notify the institution in writing of the nature of such allegations and conduct an audit.

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C. If an audit indicates that a violation or violations may have occurred or are occurring at any public or independent college or university, the Commission on Higher Education shall secure immediate reimbursement from the institution in the event that any funds were expended out of compliance with the provisions of the Act, any relevant statutes, guidelines, rules, and regulations.

Fiscal Impact Statement:

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

Statement of Rationale:

The proposed regulation increases the maximum funding amount that full-time students may receive in a South Carolina Need-based Grant by \$1,000 and by \$500 for part-time students. In addition, the proposed regulation provides the institutions the ability to award and disburse SC Need-based Grant for up to three terms a year, rather than two, within the maximum annual funding amount to eligible students. The regulation also allows students to receive up to a maximum award amount over the course of their studies, rather than limiting award eligibility to a number of semesters. Lastly, other changes to the regulation include updating definitions, ensuring consistency with statute, and minor language changes to promote consistency.

Document No. 5065
DEPARTMENT OF INSURANCE
CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-110, 38-3-110, and 38-69-330

69–29. Suitability in Annuity Transactions.

Synopsis:

The Department is proposing to amend Regulation 69-29 to enhance protections for consumers seeking lifetime income through annuities. The requirements it imposes on insurance producers ensures that they will act in the best interest of the consumers they serve. This amendment is based on the National Association of Insurance Commissioners Model Regulation.

The Notice of Drafting was published in the *State Register* on August 27, 2021.

Instructions:

Print the regulation as shown below.

Text:

69–29. Suitability in Annuity Transactions.

Section I. Purpose

A. The purpose of this regulation is to require producers, as defined in this regulation, to act in the best interest of the consumer when making a recommendation of an annuity and to require insurers to establish and maintain a system to supervise recommendations and to set forth standards and procedures for recommendations so that the insurance needs and financial objectives of consumers at the time of the transaction are appropriately addressed.

B. Nothing herein shall be construed to create or imply a private cause of action for a violation of this regulation or subject a producer to civil liability under the best interest standard of care outlined in Section V of this regulation or under standards governing the conduct of a fiduciary or a fiduciary relationship.

Section II. Scope

This regulation shall apply to any sale or recommendation of an annuity.

Section III. Exemptions

Unless otherwise specifically included, this regulation shall not apply to transactions involving:

A. Direct response solicitations where there is no recommendation based on information collected from the consumer pursuant to this regulation;

B. Contracts used to fund:

(1) An employee pension or welfare benefit plan that is covered by the Employee Retirement and Income Security Act (ERISA);

(2) A plan described by sections 401(a), 401(k), 403(b), 408(k) or 408(p) of the Internal Revenue Code (IRC), as amended, if established or maintained by an employer;

(3) A government or church plan defined in section 414 of the IRC, a government or church welfare benefit plan, or a deferred compensation plan of a state or local government or tax exempt organization under section 457 of the IRC;

(4) A nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor;

(5) Settlements of or assumptions of liabilities associated with personal injury litigation or any dispute or claim resolution process; or

(6) Formal prepaid funeral contracts.

Section IV. Definitions

As used in this regulation, unless the context otherwise requires:

A. “Annuity” means an annuity that is an insurance product under State law that is individually solicited, whether the product is classified as an individual or group annuity.

B. “Cash compensation” means any discount, concession, fee, service fee, commission, sales charge, loan, override, or cash benefit received by a producer in connection with the recommendation or sale of an annuity from an insurer, intermediary, or directly from the consumer.

C. “Consumer profile information” means information that is reasonably appropriate to determine whether a recommendation addresses the consumer’s financial situation, insurance needs and financial objectives, including, at a minimum the following:

(1) Age;

(2) Annual income;

(3) Financial situation and needs including debts and other obligations;

(4) Financial experience;

(5) Insurance needs;

(6) Financial objectives;

(7) Intended use of the annuity;

(8) Financial time horizon;

(9) Existing assets or financial products, including investment, annuity and insurance holdings;

(10) Liquidity needs;

(11) Liquid net worth;

(12) Risk tolerance, including but not limited to, willingness to accept non-guaranteed elements in the annuity;

(13) Financial resources used to fund the annuity; and

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(14) Tax status.

D. “Continuing education credit hour or “credit hour” means one continuing education credit as defined in S.C. Code of Regulations 69–50.

E. “Continuing education approved sponsor” or “CE Approved Sponsor” means an individual or entity that is approved to offer continuing education courses pursuant to S.C. Code of Regulations 69–50.

F. “FINRA” means the Financial Industry Regulatory Authority or a succeeding agency.

G. “Insurer” means a company required to be licensed under the laws of this State to provide insurance products, including annuities and as further defined in S.C. Code Section 38–1–20(33).

H. “Intermediary” means an entity contracted directly with an insurer or with another entity contracted with an insurer to facilitate the sale of the insurer’s annuities by producers.

I. (1) “Material conflict of interest” means a financial interest of the producer in the sale of an annuity that a reasonable person would expect to influence the impartiality of a recommendation.

(2) “Material conflict of interest” does not include cash compensation or non-cash compensation.

J. “Non-cash compensation” means any form of compensation that is not cash compensation, including, but not limited to, health insurance, office rent, office support and retirement benefits.

K. “Non-guaranteed elements” means the premiums, credited interest rates (including any bonus), benefits, values, dividends, non-interest based credits, charges or elements of formulas used to determine any of these, that are subject to company discretion and are not guaranteed at issue. An element is considered nonguaranteed if any of the underlying non-guaranteed elements are used in its calculation.

L. “Producer” means a person required to be licensed pursuant to S.C. Code Section 38–43–10 et seq. to sell, solicit or negotiate insurance, including annuities. For the purposes of this regulation, “producer” includes an insurer where no producer is involved.

M.(1) “Recommendation” means advice provided by a producer, to an individual consumer that was intended to result or does result in a purchase, exchange or replacement of an annuity in accordance with that advice.

(2) Recommendation does not include general communication to the public, generalized customer services, assistance or administrative support, general educational information and tools, prospectuses, or other product and sales material.

N. “Replacement” means a transaction in which a new annuity is to be purchased, and it is known or should be known to the proposing producer, or to the proposing insurer if there is no producer involved, that by reason of the transaction, an existing policy or contract has been or is to be any of the following:

(1) Lapsed, forfeited, surrendered or partially surrendered, assigned to the replacing insurer or otherwise terminated;

(2) Converted to reduced paid-up insurance, continued as extended term insurance, or otherwise reduced in value by the use of nonforfeiture benefits or other policy values;

(3) Amended so as to effect either a reduction in benefits or in the term for which coverage would otherwise remain in force or for which benefits would be paid;

(4) Reissued with any reduction in cash value; or

(5) Used in a financed purchase.

O. “SEC” means the United States Securities and Exchange Commission.

Section V. Duties of Insurers and of Insurance Producers

A. Best Interest Obligations. A producer, when making a recommendation of an annuity, shall act in the best interest of the consumer under the circumstances known at the time the recommendation is made, without placing the producer’s or the insurer’s financial interest ahead of the consumer’s interest. The specific requirements of this subsection are established and described in their entirety in subparagraphs (A)(1-5), and a producer has acted in the best interest of the consumer and is in compliance with this subsection if they have satisfied the following obligations regarding care, disclosure, conflict of interest and documentation:

(1)(a) Care Obligation. The producer, in making a recommendation shall exercise reasonable diligence, care and skill to:

(i) Know the consumer’s financial situation, insurance needs and financial objectives;

(ii) Understand the available recommendation options after making a reasonable inquiry into options available to the producer;

(iii) Have a reasonable basis to believe the recommended option effectively addresses the consumer's financial situation, insurance needs and financial objectives over the life of the product, as evaluated in light of the consumer profile information; and

(iv) Communicate the bases of the recommendation.

(b) The requirements under subparagraph (a) of this paragraph include making reasonable efforts to obtain consumer profile information from the consumer prior to the recommendation of an annuity.

(c) The requirements under subparagraph (a) of this paragraph require a producer to consider the types of products the producer is authorized and licensed to recommend or sell that address the consumer's financial situation, insurance needs and financial objectives. This does not require analysis or consideration of any products outside the authority and license of the producer or other possible alternative products or strategies available in the market at the time of the recommendation. Producers shall be held to standards applicable to producers with similar authority and licensure.

(d) The requirements under this subsection do not create a fiduciary obligation or relationship and only create a regulatory obligation as established in this regulation.

(e) The consumer profile information, characteristics of the insurer, and product costs, rates, benefits and features are those factors generally relevant in making a determination whether an annuity effectively addresses the consumer's financial situation, insurance needs and financial objectives, but the level of importance of each factor under the care obligation of this paragraph may vary depending on the facts and circumstances of a particular case. However, each factor may not be considered in isolation.

(f) The requirements under subparagraph (a) of this paragraph include having a reasonable basis to believe the consumer would benefit from certain features of the annuity, such as annuitization, death or living benefit or other insurance-related features.

(g) The requirements under subparagraph (a) of this paragraph apply to the particular annuity as a whole and the underlying subaccounts to which funds are allocated at the time of purchase or exchange of an annuity, and riders and similar producer enhancements, if any.

(h) The requirements under subparagraph (a) of this paragraph do not mean the annuity with the lowest one-time or multiple occurrence compensation structure shall necessarily be recommended.

(i) The requirements under subparagraph (a) of this paragraph do not mean the producer has ongoing monitoring obligations under the care obligation under this paragraph, although such an obligation may be separately owed under the terms of a fiduciary, consulting, investment advising or financial planning agreement between the consumer and the producer.

(j) In the case of an exchange or replacement of an annuity, the producer shall consider the whole transaction, which includes taking into consideration whether:

(i) The consumer will incur a surrender charge, be subject to the commencement of a new surrender period, lose existing benefits, such as death, living or other contractual benefits, or be subject to increased fees, investment advisory fees or charges for riders and similar product enhancements;

(ii) The replacing product would substantially benefit the consumer in comparison to the replaced product over the life of the product; and

(iii) The consumer has had another annuity exchange or replacement and, in particular, an exchange or replacement within the preceding 60 months.

(k) Nothing in this regulation should be construed to require a producer to obtain any license other than a producer license with the appropriate line of authority to sell, solicit or negotiate insurance in this state, including but not limited to any securities license, in order to fulfill the duties and obligations contained in this regulation; provided the producer does not give advice or provide services that are otherwise subject to securities laws or engage in any other activity requiring other professional licenses.

(2) Disclosure obligation.

(a) Prior to the recommendation or sale of an annuity, the producer shall prominently disclose to the consumer on a form substantially similar to Appendix A:

(i) A description of the scope and terms of the relationship with the consumer and the role of the producer in the transaction;

(ii) An affirmative statement on whether the producer is licensed and authorized to sell the following products:

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- I. Fixed annuities;
- II. Fixed indexed annuities;
- III. Variable annuities;
- IV. Life insurance;
- V. Mutual funds;
- VI. Stocks and bonds; and
- VII. Certificates of deposit;

(iii) An affirmative statement describing the insurers the producer is authorized, contracted (or appointed), or otherwise able to sell insurance products for, using the following descriptions:

- I. One insurer;
- II. From two or more insurers; or
- III. From two or more insurers although primarily contracted with one insurer.

(iv) A description of the sources and types of cash compensation and non-cash compensation to be received by the producer, including whether the producer is to be compensated for the sale of a recommended annuity by commission as part of premium or other remuneration received from the insurer, intermediary or other producer or by fee as a result of a contract for advice or consulting services; and

(v) A notice of the consumer's right to request additional information regarding cash compensation described in subparagraph (b) of this paragraph;

(b) Upon request of the consumer or the consumer's designated representative, the producer shall disclose:

(i) A reasonable estimate of the amount of cash compensation to be received by the producer, which may be stated as a range of amounts or percentages; and

(ii) Whether the cash compensation is a one-time or multiple occurrence amount, and if a multiple occurrence amount, the frequency and amount of the occurrence, which may be stated as a range of amounts or percentages; and

(c) Prior to or at the time of the recommendation or sale of an annuity, the producer shall have a reasonable basis to believe the consumer has been informed of various features of the annuity, such as the potential surrender period and surrender charge, potential tax penalty if the consumer sells, exchanges, surrenders or annuitizes the annuity, mortality and expense fees, investment advisory fees, any annual fees, potential charges for and features of riders or other options of the annuity, limitations on interest returns, potential changes in non-guaranteed elements of the annuity, insurance and investment components and market risk. The requirements of this section supplement and do not replace the disclosure requirements of South Carolina Code of Regulations 69-39.

(3) Conflict of interest obligation. A producer shall identify and avoid or reasonably manage and disclose material conflicts of interest, including material conflicts of interest related to an ownership interest.

(4) Documentation obligation. A producer shall at the time of recommendation or sale:

(a) Make a written record of any recommendation and the basis for the recommendation subject to this regulation;

(b) Obtain a consumer signed statement on a form substantially similar to Appendix B documenting:

(i) A customer's refusal to provide the consumer profile information, if any; and

(ii) A customer's understanding of the ramifications of not providing his or her consumer profile information or providing insufficient consumer profile information; and

(c) Obtain a consumer signed statement on a form substantially similar to Appendix C, acknowledging the annuity transaction is not recommended if a customer decides to enter into an annuity transaction that is not based on the producer's recommendation.

(5) Application of the best interest obligation. Any requirement applicable to a producer under this subsection shall apply to every producer who has exercised material control or influence in the making of a recommendation and has received direct compensation as a result of the recommendation or sale, regardless of whether the producer has had any direct contact with the consumer. Activities such as providing or delivering marketing or educational materials, product wholesaling or other back office product support, and general supervision of a producer do not, in and of themselves, constitute material control or influence.

B. Transactions not based on a recommendation.

(1) Except as provided under paragraph (2), a producer shall have no obligation to a consumer under subsection A(1) related to any annuity transaction if:

- (a) No recommendation is made;
- (b) A recommendation was made and was later found to have been prepared based on materially inaccurate information provided by the consumer;
- (c) A consumer refuses to provide relevant consumer profile information and the annuity transaction is not recommended; or
- (d) A consumer decides to enter into an annuity transaction that is not based on a recommendation of the producer.

(2) An insurer's issuance of an annuity subject to paragraph (1) shall be reasonable under all the circumstances actually known to the insurer at the time the annuity is issued.

C. Supervision system.

(1) Except as permitted under subsection B, an insurer may not issue an annuity recommended to a consumer unless there is a reasonable basis to believe the annuity would effectively address the particular consumer's financial situation, insurance needs and financial objectives based on the consumer's consumer profile information.

(2) An insurer shall establish and maintain a supervision system that is reasonably designed to achieve the insurer's and its producers' compliance with this regulation, including, but not limited to, the following:

(a) The insurer shall maintain reasonable procedures to inform its producers of the requirements of this regulation and shall incorporate the requirements of this regulation into relevant insurance producer training manuals;

(b) The insurer shall establish standards for producer product training and shall maintain reasonable procedures to require its producers to comply with the requirements of this regulation;

(c) The insurer shall provide product-specific training and training materials which explain all material features of its annuity products to its insurance producers;

(d) The insurer shall establish and maintain procedures for review of each recommendation prior to issuance of an annuity that are designed to ensure that there is a reasonable basis to determine that the recommended annuity would effectively address the particular consumer's financial situation, insurance needs, and financial objectives. Such review procedures may apply a screening system for the purpose of identifying selected transactions for additional review and may be accomplished electronically or through other means including, but not limited to, physical review. Such an electronic or other system may be designed to require additional review only of those transactions identified for additional review by the selection criteria;

(e) The insurer shall establish and maintain reasonable procedures to detect recommendations that are not in compliance with subsections A, B, D, and E. This may include, but is not limited to, confirmation of the consumer's consumer profile information, systematic customer surveys, interviews, confirmation letters, producer statements or attestations and programs of internal monitoring. An insurer may comply with this subparagraph by applying sampling procedures or by confirming the consumer profile information or other required information under this section after issuance or delivery of the annuity;

(f) The insurer shall establish and maintain reasonable procedures to assess, prior to or upon issuance or delivery of an annuity, whether a producer has provided to the consumer the information required to be provided under this section;

(g) The insurer shall establish and maintain reasonable procedures to identify and address suspicious consumer refusals to provide consumer profile information:

(h) The insurer shall establish and maintain reasonable procedures to identify and eliminate any sales contests, sales quotas, bonuses, and non-cash compensation that are based on the sales of specific annuities within a limited period of time. The requirements of this subparagraph are not intended to prohibit the receipt of health insurance, office rent, office support, retirement benefits or other employee benefits by employees as long as those benefits are not based upon the volume of sales of a specific annuity within a limited period of time; and

(i) The insurer shall annually provide a report to senior management, including to the senior manager responsible for audit functions, which details a review, with appropriate testing, reasonably designed to

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determine the effectiveness of the supervision system, the exceptions found, and corrective action taken or recommended, if any.

(3)(a) Nothing in this subsection restricts an insurer from contracting for performance of a function (including maintenance of procedures) required under this subsection. An insurer is responsible for taking appropriate corrective action and may be subject to sanctions and penalties pursuant to Section VII of this regulation regardless of whether the insurer contracts for performance of a function and regardless of the insurer's compliance with subparagraph (b) of this paragraph.

(b) An insurer's supervision system under this subsection shall include supervision of contractual performance under this subsection. This includes, but is not limited to, the following:

(i) Monitoring and, as appropriate, conducting audits to assure that the contracted function is properly performed; and

(ii) Annually obtaining a certification from a senior manager who has responsibility for the contracted function that the manager has a reasonable basis to represent, and does represent, that the function is properly performed.

(4) An insurer is not required to include in its system of supervision:

(a) a producer's recommendations to consumers of products other than the annuities offered by the insurer; or

(b) consideration of or comparison to options available to the producer or compensation relating to those options other than annuities or other products offered by the insurer.

D. Prohibited Practices. Neither a producer nor an insurer shall not dissuade, or attempt to dissuade, a consumer from:

(1) Truthfully responding to an insurer's request for confirmation of the consumer profile information;

(2) Filing a complaint; or

(3) Cooperating with the investigation of a complaint.

E. Safe Harbor.

(1) Recommendations and sales of annuities made in compliance with comparable standards shall satisfy the requirements under this regulation. This subsection applies to all recommendations and sales of annuities made by financial professionals in compliance with business rules, controls and procedures that satisfy a comparable standard even if such standard would not otherwise apply to the product or recommendation at issue. However, nothing in this subsection shall limit the director's ability to investigate and enforce the provisions of this regulation.

(2) Nothing in paragraph (1) shall limit the insurer's obligation to comply with Section V C(1) of this regulation, although the insurer may base its analysis on information received from either the financial professional or the entity supervising the financial professional.

(3) For paragraph (1) to apply, an insurer shall:

(a) Monitor the relevant conduct of the financial professional seeking to rely on paragraph (1) or the entity responsible for supervising the financial professional, such as the financial professional's broker-dealer or an investment advisor registered under federal or states securities laws using information collected in the normal course of an insurer's business; and

(b) Provide to the entity responsible for supervising the financial professional seeking to rely on paragraph (1) such as the financial professional's broker-dealer or investment advisor registered under federal or states securities laws, information and reports that are reasonably appropriate to help such entity to maintain its supervision system.

(4) For purposes of this subsection, "financial professional" means a producer that is regulated and acting as:

(a) A broker-dealer registered under federal or state securities laws or a registered representative of a broker-dealer;

(b) An investment adviser registered under federal or state securities laws or an investment adviser representative associated with the federal or state registered investment adviser; or

(c) A plan fiduciary under Section 3(21) of the Employee Retirement Income Security Act of 1974 (ERISA) or fiduciary under Section 4975(e)(3) of the Internal Revenue Code (IRC) or any amendments or successor statutes thereto.

(5) For purposes of this subsection, "comparable standards" means:

(a) With respect to broker-dealers and registered representatives of broker-dealers, applicable SEC and FINRA rules pertaining to best interest obligations and supervision of annuity recommendations and sales, including, but not limited to, Regulation Best Interest and any amendments or successor regulations thereto;

(b) With respect to investment advisers registered under federal or state securities laws or investment adviser representatives, the fiduciary duties and all other requirements imposed on such investment advisers or investment adviser representatives by contract or under the Investment Advisers Act of 1940 or applicable state securities law, including but not limited to, the Form ADV and interpretations; and

(c) With respect to plan fiduciaries or fiduciaries, means the duties, obligations, prohibitions and all other requirements attendant to such status under ERISA or the IRC and any amendments or successor statutes thereto.

Section VI. Producer Training

A. A producer shall not sell, solicit, or negotiate an annuity product unless the producer has adequate knowledge of the product to recommend the annuity and the producer is in compliance with the insurer's standards for product training. A producer may rely on insurer-provided product-specific training standards and materials to comply with the insurers standards for product training.

B.(1)(a) A producer who engages in the sale of annuity products shall complete a onetime four (4) hour training course approved by the department of insurance and provided by the department of insurance-approved education provider.

(b) Insurance producers who hold a life insurance line of authority on the effective date of this regulation and who desire to sell annuities shall complete the requirements of this subsection within six (6) months after the effective date of this regulation. Individuals who obtain a life insurance line of authority on or after the effective date of this regulation may not engage in the sale of annuities until the annuity training course required under this subsection has been completed.

(2) The minimum length of the training required under this subsection shall be sufficient to qualify for at least four (4) CE credit hours, but may be longer.

(3) The training required under this subsection shall include at a minimum information on the following topics:

(a) The types of annuities and various classifications of annuities;

(b) Identification of the parties to an annuity;

(c) How product specific annuity contract features affect consumers;

(d) The application of income taxation of qualified and non-qualified annuities;

(e) The primary uses of annuities; and

(f) Appropriate standard of conduct, sales practices, replacement and disclosure requirements. Additional topics may be offered in conjunction with and in addition to the required outline.

(4) Providers of courses intended to comply with this subsection shall cover all topics listed in the prescribed outline and shall not present any marketing information or provide training on sales techniques or provide specific information about a particular insurer's products.

(5) A provider of an annuity training course intended to comply with this subsection shall register as a CE Approved Sponsor in this State and comply with the rules and guidelines applicable to producer continuing education courses as set forth in S.C. Code of Regulations 69-50.

(6) A producer who has completed an annuity training course approved by the department of insurance prior to May 27, 2022 shall, within six (6) months after May 27, 2022, complete either:

(a) A new four (4) credit training course approved by the department of insurance after May 27, 2022;

or

(b) An additional one-time one (1) credit training course approved by the department of insurance and provided by the department of insurance-approved education provider on appropriate sales practices, replacement and disclosure requirements under this amended regulation.

(7) Annuity training courses may be conducted and completed by classroom or self-study methods in accordance with S.C. Code Section 38-43-106 and S.C. Code of Regulations 69-50.

(8) Providers of annuity training shall comply with the reporting requirements and shall issue certificates of completion in accordance with S.C. Code of Regulations 69-50.

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(9) The satisfaction of the training requirements of another State that are substantially similar to the provisions of this subsection shall be deemed to satisfy the training requirements of this subsection in this State.

(10) The satisfaction of the components of the training requirements of any course or courses with components substantially similar to the provisions of this subsection shall be deemed to satisfy the training requirements of this subsection in this State.

(11) An insurer shall verify that a producer has completed the annuity training course required under this subsection before allowing the producer to sell an annuity product for that insurer. An insurer may satisfy its responsibility under this subsection by obtaining certificates of completion of the training course or obtaining reports provided by NAIC-sponsored database systems or vendors or from a reasonably reliable commercial database vendor that has a reporting arrangement with CE Approved Sponsors.

Section VII. Compliance, Mitigation, Penalties, Enforcement

A. An insurer is responsible for compliance with this regulation. If a violation occurs, either because of the action or inaction of the insurer or its insurance producer, the director may order:

(1) An insurer to take reasonably appropriate corrective action for any consumer harmed by a failure to comply with this regulation by the insurer, and entity contracted to perform the insurer’s supervisory duties or by the producer;

(2) A general agency, independent agency or the insurance producer to take reasonably appropriate corrective action for any consumer harmed by the producer’s violation of this regulation; and

(3) Appropriate penalties and sanctions pursuant to S.C. Code Section 38–2–10.

B. Any applicable penalty under S.C. Code Section 38–2–10 for a violation of this regulation may be reduced or eliminated if the director determines that corrective action for the consumer was taken promptly after a violation was discovered or the violation was not part of a pattern or practice.

Section VIII. Recordkeeping

A. Insurers, general agents, independent agencies and producers shall maintain or be able to make available to the director records of the information collected from the consumer, including summaries of oral disclosures, and other information used in making the recommendations that were the basis for insurance transactions for five (5) years after the insurance transaction is completed by the insurer. An insurer is permitted, but shall not be required, to maintain documentation on behalf of an insurance producer.

B. Records required to be maintained by this regulation may be maintained in paper, photographic, micro-process, magnetic, mechanical or electronic media or by any process that accurately reproduces the actual document.

Section IX. Effective Date

This regulation shall become effective six (6) months following final publication in the State Register and shall apply to contracts sold on or after the effective date of this regulation.

APPENDIX A

**INSURANCE AGENT (PRODUCER) DISCLOSURE FOR ANNUITIES
Do Not Sign Unless You Have Read and Understand the Information in this Form**

Date: _____

INSURANCE AGENT (PRODUCER) INFORMATION (“Me”, “I”, “My”)

First Name: _____ Last Name: _____

Business\Agency Name: _____ Website: _____
 Business Mailing Address _____

Business Telephone Number: _____
 Email Address: _____
 National Producer Number in [state] _____

CUSTOMER INFORMATION (“You”, “Your”)

First Name: _____ Last Name: _____

What Types of Products Can I Sell You?

I am licensed to sell annuities to you in accordance with state law. If I recommend that You buy an annuity, it means I believe that it effectively meets Your financial situation, insurance needs, and financial objectives. Other financial products, such as life insurance or stocks, bonds and mutual funds, also may meet Your needs.

I offer the following products [check all that apply]:

- Fixed or Fixed Indexed Annuities
- Variable Annuities
- Life Insurance

I need a separate license to provide advice about or to sell non-insurance financial products. I have checked below any noninsurance financial products that I am licensed and authorized to provide advice about or to sell.

- Mutual Funds
- Stocks/Bonds
- Certificates of Deposits

Whose Annuities Can I Sell to You?

I am authorized to sell [check one]:

Annuities from Only One (1) Insurer	Annuities from Two or More Insurers
Annuities from Two or More Insurers although I primarily sell annuities from: _____	

How I’m Paid for My Work:

It’s important for You to understand how I’m paid for my work. Depending on the particular annuity You purchase, I may be paid a commission or a fee. Commissions are generally paid to Me by the insurance company while fees are generally paid to Me by the consumer. If You have questions about how I’m paid, please ask Me.

Depending on the particular annuity You buy, I will or may be paid cash compensation as follows [check all that apply]:

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____Commission, which is usually paid by the insurance company or other sources. If other sources, describe: _____.
____Fees (such as a fixed amount, an hourly rate, or a percentage of your payment), which are usually paid directly by the customer.
____Other (Describe)_____

If you have questions about the above compensation I will be paid for this transaction, please ask me.

I may also receive other indirect compensation resulting from this transaction (sometimes called “non-cash” compensation), such as health or retirement benefits, office rent and support, or other incentives from the insurance company or other sources.

Drafting Note: This disclosure may be adapted to fit the particular business model of the producer. As an example, if the producer only receives commission or only receives a fee from the consumer, the disclosure may be refined to fit that particular situation. This form is intended to provide an example of how to communicate producer compensation, but compliance with the regulation may also be achieved with more precise disclosure, including a written consulting, advising or financial planning agreement.

Drafting Note: The acknowledgement and signature should be in immediate proximity to the disclosure language.

By signing below, you acknowledge that you have read and understand the information provided to you in this document.

Customer Signature

Date

Agent (Producer) Signature

Date

**APPENDIX B
CONSUMER REFUSAL TO PROVIDE INFORMATION Do Not Sign Unless You Have Read and Understand the Information in this Form**

Why are you being given this form?

You’re buying a financial product – an annuity.

To recommend a product that effectively meets your needs, objectives and situation, the agent, broker, or company needs information about you, your financial situation, insurance needs and financial objectives.

If you sign this form, it means you have not given the agent, broker, or company some or all the information needed to decide if the annuity effectively meets your needs, objectives and situation. You may lose protections under the Insurance Code of [this state] if you sign this form or provide inaccurate information.

Statement of Purchaser [check which applies]:

___ I REFUSE to provide this information at this time.

___ I have chosen to provide LIMITED information at this time.

Customer Signature

Date

APPENDIX C

Consumer Decision to Purchase an Annuity NOT Based on a Recommendation

Do Not Sign This Form Unless You Have Read and Understand It.

Why are you being given this form? You are buying a financial product – an annuity.

To recommend a product that effectively meets your needs, objectives and situation, the agent, broker, or company has the responsibility to learn about you, your financial situation, insurance needs and financial objectives.

If you sign this form, it means you know that you’re buying an annuity that was not recommended.

Statement of Purchaser:

I understand that I am buying an annuity, but the agent, broker or company did not recommend that I buy it. If I buy it without a recommendation, I understand I may lose protections under the Insurance Code of [this state].

Customer Signature

Date

Agent/Producer Signature

Date

Fiscal Impact Statement:

No additional state funding is requested. The Department estimates that no additional costs will be incurred by the state in complying with the proposed amendments to 69-29.

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Statement of Rationale:

The proposed amendments to this regulation will enhance protections for consumers seeking lifetime income through annuities. The requirements it imposes on insurance producers ensures that they will act in the best interest of the consumers they serve.

Document No. 4993
SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY
CHAPTER 68
Statutory Authority: 1976 Code Section 41-43-90

68-10 through 68-65. South Carolina Jobs-Economic Development Authority.

Synopsis:

The South Carolina Jobs-Economic Development Authority (JEDA) proposes to amend Regulations 68-10 to reflect current business practices and 68-30 to codify its current fee schedule and to repeal Regulations 68-15, 68-20, 68-25, 68-35, 68-45, 68-55, and 68-65 in their entirety. These Regulations are obsolete and, in some instances, not consistent with current state and federal laws.

A Notice of Drafting for the proposed changes to Regulation 68-10 through 68-65 was published in the *State Register* on February 28, 2020.

Instructions:

Print the regulations as shown below.

Text:

CHAPTER 68

South Carolina Jobs-Economic Development Authority

(Statutory Authority: 1976 Code Section 41-43-90 (1983 Supp))

68–10. Loan Eligibility Requirements.

A. The South Carolina Jobs-Economic Development Authority will make economic development bond loans, on either a tax-exempt or taxable basis, and loans from any other program funds which become available, to manufacturing, industrial, research, service, commercial and other businesses:

- (1) Are located in South Carolina; and
- (2) Create or maintain jobs in South Carolina.

B. Repealed.

68–15. Repealed.

68–20. Repealed.

68–25. Repealed.

68–30. Costs and Fees.

All fees, including but not limited to accountant’s fees, attorney’s fees, feasibility studies, appraisals, and other costs will be expenses of the applicant.

Issuer Fee Schedule is as follows:

- A. Application Fee \$1,000 –non-refundable and in addition to issuer fees shown below.
- B. Standard Issuer Fee:
 - (1) 12.5 basis points (.00125) times the bond amount;
 - (2) Minimum fee is \$3,000;
 - (3) Applies to all private activity bonds (except Hospital and 501(c)(3) bonds), solid waste bonds, and bonds using volume cap allocation.
- C. Hospital & 501(c)(3) Issuer Fee:
 - (1) Sliding Fee based on the following calculation:
 - (a) \$10 million or less: 12.5 basis points (.00125) times the bond amount;
 - (b) \$10 million – \$50 million: \$12,500 plus 8 basis points (.0008) times bond amount over \$10 million;
 - (c) \$50 million - \$100 million: \$44,500 plus 4 basis points (.0004) times bond amount over \$50 million;
 - (d) Over \$100 million: \$64,500 plus 2 basis points (.0002) times bond amount over \$100 million;
 - (e) Minimum Fee \$3,000.
- D. Annual Fee:
 - (1) An annual fee is assessed on the outstanding balance on the anniversary date of each bond;
 - (2) The fee is 1.5 basis points of the outstanding balance;
 - (3) Minimum Fee is \$500; Maximum Fee is \$10,000;
 - (4) Maximum Annual Fee per Borrower is \$25,000.
- E. Modification/Reissue Fee:
 - (1) 50% of applicable Issuer Fee.

68–35. Repealed.

68–45. Repealed.

68–55. Repealed.

68–65. Repealed.

Fiscal Impact Statement:

JEDA does not anticipate additional costs to the State or its political subdivisions as a result of the proposed amendments and repeal of Regulation 68-10 through 68-65.

Statement of Rationale:

The South Carolina Jobs-Economic Development Authority (JEDA) proposes to amend Regulations 68-10 to reflect current business practices and 68-30 to codify its current fee schedule and to repeal Regulations 68-15, 68-20, 68-25, 68-35, 68-45, 68-55, and 68-65 in their entirety. These Regulations are obsolete and, in some instances, not consistent with current state and federal laws.

Document No. 5081
DEPARTMENT OF LABOR, LICENSING AND REGULATION
 CHAPTER 10

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-7-50, 40-7-60, and 40-7-355

10-6. Board of Barber Examiners.

Synopsis:

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The South Carolina Department of Labor, Licensing and Regulation proposes to amend the fee schedule for the Board of Barber Examiners whose fees appear in Chapter 10 of the South Carolina Code of Regulations, specifically in R.10-6.

A Notice of Drafting was published in the *State Register* on July 23, 2021.

Instructions:

Replace regulation as shown below. All other items and sections remain unchanged.

Text:

10-6. Board of Barber Examiners.

The Board shall charge the following fees:

(A)	Registered Barber License and Examination:		
	(1)	Application	\$45
		(a) Theory and practical examination	paid directly to provider
		(b) Theory examination	paid directly to provider
		(c) Practical examination	paid directly to provider
	(2)	Renewal	\$125
	(3)	Reinstatement	\$150
	(4)	Endorsement/Reciprocity	\$140
(B)	Master Hair Care License and Examination		
	(1)	Application	\$45
		(a) Theory and practical examination	paid directly to provider
		(b) Theory examination	paid directly to provider
		(c) Practical examination	paid directly to provider
	(2)	Renewal	\$150
	(3)	Reinstatement	\$175
	(4)	Endorsement/Reciprocity	\$140
(C)	Upgrade Registered Barber Apprentice to Registered Barber License		\$80
(D)	Upgrade Master Hair Care Specialist Apprentice to Master Hair Care Specialist License		\$100
(E)	Barber Assistant (Manicurist or Shampoo) License and Examination		
	(1)	Application	\$90
	(2)	Renewal	\$100
	(3)	Reinstatement	\$125
(F)	Instructor License and Examination		
	(1)	Application -	\$45
		(a) Theory examination	paid directly to provider
	(2)	Renewal	\$140
	(3)	Reinstatement	\$165
	(4)	Endorsement/Reciprocity	\$140
(G)	Barbershop/Mobile Barbershop Permit		
	(1)	Application	\$250
	(2)	Renewal	\$125
	(3)	Reinstatement	\$150
(H)	Change of Barbershop/Mobile Barbershop Owner		\$250
(I)	Change of Barbershop/Mobile Barbershop Name		\$10

(J)	Change of Barbershop Location	\$250
(K)	Change of Barbershop Manager/Mobile Barbershop Operator	\$10
(L)	Barber College License	
	(1) Application	\$300
	(2) Renewal	\$300
	(3) Reinstatement	\$140
(M)	Change of Barber College Owner	\$140
(N)	Change of Barber College Name	\$10
(O)	Change of Barber College Location	\$300
(P)	Student/On-the-Job Training Permit	\$35
(Q)	Hair Braiders	
	(1) Application	\$100
	(2) Renewal	\$100
	(3) Reinstatement	\$125
(R)	Duplicate license	\$10
(S)	License verification	\$5 each at https://verify.llronline.com
(T)	Licensee list/roster	\$10 per license type

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 amend the fee schedule for the Board of Barber Examiners whose fees appear in Chapter 10 of the South Carolina Code of Regulations, specifically in R.10-6, to add fees as they relate to mobile barbershops, clarify or rename existing fees, and add fees required by statute.

Document No. 5082
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF ARCHITECTURAL EXAMINERS
 CHAPTER 11
 Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-3-50, and 40-3-60

- 11-1. Definitions.
- 11-2. Officers.
- 11-3. Meetings.
- 11-4. Seal of the Board.
- 11-5. Applications and Fees.
- 11-6. Registration by Examination.
- 11-7. Registration by Reciprocity.
- 11-8. Renewals.
- 11-8.1. Continuing Education.
- 11-9. Duplicate Certificates.
- 11-10. Practice of Firms.
- 11-11. Seals.
- 11-12. Code of Professional Ethics.
- 11-13. Manner of Discipline.
- 11-14. Reinstatement Procedures.

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Synopsis:

The South Carolina Board of Architectural Examiners proposes to amend its regulations to: rename the Intern Development Program as the Architectural Experience Program in R.11-1 and R.11-6; update information regarding submission of applications and payment of fees in R.11-5; amend references to licensure periods for purposes of continuing education in R.11-8.1 to establish biennial as opposed to annual licensure periods; modify and delete language regarding seals in R.11-11; delete provisions in the code of ethics in R.11-12; and to clarify additional language in R.11-1, R.11-6, R.11-8.1 and throughout the chapter.

A Notice of Drafting was published in the *State Register* on August 27, 2021.

Instructions:

Replace regulation as shown below. All other items and sections remain unchanged.

Text:

11-1. Definitions.

Definitions found in Section 40-3-20 apply to this chapter.

(1) "AXP" means the Architectural Experience Program established by the National Council of Architectural Registration Boards.

(2) "NCARB" means the National Council of Architectural Registration Boards.

(3) "NAAB" means the National Architectural Accrediting Board.

(4) "A.R.E." means the Architect Registration Examination.

(5) "Continuing Education Hour" means one (1) contact hour of participation in a continuing education activity.

(6) "Contact hour" means a minimum of fifty (50) minutes of instruction.

11-2. Officers.

A. Officers of this Board shall be chairman, vice-chairman, and secretary, and shall be elected annually. The chairman shall exercise general supervision of the Board's affairs, except such as are placed under the Director of the Department of Labor, Licensing and Regulation, and shall preside at all meetings of the Board when present. The vice-chairman shall possess all the powers and perform all the duties of the chairman in the event of the absence, disability, refusal or failure to act of the chairman. The secretary shall act as its recording secretary; cause written minutes of every meeting of this Board to be kept in the Book of Minutes; affix the Board's Seal to such instruments as require it; and sign all instruments and matters that require attestation or approval of this Board.

B. No members may serve more than two (2) consecutive one-year terms in the office of chairman or vice-chairman, but election to fill an unexpired term shall not bar the serving of two (2) succeeding terms. A member must have served one (1) calendar year on the Board to be eligible for the office of chairman and vice-chairman.

11-3. Meetings.

Notice of all meetings shall be distributed to each member at least five (5) days in advance of such meeting, giving the time, place, and general purpose of the meeting. The Annual meeting shall be held within ninety (90) days of the end of the fiscal year. Public notice of the meetings shall be made in accordance with the Freedom of Information Act.

11-4. Seal of the Board.

The Seal of the Board shall be circular in shape and 1 3/4 inches in diameter. Concentric with the outside of the seal there shall be a circle of 1 3/16 inches in diameter, in which there shall be the Seal of South Carolina. In the annular space between the circle and the outside of the Seal there shall be the following inscription: "Seal of South Carolina Board of Architectural Examiners".

11-5. Applications and Fees.

A. All applications must be accompanied by an application fee in the form of a check or money order made payable to South Carolina Board of Architectural Examiners. All online applications must be accompanied by an application fee in the form of an online payment on the South Carolina Board of Architectural Examiners website at <http://lir.sc.gov/POL/Architects>. Applications will be reviewed by the Board within ninety (90) days of receipt. If after review by the Board an application is approved, the applicant shall be advised in writing.

B. The Board may charge fees as shown in South Carolina Code of Regulations Chapter 10-3 and on the South Carolina Board of Architectural Examiners website at <http://lir.sc.gov/POL/Architects>.

11-6. Registration by Examination.

A. Applicants must have completed a professional degree in architecture from a school or college program accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB) as set forth in Section 40-3-230 of the South Carolina Code of Laws and must have completed all requirements of the Architectural Experience Program (AXP) prior to licensure. Applicants may begin taking the Architect Registration Examination prior to completion of AXP but may not be licensed until evidence of completion of all training requirements is submitted to the Board.

(1) Education. An official school transcript shall serve as evidence of attainment of a professional degree in architecture from a program accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB).

(2) Experience. Only a verified Council Record issued by the National Council of Architectural Registration Boards (NCARB) will be accepted as evidence of completion of all training requirements established for the Architectural Experience Program (AXP).

(3) Examination. The National Council of Architectural Registration Boards (NCARB) Architect Registration Examination (A.R.E.) will be administered to all qualified candidates for initial architectural registration in a manner and place prescribed by NCARB or the Board. Candidates must comply with all NCARB requirements. Examinees must pay all applicable examination fees. Examinees will not have access to the NCARB examinations, answers, or other related documents for reviewing, copying, or other purpose.

B. Applicants for registration by examination who pass the A.R.E. will be notified accordingly. Once a candidate satisfies all licensure requirements as set forth in Section 40-3-230 of the South Carolina Code of Laws, he or she will be issued a license to practice architecture in South Carolina during the current licensure period.

11-7. Registration by Reciprocity.

A. Any individual holding a current, active, and unrestricted license for the practice of architecture from another state or territory and holding a certificate of qualification issued by the National Council of Architectural Registration Boards (NCARB) may, upon application and within the discretion of the Board, be licensed without written examination.

B. Applicants who receive favorable action will be notified accordingly, and upon payment of the fee as determined by the Board, will be issued a license to practice architecture in South Carolina during the current licensure period.

11-8. Renewals.

A. Certificates of Registration issued to individuals expire biennially. They must be renewed for the following licensure period by payment of the renewal fee and by reporting completion of the required continuing education hours. Certificates shall become invalid unless renewed.

B. Certificates of Authorization issued to firms expire biennially. They must be renewed for the following licensure period by payment of the renewal fee and shall become invalid unless renewed.

C. Lapsed Certificates of Registration may be renewed by the Board at any time within one year from the date of expiration on payment of the renewal fee plus late penalties and demonstration of twenty-four (24) hours of continuing education in health, safety and welfare topics. In case of failure to renew within one year from the date of expiration, the Certificate cannot be reissued except by a new application accompanied by the application fee and approval by the Board.

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D. Lapsed Certificates of Authorization may be renewed by the Board at any time within one year from the date of expiration on payment of the renewal fee plus late penalties. In case of failure to renew within one year from the date of expiration, the Certificate cannot be reissued except by a new application accompanied by the application fee and approval by the Board.

11-8.1. Continuing Education.

A. These requirements shall apply to every South Carolina registered architect as a condition for renewal of registration.

B. Exemptions: A registrant may be exempt from the continuing education requirements for one of the following reasons:

(1) A first-time new registrant by examination will be exempt for the first renewal.

(2) A registrant serving on active military duty may be exempt for some or all of the continuing education requirements.

(3) Hardship cases may be considered by the Board on an individual basis upon submittal of relevant documentation acceptable to the Board in its discretion.

(4) Architects in Emeritus status as defined in Section 40-3-20 of the South Carolina Code of Laws.

C. Requirements.

(1) Each South Carolina Registered architect shall complete a minimum of twenty-four (24) continuing education hours each biennial licensure period in topics related to health, safety and welfare. No carry-over of continuing education hours into the next biennial licensure period is permitted. However, carry-over within the licensing period is allowed.

(2) Each registrant shall submit, on a form provided by the board, a signed affidavit attesting to the fulfillment of continuing education requirements for the prior biennial licensure period.

(3) Each affidavit may be subject to audit for verification of compliance with requirements. Registrants shall retain proof of fulfillment of requirements for a period of two (2) years after submission in the event the affidavit is selected for audit. Registrants must comply with audit deadlines and requirements.

(4) The Board may disallow claimed credit for continuing education hours. The registrant shall have forty-five (45) calendar days after notification of disallowance of credit to substantiate the original claim or earn other continuing education credit which fulfills minimum requirements.

D. Noncompliance and Sanctions. Failure to fulfill the continuing education requirements shall be considered a violation of the Architectural Registration Law. Failure to file the required report, properly completed and signed, or to comply with audit and verification requests within thirty (30) days of notice shall be considered a violation of the Architectural Registration Law.

11-9. Duplicate Certificates.

A lost or destroyed Certificate may be replaced upon written request accompanied by the appropriate fee. Such Certificate shall bear the same date and number as the original and shall be marked "duplicate."

11-10. Practice of Firms.

A. A firm engaged in the practice of architecture in South Carolina must employ one (1) or more persons registered to practice architecture in South Carolina who are in full authority and responsible charge of the firm's architectural practice. Persons in full authority and responsible charge shall mean regularly employed persons who are in unrestricted, unchecked, and unqualified command of, and legally accountable for, the actions of such architectural practice.

B. An architect registered in South Carolina shall be responsible for complying with these regulations as they may apply to any association or joint venture with another architect or architects.

C. Each office maintained for the preparation of drawings, specifications, reports, and other professional work shall have an architect duly registered with this Board, in full authority and responsible charge, having direct knowledge and supervisory control of such work.

D. Each firm shall provide and maintain the current mailing address and physical address of its main office.

11-11. Seals.

A. The seal and signature of the architect in responsible charge and the architectural firm's seal shall appear on all architectural documents to be filed for public record and shall be construed to obligate the architect and the firm. A firm seal alone is insufficient; documents shall be signed and sealed by the architect in responsible charge. Record documents used for obtaining building permits shall be so signed and dated. The signing and sealing of the index sheet(s) or the title page of specifications shall be considered adequate.

B. An architect shall not affix, or permit to be affixed, the architect's seal or name to any plans, specifications, drawings, or other related documents which were not prepared by the architect or under the architect's direct responsible charge. Architects shall not use their seal or perform any other service as an architect unless holding at the time a current Certificate of Registration.

C. Description of Registrant's Seal. The seal shall be circular in shape and 1 3/4 inches in diameter. Concentric with the outside of the seal there shall be a circle 1 3/16 inches in diameter; in the annular space between the circle and the outside of the seal shall be the words "State of South Carolina" at the top and "Registered Architect" at the bottom. The name of only one (1) architect, business location, and registration number shall be placed within the inner circle.

D. Description of Firm Seals. The seal shall be circular in shape and 1 3/4 inches in diameter. Concentric with the outside of the seal there shall be a circle 1 3/16 inches in diameter; in the annular space between the circle and the outside of the seal shall be the words "State of South Carolina" at the top and "Registered Architects" at the bottom. The name, business location, and license number of the firm shall be placed within the inner circle.

E. An electronic seal and signature are permitted to be used in lieu of an original seal and signature when the following criteria, and all other requirements of this section, are met:

- (1) It is a unique identification of the architect in responsible charge;
- (2) It is verifiable, having been signed and dated;
- (3) It is under the professional's direct control;
- (4) The graphic image of the electronic seal and signature shall be readily available and produced in a manner acceptable to the board. It shall contain the same words and shall have substantially the same graphic appearance and size as required above when the image of the electronically transmitted document is viewed at the same time as the document in its original form.
- (5) The graphic display of the seal shall be in compliance with state law.

11-12. Code of Professional Ethics.

An architect or firm shall not engage in dishonest practice, unprofessional conduct, or incompetent practice.

A. Conflict of Interest.

(1) An architect or firm shall not accept compensation for services from more than one (1) party on a project unless the circumstances are fully disclosed and agreed to (such disclosure and agreement to be in writing) by all interested parties.

(2) If an architect or firm has any business association or direct or indirect financial interest which is substantial enough to influence judgments in connection with the performance of professional services, the architect or firm shall fully disclose in writing to the client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, the architect or firm will either terminate such association or interest, or withdraw from the commission or employment.

(3) An architect or firm shall not solicit or accept compensation from materials or equipment suppliers in return for specifying or endorsing their products.

(4) When acting as the interpreter of building contract documents and the judge of contract performance, the architect or firm shall render decisions impartially, favoring neither party to the contract.

B. Full Disclosure.

(1) An architect or firm making public statements on architectural questions shall disclose when being compensated for making such statements.

(2) An architect or firm shall be accurate in representing to a prospective or existing client or employer the qualifications and the scope of responsibility in connection with work for which credit is claimed.

(3) If in the course of work on a project, the architect or firm becomes aware of a decision taken by the employer or client, against the architect's or firm's advice, which violates applicable state or municipal building

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laws and regulations and which will materially affect adversely the safety to the public of the finished project, the architect or firm shall:

(a) report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations; and

(b) refuse to consent to the decision; and

(c) terminate services with reference to the project in circumstances where the architect or firm reasonably believes that other such decisions will be taken notwithstanding the architect's or firm's objections.

(4) On a project where a building permit has been issued and the sealing architect and the firm of record have not been engaged to perform at least minimum construction administration services, as defined in subsection (5) below, the sealing architect and firm must report to the permitting authority and the building owner that he and the firm have not been so engaged.

(5) The minimum construction administration services expected of the sealing architect and firm deemed necessary to protect the health, safety, and welfare of the public shall be periodic site observations of the construction progress and quality, review of contractor submittal data and drawings, and reporting to the building official and owner any violations of codes or substantial deviations from the contract documents which the architect observed.

(6) An architect or firm shall not deliberately make a false statement or fail deliberately to disclose a fact requested by the Board.

(7) An architect or firm shall not assist the application for registration of a person known by the architect or firm to be unqualified in respect to education, training, experience, or character.

(8) An architect or firm possessing knowledge of a violation of these rules by another architect or firm shall report such knowledge to the Board.

(9) An architect or firm shall cooperate fully upon request in matters pertaining to any investigation initiated by the Board.

C. Compliance with Laws.

(1) An architect or firm shall not violate any state or federal criminal or civil law, rule, or regulation.

(2) An architect or firm shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect or firm is interested.

(3) An architect or firm shall comply with the registration laws, rules, and regulations governing the practice of architecture in this State and in any other jurisdiction.

(4) An architect or firm shall not assist or aid any unlicensed person or firm in the unauthorized practice of architecture.

(5) No architect or firm shall be entitled to registration within this State who has been convicted of a felony or a crime of moral turpitude unless suitable evidence of reform is presented to the Board.

D. Professional Conduct.

(1) An architect or firm shall not sign or seal drawings, specifications, reports, or other professional work for which the architect or firm does not have direct professional knowledge and direct supervisory control; provided, however, that in the case of portions of such professional work prepared by the architect's, or firm's consultants, registered under this or another professional registration law of this jurisdiction, the architect or firm may sign or seal that portion of the professional work if the architect or firm has reviewed such portion, has coordinated its preparation, and intends to be responsible for its adequacy.

(2) An architect or firm shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect or firm is interested.

(3) An architect or firm shall not engage in conduct involving fraud or wanton disregard of the rights of others.

(4) An architect or firm shall not act in any manner so as to mislead a client or the general public or so as to misrepresent its competence or qualifications.

E. Competence.

(1) An architect or firm shall act with reasonable care and competence and shall apply the technical knowledge and skill which is ordinarily applied by architects and firms in good standing in South Carolina.

(2) An architect or firm shall take into account all applicable state and municipal building laws and regulations. While an architect or firm may rely on the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, an architect or firm shall not design a project in violation of such laws and regulations.

(3) An architect or firm, together with those whom the architect or firm may engage as consultants, shall undertake to perform professional services only when qualified by education, training, and experience in the specific technical areas involved.

11-13. Manner of Discipline.

A. Any architect or firm found guilty of dishonest practice, unprofessional conduct, or incompetent practice shall be disciplined in accordance with Section 40-1-120, Section 40-3-110, Section 40-3-115, and Section 40-3-120.

B. Any architect or firm whose license has been revoked or suspended by the Board shall promptly notify, or cause to be notified, all clients being represented in pending matters of the revocation or suspension and their inability to act as the architect and shall advise said clients to seek the assistance of another architect of the client's own choice. The notice must be sent by registered or certified mail with return receipt requested.

11-14. Reinstatement Procedures.

A. An architect or firm whose authorization to practice architecture has been suspended who wishes to be reinstated may file with the Board a petition setting forth:

(1) the mailing address and physical address where the architect resides at the time of filing the petition, and the mailing address and physical address where the firm proposes to maintain an office if reinstated; and

(2) suitable evidence of reform to establish clear and convincing proof that he or the firm has been rehabilitated; and

(3) suitable evidence that he or the firm has complied fully with all provisions set forth in the original Order.

B. No application for reinstatement for practice shall be considered by the Board until evidence is submitted that all conditions of the Order have been met.

C. In any Order of reinstatement, the Board may direct that the architect or architectural firm limit professional practice to certain areas of the profession; work under the supervision of another architect or firm; require reports at intervals; or any other reasonable requirement which will ensure the protection of the public health, safety, and welfare.

Fiscal Impact Statement:

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

Statement of Rationale:

The updated regulation will: rename the Intern Development Program as the Architectural Experience Program in R.11-1 and R.11-6; update information regarding submission of applications and payment of fees in R.11-5; amend references to licensure periods for purposes of continuing education in R.11-8.1 to establish biennial as opposed to annual licensure periods; and modify and delete language regarding seals; delete provisions in the code of ethics in R.11-12; and to clarify additional language in R.11-1, R.11-6, R.11-8.1 and throughout the chapter.

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Document No. 5083
DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE ATHLETIC COMMISSION
CHAPTER 20

Statutory Authority: 1976 Code Sections 40-1-70(4) and 40-81-70(A)(3), (6)

20-28.01. Code of Ethics. (New)

Synopsis:

The South Carolina Athletic Commission proposes to amend its regulations to add a code of ethics.

The Notice of Drafting was published in the *State Register* on June 25, 2021.

Instructions:

Replace regulation as shown below. All other items and sections remain unchanged.

Text:

SUBCHAPTER 28

Code of Professional Ethics

20-28.01. Code of Ethics.

A. Contestants in Combative Sports.

1. Contestants will conduct themselves in accordance with commonly accepted standards of decency and social convention.

2. Contestants will strive toward the ideals of ethics and sportsmanship.

3. Contestants will conduct themselves guided by the principles of integrity, honesty, and reliability.

4. Athletes will safeguard health by refraining from illegal substances (recreational or sports enhancement) and ensuring lifestyle and training is conducive toward passing a required physical examination. Athletes shall not be under the influence of alcohol or drugs while participating in any competitions, including all related meetings and weigh-ins.

5. Contestants will not commit any act or become involved in any situation or occurrence that will reflect negatively or bring disrepute, contempt, scandal or disdain to any other participant or the SC State Athletic Commission.

6. The contestant, in all professional relationships, will act with respect for the inherent dignity and worth of all other participants, unrestricted by considerations of social or economic status, gender, ethnicity, religion, or other personal attributes.

7. The contestant owes the same duties to self as to others, including the responsibility to preserve integrity and safety, to maintain competence and training within the field, and to comply with statutes and regulations.

8. All contestants must maintain competence and skill in their respective sport and strive to give a satisfactory performance in every event or exhibition in which they compete. If a contestant, in the judgment of

a Commission Representative or Ring Official, fails to give a satisfactory performance or demonstrates insufficient skills to safely compete as a contestant in any event or exhibition regulated by the Commission, the contestant may be administratively suspended. A contestant suspended for failure to give a satisfactory performance or insufficient skills may petition to the Commission for reinstatement.

9. The contestant will refrain in appropriate physical, verbal, and online behavior that undermines another participant, a promotion, or the SC State Athletic Commission.

B. Official.

1. No official shall in any manner hint directly or indirectly, or solicit any promoter, manager, trainer, fighter, to be appointed as a ring official in any fight.

2. No official shall hint directly or indirectly, solicit any Commission, Commissioners or member of any boxing organization to be appointed as a ring official in any fight.

3. No official shall accept any gift of significant monetary value from any promoter, manager, trainer, or fighter or solicit from any promoter, manager, trainer or fighter, anything of significant monetary value.

4. No official shall in any manner publicly criticize the performance of any other official.

5. No official shall in any manner publicly criticize the performance of any combatant.

6. No official shall in any manner publicly criticize the appointment of any other official.

7. No official shall represent or attempt to represent the Commission in any manner other than as an official.

8. After receiving an assignment to work at an event as an official, no official shall, prior to the fight, have any contact, social or otherwise, with any promoter, manager, trainer or fighter involved in the title fight other than contacts made with the promoter or promoter's employees relating to travel and hotel accommodations, except when accompanied by a Commission member. Also, an official shall not communicate with ANY form of media, including and not limited to social media, (Facebook, Twitter, Instagram, etc.) prior to, during or after the event, without Commission approval.

9. No official shall engage in any conduct that will discredit the sport of unarmed combat.

10. Officials must never place wagers of any type on any event or sport involving boxing or combative sports. Officials should advise the local Commission if they are making bets on "other" sporting events.

11. If an official has any reason to feel or believe that he or she cannot be fair and impartial to both fighters, the official shall decline the appointment.

12. At no time should an official ask a contestant or applicant for an autograph or photograph, or any other type of memorabilia, or engage in any other instance of "fandom" at or near any Commission event, including weigh-ins and press conferences.

13. An official, whether they are working or not, shall not ask any contestant, applicant, or venue for anything of value, including tickets, programs, meals, drinks, gloves, or banners.

14. An official shall not be under the influence of alcohol or drugs while officiating or participating in any competitions, including all related meetings and weigh-ins.

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15. Any official violating the terms and provisions of this Code of Ethics may be subject to discipline including removal from the list of certified Officials and will receive no further recommendations for assignments to serve as an official.

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 memorialize the code of ethics as adopted by the Athletic Commission following a recommendation by the Inspector General that the Commission formally adopt the same. Additionally, the regulation will ensure compliance with S.C. Code Section 40-81-70(3), which provides that the Commission shall promulgate an appropriate code of professional ethics.

Document No. 5073

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF BARBER EXAMINERS
CHAPTER 17

Statutory Authority: 1976 Code Sections 40-7-50, 40-7-60, and 40-7-355

- 17-1. Barber Schools, Managers, Teachers and Instructors.
- 17-2. Barber Schools, Managers, Teachers and Instructors [; Filing of Name of Designated Manager].
- 17-3. Barber Schools, Managers, Teachers and Instructors [; Teachers and Instructors to Devote Full Time].
- 17-4. Barber Schools, Managers, Teachers and Instructors. [; Certain Teachers and Instructors to Take Examinations].
- 17-5. Barber Schools, Applications and Fees.
- 17-6. Barber Schools, Applications and Fees [; Change in Ownership].
- 17-7. Barber Schools, Disqualifying Actions.
- 17-8. Barber Students, Applications, Permits, Training, Progress Reports, and Examinations.
- 17-9. Barber Students, Applications, Permits, Progress Reports, Examinations [; When Enrollment Commences].
- 17-10. Barber Students, Applications, Permits, Progress Reports, Examinations [; Issuance of Permit].
- 17-11. Barber Students, Applications, Permits, Progress Reports, Examinations [; Monthly Progress Report].
- 17-12. Barber Students, Applications, Permits, Progress Reports, Examinations [; Re-Examination].
- 17-13. Barber Students, Applications, Permits, Progress Reports, Examinations [; Additional Training].
- 17-14. Barber Schools, Requirements of.
- 17-15. Barber Schools, Requirements of [; Sanitary Inspections].
- 17-16. Rules and Regulations.
- 17-17. Rules and Regulations [; Revocation of Prior Rules and Regulations].
- 17-20. Barbershop Requirements; Applications for Inspection and Registration and Shop License.
- 17-21. Mobile Barbershops. (New)
- 17-22. Portable Barber Operations. (New)
- 17-30. Certificate of Results of Chest X-ray.
- 17-50. Sanitary Rules Governing Barbers, Barber Shops and Barber Colleges.
- 17-51. Minimum Requirements for Licensing of Cosmetologists as Master Hair Care Specialists.

Synopsis:

The South Carolina Board of Barber Examiners proposes to amend various sections in Chapter 17 of the Code of Regulations, add regulations for mobile barbers as required by Act No. 65 of 2021, and amend R.17-50, the

sanitary rules governing barbers, barbershops and barber colleges, to prohibit animals, other than service animals, in barbershops.

A Notice of Drafting was published in the *State Register* on August 27, 2021.

Instructions:

Replace regulation as shown below. All other items and sections remain unchanged.

Text:

17-1. Barber Schools, Managers, Teachers and Instructors, On the Job Training Instructors.

Each barber school shall have a manager who will be responsible for the overall operation of the school. All teachers or instructors in a barber school or college, or providing personal supervision of the on the job training of a student training in a barbershop, must be a Board-licensed instructor.

17-2. Barber Schools, Barbershops, Managers, Teachers and Instructors; Filing of Name of Designated Manager.

Each barber school or college, and each barbershop shall file with the South Carolina State Board of Barber Examiners (hereafter called "Board") the name of the designated manager or managers thereof. Said filing shall be made not later than thirty (30) days prior to said change. Provided, however, that if such change is due to emergency, said filing shall be made not later than ten (10) days thereafter. Said designated manager or managers shall be responsible for compliance with applicable Statutes and Regulations of the Board.

17-3. Barber Schools, Teachers and Instructors; Teachers and Instructors to Devote Full Time.

All teachers and instructors in barber schools or colleges are required to give full time to the students and cannot do any professional work during school hours.

17-4. Barber Schools, Managers, Teachers and Instructors; Certain Teachers and Instructors to Take Examinations.

All licensed instructors who have not taught in a school, college, or provided on the job training within a period of five years, or who have not attended the annual Board-approved barber examination overview for instructors for two of the years within a five-year period will be required to apply for and take the instructor examinations required by the Board, to insure continued competency as an instructor. Licensed instructors attending the overview during the five year period who are not actively teaching during that time must provide to the Board, at the time of attendance, an affidavit or other proof acceptable to the Board certifying their attendance at the required overview.

17-5. Barber Schools, Applications and Fees.

All barber schools and colleges to be approved and accepted must file an application as required by the Board at least fifteen (15) days prior to the Board's regular meeting date, and accompanied by the prescribed fee. Following receipt of the completed application, the Board shall conduct an inspection to determine the suitability of the proposed space and compliance with applicable Board statutes and regulations. The applicant must pass this inspection to be approved to open. Prior to scheduling this inspection, the applicant must submit a completed self-inspection report on a form approved by the Board.

17-6. Barber Schools, Applications and Fees; Change in Ownership.

When a certificate of approval has been issued to a barber school or college and there is a change in ownership, a new application form must be submitted along with the prescribed fee.

17-7. Barber Schools, Disqualifying Actions.

If it shall appear to the Board that any manager, teacher or instructor has

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- a) been convicted of any crime involving moral turpitude as shown by a certified copy of the record of the Court of Conviction; or
- b) has engaged in malpractice or demonstrated incompetence; or
- c) has failed to be competent to instruct on any and all required subjects; or
- d) has engaged in false or deceptive statements; or
- e) has evidence of drinking or use of drugs in and about the school or colleges; or
- f) has failed to display a certificate of registration; or
- g) has demonstrated disregard for applicable sanitary rules and regulations; or
- h) has obstructed any member of the Board, its agents, or assistants in inspections of said school or college, or has falsified records or reports required by law or by rules on regulations of the Board, it may revoke after hearing the certificate of registration of such manager, teacher or instructor.

17-8. Barber Students, Applications, Permits, Training, Progress Reports, and Examinations.

1. Every person desiring to train in a barber school or college, or under the personal supervision of a registered barber or a master hair care specialist who is a qualified on the job training instructor, shall file an application for a student permit to take the training. Such application shall be on a blank form furnished by the Board and shall be signed by the applicant and official of the school or college or the qualified on the job training instructor, under whom the applicant desires to train. Prior to the issuance of a permit, a prospective student who desires to train under the personal supervision of a qualified on the job training instructor, shall meet along with the instructor with a representative of the Board. A qualified on the job instructor may train only two (2) students in his shop at a time, provided the students have a chair at all times. To be eligible for licensing as a master hair care specialist, a student training in a barbershop must train under the personal supervision of a qualified on the job training instructor who holds a current master hair care specialist license.

(A) Students training fulltime in a post-secondary school or college shall be on a five (5) day week basis, seven and a half (7.5) hours per day, for a minimum of forty (40) weeks; or, students training fulltime under the personal supervision of a qualified on the job training instructor shall be seven and a half (7.5) hours per day on a forty (40) hour a week basis for forty-eight (48) weeks.

(B) Students shall have received a written student permit issued by the Board.

(C) Each student training under the personal supervision of an on the job training instructor will be required to obtain the same textbooks taught by barber school or college and be given at least one (1) hour of study per day.

(D) Student training part-time in a post-secondary school or college shall be on a twenty (20) hour a week basis for a minimum of seventy-five (75) weeks; students training part-time under the personal supervision of a qualified on the job training instructor, shall be on a twenty (20) hour a week basis for a minimum of ninety-six (96) weeks.

17-9. Barber Students, Applications, Permits, Progress Reports, Examinations; When Enrollment Commences.

A student shall be deemed enrolled in the barber school or college or under the personal supervision of a qualified on the job training instructor only from and after the date of issuance of a student permit by this Board.

17-10. Barber Students, Applications, Permits, Progress Reports, Examinations [; Issuance of Permit].

The student permit shall be issued for a period of nine (9) months for training in an approved barber school or college, or for twelve (12) months for training under the personal supervision of a qualified on the job training instructor. The student permit is valid only while the student is training in the school, college or under the supervision of the qualified on the job training instructor to which the student permit is issued. The student permit is nontransferable to another school, college or qualified on the job training instructor. If the training of the student is terminated for any reason during the period for which the student permit is issued, the student cannot apply for a new student permit until the expiration of the existing permit; UNLESS the Board decides for good cause that a new permit should be issued. If training of a student has been terminated for any reason and the student desires a new student permit prior to the expiration of the existing permit, the following must be complied with before the Board will consider the application:

- a) a new application must be completed in accordance with Regulation No. 17-8;

b) an applicant must file a signed statement in writing setting forth why the training was terminated and why a new permit should be issued by the Board. The statement shall accompany the new application for a student permit.

After receipt of the application and statement the Board will consider the application. If the Board desires to hear testimony from the applicant, the Board will notify the applicant when to appear. The applicant will be notified of the Board's decision on the new application.

17-11. Barber Students, Applications, Permits, Progress Reports, Examinations; Monthly Progress Report.

The school, college or the qualified on the job training instructor by whom the training is given, shall file with the Board on the first of each month a monthly progress report on each student. This report is to be prescribed by the Board. All reports, records, or other documents required by rules and regulations should be submitted to the Board by the barber school or college or qualified on the job instructor training a student.

17-12. Barber Students, Applications, Permits, Progress Reports, Examinations; Re-Examination.

Each student who completes training in a barber school or college or under the supervision of a qualified on the job training instructor and fails to make a passing grade on the examination may be eligible to take another examination by filing a new application.

17-13. Barber Students, Applications, Permits, Progress Reports, Examinations; Additional Training.

An application for student permit must be filed with the Board for each student re-entering the school or college for additional training or for additional training under the personal supervision of a qualified on the job training instructor.

17-14. Barber Schools, Requirements of.

Each barber school shall:

- a) have a qualified instructor or teacher for each twenty (20) students enrolled or fraction thereof; and
- b) have a minimum of ten (10) barber chairs and each and every barber chair shall be mechanically workable, and the finish of same, including upholstery, shall be in good condition, and
- c) have not more than two (2) enrolled students per barber chair; and
- d) all students must be given a complete nine months course in the following subjects; the scientific fundamentals of barbering; haircutting; shaving; shampooing, and the application of creams and lotions; shedding and regrowth of hair, hygiene; sanitation and sterilization; anatomy; elementary chemistry; massaging and scalp treatments; scientific massaging and manipulation of the muscles in the scalp, neck and face; history of barbering and professional ethics; and laws and regulations of the Board; and students training to be master hair care specialists shall receive instruction in the use of chemicals to wave, relax, straighten, or bleach the hair; and
- e) have a bulletin and curriculum containing full information as to the operation of school including physical equipment, number of barber chairs, work stands, floor space of practical and theory department, hours of operation, schedule of hours of each class, schedule of subjects taught and shall furnish the Board with a copy of same within ninety (90) days from the effective date hereof, thereafter within fifteen (15) days of issuance of any new or amendment bulletin; and
- f) have a time clock or other means of accurately keeping and maintaining a complete record of each student including number of hours attending classes, practical and theory; and
- g) have no barber sign or emblem representing that it is a barbershop displayed in front of the place of business designating that it is a barber school or college and stating that all barber work is done by students only. **NO SCHOOL OR COLLEGE SHALL IN ANY WAY BE CONNECTED WITH A BARBER SHOP;**
- h) students training in barber schools or shops must have student permit prominently displayed behind his barber chair;
- i) have within each school ample and sufficient space between each and every barber chair as well as from workstand or wall to barber chair whereby the students will not be crowded or hampered. The space between each and every barber chair, measured from center to center, shall be a minimum of five feet, and the space from the barber chairs to the workstand or wall shall be a minimum of three and one half (3 1/2) feet;

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j) have ample and sufficient space for the purpose of practical demonstrations. Each school shall be separate from any other place or type of business by a substantial wall of ceiling height; and

k) have a room separate and apart from the practical room and must be separate and apart from any other type of business whatsoever by a ceiling height solid partition. Said room must be used exclusively for the training in theory of barbering and sufficient in size to accommodate students enrolled in such school and shall have ample blackboard space as well as charts on anatomy and other facilities adequate to teaching the required subjects;

l) have an adequate workstand for each barber chair, same to be of such construction that it may be easily cleaned; and adequate tool cabinet for each barber chair, having a door as nearly airtight as possible and of such construction that it may be easily cleaned; and sufficient supply of solution in which to immerse barber instruments immediately accessible to each chair; and

m) have and maintain a copy of the candidate information bulletin from the Board-approved examination provider, Board-approved textbooks, supplies, equipment, fixtures, devices and tools necessary for compliance with regulations, and additional equipment necessary for the instruction of students as required by the Board.

17-15. Barber Schools, Shops, Mobile Shops, Requirements for Inspections.

All schools, colleges, barbershops, or mobile barbershops are subject to inspections at any time by the Board of Barber Examiners or its agents. No manager, instructor, teacher, operator, owner or employee shall obstruct or interfere with the inspection.

17-16. Rules and Regulations.

All barber schools, colleges and qualified on the job training instructors are required to comply with the above rules and regulations in order to remain on the approved list.

17-17. Repealed.

17-20. Barbershop Requirements; Applications for Inspection and Registration and Shop License.

A building that is to be used for a newly established barbershop or a shop reopening for business shall be separate and apart from any residence or building or room used for housing purposes. A newly established barbershop must comply with all applicable state, federal and local laws, regulations, ordinances and codes. There shall be at least 5 feet of space between each barber chair from center to center of each chair, and sufficient space from each chair to the wall of shop, front and rear to allow for the adequate and safe provision of services.

Each barber shall be provided with a cabinet, constructed of such material that it may be easily cleaned, consisting of adequate space for clean freshly laundered towels, and each barber shall be provided with an adequate container for discarding soiled towels; each barber chair shall be mechanically workable and have a good grade of upholstery which is unbroken, torn or ripped. Each shop shall have within said shop or building adequate toilet facilities; each shop shall have smooth finished walls ceiling and floor; be well lighted and ventilated; no exposed pipes; and a barbershop or a room to be used for a barbershop shall be separate and apart from any other room which is used for any other purpose by a substantial partition or wall of ceiling height separating such portion used for a barbershop. Barbershops shall have a working, easily accessible fire extinguisher.

All new shops opening, and any established barbershop moving to a new location shall be deemed a new shop, shall file an application for inspection and registration with the Board fifteen days prior to opening. No new shop shall be operated until all fees are paid and shop shall have passed inspection. Shop license shall not be transferable to a new owner or to a new location.

If a new or reopened shop meets the above requirements, a person who is the holder of a current certificate of registration as a registered barber may obtain an application for a shop license from the Inspector or write this office. All applications for shop license must be on file in the office of the State Board of Barber Examiners at least fifteen days prior to the date when a shop will be complete and ready for inspection.

The Board should be immediately notified should a shop not be ready for inspection by the date stated on the application.

17-21. Mobile Barbershops.

a. A mobile barbershop must be a self-contained unit sufficiently equipped to provide barbering services within the premises of the mobile shop. The mobile shop name, as is stated on the permit, and the mobile shop permit number must be visibly displayed and clearly legible on at least two exterior sides of the mobile shop. No windows of the unit may be tinted so that it obstructs seeing inside the mobile unit. The interior of a mobile unit must be clearly visible from outside the unit.

b. No service may be performed on a patron in a moving vehicle. All fixtures in a mobile unit must be firmly anchored to the floor.

c. Each barber shall be provided with a securely anchored cabinet, constructed of such material that it may be easily cleaned, consisting of adequate space for clean freshly laundered towels, and each barber shall be provided with an adequate container for discarding soiled towels; each barber chair shall be securely anchored, mechanically workable and have a good grade of upholstery which is unbroken, torn or ripped. A mobile barbershop shall have adequate and functional sink and toilet facilities within the mobile shop, to include a holding tank with adequate wastewater storage; it shall be well lighted and ventilated; and the mobile barbershop shall not be used for any purposes other than providing barbering services. A mobile shop must also have a working, easily accessible fire extinguisher.

d. An application for inspection and registration with the Board of a new mobile barbershop must be filed by the licensed registered barber or master hair care specialist who will be the operator of the mobile shop, at least fifteen days prior to opening, on a form approved by the Board, along with the required fee. The designated operator is responsible for compliance with applicable statutes and regulations of the Board. The vehicle identification number (VIN) of the mobile shop shall be provided on the application. No new mobile shop shall be operated until all fees are paid and the shop shall have passed inspection. The inspection will be held at the time and place designated by the Board.

e. Mobile barbershop permits must be renewed biennially; however, each unit must be annually inspected by the Board. A mobile shop must be inspected annually no later than 30 days beyond one year from the issue date of the current permit, and also prior to the biennial renewal of the permit. The inspection will be held at the time and place designated by the Board.

f. Applications should be filed with the Board at least fifteen days prior to the date when the mobile shop wishes to be inspected prior to beginning operation.

g. Services in a mobile shop can only be provided by a licensed registered barber or master hair care specialist. Only barbering services can be provided in a mobile shop. Barber college students, OJT students and hair braiders may not provide services in a mobile shop. An apprentice may not operate a mobile shop.

h. A mobile shop permit is not transferable to a new owner or to a different mobile unit.

i. Mobile barbershops shall maintain a written or electronic record of the street address where barbering services will be provided, and must provide these records to the Board, in the manner specified by the Board, at least two weeks in advance of when the service is to be provided. Any changes to these records, including adding or deleting addresses where the services are to be provided, should be immediately provided to the Board. These records maintained by the mobile barbershop are subject to inspection by the Board.

17-22. Portable Barber Operations.

a. A portable barber operation is a licensed registered barber or master hair care specialist who has a Board-issued permit to provide barbering services in a client's home or place of residence, either permanent or temporary, a client's office or other place of business, wedding or other event venues, or other locations as may be approved by the Board.

b. A licensed registered barber or master hair care specialist may apply for a portable barbering operation permit by submitting an application to the Board, along with the required fee. The permit is renewed biennially. A portable barber must have a base of operations that is either a registered barbershop or mobile barbershop.

c. A portable barber must have and provide the following minimum equipment: a means of cleaning his or her hands prior to beginning the service, a first aid kit capable of dealing with blood exposure, sanitary capes or drapes, clean towels, sanitized and disinfected barbering implements and tools, a closed container with a sufficient supply of either at least a sixty percent alcohol solution or an EPA-registered disinfectant, and a means

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of transporting clean and used implements separately. No equipment or implement can be used on a subsequent client without it first being properly cleaned, sanitized and disinfected.

d. A portable barber should not begin providing a barbering service to a client without first verifying that there is an adequate supply of hot and cold running water available on the premises to safely and sanitarily complete the service to be provided.

e. A portable barber shall maintain a written or electronic record of the street addresses where barbering services will be provided during any two-week period at the designated base of operations. These records are subject to inspection by the Board.

17-30. Certificate of Physical Examination.

All applicants for licensure as a registered barber or master hair care specialist in South Carolina shall attach to their application for licensure a certificate from a qualified practicing physician or from a County Health Department showing a negative test for tuberculosis, or a normal chest x-ray. If the test or x-ray results are positive, the applicant must furnish a letter from the doctor or County Health Department affirming that the applicant is not contagious.

17-50. Sanitary Rules Governing Barbers, Barbershops, Mobile Barbershops, and Barber Colleges.

A mobile barbershop must comply with all sanitary rules set out below. For the purposes of this regulation, the term "barbershop" is inclusive of any location or place subject to registration or licensing by the Board, including, but not limited to a barbershop, a mobile barbershop, or a barber school or college.

1. Inspection.

All barbershops shall be open for inspection at all times during business hours to any members of the Board of Barber Examiners, or its agents or assistants.

2. Proper quarters.

No barbershop shall be used as a dormitory, sleeping or living quarters or for the preparation of meals.

3. Barbershops.

Every barbershop shall be well-lighted, well-ventilated, and kept in a clean, orderly and sanitary condition.

4. Fixture conditions.

Workstands or cabinets, towels and tools, and fixtures of all barbershops must be kept clean and sanitary at all times.

5. Water.

Barbershops shall provide a supply of hot and cold running water located at a convenient point within each barbershop under pressure in such quantities as may be necessary to provide the service and conduct the shop in a safe and sanitary manner.

6. Mobile barbershops must immediately cease operation when (1) wastewater storage capacity has been reached; (2) the toilet or sink are non-functioning; or (3) the mobile shop no longer has an adequate supply of clean hot and cold running water, or adequate wastewater capacity for safely completing all barbering services. Maintaining an adequate water supply is of particular importance if the shop is providing chemical services.

7. Styptic pencil and alum, first aid kit.

No person serving as a barber shall, to stop the flow of blood, use alum or other material unless the same be used in liquid or powder form. The use of common styptic pencil or lump alum shall not be permitted for any purpose. Each barbershop shall have a fully-stocked first aid kit.

8. Instruments.

All equipment used in connection with serving a patron shall be maintained in a clean and sanitary manner. Instruments or appliances of any kind which come in contact with the body of a patron shall be, before each separate use, sterilized by immersing in a solution of at least a sixty percent alcohol solution or an EPA registered disinfectant.

9. Hair brushes, combs and neck dusters.

Hair brushes, combs, and neck dusters, shall be kept clean and sanitary at all times.

10. Mugs and brushes.

All shaving cups and lather brushes must be kept clean and sanitary at all times.

11. Headrest.

The headrest of every barber chair shall be protected with fresh, clean paper or clean laundered towel before its use for any person.

12. Towels.

A clean, freshly laundered towel shall be used for each patron. This applies to every kind of towel—dry towel, steam towel, or washcloth. All towels that are used on a patron must be discarded until laundered. Used towels shall not be replaced in a sterilizer or rinsed or washed in the barbershop. All wet towels must be removed from the work stand or lavatory after serving each patron.

13. Haircloths.

Whenever a haircloth is used in cutting the hair, shampooing, etc., a newly laundered towel or paper neck strip shall be placed around the neck so as to prevent the haircloth from touching the skin.

14. Bathrooms and toilets.

Bathrooms and toilets must be kept in a clean and sanitary manner at all times.

15. Hand hygiene.

Every person serving as a barber shall thoroughly cleanse his or her hands immediately before serving each customer.

16. Barber appearance.

Each person working as a barber shall be clean, both as to person and dress.

17. Treating disease.

No barber or other person in charge of any barber shall undertake to treat any disease of the skin.

18. Shaving diseased faces.

No barber shall shave any person when the surface to be shaved is inflamed or broken out, or contains pus, unless such person is provided with a cup, shaving brush and razor for his individual use. Alternatively, any implements or items used must be immediately and thoroughly cleaned, sanitized and disinfected.

19. Animals in shops.

No animals shall be allowed in a barbershop other than a service animal.

20. Rules posted.

The owner, operator, or manager of any barbershop shall post a copy of these rules and regulations in a conspicuous place within the premises.

Any violation of these rules will be prosecuted according to law.

21. When an application is made to the South Carolina State Board of Barber Examiners for a license or registration to operate and maintain a new barbershop, new mobile barbershop, or new barber school or college, the Board, or its agents, shall, before the license or registration is issued, inspect the premises, building, mobile unit, equipment, and other conditions surrounding the same to ascertain and determine if the premises, building, mobile unit, and equipment complies with the sanitary rules and regulations appertaining thereto, duly promulgated and adopted by the Board.

22. Barbershops will be periodically inspected and graded, in accordance with compliance of the Sanitary Rules and Regulations. Inspection reports denoting grade, A—90-100, B—80-89, C—70-79 and D—unsatisfactory will be posted in a conspicuous place on the premises. These grades are determined by the Inspector, based upon inspection findings. Shops making low and unsatisfactory grades will be given thirty days for compliance.

17-51. Minimum Requirements for Licensing of Cosmetologists as Master Hair Care Specialists.

1. The Board will issue master hair care specialist licenses to those licensed as cosmetologists by the South Carolina State Board of Cosmetology who submit a completed application with the application fee, proof of a current South Carolina cosmetologist license, and proof of a passing score on all portions of the practical examination prescribed by the Board along with the total number of years' experience and training prescribed hereunder.

2. Any licensed cosmetologist with fewer than two (2) years' experience must have three hundred seventy-five (375) hours of barber school training approved by the Board.

3. Any applicant failing any portion of the examination must complete fifty (50) hours of training in each portion failed in a Board approved barber school prior to reapplying and retaking the portion(s) of the examination failed.

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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 clarify certain sections in Chapter 17 of the Code, namely that: instructors are required to be licensed to teach students; all regulated entities are required to have a designated manager; licensed instructors are not barred from providing professional services outside of school hours; inactive instructors are not required to attend an exam overview for purposes of competency; instructors may only train within the scope of their practice; instructors may be registered barbers or master hair care specialists; master hair care specialists are required to train in chemical services; and schools are required to keep accurate records of student hours. The proposed regulation also sets forth the inspection process, changes references from annual to biennial; corrects training hour requirements; adds master hair care specialists to certain regulations written before the master hair care license was created; removes the school's objection to the issuance of a new student permit for on the job training; establishes the minimum equipment necessary to train students; removes shop space requirements to make ownership less burdensome; and modifies language regarding DHEC's physical exam requirement. The regulation is also amended to repeal outdated language. Additionally, the regulation implements Act No. 65 of 2021 regarding mobile barbers, and amends R.17-50, the sanitary rules governing barbers, barbershops and barber colleges, to prohibit animals, other than service animals, in barbershops.

Document No. 5084
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
CHAPTER 8
Statutory Authority: 1976 Code Sections 6-9-40 and 40-1-70

8-800 through 8-811. International Building Code.

Synopsis:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 8, to reflect modifications to the 2021 South Carolina Building Codes.

A Notice of Drafting was published in the *State Register* on July 23, 2021.

Instructions:

Replace regulation as shown below. All other items and sections remain unchanged.

Text:

ARTICLE 8
INTERNATIONAL BUILDING CODE
2021 International Building Code Modification Summary
(Statutory Authority: 1976 Code Section 6-9-40)

8-800. International Building Code.

NOTE-This article is based upon the International Building Code, 2021 Edition, in accordance with the statutory amendments to acts governing the Building Codes Council, except for the modifications referenced below.

This code is identical to the 2021 Edition of the International Building Code except for the following modifications:

8-801. IBC Section 101.4.7 Existing Buildings.

The provisions of the South Carolina Existing Building Code shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

8-802. IBC Section 101.4.7.1 Structural Concrete.

In addition, assessment, repairs, restoration of structural concrete in accordance with ACI 562 shall be permitted. *Exception: ACI 562 shall not be used for the evaluation or design of repairs or rehabilitation of elements of seismic force-resisting system that result in strength, stiffness, or ductility of those elements different from the pre-damage condition.*

8-803. IBC Section 202. Definitions

The following two definitions are added to those appearing in Section 202 of the 2021 International Building Codes:

Vapor Retarder, Ground Contact: Ground contact vapor retarder class shall be defined using the requirements of ASTM E1745, Class A, B, or C - Standard specification for water vapor retarders used in contact with soil or granular fill under concrete slabs.

Primitive Camp Structure: shall include any structure permanent or temporary in nature, used for outdoor camping (transient), open on at least one side with no fully enclosed habitable spaces, less than 400 square feet under roof, and not classified as a residential occupancy due to lack of electrical, plumbing, mechanical and sprinkler systems.

8-804. IBC Section 303.4 Assembly Group A-3

Add to the listing of A-3 occupancies the following use: Structures, without a commercial kitchen, used in agritourism activity as defined by S.C. Code Ann. 46-53-10(1).

8-805. IBC Section 312.1 General

The term “Primitive Camp Structure” is added to the list of examples in this section for Group U.

8-806. IBC Section 706.1 General.

Fire walls shall be constructed in accordance with Sections 706.2 through 706.11. Each portion of a building separated by one or more firewalls may be considered a separate building. The extent and location of such fire walls shall provide a complete separation. Where a fire wall separates occupancies that are required to be separated by a fire barrier wall, the most restrictive requirements of each separation shall apply.

8-807. IBC Section 1010.2.13 Controlled egress doors in Groups I-1 and I-2 as well as I-4 (Adult Day Care occupancy only). Electric locking systems, including electro-mechanical locking systems and electromagnetic locking systems, shall be permitted to be locked in the means of egress in Group I-1 and I-2 occupancies where the clinical needs of persons receiving care require their containment and Group I-4 Adult Day Care occupancies

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where the clinical needs of persons receiving care require their containment. Controlled egress doors shall be permitted in such occupancies where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or an approved automatic smoke detection system installed in accordance with Section 907, provided that the doors are installed and operate in accordance with all of the following:

1. The door locks shall unlock on actuation of the automatic sprinkler system or automatic smoke detection system.
2. The door locks shall unlock on loss of power controlling the lock or lock mechanism.
3. The door locking system shall be installed to have the capability of being unlocked by a switch located at the fire command center, a nursing station or other approved location. The switch shall directly break power to the lock.
4. A building occupant shall not be required to pass through more than one door equipped with a controlled egress locking system before entering an exit.
5. The procedures for unlocking the doors shall be described and approved as part of the emergency planning and preparedness required by Chapter 4 of the International Fire Code.
6. All clinical staff shall have the keys, codes or other means necessary to operate the locking systems.
7. Emergency lighting shall be provided at the door.
8. The door locking system units shall be listed in accordance with UL 294.

Exceptions:

1. Items 1 through 4 shall not apply to doors to areas occupied by persons who, because of clinical needs, require restraint or containment as part of the function of a psychiatric or cognitive treatment area.

2. Items 1 through 4 shall not apply to doors to areas where a listed egress control system is utilized to reduce the risk of child abduction from nursery and obstetric areas of a Group I-2 hospital.

8-808. IBC Section 1016.2 Egress through intervening spaces.

Egress through intervening spaces shall comply with this section.

1. Exit access through an enclosed elevator lobby is permitted. Where access to two or more exits or exit access doorways is required in Section 1006.2.1, access to not less than one of the required exits shall be provided without travel through the enclosed elevator lobbies required by Section 3006 of the South Carolina Building Code. Where the path of exit access travel passes through an enclosed elevator lobby, the level of protection required for the enclosed elevator lobby is not required to be extended to the exit unless direct access to an exit is required by other sections of this code.

2. Egress from a room or space shall not pass through adjoining or intervening rooms or areas, except where such adjoining rooms or areas and the area served are accessory to one or the other, are not a Group H occupancy and provide a discernible path of egress travel to an exit.

Exception: Means of egress are not prohibited through adjoining or intervening rooms or spaces in a Group H, S or F occupancy where the adjoining or intervening rooms or spaces are the same or a lesser hazard occupancy group.

3. An exit access shall not pass through a room that can be locked to prevent egress.

4. Means of egress from dwelling units or sleeping areas shall not lead through other sleeping areas, toilet rooms or bathrooms.

Exception: Dwelling units or sleeping areas in R1 and R2 occupancies shall be permitted to egress through other sleeping areas serving adjoining rooms that are part of the same dwelling unit or guest room.

5. Egress shall not pass through kitchens, storage rooms, closets or spaces used for similar purposes.

Exceptions:

1. Means of egress are not prohibited through a kitchen area serving adjoining rooms constituting part of the same dwelling unit or sleeping unit.

2. Means of egress are not prohibited through stockrooms in Group M occupancies where all of the following are met:

2.1 The stock is of the same hazard classification as that found in the main retail area.

2.2 Not more than 50 percent of the exit access is through the stockroom.

2.3 The stockroom is not subject to locking from the egress side.

2.4 There is a demarcated, minimum 44-inch wide (1118mm) aisle defined by a wall not less than 42 inches high or similar construction that will maintain the required width and lead directly from the retail area to the exit without obstructions.

8-809. IBC Section 1803.2 Investigation required.

Geotechnical investigations shall be conducted in accordance with Sections 1803.3 through 1803.5.

Exceptions:

1. The building official shall be permitted to waive the requirement for a geotechnical investigation where satisfactory data from adjacent areas is available that demonstrates an investigation is not necessary for any of the conditions in Sections 1803.5.1 through 1803.5.6 and Sections 1803.5.10 and 1803.5.11.

2. For single story buildings not more than 5,000 sq ft and not more than 30 ft in height, a site specification investigation report is not required if the seismic design category is determined by the design professional in accordance with Chapter 20 of ASCE 7.

8-810. IBC Section 1907.1 General.

The thickness of concrete floor slabs supported directly on the ground shall not be less than 3 1/2 inches (89mm). A 10-mil (0.010 inch) polyethylene ground contact vapor retarder with joints lapped not less than 6 inches (152 mm) shall be placed between the base course or subgrade and the concrete floor slab, or other approved equivalent methods or materials shall be used to retard vapor transmission through the floor slab.

8-811. IBC Section 2303.2.2 Other means during manufacture

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For wood products impregnated with chemicals by other means during manufacture, the treatment shall be an integral part of the manufacturing process of the wood product. The treatment shall provide permanent protection to all surfaces of the wood product.

8-812. IBC Section Appendix H Signs.

Adopt Appendix H.

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 South Carolina Building Codes Council proposes to amend Chapter 8, Article 8, to reflect modifications to the 2021 South Carolina Building Codes.

Document No. 5085
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
CHAPTER 8
Statutory Authority: 1976 Code Sections 6-9-40 and 40-1-70

8-900 through 8-921. International Fire Code.

Synopsis:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 9, to reflect modifications to the 2021 South Carolina Building Codes, the International Fire Code.

A Notice of Drafting was published in the *State Register* on July 23, 2021.

Instructions:

Replace regulation as shown below. All other items and sections remain unchanged.

Text:

ARTICLE 9
INTERNATIONAL FIRE CODE
2021 International Fire Code Modification Summary
(Statutory Authority: 1976 Code Section 6-9-40)

8-900. International Fire Code.

NOTE-This article is based upon the International Fire Code, 2021 Edition, in accordance with the statutory amendments to acts governing the Building Codes Council, except for the modifications referenced below.

This code is identical to the 2021 Edition of the International Fire Code except for the following modifications:

8-901. IFC Section 202 General definitions.

Recreational Fire: An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial to include sky lanterns, cooking, warmth or similar purpose.

8-902. IFC Section 202 General definitions.

Primitive Camp Structure: Shall include any structure permanent or temporary in nature, used for outdoor camping (transient), open on at least one side with no fully enclosed habitable spaces, less than 400 square feet under roof, and not classified as a residential occupancy due to lack of electrical, plumbing, mechanical and sprinkler systems.

8-903. IFC Section 202 General definitions.

Add to the listing of A-3 occupancies: Structures, without a commercial kitchen, used in agritourism activity as defined by S.C. Code Ann. 46-53-10(1).

8-904. IFC Section 315.3.3 Equipment rooms. Material shall not be stored in boiler rooms, mechanical rooms, electrical equipment rooms or in fire command centers as specified in Section 508.1.5. Rooms shall be labeled with appropriate signage "No storage allowed."

8-905. IFC Section 319.11 Clearance requirements.

Mobile cooking operations shall be separated from buildings, structures, canopies, tents, combustible materials, vehicles, and other cooking operations by a minimum of 10 feet. Exhaust shall be directed away from openings, air intakes, and away from any means of egress.

8-906. IFC Section 503.1.2 Additional access.

The *fire code official* is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

Exception: Where two fire apparatus access roads are required by Section 503.1.2 or this appendix, the additional fire apparatus access road is permitted to be a driveway, pathway, court or other approved fire lane not accessible to public motor vehicles where designed by a registered design professional to meet the loading requirements and minimum specifications of Section 503 and this appendix, and the surface provides all-weather driving capabilities. Marking or signs shall be provided in accordance with Section 503.3 and Section D103.6.

8-907. IFC Section 503.1.2.1 One- or two-family dwelling residential developments having less than 50 units.

Developments of one- or two-family dwellings where the number of dwelling units does not exceed 50 shall be permitted to have a single approved fire apparatus access road provided all of the following requirements are met:

1. The minimum unobstructed width of the single fire apparatus access road shall be 26 feet (7925 mm) and shall otherwise comply with Section 503.

2. A minimum of one fire hydrant on each side of the fire apparatus access road in accordance with Section 507.5 shall be provided. The fire code official shall be permitted to require additional hydrants and hydrant

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spacing based on the length of the fire apparatus access road, fire flow requirements, and the distance from any point on the street or road frontage to a hydrant.

3. The development is not located in a wildland-urban interface area as defined in the International Wildland-Urban Interface Code.

Future Development. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

8-908. IFC Section 503.2.1 Dimensions.

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

8-909. IFC Section 507.1 Required water supply.

An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises on which facilities, buildings, or portions of buildings are hereafter constructed or moved into or within the jurisdiction to meet the necessary fire flow as determined by the fire code official. Where public water supply is inadequate or not available, an approved alternate water source meeting the fire flow requirements shall be provided. Fire flow performance tests shall be witnessed by the fire code official or representative prior to final approval. Exception. One and two family dwellings, including attached or detached accessory structures.

8-910. IFC Section 507.5.1 Where required.

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 500 feet (152 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Location. The location and number of hydrants shall be designated by the fire official, but in no case shall the distance between installed fire hydrants exceed 1000 feet (305 m). Fire hydrants shall be located within 500 feet (152 m) of all fire fighter access points when measured along the normal routes of fire department vehicle access which conforms to the requirements of Section 503. No point of the exterior of a building shall be located more than 500 feet (152 m) from a hydrant accessible to fire department vehicles as provided in Section 503.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).

2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m).

8-911. IFC Section 507.5.1.1 Hydrant for standpipe systems.

Buildings equipped with a standpipe or fire sprinkler system installed in accordance with Section 903 or 905 shall have a fire hydrant within 100 feet (30 480 mm) of the fire department connections.

Exception: The distance shall be permitted to exceed 100 feet (30 480 mm) where approved by the fire code official.

8-912. IFC Section 507.5.4 Obstruction.

Unobstructed access to fire hydrants shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants. No parking shall be allowed within 15 feet of a fire hydrant.

8-913. IFC Section 607.1 General.

Storage of cooking oil (grease) in commercial cooking operations utilizing above-ground tanks with a capacity greater than 60 gal (227 L) installed within a building shall comply with Sections 607.2 through 607.7 and NFPA 30. For purposes of this section, cooking oil shall be classified as a Class IIIB liquid unless otherwise determined by testing. These tanks shall have the contents identified as outlined in 5703.5.

8-914. IFC Section 901.6.3 Records.

Records of all system inspections, tests, and maintenance required by the referenced standards shall be maintained. Copies of the inspection reports shall be sent to the local jurisdiction by the servicing vendor as prescribed by the Fire Code Official.

8-915. IFC Section 907.6.5 Access.

Access shall be provided to each fire alarm device and notification appliance for periodic inspection, maintenance and testing. Fire alarm notification devices shall be unobstructed and visible at all times.

8-916. IFC Section 1010.2.14 Controlled egress doors in Groups I-1 and I-2 as well as I-4 (Adult Day Care occupancy only).

Electric locking systems, including electro-mechanical locking systems and electromagnetic locking systems, shall be permitted to be locked in the means of egress in Group I-1 and I-2 occupancies where the clinical needs of persons receiving care require their containment and Group I-4 Adult Day Care occupancies where the clinical needs of person receiving care require their containment. Controlled egress doors shall be permitted in such occupancies where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or an approved automatic smoke detection system installed in accordance with Section 907, provided that the doors are installed and operate in accordance with all of the following:

1. The door locks shall unlock on actuation of the automatic sprinkler system or automatic smoke detection system.
2. The door locks shall unlock on loss of power controlling the lock or lock mechanism.
3. The door locking system shall be installed to have the capability of being unlocked by a switch located at the fire command center, a nursing station or other approved location. The switch shall directly break power to the lock.
4. A building occupant shall not be required to pass through more than one door equipped with a controlled egress locking system before entering an exit.
5. The procedures for unlocking the doors shall be described and approved as part of the emergency planning and preparedness required by Chapter 4 of the International Fire Code.
6. All clinical staff shall have the keys, codes or other means necessary to operate the locking systems.
7. Emergency lighting shall be provided at the door.

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8. The door locking system units shall be listed in accordance with UL 294.

Exceptions:

1. Items 1 through 4 shall not apply to doors to areas occupied by persons who, because of clinical needs, require restraint or containment as part of the function of a psychiatric or cognitive treatment area.

2. Items 1 through 4 shall not apply to doors to areas where a listed egress control system is utilized to reduce the risk of child abduction from nursery and obstetric areas of a Group I-2 hospital.

8-917. IFC 1016.2 Egress through intervening spaces.

Egress through intervening spaces shall comply with this section.

1. Exit access through an enclosed elevator lobby is permitted. Where access to two or more exits or exit access doorways is required in Section 1006.2.1, access to not less than one of the required exits shall be provided without travel through the enclosed elevator lobbies required by Section 3006 of the South Carolina Building Code. Where the path of exit access travel passes through an enclosed elevator lobby, the level of protection required for the enclosed elevator lobby is not required to be extended to the exit unless direct access to an exit is required by other sections of this code.

2. Egress from a room or space shall not pass through adjoining or intervening rooms or areas, except where such adjoining rooms or areas and the area served are accessory to one or the other, are not a Group H occupancy and provide a discernible path of egress travel to an exit.

Exception: Means of egress are not prohibited through adjoining or intervening rooms or spaces in a Group H, S, or F occupancy where the adjoining or intervening rooms or spaces are the same or a lesser hazard occupancy group.

3. An exit access shall not pass through a room that can be locked to prevent egress.

4. Means of egress from dwelling units or sleeping areas shall not lead through other sleeping areas, toilet rooms or bathrooms.

Exception: Dwelling units or sleeping areas in R-1 and R-2 occupancies shall be permitted to egress through other sleeping areas serving adjoining rooms that are part of the same dwelling unit or guest room.

5. Egress shall not pass through kitchens, storage rooms, closets, or spaces used for similar purposes.

Exceptions:

1. Means of egress are not prohibited through a kitchen area serving adjoining rooms constituting part of the same dwelling unit or sleeping unit.

2. Means of egress are not prohibited through stockrooms in Group M occupancies where all of the following are met:

2.1 The stock is of the same hazard classification as that found in the main retail area.

2.2 Not more than 50 percent of the exit access is through the stockroom.

2.3 The stockroom is not subject to locking from the egress side.

2.4 There is a demarcated, minimum 44-inch-wide (1118 mm) aisle defined by a wall not less than 42 inches high or similar construction that will maintain the required width and lead directly from the retail area to the exit without obstructions.

8-918. IFC Section 2303.2.2 Testing.

Emergency disconnect switches shall be tested annually by the responsible party to ensure proper operation; records of testing shall be maintained on site for inspection. Any switches determined to be faulty, the fuel pumps they serve shall be taken out of service until the emergency shutoff switch is placed back into service.

8-919. IFC Section 2305.5 Fire extinguishers.

Approved portable fire extinguishers complying with Section 906 with a minimum rating of 2-A:20-B:C shall be provided and located such that an extinguisher is not more than 50 feet from pumps, dispensers or storage tank fill-pipe openings.

8-920. IFC Section 2307.4 Location of dispensing operations and equipment.

The point of transfer for LP-gas dispensing operations shall be separated from buildings and other exposures in accordance with NFPA 58 Table 6.7.2.1 and IFC Section 2306.7.

Exception: The point of transfer for LP-gas dispensing operations need not be separated from canopies that are constructed in accordance with the Building Code and that provide weather protection for the dispensing equipment.

LP-gas containers shall be located in accordance with Chapter 61. LP-gas storage and dispensing equipment shall be located outdoors and in accordance with Section 2306.7.

8-921. IFC Section 2307.7 Public fueling of motor vehicles.

Self-service LP-gas dispensing systems, including key, code and card lock dispensing systems, shall be limited to the filling of permanently mounted containers providing fuel to the LP-gas powered vehicle, is removed.

8-922. IFC Section 6101.1 Scope.

Storage, handling and transportation of liquefied petroleum gas (LP-gas) and the installation of LP-gas equipment pertinent to systems for such uses shall comply with this chapter and NFPA 58. Properties of LP-gases shall be determined in accordance with Annex B of NFPA 58.

8-923. IFC Section 6106.1 Attendants.

Dispensing of LP-gas shall be performed by a qualified attendant that meets the requirements of this section and NFPA 58 Section 4.4.

8-924. IFC Section 6107.4 Protecting containers from vehicles.

Exception: An alternative method may be used that meets the intent of this section with the approval of the AHJ.

8-925. IFC Section 6109.13 Protection of containers.

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LP-gas containers shall be stored within a suitable enclosure or otherwise protected against tampering. Vehicle protections shall be required as required by the fire code official in accordance with Section 312 or NFPA 58 8.4.2.2.

8-926. IFC Section 6110.1 Removed from service.

Containers not connected for service at customer locations. LP-gas containers at customer locations that are not connected for service shall comply with all of the following:

1. Have LP-gas container outlets, except relief valves, closed and plugged or capped.
2. Be positioned with the relief valve in direct communication with the LP-gas container vapor space.

8-927. IFC Section 6111.2.1 Near residential, educational and institutional occupancies and other high-risk areas.

Separation distance requirements may be reduced to not less than 50 feet as approved by the fire code official, based upon a completed fire safety analysis and consideration of special features such as topographical conditions, capacity of the LP-gas vehicle and the capabilities of the local fire department. The Office of the State Fire Marshal will provide an approved fire safety analysis to be utilized for this specific requirement.

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 South Carolina Building Codes Council proposes to amend Chapter 8, Article 9, to reflect modifications to the 2021 South Carolina Building Codes, the International Fire Code.

Document No. 5086
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
CHAPTER 8
Statutory Authority: 1976 Code Sections 6-9-40 and 40-1-70

8-1000. International Fuel Gas Code.

8-1001. IFGC Section 401.10 Third-party testing and certification.

8-1002. IFGC Section 412.4 Listed equipment.

8-1003. IFGC Section 412.6 Location.

8-1004. IFGC Section 412.8.3 Vehicle impact protection.

8-1005. IFGC Section 412.10 Private fueling of motor vehicles.

8-1006. IFGC Section 505.1.1 Commercial cooking appliances vented by exhaust hoods.

Synopsis:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 10, to reflect modifications to the 2021 South Carolina Building Codes, the International Fuel Gas Code.

A Notice of Drafting was published in the *State Register* on July 23, 2021.

Instructions:

Replace regulation as shown below. All other items and sections remain unchanged.

Text:

ARTICLE 10

INTERNATIONAL FUEL GAS CODE

2021 International Fuel Gas Code Modification Summary

(Statutory Authority: 1976 Code Section 6-9-40)

8-1000. International Fuel Gas Code.

NOTE-This article is based upon the International Fuel Gas Code, 2021 Edition, in accordance with the statutory amendments to acts governing the Building Codes Council, except for the modifications referenced below.

This code is identical to the 2021 Edition of the International Fuel Gas Code except for the following modifications:

8-1001. IFGC Section 401.9 Identification.

This section is deleted without substitution.

8-1002. IFGC Section 401.10 Third-party testing and certification.

All piping, tubing and fittings shall comply with the applicable referenced standards, specifications and performance criteria of this code, including Section 403 of the South Carolina Fuel Gas Code and corresponding sections.

8-1003. IFGC Section 412.4 Listed equipment.

Hoses, hose connections, vehicle fuel connections, dispensers, LP-gas pumps and electrical equipment used for LP-gas shall comply with the requirements of NFPA 58.

8-1004. IFGC Section 412.6 Location.

In addition to the fuel dispensing requirements of the South Carolina Fire Code, the point of transfer for dispensing operations shall be 25 feet (7620 mm) or more from buildings having combustible exterior wall surfaces, buildings having noncombustible exterior wall surfaces that are not part of a 1-hour fire-resistance-rated assembly or buildings having combustible overhangs, property which could be built on, and railroads; and at least 10 feet (3048 mm) from public streets or sidewalks and buildings having noncombustible exterior wall surfaces that are part of a fire-resistance-rated assembly having a rating of 1 hour or more; and 5 feet from driveways.

Exception: 1. The point of transfer for dispensing operations need not be separated from canopies providing weather protection for the dispensing equipment constructed in accordance with the International Building Code. Liquefied petroleum gas containers shall be located in accordance with the International Fire Code. 2. The separation from driveways is not required where the driveway serves the vehicle fuel dispenser.

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Liquefied petroleum gas storage and dispensing equipment shall be located outdoors and in accordance with the South Carolina Fire Code.

8-1005. IFGC Section 412.8.3 Vehicle impact protection.

Exception: An alternative method may be used that meets the intent of this section with the approval of the AHJ.

8-1006. IFGC Section 412.10 Private fueling of motor vehicles.

Self-service LP-gas dispensing systems, including key, code and card lock dispensing systems, shall not be open to the public. In addition to the requirements of the South Carolina Fire Code, self-service LP-gas dispensing systems shall be provided with an emergency shutoff switch located within 100 feet (30 480 mm) of, but not less than 20 feet (6096 mm) from, dispensers and the owner of the dispensing facility shall ensure the safe operation of the system and the training of users.

8-1007. IFGC Section 505.1.1 Commercial cooking appliances vented by exhaust hoods.

Where commercial cooking appliances are vented by means of the Type I or Type II kitchen exhaust hood system that serves such appliances, the exhaust system shall be fan powered and the appliances shall be interlocked with the exhaust hood system to prevent appliance operation when the exhaust hood system is not operating. Where a solenoid valve is installed in the gas piping as part of an interlock system, gas piping shall not be installed to bypass such valve. Dampers shall not be installed in the exhaust system.

Exception: An interlock between the cooking appliance and the exhaust hood system shall not be required for appliances that are of the manually operated type and are factory equipped with standing pilot burner ignition systems.

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 South Carolina Building Codes Council proposes to amend Chapter 8, Article 10, to reflect modifications to the 2021 South Carolina Building Codes, the International Fuel Gas Code.

Document No. 5087
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
CHAPTER 8
Statutory Authority: 1976 Code Sections 6-9-40, 6-9-50, and 6-9-55

8-1300. International Mechanical Code.

8-1301. IMC Section 504.8.2 Duct Installation.

8-1302. IMC Table 1103.1 Refrigerant Classification, Amount, and OEL. (New)

8-1303. IMC Section 1104.3.1 Air conditioning for human comfort. (New)

8-1304. IMC Chapter 15 Referenced Standards. (New)

Synopsis:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 13, to reflect modifications to the 2021 South Carolina Building Codes, the International Mechanical Code.

A Notice of Drafting was published in the *State Register* on July 23, 2021.

Instructions:

Replace regulation as shown. All other items and sections remain unchanged.

Text:

ARTICLE 13

INTERNATIONAL MECHANICAL CODE

2021 International Mechanical Code Modification Summary

8-1300. International Mechanical Code.

NOTE-This article is based upon the International Mechanical Code, 2021 Edition, in accordance with the statutory amendments to acts governing the Building Codes Council, except for the modifications referenced below.

This code is identical to the 2021 Edition of the International Mechanical Code except for the following modifications:

8-1301. IMC Section 504.9.2 Duct Installation.

Exhaust ducts shall be supported at intervals not to exceed 8 feet and within 16 inches of each side of a joint that is not installed in a vertical orientation, secured in place, making rigid contact with the duct at not less than 4 equally spaced points or 2/3rds contact if strap is used. All brackets and strapping must be noncombustible. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. The overlap shall comply with Section 603.4.2. Ducts shall not be joined with screws or similar devices that protrude into the inside of the duct. Exhaust ducts shall be sealed in accordance with Section 603.9. Where dryer ducts are enclosed in wall or ceiling cavities, such cavities shall allow the installation without deformation. The duct work may be ovalized as long as it terminates in an approved duct box. Minor imperfections located on the duct, in areas other than along the seam, do not constitute a violation of this section.

8-1302. IMC Table 1103.1 Refrigerant Classification, Amount, and OEL.

Modify Footnote c to state: The ASHRAE Standard 34 flammability classification for this refrigerant is 2L.

8-1303. IMC Section 1104.3.1 Air conditioning for human comfort.

High-probability systems used for human comfort shall use Group A1 or A2L refrigerant. In other than industrial *occupancies* where the quantity in a single independent circuit does not exceed the amount in Table 1103.1, Group B1, B2 and B3 refrigerants shall not be used in high-probability systems for air conditioning for human comfort.

8-1304. IMC Chapter 15 Referenced Standards.

Add the following Referenced Standard to Chapter 15, **CSA**:

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C22.2 No. 60335-2-40–2019 Household and Similar Appliances – Safety – Part 2-40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers – 3rd Edition 908.1, 916.1, 918.2, 1101.2

Modify the following Referenced Standard in Chapter 15, **UL**, to read as follows:

60335-2-40 – 2019 Household and Similar Electrical Appliances – Safety – Part 2-40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers 908.1, 916.1, 918.1, 918.2, 1101.2

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 South Carolina Building Codes Council proposes to amend Chapter 8, Article 13, to reflect modifications to the 2021 South Carolina Building Codes, the International Mechanical Code.

Document No. 5098
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
CHAPTER 8
Statutory Authority: 1976 Code Sections 6-9-40, 6-9-50, and 6-9-55

8-1400 through 8-1403. International Plumbing Code. (New)

Synopsis:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 14, to reflect modifications to the 2021 South Carolina Building Codes, the International Plumbing Code.

A Notice of Drafting was published in the *State Register* on October 22, 2021.

Instructions:

Replace regulation as shown below. All other items and sections remain unchanged.

Text:

ARTICLE 14
INTERNATIONAL PLUMBING CODE

2021 International Plumbing Code Modification Summary
(Statutory Authority: 1976 Code Section 6-9-40)

8-1400. International Plumbing Code.

NOTE – This article is based upon the International Plumbing Code, 2021 Edition, in accordance with the statutory amendments to acts governing the Building Codes Council, except for the modifications referenced below.

This code is identical to the 2021 International Plumbing Code, except for the following modifications:

8-1401. IPC Section 202 General Definitions.

Drinking fountain: A plumbing fixture that is connected to the potable water distribution system and the drainage system. The fixture allows the user to obtain a drink directly from a stream of flowing water without the use of any accessories. Such fixtures can be separate from or integral to a bottle filling station.

Bottle Filling Station: A type of water dispenser that is connected to the potable water distribution system and the drainage system. The fixture is designed and intended for automatically or manually filling personal use drinking water bottles or containers not less than 10 inches (254 mm) in height and is in compliance with the American with Disabilities Act (42 U.S.C. § 12101 et seq.). Such fixtures can be separate from or integral to a drinking fountain and can incorporate a water filter and a cooling system for chilling the drinking water.

Water Cooler: A drinking fountain or bottle filling station that incorporates a means of reducing the temperature of the water supplied to it from the potable water distribution system.

Water Dispenser: A plumbing fixture that is automatically or manually controlled by the user for the purpose of dispensing potable drinking water into a receptacle such as a cup, glass or bottle. Such fixture is connected to the potable water distribution system of the premises. This definition includes a freestanding apparatus for the same purpose that is not connected to the potable water distribution system and that is supplied with potable water from a container, bottle or reservoir.

8-1402. IPC Table 403.1 Minimum Number of Required Plumbing Fixtures.

Modify Row 3 of the Table to add a column for Bottle Filling Stations:

No.	Classification	Description	Water Closets		Lavatories		Bathtubs/ Showers	Drinking Fountain See Section 410	Other	Bottle Filling Station
			M	F	M	F				
3	Educational	Educational Facilities	1 per 50		1 per 50		–	1 per 100	1 service sink	1 per 200 with placement of 1 on each floor (or wing or other building section) and 1 in school food service areas.

8-1403. IPC Section 410. 4 Substitution.

Where restaurants provide drinking water in a container free of charge, drinking fountains shall not be required in those restaurants. In other *occupancies*, where three or more drinking fountains are required, *water dispensers*

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shall be permitted to be substituted for not more than 50 percent of the required number of drinking fountains. In educational settings, 50 percent of the required number of drinking fountains must incorporate a bottle filling station.

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 South Carolina Building Codes Council proposes to amend Chapter 8, Article 14, to reflect modifications to the 2021 South Carolina Building Codes, the International Plumbing Code.

Document No. 5074
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
CHAPTER 8
Statutory Authority: 1976 Code Sections 6-9-40, 6-9-50, and 6-9-55

8-1200 – 8-1244. International Residential Code.

Synopsis:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 12, to reflect modifications to the 2021 South Carolina Building Codes, the International Residential Code.

A Notice of Drafting was published in the *State Register* on July 23, 2021.

Instructions:

Replace regulation as shown below. All other items and sections remain unchanged.

Text:

ARTICLE 12
INTERNATIONAL RESIDENTIAL CODE
2021 International Residential Code Modification Summary
(Statutory Authority: 1976 Code Section 6-9-40)

8-1200. International Residential Code.

NOTE-This article is based upon the International Residential Code, 2021 Edition, in accordance with the statutory amendments to acts governing the Building Codes Council, except for the modifications referenced below.

This code is identical to the 2021 Edition of the International Residential Code except for the following modifications:

8-1201. IRC Section R202 Definitions

Accepted Engineering Practice: The performance design of structures and/or structural elements that vary from prescriptive design methods of this code. Such design shall be made with accepted design standards by a South Carolina licensed Architect or Engineer as permitted by existing state law.

Crawl space: An underfloor space that is not a basement. Spaces under decks and porches that do not contain mechanical equipment are not to be considered crawlspaces.

8-1202. IRC Section R301.2.1 Wind Design criteria.

Buildings and portions thereof shall be constructed in accordance with the previously published maps by the South Carolina Building Codes Council. The local building official may delineate the wind design category within their jurisdiction provided that it does not surpass those provided on the Applied Technology Council (ATC) website. The structural provisions of this code for wind loads are not permitted where wind design is required as specified in Section R301.2.1.1. Where different construction methods and structural materials are used for various portions of a building, the applicable requirements of this section for each portion shall apply. Where not otherwise specified the wind loads listed in Table R301.2.1(1) adjusted for height and exposure using Table R301.2.1(2)2 shall be used to determine design load performance requirements for wall coverings, curtain walls, roof coverings, exterior windows, skylights, garage doors and exterior doors. Asphalt shingles shall be designed for wind speeds in accordance with Section R905.2.4. Metal roof shingles shall be designed for wind speeds in accordance with Section R905.4.4. A continuous load path shall be provided to transmit the applicable uplift forces in Section R802.11 from the roof assembly to the foundation. Where ultimate design wind speeds in Figure 301.2(2) are less than the lowest wind speed indicated in the prescriptive provisions of this code, the lowest wind speed indicated in the prescriptive provisions of this code shall be used.

8-1203. IRC Section R301.2.2.1 Determination of seismic design category.

Buildings shall be assigned a seismic design category in accordance with the previously published maps by the S.C. Building Codes Council. The local building official may delineate the seismic design category within their jurisdiction, as long as it does not surpass those provided on the Applied Technology Council (ATC) website.

8-1204. IRC Figure R302.1 Exterior walls.

Exception 6: Fire Separation Distance

a. The minimum fire separation distance for improvement constructed on a lot shown on: [i] a recorded bonded or final subdivision plat, or [ii] a sketch plan, site plan, plan of phased development or preliminary plat approved by the local governing authority which was recorded or approved prior to the implementation of IRC 2012 which shows or describes lesser setbacks than the fire separation distances provided in Table R302.1(1) shall be equal to the lesser setbacks, but in no event less than 3 feet.

b. The minimum fire separation distance for improvements constructed on a lot where the local governing authority has prior to the implementation of IRC 2012: [i] accepted exactions or issued conditions, [ii] granted a special exception, [iii] entered into a development agreement, [iv] approved a variance, [v] approved a planned development district, or [vi] otherwise approved a specific development plan which contemplated or provided for setbacks less than the fire separation distances provided in Table R302.1(1) shall be equal to the lesser setback, but in no event less than 3 feet.

Exception 7: Aesthetic roof and siding projections may extend beyond the common wall of a townhouse unit over an adjoining unit's property line as long as the construction of the projection does not damage the integrity of the fire rated assembly, the projection is completely supported by the common wall, the projection is protected by the one-hour construction or fire retardant-treated wood, and the projection is limited to 18-inches. These

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projections shall not contain any plumbing, electrical, or mechanical installations. An easement may be required by the jurisdiction to ensure future access to this projection for repair and maintenance.

8-1205. IRC Section R302.4.1 Through penetrations.

Through penetrations of fire-resistance-rated wall or floor assemblies shall comply with Section 302.4.1.1 or R302.4.1.2. No penetrations shall pass completely through the fire rated assembly separating townhouse units.

Exceptions:

1. Where the penetrating items are steel, ferrous or copper pipes, tubes or conduits, the annular space shall be protected as follows:

1.1. In concrete or masonry wall or floor assemblies, concrete, grout or mortar shall be permitted where installed to the full thickness of the wall or floor assembly or the thickness required to maintain the fire-resistance rating, provided that both of the following are complied with:

1.1.1. The nominal diameter of the penetrating item is not more than 6 inches (152 mm).

1.1.2. The area of the opening through the wall does not exceed 144 square inches (92 900 mm²).

1.2. The material used to fill the annular space shall prevent the passage of flame and hot gases sufficient to ignite cotton waste where subjected to ASTM E119 or UL 263 time temperature fire conditions under a positive pressure differential of not less than 0.01 inch of water (3 Pa) as the location of the penetration for the time period equivalent to the fire-resistance rating of the construction penetrated.

2. The annular space created by the penetration of water-filled fire sprinkler piping, provided that the annular space is filled using a material complying with Item 1.2 of Exception 1.

8-1206. IRC Section R302.5.1 Opening protection.

Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches (35 mm) in thickness, solid or honeycomb core steel doors not less than 1 3/8 inches (35 mm) thick, or 20-minute fire-rated doors.

8-1207. Section R.302.13 Fire Protection of Floors.

Floor assemblies that are not required elsewhere in this code to be fire-resistance rated, shall be provided with a 1/2-inch (12.7 mm) gypsum wallboard membrane, 5/8-inch (16 mm) wood structural panel membrane, or equivalent on the underside of the floor framing member. Penetrations or openings for ducts, vents, electrical outlets, lighting, devices, luminaires, wires, speakers, drainage, piping and similar openings or penetrations shall be permitted.

Exceptions:

1. Floor assemblies located directly over a space protected by an automatic sprinkler system in accordance with Section P2904, NFPA 13D, or other approved equivalent sprinkler system.

2. Floor assemblies located directly over a crawl space.

3. Portions of floor assemblies shall be permitted to be unprotected where complying with the following:

3.1. The aggregate area of the unprotected portions does not exceed 80 square feet (7.4 m²) per story.

3.2. Fireblocking in accordance with Section R302.11.1 is installed along the perimeter of the unprotected portion to separate the unprotected portion from the remainder of the floor assembly.

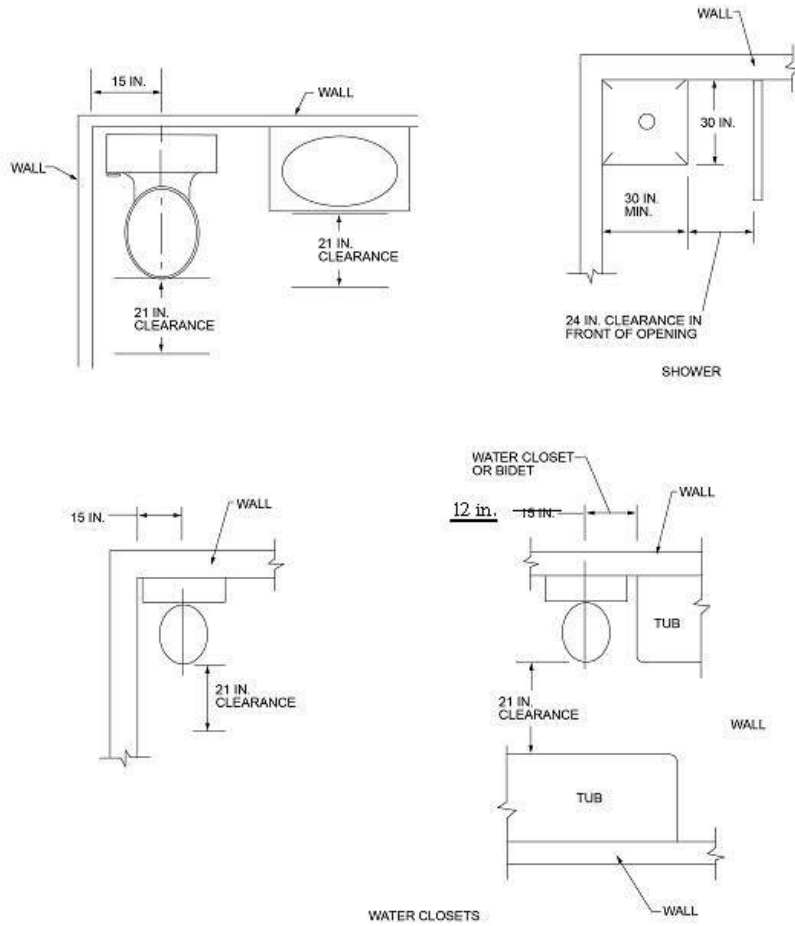
4. Wood floor assemblies using dimension lumber or structural composite lumber equal to or greater than 2-inch by 10-inch (50.8 mm by 254 mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance.

8-1208. IRC Section R303.4 Mechanical ventilation.

The Building Codes Council does not adopt IRC Section R303.4.

8-1209. IRC Figure R307.1 Minimum Fixture Clearances.

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8-1210. IRC Section R311.7.5.1 Risers.

The maximum riser height shall be 7¾ inches (196 mm). The maximum riser height for masonry stairs shall be 8 inches (203 mm). The riser height shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

Risers shall be vertical or sloped from the underside of the nosing of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted provided that the opening between treads does not permit the passage of a 4-inch-diameter (102 mm) sphere.

Exceptions:

1. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less.
2. The *riser* height of *spiral stairways* shall be in accordance with Section R311.7.10.1.

8-1211. IRC Section R312.1.1 Where required.

Guards shall be located along open-sided walking surfaces of all decks, porches, balconies, floors, stairs, ramps and landings that are located more than 30 inches measured vertically to the floor or grade below and at any point where a downward slope exceeds 3V:12H within 36 inches (914 mm) horizontally to the edge of the open side. Insect screening shall not be considered as a guard.

8-1212. IRC Section R312.2 Window Fall Protection

The Building Codes Council does not adopt IRC Section R312.2.

The Building Codes Council does not adopt IRC Section R312.2.1.

The Building Codes Council does not adopt IRC Section R312.2.2.

8-1213. IRC Section R313 Automatic Fire Sprinkler Systems.

R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall not be required to be installed in townhouses when constructed in accordance with R302.2.

Exception: An automatic residential fire sprinkler system shall not be required where additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

R313.1.1 Design and installation. Automatic residential fire sprinkler systems when installed for townhouses shall be designed and installed in accordance with Section P2904 or NFPA 13D.

R313.2 One- and two-family dwellings automatic fire systems. An automatic residential fire sprinkler system shall not be required to be installed in one- and two-family dwellings.

Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential fire sprinkler system.

R313.2.1 Design and installation. Automatic residential fire sprinkler systems when installed shall be designed and installed in accordance with Section P2904 or NFPA 13D.

8-1214. IRC Section R317.1.1 Field treatment.

Field-cut ends, notches and drilled holes of preservative-treated wood shall be treated in the field in accordance with AWPA M4 or in accordance with the preservative-treated wood product manufacturer's recommendations.

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8-1215. IRC Section 318.1 Subterranean termite control methods.

A seventh item is added which reads:

7. Treatments may be conducted as outlined in Section 27-1085 of the Rules and Regulations for the Enforcement of the SC Pesticide Control Act and enforced by the Clemson University Department of Pesticide Regulation.

8-1216. IRC Section R318.4 Foam Plastic Protection.

In areas where the probability of termite infestation is “very heavy” as indicated in Figure R318.4, extruded and expanded polystyrene, polyisocyanurate and other foam plastics shall not be installed on the exterior face or under interior or exterior foundation walls or slab foundations located below grade. The clearance between foam plastics installed above grade and exposed earth shall be not less than 6 inches (152 mm). For crawl space applications, foam plastic shall be installed so as to provide a termite inspection gap of no less than 6 inches along the top of the foundation wall and foundation sill plate.

Exceptions:

1. Buildings where the structural members of walls, floors, ceilings and roofs are entirely of noncombustible materials or pressure-preservative-treated wood.

2. On the interior side of basement walls.

8-1217. IRC Section 318.5 Termite Inspection Strip.

Where foam plastic is applied in accordance with R318.4, a continuous 6 inch strip centered along the sill plate shall be left open for termite activity inspection.

8-1218. IRC Section R322.1 General.

Buildings and structures constructed in whole or in part in flood hazard areas, including A or V Zones and Coastal A Zones, as established in Table R301.2(1), and substantial improvement and repair of substantial damage of buildings and structures in flood hazard areas, shall be designed and constructed in accordance with the provisions contained in this section. Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area. Buildings and structures located in whole or in part in identified floodways shall be designed and constructed in accordance with ASCE 24. Where there is a conflict with this code and a locally adopted flood ordinance, the more restrictive provision shall apply.

8-1219. IRC Section R326.3 Story above grade plane.

A habitable attic shall be considered a story above grade plane.

Exceptions: A habitable attic shall not be considered to be a story above grade plane provided that the habitable attic meets all the following:

1. The aggregate area of the habitable attic is not greater than three-fourths of the floor area of the story below.

2. The occupiable space is enclosed by the roof assembly above, knee walls, if applicable, on the sides and the floor-ceiling assembly below.

3. The floor of the habitable attic does not extend beyond the exterior walls of the story below.

4. Where a habitable attic is located above a third story, the dwelling unit or townhouse unit shall be equipped with a fire sprinkler system in accordance with Section P2904.

8-1220. IRC Section R404.1.9.2 Masonry piers supporting floor girders.

Masonry piers supporting wood girders sized in accordance with Tables R602.7(1) and R602.7(2) shall be permitted in accordance with this section. Piers supporting girders for interior bearing walls shall be filled solidly with grout or type M or S mortar and shall have a minimum nominal dimension of 8 inches (203 mm) and a maximum height not exceeding 10 times the nominal thickness from the top of footing to bottom of sill plate or girder. Piers supporting beams and girders for exterior bearing walls shall be filled solidly with grout or type M or S mortar; shall contain a minimum of one #4 (13 mm) dowel mid-depth; and shall have a minimum nominal dimension of 8 inches (203 mm) and a maximum height of 4 times the nominal thickness from top of footing to bottom of sill plate or girder unless it can be shown by accepted engineering practice that there is sufficient foundation wall along the foundation line to resist the imposed lateral loads, in which case the maximum height shall not exceed 10 times the nominal thickness. Girders and sill plates shall be anchored to the pier or footing in accordance with Section R403.1.6 or Figure R404.1.5.3. Floor girder bearing shall be in accordance with Section R502.6.

8-1221. IRC Section R408.3 Unvented Crawl Space.

For unvented under-floor spaces, the following items shall be provided:

1. Exposed earth shall be covered with a continuous vapor retarder meeting ASTM E 1745 Class A. Joints of the vapor retarder shall overlap by 6 inches (152 mm) and shall be sealed or taped. The edges of the vapor retarder shall extend not less than 6 inches (152 mm) up the stem wall and shall be attached and sealed to the stem wall or insulation.

2. One of the following is provided for the under-floor space:

2.1. Continuously operated mechanical exhaust ventilation at a rate equal to 1 cubic foot per minute (0.47 L/s) for each 50 square feet (4.7 m²) of crawl space floor area, including an air pathway to the common area (such as a duct or transfer grille), and perimeter walls insulated in accordance with Section N1102.2.11 of this code.

2.2. Conditioned air supply sized to deliver at a rate equal to 1 cubic foot per minute (0.47L/s) for each 50 square feet (4.7 m²) of under-floor area, including a return air pathway to the common area (such as a duct or transfer grille), and perimeter walls insulated in accordance with the S.C. Energy Codes.

2.3. Plenum in existing structures complying with Section M1601.5, if under-floor space is used as a plenum.

2.4. Dehumidification sized in accordance with the manufacturer's specifications.

8-1222. IRC Section R408.4 Access.

Access shall be provided to all under-floor spaces. Access openings through the floor shall be not smaller than 18 inches by 24 inches (457 mm by 610 mm). Openings through a perimeter wall shall be not less than 16 inches by 24 inches (407 mm by 610 mm). Where any portion of the through-wall access is below grade, an areaway not less than 16 inches by 24 inches (407 mm by 610 mm) shall be provided. The bottom of the areaway shall

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be below the threshold of the access opening. See Section M1305.1.4 for access requirements where mechanical equipment located under floors.

8-1223. IRC Section R408.8 Under-floor vapor retarder.

Section R408.8 is deleted without substitution.

8-1224. IRC Section R502.11.4 Truss design drawings.

Truss design drawings. Truss design drawings, prepared in compliance with Section R502.11.1, shall be provided to the building official at the time of inspection. Truss design drawings shall be provided with the shipment of trusses delivered to the job site. Truss design drawings shall include at a minimum the information specified as follows:

1. Slope or depth, span and spacing.
2. Location of all joints.
3. Required bearing widths.
4. Design loads as applicable:
 - 4.1. Top chord live load.
 - 4.2. Top chord dead load.
 - 4.3. Bottom chord live load.
 - 4.4. Bottom chord dead load.
 - 4.5. Concentrated loads and their points of application.
 - 4.6. Controlling wind and earthquake loads.
5. Adjustments to lumber and joint connector design values for conditions of use.
6. Each reaction force and direction.
7. Joint connector type and description, e.g., size, thickness or gauge, and the dimensioned location of each joint connector except where symmetrically located relative to the joint interface.
8. Lumber size, species and grade for each member.
9. Connection requirements for:
 - 9.1. Truss-to-girder-truss;
 - 9.2. Truss ply-to-ply; and
 - 9.3. Field splices.
10. Calculated deflection ratio and/or maximum description for live and total load.

11. Maximum axial compression forces in the truss members to enable the building designer to design the size, connections and anchorage of the permanent continuous lateral bracing. Forces shall be shown on the truss drawing or on supplemental documents.

12. Required permanent truss member bracing location.

8-1225. IRC Section R506.2.3 Vapor Retarder.

A minimum 10-mil (0.010 inch; 0.254 mm) vapor retarder conforming to ASTM E1745 Class A requirements with joints lapped not less than 6 inches (152 mm) shall be placed between the concrete floor slab and the base course or the prepared subgrade where no base course exists.

Exception: The vapor retarder is not required for the following:

1. Utility buildings and other unheated accessory structures.
2. For unheated storage rooms having an area of less than 70 square feet (6.5 m²) and carports.
3. Driveways, walks, patios and other flatwork not likely to be enclosed and heated at a later date.
4. Where approved by the building official, based on local site conditions.

8-1226. IRC Section R606.7 Piers.

The unsupported height of masonry piers shall not exceed 10 times their least dimension. Where structural clay tile or hollow concrete masonry units are used for isolated piers to support beams and girders, the cellular spaces shall be filled solidly with grout or Type M or S mortar, except that unfilled hollow piers shall be permitted to be used if their unsupported height is not more than four times their least dimension. Where hollow masonry units are solidly filled with grout or Type M or S mortar, the allowable compressive stress shall be permitted to be increased as provided in Table R606.9.

8-1227. IRC Section R802.10.1 Wood Truss Design.

Truss design drawings, prepared in conformance to Section R802.10 shall be provided to the building official at the time of their inspection. Truss design drawings shall be provided with the shipment of trusses delivered to the job site. Truss design drawings shall include, at a minimum, the following information:

1. Slope or depth, span and spacing.
2. Location of all joints.
3. Required bearing widths.
4. Design loads as applicable.
 - 4.1. Top chord live load (as determined from Section R301.6).
 - 4.2. Top chord dead load.
 - 4.3. Bottom chord live load.
 - 4.4. Bottom chord dead load.

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4.5. Concentrated loads and their points of application.

4.6. Controlling wind and earthquake loads.

5. Adjustments to lumber and joint connector design values for conditions of use.

6. Each reaction force and direction.

7. Joint connector type and description such as size, thickness or gage and the dimensioned location of each joint connector except where symmetrically located relative to the joint interface.

8. Lumber size, species and grade for each member.

9. Connection requirements for:

9.1. Truss to girder-truss.

9.2. Truss ply to ply.

9.3. Field splices.

10. Calculated deflection ratio and/or maximum description for live and total load.

11. Maximum axial compression forces in the truss members to enable the building designer to design the size, connections and anchorage of the permanent continuous lateral bracing. Forces shall be shown on the truss design drawing or on supplemental documents.

12. Required permanent truss member bracing location.

8-1228. IRC Section R905.2.8.5 Drip Edge.

A drip edge shall be provided at eaves and rake edges of asphalt shingle roofs where required by the manufacturer.

8-1229. IRC Section M1411.6 Insulation of refrigerant piping.

Pipings and fittings for refrigerant vapor (suction) lines shall be insulated with insulation having a thermal resistivity of at least $R2.5 \text{ hr. ft}^2 \text{ F/Btu}$ and having external surface permeance not exceeding 0.05 perm [$2.87 \text{ ng}/(\text{s} \times \text{m}^2 \times \text{Pa})$] when tested in accordance with ASTM E96.

8-1230. IRC Chapter 11 Energy Efficiency.

The Building Codes Council does not adopt IRC Chapter 11.

8-1231. IRC Section M1411.9 Locking access port caps.

IRC Section M1411.9 is deleted without substitution.

8-1232. IRC Section M1502.3 Duct termination.

Exhaust ducts shall terminate on the outside of the building. Exhaust duct terminations shall be in accordance with the dryer manufacturer's installation instructions. Exhaust duct terminations shall be equipped with a backdraft damper. Screens shall not be installed at the duct termination.

8-1233. IRC Section M1502.4.2 Duct Installation.

Exhaust ducts shall be supported at intervals not to exceed 8 feet and within 16 inches of each side of a joint that is not installed in a vertical orientation, secured in place, making rigid contact with the duct at not less than 4 equally spaced points or 2/3rds contact if strap is used. All brackets or strapping must be noncombustible. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. The overlap shall comply with Section M1601.4.2. Ducts shall not be joined with screws or similar devices that protrude into the inside of the duct. Exhaust ducts shall be sealed in accordance with Section M1601.4.1. Where dryer ducts are enclosed in wall or ceiling cavities, such cavities shall allow the installation without deformation. The duct work may be ovalized as long as it terminates in an approved duct box. Minor imperfections located on the duct, in areas other than along the seam, do not constitute a violation.

8-1234. IRC Section M1502.4.6 Duct length.

The maximum length of a clothes dryer exhaust duct shall not exceed 35 feet (10668 mm) from the dryer location to the wall or roof termination.

8-1235. IRC Section M1503.6 Makeup air required.

Exhaust hood systems capable of exhausting more than 400 cubic feet per minute (0.19m³/s) shall be mechanically or naturally provided with makeup air at a rate approximately equal to the exhaust air rate more than 400 cubic feet per minute. Such makeup air systems shall be equipped with not less than one damper. Each damper shall be a gravity damper or an electrically operated damper that automatically opens when the exhaust system operates. Dampers shall be accessible for inspection, service, repair and replacement without removing permanent construction or any other ducts not connected to the damper being inspected, serviced, repaired or replaced.

8-1236. IRC Section M1504.3 Exhaust Openings.

Air exhaust openings shall terminate as follows:

1. Not less than 3 feet (914 mm) from property lines.
2. Not less than 3 feet (914 mm) from gravity air intake openings, operable windows and doors.
3. Not less than 10 feet (3048 mm) from mechanical air intake openings except where the exhaust opening is located not less than 3 feet (914 mm) above the air intake opening. Openings shall comply with Sections R303.5.2 and R303.6.

Exception: Bathrooms, water closets shower spaces.

8-1237. IRC Section M1601.4.1 Joints, seams and connections.

Longitudinal and transverse joints, seams and connections in metallic and nonmetallic ducts shall be constructed as specified in SMACNA HVAC Duct Construction Standards-Metal and Flexible and NAIMA Fibrous Glass Duct Construction Standards. Joints, longitudinal and transverse seams, and connections in ductwork shall be securely fastened and sealed with welds, gaskets, mastics (adhesives), mastic- plus-embedded-fabric systems, liquid sealants or tapes.

Tapes and mastics used to seal fibrous glass ductwork shall be listed and labeled in accordance with UL 181A and shall be marked "181A-P" for pressure-sensitive tape, "181 A-M" for mastic or "181 A-H" for heat-sensitive tape. Tapes and mastics used to seal metallic and flexible air ducts and flexible air connectors shall comply with

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UL 181B and shall be marked “181 B-FX” for pressure-sensitive tape or “181 BM” for mastic. Duct connections to flanges of air distribution system equipment shall be sealed and mechanically fastened. Mechanical fasteners for use with flexible nonmetallic air ducts shall comply with UL 181B and shall be marked 181B-C. Crimp joints for round metallic ducts shall have a contact lap of not less than 1 inch (25 mm) and shall be mechanically fastened by means of not less than three sheet-metal screws or rivets equally spaced around the joint. Closure systems used to seal all ductwork shall be installed in accordance with the manufacturers’ instructions.

Exceptions:

1. Spray polyurethane foam shall be permitted to be applied without additional joint seals.
2. Where a duct connection is made that is partially without access, three screws or rivets shall be equally spaced on the exposed portion of the joint so as to prevent a hinge effect.
3. For ducts having a static pressure classification of less than 2 inches of water column (500 Pa), additional closure systems shall not be required for continuously welded joints and seams and locking-type joints and seams.

8-1238. IRC Section G2418.2 Design and Installation.

Piping shall be supported with pipe hooks, pipe straps, bands, brackets, hangers, or building structural components suitable for the size of piping, of adequate strength and quality, and located at intervals so as to prevent or damp out excessive vibration.

8-1239. IRC Section P2503.6 Shower Liner Test.

Where shower floors and receptors are made water tight by the application of materials required by Section P2709.2, the completed liner installation shall be tested. Shower liner shall be tested to the lesser of the depth of threshold or 2” and shall be operated at normal pressure for a test period of not less than 15 minutes, and there shall be no evidence of leakage. The shower liner test shall be performed at the final plumbing inspection.

8-1240. IRC Section P2603.2.1 Protection against physical damage.

In concealed locations, where piping, other than cast-iron or galvanized steel, is installed through holes or notches in studs, joists, rafters or similar members less than 1 ¼ inches (31.8 mm) from the nearest edge of the member, the pipe shall be protected by steel shield plates. Such shield plates shall have a thickness of not less than 0.0575 inch (1.463 mm) (No. 16 Gage). Such plates shall cover the area of the pipe where the member is notched or bored, and shall extend not less than 2 inches (51 mm) above sole plates and below top plates. Steel shield plates shall not be secured with nails, or screws unless required by the manufacturer.

8-1241. IRC Section P2603.5 Freezing.

In localities having a winter design temperature of 32°F (0°C) or lower as shown in Table R301.2 of this code, a water pipe shall not be installed outside of a building, in exterior walls, in attics or crawl spaces, or in any other place subjected to freezing temperatures unless adequate provision is made to protect it from freezing by insulation or heat or both. Water service pipe shall be installed not less than 12 inches (305 mm) deep and not less than 6 inches (152 mm) below the frost line.

Exception: Water pipes that are installed on the warm in winter side of the building envelope, i.e. above the insulation line in a floor system or below the insulation line in an attic do not need additional pipe insulation.

8-1242. IRC Section P2705.1 General.

The installation of fixtures shall conform to the following:

1. Floor-outlet or floor-mounted fixtures shall be secured to the drainage connection and to the floor, where so designed, by screws, bolts, washers, nuts and similar fasteners of copper, copper alloy or other corrosion-resistant material.

2. Wall-hung fixtures shall be rigidly supported so that strain is not transmitted to the plumbing system.

3. Where fixtures come in contact with walls and floors, the contact area shall be watertight.

Exception: Water closets and/or bidets shall not be required to be caulked to flooring surface.

4. Plumbing fixtures shall be usable.

5. A water closet, lavatory or bidet shall not be set closer than 15 inches (381 mm) from its center to any side wall, partition or vanity or closer than 27 inches center-to-center between adjacent fixtures. There shall be a clearance of not less than 21 inches (533 mm) in front of a water closet, lavatory or bidet to any wall, fixture or door.

6. The location of piping, fixtures or equipment shall not interfere with the operation of windows or doors.

7. In flood hazard areas as established by Table R301.2, plumbing fixtures shall be located or installed in accordance with Section R322.1.6.

8. Integral fixture-fitting mounting surfaces on manufactured plumbing fixtures or plumbing fixtures constructed on site, shall meet the design requirements of ASME A112.19.2/CSA B45.1 or ASME A112.19.3/CSA B45.4.

8-1243. IRC Section P2708.4 Shower control valves.

Individual shower and tub/shower combination valves shall be balanced-pressure, thermostatic or combination balanced-pressure/thermostatic valves that conform to the requirements of ASSE 1016/ASME 112.1016/CSA B125.16 or ASME A112.18.1/CSA B125.1. Shower and tub/shower combination valves required by this section shall be equipped with a means to limit the maximum setting of the valve to 120°F (49°C), which shall be field adjusted in accordance with the manufacturer's instructions to provide water at a temperature not to exceed 120° (49°C). In-line thermostatic valves shall not be utilized for compliance with this section.

8-1244. IRC Section P2713.3 Bathtub and whirlpool bathtub valves.

Hot water supplied to bathtubs and whirlpool bathtubs shall be limited to a temperature of not greater than 120°F (49°C) by a water-temperature limiting device that conforms to ASSE 1070/ASME A112.1070/CSA B125.70 or CSA B125.3, except where such protection is otherwise provided by a combination tub/shower valve in accordance with Section P2708.4.

8-1245. IRC Section P2903.10 Hose Bibb.

This section is deleted without substitution.

8-1246. IRC Section P2904.2.4.2.1 Additional requirements for pendent sprinklers.

Pendent sprinklers within 3 feet (915 mm) of the center of a ceiling fan, surface mounted ceiling luminaire or similar object shall be considered to be obstructed, and additional sprinklers shall be installed.

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Exception: Pendent sprinklers within 3 feet (915 mm) of the center of a ceiling fan shall not be considered to be obstructed if the total area of the fan blades does not exceed more than 50% of the plan area view.

8-1247. IRC Section E3606.5 Surge protection.

This section is deleted without substitution.

8-1248. IRC Section E3802.4 In unfinished basements.

Where type NM or SE cable is run at angles with joists in unfinished basements, cable assemblies containing two or more conductors of sizes 6 AWG and larger and assemblies containing three or more conductors of sizes 8 AWG and larger shall not require additional protection where attached directly to the bottom of the joists. Smaller cables shall be run either through bored holes in joists or on running boards. Type NM or SE cable installed on the wall of an unfinished basement shall be permitted to be installed in a listed conduit or tubing or shall be protected in accordance with Table E3802.1. Conduit or tubing shall be provided with a suitable insulating bushing or adapter at the point where the cable enters the raceway. The sheath of the Type NM or SE cable shall extend through the conduit or tubing and into the outlet or device box not less than 1/4 inch (6.4 mm). The cable shall be secured within 12 inches (305 mm) of the point where the cable enters the conduit or tubing. Metal conduit, tubing, and metal outlet boxes shall be connected to an equipment grounding conductor complying with Section E3908.13. [334.15(C)]

8-1249. IRC Section R3901.4.2.1 Islands and peninsular countertops and work spaces

Receptacle outlets shall be installed in accordance with the following: [210.52(C)(2)]

1. At least one receptacle outlet shall be provided for the first 6 feet (0.84m²), or fraction thereof, of the countertop or work surface. A minimum of two receptacle outlets shall be provided for any island over 6 feet long.

2. At least one receptacle outlet shall be located within 2 feet (600 mm) of the outer end of a peninsular countertop or work surface. Additional receptacle outlets shall be permitted to be located as determined by the installer, designer or building *owner*. The location of the receptacle outlets shall be in accordance with Section E3901.4.3 [210.52(C)(2)(b)].

8-1250. IRC Section E3902 Ground-Fault and Arc-Fault Circuit-Interrupter Protection.

Remove all references to “through 250 volt” from all parts of Section E3902.

8-1251. IRC Section E3902.5 Basement receptacles.

125-volt receptacles installed in basements and supplied by single phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel. [210.8(A)(5)].

Exceptions:

1. A receptacle supplying only a permanently installed fire alarm or burglar alarm system. A receptacle installed in accordance with this exception shall not be considered as meeting the requirement of Section E3901.9. Receptacles installed in accordance with this exception shall not be considered as meeting the requirement of Section E3901.9 [210.8(A)(5) Exception].

2. Receptacles in walk-out basements are excluded from this requirement.

8-1252. IRC Section R3902.17 Arc Fault Circuit Interrupted Protection.

In areas other than kitchen and laundry areas, branch circuits that supply 120-volt single-phase, 15- and 20-ampere outlets installed in family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreations rooms, closets, hallways, and similar rooms or areas shall be protected by any of the following: [210.12(A)]

1. A listed combination-type arc-fault circuit-interrupter, installed to provide protection of the entire branch circuit. [210.12(A)(1)]

2. A listed branch/feeder-type AFCI installed at the origin of the branch-circuit in combination with a listed outlet branch-circuit-type arc-fault circuit-interrupter installed at the first outlet box on the branch circuit. The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit. [210.12(A)(2)]

3. A listed supplemental arc-protection circuit breaker installed at the origin of the branch circuit in combination with a listed outlet branch-circuit-type arc-fault circuit interrupter installed at the first outlet box on the branch circuit where all of the following conditions are met:

3.1. The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit-interrupter.

3.2. The maximum length of the branch-circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 50 feet (15.2 m) for 14 AWG conductors and 70 feet (21.3 m) for 12 AWG conductors.

3.3. The first outlet box on the branch circuit shall be marked to indicate that it is the first outlet on the circuit. [210.12(A)(3)].

4. A listed outlet branch-circuit type arc-fault circuit interrupter installed at the first outlet on the branch circuit in combination with a listed branch-circuit overcurrent protective device where all of the following conditions are met:

4.1. The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit-interrupter.

4.2. The maximum length of the branch-circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 50 feet (15.2 m) for 14 AWG conductors and 70 feet (21.3m) for 12 AWG conductors.

4.3. The first outlet box on the branch circuit shall be marked to indicate that it is the first outlet on the circuit.

4.4. The combination of the branch-circuit overcurrent device and outlet branch-circuit AFCI shall be identified as meeting the requirements for a system combination-type AFCI and shall be listed as such.

8-1253. IRC Section E4002.14. Tamper-resistant receptacles.

In areas specified in Section E3901.1, 15- and 20-ampere, 125-volt nonlocking-type receptacles shall be *listed* tamper-resistant receptacles. [406.12]

Exception: Receptacles in the following locations shall not be required to be tamper resistant:

1. Receptacles located more than 5.5 feet (1676 mm) above the floor.

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2. Receptacles that are part of a luminaire or appliance.

3. A single receptacle for a single appliance or a duplex receptacle for two appliances where such receptacles are located in spaces dedicated for the appliances served and, under conditions of normal use, the appliances are not easily moved from one place to another. The appliances shall be cord-and-plug-connected to such receptacles in accordance with Section E3909.4. [406.12 Exception].

8-1254. IRC Chapter 44 Referenced Standards.

Delete from Referenced Standards the following:

ANCE: NMX-J-521/2-40-ANCE—2014/CAN/CSA-22.2 No. 60335-2-40—12/UL 60335-2-40: Safety of Household and Similar Electric Appliances, Part 2-40: Particular Requirements for Heat Pumps, Air-Conditioners and Dehumidifiers.

Update the Referenced Standards as follows:

CSA: CSA/C22.2 No. 60335-2-40—2019: Safety of Household and Similar Electrical Appliances, Part 2-40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers, 3rd Edition M1402.1, M1403.1, M1412.1, M1413.1, M2006.1.

UL:UL/CSA 60335-2-40—2019: Standard for Household and Similar Electrical Appliances, Part 2-40: Particular Requirements for Electrical Heat Pumps Air-Conditioners and Dehumidifiers M1402.1, M1403.1, M1412.1, M1413.1, M2006.1.

8-1255. IRC Section Appendix AH Patio Covers.

The Building Codes Council does adopt IRC Section Appendix AH.

8-1256. IRC Section Appendix AJ Existing Buildings.

The Building Codes Council does adopt IRC Section Appendix AJ.

8-1257. IRC Section Appendix AQ Tiny Houses.

The Building Codes Council does adopt IRC Section Appendix AQ.

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 South Carolina Building Codes Council proposes to amend Chapter 8, Article 12, to reflect modifications to the 2021 South Carolina Building Codes, the International Residential Code.

Document No. 5088
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL
CHAPTER 8

Statutory Authority: 1976 Code Sections 6-9-40 and 40-1-70

- 8-1100. National Electrical Code.
- 8-1101. NEC Article 90.2(B)(5) Not Covered.
- 8-1102. Repealed.
- 8-1103. NEC Article 210.8(A) Dwelling Units. (New)
- 8-1104. NEC Article 210.8(F) Outdoor Outlets. (New)
- 8-1105. NEC Article 210.12(A) Dwelling Units. (New)
- 8-1106. NEC Article 230.67 Surge Protection. (New)

Synopsis:

The South Carolina Building Codes Council proposes to amend Chapter 8, Article 11, to incorporate the modifications to the 2021 South Carolina Building Codes, the 2020 Edition of the National Electrical Code.

A Notice of Drafting was published in the *State Register* on July 23, 2021.

Instructions:

Replace regulation as shown below. All other items and sections remain unchanged.

Text:

ARTICLE 11

NATIONAL ELECTRICAL CODE

2020 National Electrical Code Modification Summary

(Statutory Authority: 1976 Code Section 6-9-40)

8-1100. National Electrical Code.

NOTE-This article is based upon the National Electrical Code, 2020 Edition, in accordance with the statutory amendments to acts governing the Building Codes Council, except for the modifications referenced below.

This code is identical to the 2020 Edition of the National Electrical Code except for the following modifications:

8-1101. Repealed.

8-1102. Repealed.

8-1103. NEC Article 210.8(A) Dwelling Units.

All 125-volt receptacles installed in the locations specified in 210.8(A)(1) through (A)(11) and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

- (1) Bathrooms.

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(2) Garages and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use.

(3) Outdoors.

Exception to (3): Receptacles that are not readily accessible and are supplied by a branch circuit dedicated to electric snow-melting, deicing, or pipeline and vessel heating equipment shall be permitted to be installed in accordance with 426.28 or 427.22, as applicable.

(4) Crawl spaces – at or below grade level.

(5) Basements

Exception No. 1 to (5): A receptacle supplying only a permanently installed fire alarm or burglar alarm system shall not be required to have ground-fault circuit-interrupter protection.

Exception No. 2 to (5): Receptacles in walk-out basements are excluded from this requirement.

Receptacles installed under the exception to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G).

(6) Kitchens – where the receptacles are installed to serve the countertop surfaces.

(7) Sinks – where receptacles are installed within 1.8 m (6 ft) from the top inside edge of the bowl of the sink.

(8) Boathouses.

(9) Bathtubs or shower stalls – where receptacles are installed within 1.8 m (6 ft) of the outside edge of the bathtub or shower stall.

(10) Laundry areas.

Exception to (1) through (3), (5) through (8), and (10): Listed locking support and mounting receptacles utilized in combination with compatible attachment fittings installed for the purpose of serving a ceiling luminaire or ceiling fan shall not be required to be ground-fault circuit-interrupter protected. If a general-purpose convenience receptacle is integral to the ceiling luminaire or ceiling fan, GFCI protection shall be provided.

(11) Indoor damp and wet locations.

8-1104. NEC Article 210.8(F) Outdoor Outlets.

This article does not apply in this State.

8-1105. NEC Article 210.12(A) Dwelling Units.

All 120-volt, single-phase, 15- and 20- ampere branch circuits supplying outlets or devices installed in dwelling unit family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, or similar rooms or areas shall be protected by any of the means described in (1) through (6) below:

(1) A listed combination-type arc-fault circuit interrupter installed to provide protection of the entire branch circuit.

(2) A listed branch/feeder-type AFCI installed at the origin of the branch-circuit in combination with a listed outlet branch-circuit-type arc-fault circuit interrupter installed at the first outlet box on the branch circuit. The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit.

(3) A listed supplemental arc protection circuit breaker installed at the origin of the branch circuit in combination with a listed outlet branch-circuit type arc-fault circuit interrupter installed at the first outlet box on the branch circuit where all of the following conditions are met:

a. The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit interrupter.

b. The maximum length of the branch-circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 15.2m (50 ft) for a 14 AWG conductor or 21.3m (70 ft) for a 12 AWG conductor.

c. The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit.

(4) A listed outlet branch-circuit-type arc-fault circuit interrupter installed at the first outlet on the branch circuit in combination with a listed branch-circuit overcurrent protective device where all of the following conditions are met:

- a. The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit interrupter.
- b. The maximum length of the branch-circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 15.2 m (50 ft) for a 14 AWG conductor or 21.3 m (70 ft) for a 12 AWG conductor.
- c. The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit.

d. The combination of the branch-circuit overcurrent device and outlet branch-circuit AFCI shall be identified as meeting the requirements for a system combination-type AFCI and shall be listed as such.

(5) If metal raceway, metal wireways, metal auxiliary gutters, or Type MC, or Type AC cable meeting the applicable requirements of 250.118, with metal boxes, metal conduit bodies, and metal enclosures are installed for the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet, it shall be permitted to install a listed outlet branch-circuit-type AFCI at the first outlet to provide protection for the remaining portion of the branch circuit.

(6) Where a listed metal or nonmetallic conduit or tubing or Type MC cable is encased in not less than 50 mm (2 in.) of concrete for the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet, it shall be permitted to install a listed outlet branch-circuit-type AFCI at the first outlet to provide protection for the remaining portion of the branch circuit.

8-1106. NEC Article 230.67 Surge Protection.

This article, including (A) through (D), does not apply in this State.

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 South Carolina Building Codes Council proposes to amend Chapter 8, Article 11, to incorporate the modifications to the 2021 South Carolina Building Codes, the 2020 Edition of the National Electrical Code.

Document No. 5075

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF EXAMINERS FOR LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE
AND FAMILY THERAPISTS, ADDICTION COUNSELORS, AND PSYCHO-EDUCATIONAL
SPECIALISTS
CHAPTER 36**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-75-60

Chapter 36. Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists.

Synopsis:

The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors and Psycho-Educational Specialists proposes to amend various sections in Chapter 36.

A Notice of Drafting was published in the *State Register* on May 28, 2021.

Instructions:

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Replace regulation as shown below. All other items and sections remain unchanged.

Text:

ARTICLE 1 DEFINITIONS

36-01. Definitions.

Definitions found in Section 40-75-20 apply to this chapter.

(1) "Supervision" means direct contact between a supervisor and an associate or other person requiring supervision under this chapter. Supervision may be conducted either in person or via a HIPAA-compliant technological medium. During this time, the person supervised apprises the supervisor of the diagnosis and treatment of each client seen during the supervisory process. The supervisor provides the supervised person with oversight and guidance in diagnosing, treating, and dealing with clients, and the supervisor evaluates the supervised person's performance. The focus of a supervision session is on raw data from clinical work which is made directly available to the supervisor through such means as written clinical materials, direct (live) observation, co-therapy, audio and video recordings, and live supervision. Supervision is a process clearly distinguishable from personal psychotherapy and is contrasted in order to serve professional goals. The major focus in supervision of supervisors is on the development of supervisory abilities as opposed to an exclusive focus on clinical skills.

(2) "Group supervision" means a regularly scheduled meeting of not more than six (6) supervisees, and an approved supervisor, for a minimum of two (2) hours.

(3) "Individual/triadic supervision" means a meeting of one (1) or two (2) supervisees with a supervisor for a period of at least a one (1) hour session.

(4) "Associate licensure" means an authorization to engage in a distinctly defined, post-degree, supervised experience intended to enable and to refine and enhance basic skills, develop more advanced therapy skills, and integrate professional knowledge and skills appropriate to the individual's initial professional placement. Associate licensure status provides an opportunity, under supervision, for the individual to perform all the activities that a regularly employed staff member in the setting would be expected to perform.

(5) "Continuing education" means an organized educational program designed to expand a licensee's knowledge base beyond the basic entry-level educational requirements for professional counselors, marriage and family therapists, addiction counselors, and psycho-educational specialists.

(6) "Contact hour" means a minimum of fifty (50) minutes of instruction.

(7) "Clinical contact hour" means a minimum of fifty (50) minutes of direct client contact.

(8) "Impairment" means impairment of mental and/or physical ability to practice according to acceptable and prevailing standards of care including, but not limited to, habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. Impairment includes inability to practice in accordance with such standards, and treatment, monitoring, and supervision.

(9) "Relapse" means any use of alcohol or of a drug or substance that may impair ability to practice during or after any approved treatment program, except pursuant to the directions of a treating physician who has knowledge of the patient's history and the disease of addiction, or pursuant to the direction of a physician in a medical emergency.

(10) "Approved treatment provider" means a treatment provider approved by the Board.

(11) "Sobriety" means abstinence from alcohol, and from drugs or substances that may impair ability to practice, except pursuant to the directions of a treating physician who has knowledge of the patient's history and the disease of addiction, or pursuant to the direction of a physician in a medical emergency.

(12) "Qualified licensed mental health practitioner" means a person licensed as a Professional Counselor Supervisor, Marriage and Family Therapy Supervisor, Addiction Counselor Supervisor, Psychologist, or Medical Doctor, and approved by the Board, who possesses the knowledge and expertise necessary to provide a supervised person with guidance and direction, in a structured program, to gain knowledge and skills associated with the diagnosis and treatment of serious problems as categorized in standard diagnostic nomenclature.

(13) "DSM" means the current edition of the Diagnostic and Statistical Manual of Mental Disorders.

(14) “Serious Problems” are those disorders as categorized in standard diagnostic nomenclature such as the DSM with the exception of codes assigned to normal lifecycle transitional conflicts.

(15) “Specific training to diagnose, assess and treat serious problems” - Any Licensed Professional set forth in Sections 36-04 and 36-05, Sections 36-07 and 36-08, and Sections 36-10 and 36-11, respectively, is deemed to have the requisite training to diagnose, assess and treat serious problems. If a client presents with a problem which is beyond the licensee’s training and competence, the licensee must refer the problem to a licensed professional who has been specifically trained to diagnose, assess and treat the presenting problem.

(16) “National Educational Accrediting Body” - the following are approved national educational accrediting bodies: For professional counselors, the Council for Accreditation of Counseling & Related Educational Programs (CACREP); for marriage and family therapists, the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) and CACREP with regard to its accredited marriage, couple and family counseling specialty program; and for addiction counselors, National Addictions Studies Accreditation Commission (NASAC) and CACREP. The Board may approve other national educational accrediting bodies which, in the Board’s determination, follow similar educational standards.

**ARTICLE 2
OFFICERS OF BOARD; MEETINGS**

36-02. Officers of Board.

At the first meeting of each calendar year, the Board shall elect from among its professional members a president, vice-president, and other officers as the Board determines necessary.

36-03. Meetings.

(1) The Board shall meet at least two (2) times a year and at other times upon the call of the president or a majority of the Board members.

(2) A majority of the members of the Board constitutes a quorum; however, if there is a vacancy on the Board, a majority of the members serving constitutes a quorum.

(3) Board members are required to attend meetings or to provide proper notice and justification of inability to attend. Unexcused absences from meetings may result in removal from the Board as provided in Section 1-3-240. Affirmative action by the Board is required to approve an excused absence, and the status of an absence as excused or unexcused is entirely within the Board’s discretion.

**ARTICLE 3
LICENSING PROVISIONS**

36-04. Licensing Provisions for Professional Counselor Associate.

An applicant for initial licensure as a professional counselor associate must:

(1) submit an application on forms approved by the Board, along with the required fee; and
(2) show evidence of graduation from a Clinical Mental Health counseling program accredited by the CACREP at the time of graduation; or

(3) submit evidence of successful completion of a master’s degree, specialist’s degree or doctoral degree with a minimum of sixty (60) graduate semester hours primarily in counseling from a program accredited by a national educational accrediting body such as CACREP or one that requires and follows substantially similar educational standards, and from a college or university accredited by the Commission on the Colleges of the Southern Association of Colleges and Schools, one of its transferring regional associations, the Association of Theological Schools in the United States and Canada, or a regionally-accredited institution of higher learning subsequent to receiving the graduate degree. A school may submit a program to the Board for review and determination as to whether it meets substantially similar education standards;

(4) submit evidence of a passing score on examinations approved by the Board; and

(5) submit a supervision plan, satisfactory to the Board, designed to take effect after notice of licensure as a Licensed Professional Counselor Associate. The supervision plan can be submitted with the application, or

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after the applicant obtains employment; however, an associate cannot begin providing counselor services until a completed supervision plan is submitted to and received by the Board; and

(6) The provisions in Reg. 36-04(3) regarding education requirements take effect two years from May 24, 2019. Students who have graduated from or are enrolled in a degree program prior to that effective date can meet the education licensing requirements pursuant to the education licensing provisions in effect prior to that date.

36-04.1. [Deleted]

36-05. Licensing Provisions for Licensed Professional Counselors.

An applicant for licensure as a professional counselor must:

- (1) submit an application on forms approved by the Board, along with the required fee; and
- (2) hold a current, active, and unrestricted professional counselor associate license; and
- (3) submit, on forms approved by the Board, documentation of completion of a minimum of one thousand five hundred (1500) hours of post-master's clinical experience and post master's clinical supervision in the practice of professional counseling performed over a period of not fewer than two (2) years. Of the one thousand five hundred (1500) hours, there must be a minimum of one thousand three hundred eighty (1,380) hours of documented direct client contact and a minimum of one hundred twenty (120) hours of documented supervision by a licensed professional counselor supervisor or other qualified licensed mental health practitioner approved by the Board prior to beginning supervision, that included experience assessing and treating clients with the more serious problems as categorized in standard diagnostic nomenclature. A minimum of sixty (60) hours of the supervision hours must be individual/triadic, and the remaining sixty (60) hours may be individual/triadic or group.

36-05.1. [Deleted]

36-06. Licensing Provisions for Licensed Professional Counselor Supervisors.

An applicant for licensure as a professional counselor supervisor must:

- (1) submit an application on forms approved by the Board, along with the required fee; and
- (2) hold a current, active, and unrestricted South Carolina Professional Counselor License; and
- (3) either (a) or (b):
 - (a) hold a doctoral degree in Counselor Education and Supervision, or
 - (b) provide:
 - (i) evidence acceptable to the Board of at least five (5) years of continuous clinical experience immediately preceding the application; and
 - (ii) evidence of a minimum of thirty-six (36) hours of individual/triadic supervision over no less than a two-year period, by a Board licensed professional counselor supervisor, or other qualified mental health practitioner approved by the Board prior to beginning supervision, of the applicant's supervision of at least two (2) and no more than six (6) licensed professional counselor associates; and
 - (iii) evidence of a minimum of three (3) semester hours of graduate study in supervision oriented to their discipline or training approved by the Board.

36-07. Licensing Provisions for Marriage and Family Therapy Associates.

An applicant for initial licensure as a marriage and family therapy associate must:

- (1) submit an application on forms approved by the Board, along with the required fee; and
- (2) submit proof of graduating from a program accredited by COAMFTE or from a marriage, couple and family counseling specialty program accredited by CACREP; or
- (3) submit evidence of successful completion of a master's degree, specialist's degree or doctoral degree with a minimum of sixty (60) graduate semester hours in marriage and family therapy from a program accredited by a national educational accrediting body such as COAMFTE or one that requires or follows substantially similar educational standards, or from a marriage, couple and family counseling specialty program accredited by CACREP; or a post-degree program accredited by COAMFTE or one that requires or follows substantially similar educational standards, or from a marriage, couple and family counseling specialty program accredited by CACREP; and from a college or university accredited by the Commission on the Colleges of the Southern

Association of Colleges and Schools, one of its transferring regional associations, the Association of Theological Schools in the United States and Canada, or a regionally accredited institution of higher learning subsequent to receiving the graduate degree. A school may submit a program to the Board for review and determination as to whether it meets substantially similar education standards.

(4) submit evidence of a passing score on examinations approved by the Board; and

(5) submit a supervision plan, satisfactory to the Board, designed to take effect after notice of licensure as a Licensed Marriage and Family Therapy Associate. The supervision plan can be submitted with the application, or after the applicant obtains employment; however, an associate cannot begin providing marriage and family therapy services until a completed supervision plan is submitted to and received by the Board.

(6) The provisions in Reg. 36-07(3) regarding education requirements take effect two years from May 24, 2019. Students who have graduated from or are enrolled in a degree program prior to that effective date can meet the education licensing requirements pursuant to the education licensing provisions in effect prior to that date.

36-07.1. [Deleted]

36-08. Licensing Provisions for Marriage and Family Therapists.

An applicant for licensure as a Marriage and Family Therapist must:

(1) submit an application on forms approved by the Board, along with the required fee; and

(2) hold a current, active, and unrestricted Marriage and Family Therapy Associate license unless applying under the provisions of Section 36-11; and

(3) submit, on forms approved by the Board documentation of completion of a minimum of one thousand five hundred (1500) hours of post-master's clinical experience and post-master's clinical supervision in marriage and family therapy performed over a period of no fewer than two (2) years. Of the one thousand five hundred (1500) hours, there must be a minimum of one thousand three hundred eighty (1,380) documented direct client contact hours and a minimum of one hundred twenty (120) documented hours of supervision by a licensed marriage and family therapy supervisor or other qualified licensed mental health practitioner approved by the Board prior to beginning supervision, that includes experience assessing and treating clients with the more serious problems as categorized in standard diagnostic nomenclature. At least sixty (60) of the supervision hours must be individual/triadic, and the remaining sixty (60) hours can be individual/triadic or group.

36-08.1. [Deleted]

36-09. Licensing Provisions for Licensed Marriage and Family Therapy Supervisors.

An applicant for licensure as a marriage and family therapy supervisor must:

(1) submit an application on forms approved by the Board, along with the required fee; and

(2) hold a current, active, and unrestricted South Carolina Marriage and Family Therapy License; and

(3) submit evidence acceptable to the Board of at least five (5) years of continuous clinical experience immediately preceding the application; and

(4) submit evidence of a minimum of thirty-six (36) hours of individual/triadic supervision, over a period of no less than two (2) years, by a Board licensed marriage and family therapy supervisor or other qualified mental health practitioner approved by the Board prior to beginning supervision, of the applicant's supervision of at least two (2) and no more than six (6) marriage and family therapy associates; and

(5) submit evidence of a minimum of three (3) semester hours of graduate study in supervision or training approved by the Board.

36-10. Licensing Provisions for Addiction Counselor Associates.

An applicant for initial licensure as an addiction counselor associate must:

(1) submit an application on forms approved by the Board, along with the required fee; and

(2) show evidence of graduation from an addiction counseling program accredited by CACREP at the time of graduation; or

(3) submit evidence of successful completion of a master's degree, specialist's degree or doctoral degree with a minimum of forty-eight (48) graduate semester hours primarily in counseling or related field from a

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program accredited by NASAC, CACREP, or one that follows similar educational standards, and from a college or university accredited by the Commission on the Colleges of the Southern Association of Colleges and Schools, one of its transferring regional associations, the Association of Theological Schools in the United States and Canada, or a regionally-accredited institution of higher learning subsequent to receiving the graduate degree. On one's graduate transcript(s) the applicant must demonstrate successful completion of 27 of the 48 hours consisting of courses in the following areas:

- (a) Human growth and development course; and/or
 - (b) Social and cultural foundations course; and/or
 - (c) Counseling Theory Course; and/or
 - (d) Family System Theory Course; and/or
 - (e) Career Theory; and/or
 - (f) Group Dynamics; and/or
 - (g) Screening, Assessment and Clinical Diagnosis within behavioral health; and/or
 - (h) Research and evaluation; and/or
 - (i) Professional orientation: coursework content providing an understanding of professional roles and functions, professional goals and objectives, professional organizations and associations, professional history and trends, ethical and legal standards, professional preparation standards, and professional credentialing; and
 - (j) 6 hours of Substance Use Disorder/ Addiction Specific Coursework; and
 - (k) Practicum: a minimum of one (1) supervised one hundred (100) hour counseling practicum; and
 - (l) Internship: completed an internship, as part of a degree program, of at least six hundred (600) hours, of which three hundred (300) hours must be working primarily with the substance use disordered population with a minimum of one hundred twenty (120) hours of direct client contact; however, if the 300/120 specific hours requirement is not met within the 600 hour internship, a post-graduate experience may be served to meet this requirement; and
- (4) submit evidence of a passing score on examinations approved by the Board; and
 - (5) submit a supervision plan, satisfactory to the Board, designed to take effect after notice of licensure as a Licensed Addiction Counselor Associate. The supervision plan can be submitted with the application, or after the applicant obtains employment; however, an associate cannot begin providing addiction counselor services until a completed satisfactory supervision plan is submitted to and received by the Board.

36-10.1. [Deleted]

36-11. Licensing Provisions for Addiction Counselors.

An applicant for licensure as an addiction counselor must:

- (1) submit an application on forms approved by the Board, along with the required fee; and
- (2) hold a current, active, and unrestricted addiction counselor associate license; and
- (3) submit, on forms approved by the Board, documentation of completion of a minimum of one thousand one hundred twenty (1120) hours of post-master's clinical experience and post master's supervision in addiction counseling performed over a period of not fewer than two (2) years. Of the one thousand one hundred twenty (1120) hours, there must be a minimum of one (1,000) hours of documented direct client contact with clients presenting with addiction issues, and a minimum of one hundred-twenty (120) hours of documented supervision by a licensed addiction counselor supervisor or other qualified licensed mental health practitioner approved by the Board prior to beginning supervision. At least sixty (60) hours of the supervision hours must be individual/triadic, and the remaining sixty (60) hours may be individual/triadic or group. The Board may consider accepting supervised experience hours required pursuant to Reg. 36-11 that were obtained within a reasonable time prior to May 24, 2019, where the supervision was with an appropriately qualified supervisor, as determined by the Board. However, no more than 50% of the required hours may be obtained under this carryover provision.

36-12. Licensing Provisions for Licensed Addiction Counselor Supervisors.

An applicant for licensure as an addiction counselor supervisor must:

- (1) submit an application on forms approved by the Board, along with the required fee; and
- (2) hold a current, active, and unrestricted South Carolina Addiction Counselor License; and

- (3) submit evidence acceptable to the Board of at least three (3) years of being in the practice of addiction counseling immediately preceding the application; and
- (4) either (a) or (b) and (c):
 - (a) currently hold a LPC-S, LMFT-S or CCS by SCAADAC; or
 - (b) submit evidence of a minimum of thirty-six (36) hours of individual/triadic supervision over a period of no less than two years, by a licensed addiction counselor supervisor or supervisor approved by the Board, of the applicant's supervision of at least two (2) and maximum of six (6) licensed addiction counselor associates; and
 - (c) evidence of a minimum of three (3) semester hours of graduate study in supervision oriented to their discipline or training approved by the Board.

36-13. Licensing Provisions for Psycho-educational Specialists.

An applicant for initial licensure as a psycho-educational specialist must:

- (1) submit an application on forms approved by the Board, along with the required fee; and
- (2) submit evidence of successful completion of an earned master's degree plus thirty (30) graduate semester hours, or an earned sixty (60) graduate semester hour master's degree, or a sixty (60) graduate semester hour specialist's degree, or a doctoral degree in school psychology from an institution of higher education whose program is approved by the National Association of School Psychologists or the American Psychological Association or a program which the Board finds to be substantially equivalent. A substantially equivalent program must include an earned master's, specialist's, or doctoral degree in an applied area of psychology, education, or behavioral sciences from a regionally accredited institution, completion of at least sixty (60) graduate semester hours, and substantial preparation, including coursework, in the following areas:
 - (a) psychological foundations, including biological bases of behavior; human learning; child and adolescent development; social/cultural bases of behavior; and individual differences (exceptionalities/psychopathology of children and youth); and
 - (b) educational foundations, including organization and operation of schools; and instructional/remedial design; and
 - (c) assessment and intervention, including diverse methods of individual assessment that can be linked to intervention; direct intervention including counseling and behavior analysis/intervention; and indirect intervention including a consultation with school personnel and families; and
 - (d) statistics and research methodologies; and
 - (e) professional school psychology, including history and foundations of school psychology; legal and ethical issues; professional issues and standards; alternative models of service delivery; emergent technologies; and roles and functions of school psychologists; and
 - (f) a one-year twelve hundred (1200) hour internship, at least one-half (1/2) of which must be in an approved school setting. The internship shall include a full range of psycho-educational services supervised by a licensed psycho-educational specialist or certified or licensed school psychologist. If a portion of the internship is completed in a non-school setting, supervision may be provided by a psychologist appropriately credentialed for that setting as approved by the Board. The possession of a National Certified School Psychologist (NCSP) credential issued after January 1, 1988 shall be evidence of completion of a satisfactory program as provided above; and
 - (g) has completed, within three (3) years after the effective date of these regulations, a minimum of three (3) graduate semester hours in Psychopathology in academic training from a college or university approved by the Board. This course must provide the practitioner with an understanding of psychopathology, abnormal psychology, abnormal behavior, etiology dynamics, and treatment of abnormal behavior; and
 - (h) has completed, within three (3) years after the effective date of these regulations, a minimum of three (3) graduate semester hours in Diagnostics in academic training from a college or university approved by the Board. This course must provide the practitioner with an understanding of the diagnostics of psychopathology; and
- (3) provide evidence satisfactory to the Board of certification by the South Carolina Department of Education in school psychology level II or III; and

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(4) provide evidence satisfactory to the Board that the applicant has successfully served as a certified school psychologist for at least two (2) years in a school or comparable setting. After January 1, 2000, one (1) year must have been under the supervision of a licensed psycho-educational specialist that included experience assessing and treating clients with the more serious problems as categorized in standard diagnostic nomenclature. One (1) year of experience is defined as full-time employment for one (1) contract year of at least one hundred ninety (190) work days. Two (2) consecutive years of half-time work may, at the discretion of the Board, be deemed to be equivalent to one (1) full year of experience. The experience must include provision of a full range of services to children, youth, and families. Experience acquired under a provisional or temporary certificate in school psychology, or in a pre-degree practicum or internship, may not count toward this experience requirement; and

(5) submit evidence of a passing score on examinations approved by the Board.

36-14. Licensure by Endorsement.

(A) An applicant for licensure as a professional counselor, marriage and family therapist, addiction counselor, or psycho-educational specialist by endorsement must:

(1) hold a current, active, and unrestricted license in good standing under the laws of another state, and

(2) not have any current or pending investigations in the state where they are currently licensed; and

(3) submit an application on a form approved by the Board, in which the applicant certifies that they have read and understand the Board's statutes, regulations, and the Code of Ethics specific to the professional license(s) being sought, along with the required fee; and

(4) provide other documentation, as required by the Board.

(5) An applicant is only eligible for endorsement licensure in this state at an equivalent credential level.

(B) An applicant for licensure as a professional counselor supervisor, addiction counselor supervisor, or marriage and family therapist supervisor, by endorsement, must:

(1) hold a current, active, and unrestricted supervisor license in good standing under the laws of another state; and

(2) not have any current or pending investigations in the state where they are currently licensed; and

(3) submit an application on a form approved by the Board in which the applicant certifies that they have read and understand the Board's statutes, regulations, and the Code of Ethics and Standards specific to supervision, along with the required fee; and

(4) provide other documentation as required by the Board.

(5) An applicant is only eligible for endorsement licensure in this state at an equivalent credential level.

36-15. Reinstatement of Lapsed Licenses.

(1) A licensed professional counselor, marriage and family therapist, addiction counselor, psycho-educational specialist, professional counselor supervisor, marriage and family therapist supervisor whose license has been lapsed for at least three (3) months, but fewer than five (5) years, may reinstate the license upon submitting an application, payment of fees for each licensing period during which the license was lapsed, along with the required reinstatement fee, and providing proof satisfactory to the Board on a form approved by the Board of completion of the requisite continuing education hours for each year during which the license was lapsed. The Board for good cause may waive any part of this continuing education requirement upon appropriate conditions.

(2) A licensed professional counselor, marriage and family therapist, addiction counselor, psycho-educational specialist, professional counselor supervisor, marriage and family therapist supervisor, or addiction counselor supervisor whose license has been lapsed for more than five (5) years must submit an application for reinstatement, pay the required reinstatement fee, and appear before the Board to determine if the license should be reinstated and the terms under which the reinstatement is to be made.

(3) Any applicant for reinstatement shall submit a notarized affidavit certifying that they have not been engaged in the practice of counseling, marriage and family therapy, addiction counseling, or psycho-education specialty outside of the school setting, professional counselor supervising, marriage and family therapy or addiction counseling supervising during the period their license was not in an active status.

ARTICLE 4
CONTINUING EDUCATION

36-16. Continuing Education Requirements for Professional Counselors, Addiction Counselors and Marriage and Family Therapists.

(1) Persons licensed as professional counselors, addiction counselors, or marriage and family therapists shall complete forty (40) hours of Board-approved continuing education, of which thirty-four (34) hours must be related to their respective professional license and six (6) hours must be specific to ethical standards related to their respective professional license during every two-year licensure period. A first-time licensee is not required to obtain continuing education for the licensing period in which the initial license was obtained. After this first renewal, the continuing education requirements shall apply. Persons holding more than one license must complete fifty (50) hours of continuing education during every two-year licensure period as a condition of renewal of their licenses. Of the fifty (50) hours, six (6) hours must be specific to ethical standards, and the remaining forty-four (44) hours divided as equally as possible among the related disciplines. Persons licensed as professional counselor supervisors, addiction counselor supervisors, or marriage and family therapy supervisors must complete ten (10) hours of continuing education in supervision of their discipline during every two-year licensure period as a condition of renewal of their license. Persons holding multiple supervision licenses must complete ten (10) hours of continuing education in supervision, dividing the hours as equally as possible among each discipline.

(2) Any continuing education program sponsored by a professional counselor certifying body, addiction counselor certifying body, marriage and family therapy certifying body, or body approved by the Board as a continuing education sponsoring body, or one of its regional or state divisions, is automatically approved.

(3) Unapproved sponsoring organizations must request advance approval on Board-approved forms ninety (90) days prior to each continuing education event. In order to request approval, the sponsoring organization must submit an agenda of the session, the curriculum vitae of all presenters and a copy of the evaluation documents.

(4) Continuing education hours may be obtained through continuing education programs and activities provided by Board-approved continuing education providers, or licensees may obtain up to twenty (20) hours of the required continuing education per two-year licensure period by completing one or more of the following:

(a) a first time presentation of a paper, workshop, or seminar for a national, regional, statewide, or other professional meeting may be approved for a maximum of five (5) continuing education hours; and

(b) a published paper in a referred journal may be approved for a maximum of five (5) continuing education hours and may be used only once; and

(c) preparation of a new or related course for an educational institution or organization may be approved for a maximum of five (5) continuing education hours; and

(5) No hours may be carried forward from the renewal period in which they were earned.

(6) Continuing education credit may be obtained in person or obtained online.

36-17. Continuing Education Requirements for Psycho-educational Specialists.

(1) Persons licensed as psycho-educational specialists shall complete forty (40) hours of continuing education of which thirty-four (34) hours must be related to their respective professional license and six (6) hours must be specific to ethical standards related to their respective professional license during every two-year licensure period. Persons licensed as a psycho-educational specialist and a professional counselor, marriage and family therapist and/or an addiction counselor must complete at least fifty (50) hours of formal continuing education during every two-year licensure period as a condition of renewal of their licenses. Of the fifty (50) hours, six (6) hours must be specific to ethical standards related to their respective professional license and the remaining forty-four (44) hours should be divided as equally as possible among the related disciplines.

(2) Continuing education credit may be obtained in person or online.

(3) Continuing education credit for psycho-educational specialists may be awarded for documented completion of the following activities:

(a) a minimum of twenty (20) continuing education hours in workshops, conferences, formal in-service training, college or university courses, and teaching and training activities. A maximum of ten (10) hours may

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be awarded for attendance at workshops, conferences, or in-service training. For teaching and training activities, credit may be awarded only for the first time the content is taught and limited to a maximum of ten (10) hours; or

(b) a maximum of twenty (20) continuing education hours in research and publications, supervision of associates, post-graduate supervised experiences, program planning/evaluation, self-study, and professional organizational leadership. A maximum of ten (10) hours may be awarded for unpublished research. A maximum of twenty (20) hours may be awarded for research and publication or presentation. A maximum of ten (10) hours may be awarded for articles published or posters presented. Each project may be claimed only once. A maximum of twenty (20) hours may be awarded for supervision of associates. No more than one (1) post-graduate supervised experience may be claimed in any renewal period. A maximum of fifteen (15) hours may be awarded for program planning/evaluation. A maximum of twenty (20) hours may be awarded for self-study. No more than one (1) activity may be counted per organization per year and a maximum of ten (10) hours may be awarded in professional organization leadership.

ARTICLE 5 FEES

36-18. Fees.

(A) The Board may charge fees as shown in South Carolina Code of Regulations Chapter 10-33 and on the South Carolina Board of Examiners for the Licensure of Professional Counselors, Addiction Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists at <http://lr.sc.gov/POL/Counselors/>.

(B) All fees are nonrefundable.

ARTICLE 6 TREATMENT FOR IMPAIRED PRACTITIONERS

36-19. Identification of Impaired Practitioners.

(A) Any person licensed under Title 40, Chapter 75 of the Code of Laws of South Carolina shall report to the Board any belief that a practitioner suffers from an impairment that does presently or in the future may affect the ability of the practitioner to competently practice, unless:

(1) the individual, or the organization of which the individual is a part, is a treatment provider approved by the Board; and

(a) the practitioner maintains participation in treatment or aftercare; and

(b) the practitioner, if currently undergoing an inpatient treatment program, is not practicing and is following the guidelines set forth by the treatment program. If the practitioner is an out-patient, is maintaining sobriety and is enrolled in an approved aftercare program; or

(2) the individual is a member of an impaired practitioner committee, or the equivalent, established by a hospital or similar institution or its staff, or is a representative or agent of a committee or program sponsored by a professional association of individuals licensed under Title 40, Chapter 75 of the Code of Laws to provide peer assistance to practitioners with substance abuse problems; and

(a) the practitioner has been referred for examination to an approved treatment program; and

(b) the practitioner cooperates with the referral for examination and any determination that he should enter treatment; and

(c) the practitioner's ability to practice competently has not been affected; or

(3) the individual maintains a good faith belief that:

(a) the practitioner has been referred for examination to an approved treatment program; and

(b) the practitioner cooperates with the referral for examination and any determination that he should enter treatment; and

(c) the practitioner's ability to practice competently has not been affected; or

(4) the individual is otherwise prohibited from reporting to the Board by state or federal law.

(B) For purposes of this section, a reason to believe or a belief does not require absolute certainty or complete unquestioning acceptance; but only an opinion that an impairment exists based upon firsthand knowledge, or reliable information.

(C) Any report required by this section shall be made to the Board within forty-eight (48) hours.

36-20. Treatment of Complaints Pertaining to Impaired Practitioners.

(A) An individual who accepts the privilege of practicing under Title 40, Chapter 75 of the South Carolina Code of Laws in this State is subject to oversight by the Board. By filing an application or being licensed by the Board, the individual shall be deemed to give consent to submit to a mental or physical examination when ordered to do so by the Board in writing, and to have waived all objections to the admissibility of testimony or examination of reports that constitute privileged communications. Failure of the individual to submit to a mental or physical examination order by the Board constitutes an admission of the allegations against the individual licensee unless the failure is due to circumstances beyond the individual's control.

(B) When the Board receives information by the filing of a complaint, or upon its own information, that a licensee's ability to practice has fallen below the acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances and other physical or mental impairments that affect the ability to practice, the Board may order the licensee to submit to a mental or physical examination conducted by a designee of the Board for the purpose of determining if there is an impairment that poses a threat to the licensee's well-being or the treatment of a client whom the licensee serves.

(C) If the Board determines that the individual's ability to practice is impaired, the Board shall suspend or place restrictions on the individual's license to practice, or deny the individual's application, and require the individual to submit to treatment, as a condition for initial, continued, reinstated, or renewed licensure to practice.

(D) In cases where the Board has not initiated disciplinary action, the following general pattern of action shall be followed:

(1) upon identification by the Board of reason to believe that a licensee or applicant is impaired it may compel an examination or examinations; and

(2) if the examination or examinations fail to disclose impairment, no action shall be initiated unless other investigation produces reliable, substantial, and probative evidence demonstrating impairment; and

(3) if the examination discloses impairment, or if the Board has other reliable, substantial, and probative evidence demonstrating impairment, including, but not limited to, evidence of relapse after the completion of inpatient or outpatient treatment, the Board shall initiate proceedings to suspend the license or deny licensure of the applicant; and

(4) before being eligible to apply for reinstatement of a license suspended under this section, the practitioner must demonstrate to the Board that a resumption of practice may be made in compliance with acceptable and prevailing standards of care under the provisions of an unrestricted license. Such demonstrations shall include, but shall not be limited to, the following:

(a) certification from a treatment provider approved by the Board that the practitioner has successfully completed any required inpatient treatment; and

(b) evidence of continuing full compliance with an aftercare contract or consent agreement; and

(c) two (2) written reports indicating that the individual's ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the Board for making such assessments and shall describe the basis for this determination; and

(5) when the impaired practitioner resumes practice after reinstatement of his license, the Board shall require continued monitoring of the practitioner. This monitoring shall include, but not be limited to, compliance with any written consent agreement entered into before reinstatement or compliance with conditions imposed by the Board order after a hearing, and, upon termination of the consent agreement, submission by the practitioner to the Board, for at least two (2) years, of annual written progress reports made under penalty of perjury stating whether the license holder has maintained sobriety.

(E) In cases where the Board has initiated a disciplinary action, the general pattern of action described above shall be followed, except that:

(1) if the Board imposes a period of ineligibility for licensure, the individual shall not be eligible for a license reinstatement until the period has lapsed; or

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(2) if the Board imposes an indefinite period of ineligibility, licensure, or license reinstatement shall depend upon successful completion of the requirements and determination by the Board that the period of suspension or ineligibility served is commensurate with the violations found.

36-21. Impaired Practitioner Treatment Programs.

(A) The Board may contract with providers of impaired treatment programs, or refer practitioners to Board-approved programs, receive and evaluate reports of suspected impairment from any source, intervene in cases of verified impairment, monitor treatment and rehabilitation of the impairment, provide post-treatment monitoring, and support and provide other functions as necessary to carry out the provisions of this regulation.

(B) The Board-approved treatment programs shall be provided with all relevant information from the Board and other sources regarding a practitioner referred to the program, including but not limited to, the potential impairment. The program shall report in a timely fashion any impaired professional counselor, marriage and family therapist, or psycho-educational specialist who refuses to cooperate with an evaluation or investigation, or who refuses to submit to treatment or rehabilitation, or whose impairment is not substantially alleviated through treatment or who, in the opinion of the evaluators, is unable to practice professional counseling, marriage and family therapy, or psycho-education with reasonable skill and safety.

(C) All Board-approved programs must:

(1) report to the Board the name of any impaired practitioner who fails to enter treatment within forty-eight (48) hours following the provider's determination that the practitioner needs treatment; and

(2) require every practitioner who enters treatment to agree to a treatment contract establishing the terms of treatment and aftercare, including any required supervision or restrictions of practice during treatment or aftercare; and

(3) require a practitioner to suspend practice upon entry into any required inpatient treatment; and

(4) report to the Board any failure by an impaired practitioner to comply with the terms of the treatment contract during inpatient or outpatient treatment or aftercare; and

(5) report to the Board the resumption of practice of any impaired practitioner before the treatment provider has made a clear determination that the practitioner is capable of practicing according to acceptable and prevailing standards of care; and

(6) require a practitioner who resumes practice after completion of treatment to comply with an aftercare contract that meets the requirements of rules adopted by the Board for approval of treatment providers.

ARTICLE 7 CODES OF ETHICS

36-22. Code of Ethics for Professional Counselors.

(A) General.

(1) Professional Counselors shall engage in continuous efforts to improve professional practices, services, and research and shall be guided in their work by evidence of the best professional practices.

(2) Professional Counselors shall recognize their responsibility to the clients they serve and the institutions in which the services are performed and shall strive to assist the respective agency, organization, or institution in providing competent and ethical professional services. The acceptance of employment in an institution shall mean that the Professional Counselor is in agreement with the general policies and principles of the institution and that the professional activities of the Professional Counselor are in accord with the objectives of the institution. If the Professional Counselor and the employer do not agree and cannot reach agreement on policies that are consistent with appropriate counselor ethical practice that is conducive to client growth and development, the Professional Counselor shall terminate his employment and strive to change the unethical practice through appropriate professional organizations.

(3) Professional Counselors shall engage in ethical behavior at all times and shall take immediate action to report unethical behavior by professional interns to the Board or other appropriate authority.

(4) Professional Counselors must refuse remuneration for consultation or counseling with persons who are entitled to these services through the counselor's employing institution or agency and shall not divert to their private practices, without the mutual consent of the institution and the client, legitimate clients in their primary agencies, or the institutions with which they are affiliated.

(5) In establishing fees, Professional Counselors shall consider the financial status of clients, and if the established fee is inappropriate, must provide assistance to the client in finding comparable services at an acceptable cost. Professional Counselors shall not enter into any agreement wherein counseling services are exchanged as barter.

(6) Professional Counselors shall offer only professional services for which they are trained or have supervised experience. No diagnosis, assessment, or treatment shall be performed without prior training or supervision. Professional Counselors shall correct any misrepresentation of their qualifications by others.

(7) Professional Counselors shall recognize their limitations and provide services or use techniques for which they are qualified by training and/or supervision. Professional Counselors shall recognize the need for and seek continuing education to assure competent services.

(8) Professional Counselors must be aware of the intimacy in the counseling relationship and maintain respect for the client and must not engage in activities that seek to meet their personal or professional needs at the expense of the client.

(9) Professional Counselors shall not engage in personal, social, organizational, financial, or political activities which might lead to a misuse of their influence.

(10) Professional Counselors shall not engage in sexual intimacy with clients and shall not be sexually, physically, or romantically intimate with clients, nor engage in sexual, physical, or romantic intimacy with clients within two (2) years after terminating the counseling relationship.

(11) Professional Counselors shall not engage in sexual harassment or other unwelcome comments, gestures, or physical contact of a sexual nature, nor shall they condone such conduct in others.

(12) Professional Counselors shall guard the individual rights and personal dignity of their clients in the counseling relationship through an awareness of the impact of stereotyping and unwarranted discrimination.

(13) Professional Counselors shall be accountable at all times for their behavior and must be aware that all actions and behaviors reflect on professional integrity and, when inappropriate, can damage the public trust in the counseling profession. To protect public confidence in the counseling profession, Professional Counselors shall avoid behavior that is clearly in violation of accepted moral and legal standards.

(14) Professional Counselors shall observe this Code of Ethics in all products and services offered, including but not limited to classroom instruction, public lectures, demonstrations, written articles, radio, and television programs.

(15) Professional Counselors must withdraw from the practice of counseling if the mental or physical condition of the Counselor renders it unlikely that a professional relationship can be maintained.

(B) Counseling Relationship.

(1) Professional Counselors shall respect the integrity and promote the welfare of clients, whether they are assisted individually, in family units, or in group counseling. In group settings, the Professional Counselor shall be responsible for taking reasonable precautions to protect individuals from physical and/or psychological trauma resulting from interaction within the group.

(2) Professional Counselors shall take into account the traditions and practices of other professional disciplines with whom they work and cooperate fully with them. If a person is receiving similar services from another professional, Professional Counselors shall not offer their own services directly to such a person. If a Professional Counselor is contacted by a person who is already receiving similar services from another professional, the Professional Counselor must carefully consider that professional relationship and the client's welfare and proceed with caution and sensitivity to the therapeutic needs of the client. When Professional Counselors learn that their clients are in a professional relationship with another mental health professional, the Professional Counselor must request release from the client to inform the other mental health professional of their relationship with the client and strive to establish positive and collaborative professional relationships that are in the best interest of the client. Professional Counselors shall discuss these issues with the client and the mental health professional so as to minimize the risk of confusion and conflict and encourage clients to inform other professionals of the new professional relationship.

(3) Professional Counselors may consult with any other professionally competent person about a client and shall inform the client of this possibility. Professional Counselors must avoid placing a consultant in a conflict-of-interest situation that would preclude the consultant serving as a proper party to the efforts to assist the client.

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(4) Professional Counselors may share confidential information when there is a clear and imminent danger to the client and others, as provided by law.

(5) Professional Counselors shall maintain records of the counseling relationship which may include interview notes, test data, correspondence, audio or visual tape recordings, electronic data storage, and other documents. Records shall contain accurate factual data, and the physical records are the property of the Professional Counselor or their employers. Professional Counselors shall maintain records in accordance with the policy of the Board.

(6) Professional Counselors shall ensure that all data maintained in electronic storage are secure. Stored data shall be limited to information that is appropriate and necessary for the services provided and accessible only to appropriate staff members involved in the provision of services. Professional Counselors shall ensure that the electronically stored data are destroyed when the information is no longer of value in providing services or required as part of the client's record.

(7) Professional Counselors shall disguise identifying information derived from a client relationship when that information is used in training or research. Any data which cannot be disguised may be used only as expressly authorized by the client's informed consent.

(8) Professional Counselors shall inform clients of the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services to be performed, and clearly indicate limitations that may affect the relationship as well as any other pertinent information. Professional Counselors must take reasonable steps to ensure that clients understand the implications of any diagnosis, the intended use of tests and reports, methods of treatment, and safety precautions that must be taken in their use, fees, and billing arrangements.

(9) Professional Counselors who have an administrative, supervisory, and/or evaluative relationship with individuals seeking counseling services shall not serve as the counselor and shall refer the individual to other professionals. Exceptions may be made only in instances where an individual's situation warrants counseling intervention and another alternative is not available. Dual relationships that might impair the counselor's objectivity and professional judgment must be avoided and/or the counseling relationship terminated through referral to a competent professional.

(10) When a Professional Counselor determines an inability to be of professional assistance to a potential or existing client, the counselor must, respectively, not initiate the counseling relationship or immediately terminate the relationship. In either event, the counselor must suggest appropriate alternatives and be knowledgeable about referral resources so that a satisfactory referral can be initiated. If the client declines the referral, the counselor shall not be obligated to continue the relationship.

(11) When engaging in intensive, short-term counseling, a Professional Counselor shall ensure that professional assistance is available at normal costs to clients during and following the short-term counseling.

(12) Professional Counselors who employ electronic means in which the counselor and client are not in immediate proximity must present clients with local sources of care before establishing a continued short or long-term relationship.

(13) Professional Counselors shall obtain legal authorization to practice in any jurisdiction in which they maintain an electronic presence via the internet or other electronic means.

(14) Professional Counselors shall ensure that clients are intellectually, emotionally, and physically compatible with computer applications used by the counselor and understand their purpose and operation.

(15) Professional Counselors shall maintain client confidentiality as provided by law.

(16) Professional Counselors shall screen prospective group counseling participants to ensure compatibility with group objectives.

(C) Measurement and Evaluation.

(1) Professional Counselors shall recognize the limits of their competence and perform only those assessment functions for which they have received appropriate training or supervision.

(2) Professional Counselors who utilize assessment instruments to assist them with diagnoses must have appropriate training and skills in educational and mental measurement, validation criteria, test research, and guidelines for test development and use.

(3) Professional Counselors shall provide instrument specific orientation or information to an examinee prior to and following the administration of assessment instruments or techniques so that the results may be placed in proper perspective with other relevant factors. The purpose of testing and the explicit use of the results must be disclosed to an examinee prior to testing.

(4) Professional Counselors shall carefully evaluate the specific theoretical bases and characteristics, validity, reliability, and appropriateness of an instrument in selecting the instrument or techniques for use in a given situation or with a particular client.

(5) Professional Counselors must provide accurate information and avoid false claims or misconceptions concerning the meaning of an instrument's reliability and validity terms when making statements to the public about assessment instruments or techniques.

(6) Professional Counselors shall follow the directions and researched procedures for selection, administration, and interpretation of all evaluation instruments and use them only within proper contexts.

(7) Professional Counselors shall be cautious when interpreting the results of instruments that possess insufficient technical data, and must explicitly state to examinees the specific limitations and purposes for the use of such instruments.

(8) Professional Counselors shall proceed cautiously when attempting to evaluate and interpret performance of any person who cannot be appropriately compared to the norms for the instruments.

(9) Professional Counselors shall maintain test security.

(10) Professional Counselors shall consider psychometric limitations when selecting and using an instrument, and must be cognizant of the limitations when interpreting the results.

(11) Professional Counselors shall ensure that appropriate interpretation accompanies any release of individual or group test data and shall obtain explicit prior understanding and consent when releasing results.

(12) Professional Counselors shall ensure that computer-generated test administration and scoring programs function properly thereby providing clients with accurate test results.

(13) Professional Counselors who develop computer-based test interpretations to support the assessment process shall ensure that the validity of the interpretations is established prior to the commercial distribution of the computer application.

(14) Professional Counselors shall recognize that test results may become obsolete and avoid the misuse of obsolete data.

(D) Research and Publication.

(1) Professional Counselors shall adhere to applicable legal and professional guidelines on research with human subjects.

(2) In planning research activities involving human subjects, Professional Counselors shall be aware of and responsive to all pertinent ethical principles and ensure that the research problem, design, and execution are in full compliance with any pertinent institutional or governmental regulations.

(3) The ultimate responsibility for ethical research lies with the principal researcher, although others involved in the research activities are ethically obligated and responsible for their own actions.

(4) Professional Counselors who conduct research with human subjects are responsible for the welfare of the subjects throughout the experiment and must take all reasonable precautions to avoid causing injurious psychological, physical, or social effects on their subjects.

(5) Professional Counselors who conduct research shall abide by the basic elements of informed consent:

(a) a fair explanation of the procedures to be followed, including an identification of those which are experimental; and

(b) a description of the attendant discomforts and risks; and

(c) a description of the benefits to be expected; and

(d) disclosure of appropriate alternative procedures that would be advantageous for subjects with an offer to answer any inquiries concerning the procedures; and

(e) an instruction that subjects are free to withdraw their consent and to discontinue participation in the project or activity at any time.

(6) When reporting research results, explicit mention shall be made of all the variables and conditions known to the investigator that may have affected the outcome of the study or the interpretation of the data.

(7) Professional Counselors who conduct and report research investigations shall do so in a manner that minimizes the possibility that the results will be misleading.

(8) Professional Counselors shall give credit through joint authorship, acknowledgment, footnote statements, or other appropriate means to those who have contributed to the research and/or publication, in accordance with such contributions.

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(9) Professional Counselors shall communicate to other counselors the results of any research judged to be of professional value.

(E) Consulting.

(1) Professional Counselors, acting as consultants, must have a high degree of self awareness of their own values, knowledge, skills, limitations, and needs in entering a helping relationship that involves human and/or organizational change. The focus of the consulting relationship must be on the issues to be resolved and not on the persons presenting the problem.

(2) In the consulting relationship, the Professional Counselor and the client must understand and agree upon the problem definition, subsequent goals, and predicted consequences of interventions selected.

(3) Professional Counselors acting as consultants must be reasonably certain that they, or the organization represented, have the necessary competencies and resources for giving the kind of help that is needed or that may develop later, and that appropriate referral resources are available.

(4) Professional Counselors in a consulting relationship must encourage and cultivate client adaptability and growth toward self-direction. Professional Counselors must maintain this role consistently and not become a decision maker for clients or create a future dependency on the consultant.

(F) Private Practice.

(1) In advertising services as a private practitioner, Professional Counselors must advertise in a manner that accurately informs the public of the professional services, expertise, and techniques of counseling available.

(2) Professional Counselors who assume an executive leadership role in a private practice organization shall not permit their names to be used in professional notices during periods of time when they are not actively engaged in the private practice of counseling unless their executive roles are clearly stated.

(3) Professional Counselors shall make available their highest degree (described by discipline), type and level of certification, and/or license, address, telephone number, office hours, type and/or description of services, and other relevant information. Listed information must not contain false, inaccurate, misleading, partial, out-of-context, or otherwise deceptive material or statements.

(4) Professional Counselors who are involved in a partnership/corporation with other certified counselors and/or other professionals, must clearly specify all relevant specialties of each member of the partnership or corporation.

36-23. Code of Ethics for Addiction Counselors.

(A) The Counseling Relationship

(1) Client Welfare: Addiction Counselors understand and accept their responsibility to ensure the safety and welfare of their client, and to act for the good of each client while exercising respect, sensitivity, and compassion. Providers shall treat each client with dignity, honor, and respect, and act in the best interest of each client.

(2) Informed Consent: Addiction Counselors understand the right of each client to be fully informed about treatment and shall provide clients with information in clear and understandable language regarding the purposes, risks, limitations, and costs of treatment services, reasonable alternatives, their right to refuse services, and their right to withdraw consent within time frames delineated in the consent. Providers have an obligation to review with their client - in writing and verbally - the rights and responsibilities of both Providers and clients. Providers shall have clients attest to their understanding of the parameters covered by the Informed Consent.

(3) Limits of Confidentiality: Addiction Counselors clarify the nature of relationships with each party and the limits of confidentiality at the outset of services when agreeing to provide services to a person at the request or direction of a third party.

(4) Addiction Counselors shall guard the individual rights and personal dignity of their clients in the counseling relationship through an awareness of the impact of stereotyping and unwarranted discrimination.

(5) Legal Competency: Addiction Counselors who act on behalf of a client who has been judged legally incompetent or with a representative who has been legally authorized to act on behalf of a client, shall act with the client's best interests in mind, and shall inform the designated guardian or representative of any circumstances which may influence the relationship. Providers recognize the need to balance the ethical rights of clients to make choices about their treatment, their capacity to give consent to receive treatment-related services, and parental/familial/representative legal rights and responsibilities to protect the client and make decisions on their behalf.

(6) **Mandated Clients:** Addiction Counselors who work with clients who have been mandated to counseling and related services shall discuss legal and ethical limitations to confidentiality.

(7) **Multiple Therapists:** Addiction Counselors shall seek to obtain a signed Release of Information from a potential or actual client if the client is working with another behavioral health professional. The Release shall allow the Provider to strive to establish a collaborative professional relationship.

(8) **Multiple/Dual Relationships:** Addiction Counselors shall make every effort to avoid multiple relationships with a client. When a dual relationship is unavoidable, the professional shall take extra care so that professional judgment is not impaired and there is no risk of client exploitation.

(9) **Group:** Addiction Counselors shall clarify who “the client” is, when accepting and working with more than one person as “the client.” Provider shall clarify the relationship the Provider shall have with each person. In group counseling, Providers shall take reasonable precautions to protect the members from harm.

(10) **Financial Disclosure:** Addiction Counselors shall truthfully represent facts to all clients and third-party payers regarding services rendered, and the costs of those services.

(11) **Communication:** Addiction Counselors shall communicate information in ways that are developmentally and culturally appropriate. Providers offer clear understandable language when discussing issues related to informed consent. Cultural implications of informed consent are considered and documented by Provider.

(12) **Treatment Planning:** Addiction Counselors shall create treatment plans in collaboration with their client. Treatment plans shall be reviewed and revised on an ongoing and intentional basis to ensure their viability and validity.

(13) **Level of Care:** Addiction Counselors shall provide their client with the highest quality of care. Providers shall use ASAM or other relevant criteria to ensure that clients are appropriately and effectively served.

(14) **Documentation:** Addiction Counselors and other Service Providers shall create, maintain, protect, and store documentation required per federal and state laws and rules, and organizational policies.

(15) **Advocacy:** Addiction Counselors are called to advocate on behalf of clients at the individual, group, institutional, and societal levels. Providers should speak out regarding barriers and obstacles that impede access to and/or growth and development of clients. When advocating for a specific client, Providers obtain written consent prior to engaging in advocacy efforts.

(16) **Referrals:** Addiction Counselors shall recognize that each client is entitled to the full extent of physical, social, psychological, spiritual, and emotional care required to meet their needs. Providers shall refer to culturally - and linguistically - appropriate resources when a client presents with any special needs that are beyond the scope of the Provider’s education, training, skills, supervised expertise, and licensure.

(17) **Exploitation:** Addiction Counselors are aware of their influential positions with respect to clients, trainees, and research participants and shall not exploit the trust and dependency of any client, trainee, or research participant. Providers shall not engage in any activity that violates or diminishes the civil or legal rights of any client. Providers shall not use coercive treatment methods with any client, including threats, negative labels, or attempts to provoke shame or humiliation.

(18) **Sexual Relationships:** Addiction Counselors shall not engage in any form of sexual or romantic relationship with any current or former client for a period of 5 years after last professional contact, nor accept as a client anyone with whom they have engaged in a romantic, sexual, social, or familial relationship. This prohibition includes in-person and electronic interactions and/or relationships. Addiction Counselors are prohibited from engaging in counseling relationships with friends or family members with whom they have an inability to remain objective.

(19) **Termination:** Addiction Counselors shall terminate services with clients when services are no longer required, no longer serve the client’s needs, or the Provider is unable to remain objective. Counselors provide pre-termination counseling and offer appropriate referrals as needed. Providers may refer a client, with supervision or consultation, when in danger of harm by the client or by another person with whom the client has a relationship

(20) **Coverage:** Addiction Counselors shall make necessary coverage arrangements to accommodate interruptions such as vacations, illness, or unexpected situation.

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(21) **Abandonment:** Addiction Counselors shall not abandon any client in treatment. Providers who anticipate termination or interruption of services to clients shall notify each client promptly and seek transfer, referral, or continuation of services in relation to each client's needs and preferences.

(22) **Fees:** Addiction Counselors shall ensure that all fees charged for services are fair, reasonable, and commensurate with the services provided and with due regard for clients' ability to pay.

(23) **Self-Referrals:** Addiction Counselors shall not refer clients to their private practice unless the policies, at the organization at the source of the referral, allow for self-referrals. When self-referrals are not an option, clients shall be informed of other appropriate referral resources.

(24) **Commissions:** Addiction Counselors shall not offer or accept any commissions, rebates, kickbacks, bonuses, or any form of remuneration for referral of a client for professional services, nor engage in fee splitting.

(25) **Enterprises:** Addiction Counselors shall not use relationships with clients to promote personal gain or profit of any type of commercial enterprise.

(26) **Bartering:** Addiction Counselors can engage in bartering for professional services if: (a) the client requests it, (b) the relationship is not exploitative, (c) the professional relationship is not distorted, (d) federal and state laws and rules allow for bartering, and (e) a clear written contract is established with agreement on value of item(s) bartered for and number of sessions, prior to the onset of services. Providers consider the cultural implications of bartering and discuss relevant concerns with clients. Agreements shall be delineated in a written contract. Providers shall seek supervision or consultation in regards to the bartering agreement and document that interaction.

(27) **Uninvited Solicitation:** Addiction Counselors shall not engage in uninvited solicitation of potential clients who are vulnerable to undue influence, manipulation, or coercion due to their circumstances.

(B) Confidentiality and Privileged Communication

(1) **Confidentiality:** Addiction Counselors understand that confidentiality and anonymity are foundational to addiction treatment and embrace the duty of protecting the identity and privacy of each client as a primary obligation. Counselors communicate the parameters of confidentiality in a culturally-sensitive manner.

(2) Addiction Counselors shall adhere to all applicable federal and state laws and regulations in regards to documentation, accessibility of records, sharing, disclosures, privacy, limits of confidentiality, imminent danger, court subpoenas, payers, encryption, storage and disposal of records, video recording, federal regulations stamp, diseases, record transfer, temporary assistance, termination, and consultation.

(C) Professional Responsibilities and Workplace Standards

(1) **Integrity:** Addiction Counselors shall conduct themselves with integrity. Providers aspire to maintain integrity in their professional and personal relationships and activities. Regardless of medium, Providers shall communicate to clients, peers, and the public honestly, accurately, and appropriately.

(2) **Nondiscriminatory:** Addiction Counselors shall provide services that are nondiscriminatory and nonjudgmental. Providers shall not exploit others in their professional relationships. Providers shall maintain appropriate professional and personal boundaries.

(3) **Fraud:** Addiction Counselors shall not participate in, condone, or be associated with any form of dishonesty, fraud, or deceit.

(4) **Harassment:** Addiction Counselors shall not engage in or condone any form of harassment, including sexual harassment.

(5) **Credentials:** Addiction Counselors shall claim and promote only those licenses and certifications that are current and in good standing.

(6) **Scope of Practice:** Addiction Counselors shall provide services within their scope of practice and competency, and shall offer services that are science-based, evidence-based, and outcome-driven. Providers shall engage in counseling practices that are grounded in rigorous research methodologies. Providers shall maintain adequate knowledge of and adhere to applicable professional standards of practice.

(7) **Proficiency:** Addiction Counselors shall seek and develop proficiency through relevant education, training, skills, and supervised experience prior to independently delivering specialty services. Providers engage in supervised experience and seek consultation to ensure the validity of their work and protect clients from harm when developing skills in new specialty areas.

(8) **Self-Monitoring:** Addiction Counselors are continuously self-monitoring in order to meet their professional obligations. Providers shall engage in self-care activities that promote and maintain their physical, psychological, emotional, and spiritual well-being.

(9) **Qualified:** Addiction Counselors shall work to prevent the practice of addictions counseling by unqualified and unauthorized persons and shall not employ individuals who do not have appropriate and requisite education, training, licensure and/or certification in addictions.

(10) **Advocacy:** Providers shall be advocates for their clients in those settings where the client is unable to advocate for themselves.

(11) **Referrals:** Addiction Counselors shall not refer clients, or recruit colleagues or supervisors, from their places of employment or professional affiliation to their private practice without prior documented authorization. Providers shall offer multiple referral options to clients when referrals are necessary. Providers will seek supervision or consultation to address any potential or real conflicts of interest.

(12) **Promotion:** Addiction Counselors shall ensure that promotions and advertisements concerning their workshops, trainings, seminars, and products that they have developed for use in the delivery of services are accurate and provide ample information, so consumers can make informed choices. Addiction Counselors shall not use their counseling, teaching, training or supervisory relationships to deceptively or unduly promote their products or training events.

(13) **Testimonials:** Addiction Counselors shall be thoughtful when they solicit testimonials from former clients or any other persons. Providers shall discuss with clients the implications of and potential concerns, regarding testimonials, prior to obtaining written permission for the use of specific testimonials. Providers shall seek consultation or supervision prior to seeking a testimonial.

(14) **Reports:** Addiction Counselors shall take care to accurately, honestly and objectively report professional activities and judgments to appropriate third parties (i.e., courts, probation/parole, healthcare insurance organizations and providers, recipients of evaluation reports, referral sources, professional organizations, regulatory agencies, regulatory boards, ethics committees, etc.).

(15) **Advice:** Addiction Counselors shall take reasonable precautions, when offering advice or comments (using any platform including presentations and lectures, demonstrations, printed articles, mailed materials, television or radio programs, video or audio recordings, technology-based applications, or other media), to ensure that their statements are based on academic, research, and evidence-based, outcome-driven literature and practice.

(16) **Dual Relationship:** When Addiction Counselors are required by law, institutional policy, or extraordinary circumstances to serve in more than one role in judicial or administrative proceedings, they shall clarify role expectations and the parameters of confidentiality with their colleagues.

(17) **Illegal Practices:** When Addiction Counselors become aware of inappropriate, illegal, and/or unethical policies, procedures and practices at their agency, organization, or practice, they shall alert their employers. When there is the potential for harm to clients or limitations on the effectiveness of services provided, Providers shall seek supervision and/or consultation to determine appropriate next steps and further action. Providers and Supervisors shall not harass or terminate an employee or colleague who has acted in a responsible and ethical manner to expose inappropriate employer employee policies, procedures and/ or practices.

(18) **Credit:** Addiction Counselors shall give appropriate credit to the authors or creators of all materials used in their course of their work. Providers shall not plagiarize another person’s work.

(D) E-Therapy, E-Supervision and Social Media

(1) **Definition:** “E-Therapy” and “E-Supervision” shall refer to the provision of services by an Addiction Counselor using technology, electronic devices, and HIPAA-compliant resources. Electronic platforms shall include and are not limited to: land-based and mobile communication devices, fax machines, webcams, computers, laptops and tablets. E-therapy and e-supervision shall include and are not limited to: tele-therapy, real-time video-based therapy and services, emails, texting, chatting, and cloud storage. Providers and Clinical Supervisors are aware of the unique challenges created by electronic forms of communication and the use of available technology, and shall take steps to ensure that the provision of e-therapy and e-supervision is safe and as confidential as possible.

(2) **Competency:** Addiction Counselors who choose to engage in the use of technology for e-therapy, distance counseling, and e-supervision shall pursue specialized knowledge and competency regarding the technical, ethical, and legal considerations specific to technology, social media, and distance counseling. Competency shall be demonstrated through means such as specialized certifications and additional course work and/or trainings.

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(3) **Informed Consent:** Addiction Counselors, who are offering an electronic platform for e-therapy, distance counseling/case management, e-supervision shall provide an Electronic/Technology Informed Consent. The electronic informed consent shall explain the right of each client and supervisee to be fully informed about services delivered through technological mediums, and shall provide each client/supervisee with information in clear and understandable language regarding the purposes, risks, limitations, and costs of treatment services, reasonable alternatives, their right to refuse service delivery through electronic means, and their right to withdraw consent at any time. Providers have an obligation to review with the client/supervisee - in writing and verbally - the rights and responsibilities of both Providers and clients/supervisees. Providers shall have the client/supervisee attest to their understanding of the parameters covered by the Electronic/Technology Informed Consent.

(4) **Verification:** Addiction Counselors who engage in the use of electronic platforms for the delivery of services shall take reasonable steps to verify the client's/supervisee's identity prior to engaging in the e-therapy relationship and throughout the therapeutic relationship. Verification can include, but is not limited to, picture ids, code words, numbers, graphics, or other nondescript identifiers.

(5) **Missing Cues:** Addiction Counselors shall acknowledge the difference between face-to-face and electronic communication (nonverbal and verbal cues) and how these could influence the counseling/supervision process. Providers shall discuss with their client/supervisee how to prevent and address potential misunderstandings arising from the lack of visual cues and voice inflections when communicating electronically.

(6) **Links:** Addiction Counselors who provide e-therapy services and/or maintain a professional website shall provide electronic links to relevant licensure and certification boards to protect the client's/supervisee's rights and address ethical concerns.

(7) **Friends:** Addiction Counselors shall not accept clients' "friend" requests on social networking sites or email (from Facebook, Instagram, etc.), and shall immediately delete all personal and email accounts to which they have granted client access and create new accounts. When Providers choose to maintain a professional and personal presence for social media use, separate professional and personal web pages and profiles are created that clearly distinguish between the professional and personal virtual presence.

(8) **Social Media:** Addiction Counselors shall clearly explain to their clients/supervisees, as part of informed consent, the benefits, inherent risks including lack of confidentiality, and necessary boundaries surrounding the use of social media. Providers shall clearly explain their policies and procedures specific to the use of social media in a clinical relationship. Providers shall respect the client's/supervisee's rights to privacy on social media and shall not investigate the client/supervisee without prior consent.

(E) Research and Publication

(1) **Research:** Research and publication shall be encouraged as a means to contribute to the knowledge base and skills within the addictions and behavioral health professions. Research shall be encouraged to contribute to the evidence-based and outcome-driven practices that guide the profession. Research and publication provide an understanding of what practices lead to health, wellness, and functionality. Researchers and Addiction Counselors make every effort to be inclusive by minimizing bias and respecting diversity when designing, executing, analyzing, and publishing their research.

(2) **Consistent:** Researchers plan, design, conduct, and report research in a manner that is consistent with relevant ethical principles, federal and state laws, internal review board expectations, institutional regulations, and scientific standards governing research.

(3) **Confidentiality:** Researchers are responsible for understanding and adhering to state, federal, agency, or institutional policies or applicable guidelines regarding confidentiality in their research practices. Information obtained about participants during the course of research is confidential.

(4) **Protect:** Researchers shall seek supervision and/or consultation and observe necessary safeguards to protect the rights of research participants, especially when the research plan, design and implementation deviates from standard or acceptable practices.

(5) **Clients:** Researchers may conduct research involving clients. Researchers shall provide an informed consent process allowing clients to freely, without intimidation or coercion, choose whether to participate in the research activities. Researchers shall take necessary precautions to protect clients from adverse consequences if they choose to decline or withdraw from participation.

(6) Explanation: Once data collection is completed, Researchers shall provide participants with a full explanation regarding the nature of the research in order to remove any misconceptions participants might have regarding the study.

(7) Publication: Addiction Counselors who author books, journal articles, or other materials which are published or distributed shall not plagiarize or fail to cite persons for whom credit for original ideas or work is due. Providers shall acknowledge and give recognition, in presentations and publications, to previous work on the topic by self and others.

(8) e-publishing: Addiction Counselors shall recognize that entering data on the internet, social media sites, or professional media sites constitutes publishing.

(9) Credit: Addiction Counselors shall assign publication credit to those who have contributed to a publication in proportion to their contributions and in accordance with customary professional publication practices.

(10) Student Material: Addiction Counselors shall seek a student's permission and list the student as lead author on manuscripts or professional presentations, in any medium, that are substantially based on a student's course papers, projects, dissertations, or theses. The student reserves the right to withhold permission.

(11) Proprietary: Addiction Counselors who review material submitted for publication, research, or other scholarly purposes shall respect the confidentiality and proprietary rights of those who submitted it. Providers who serve as reviewers shall make every effort to only review materials that are within their scope of competency and to review materials without professional or personal bias.

36-24. Code of Ethics for Marriage and Family Therapists.

(A) Responsibility to Clients.

(1) Marriage and Family Therapists shall not discriminate against or refuse professional service to anyone on the basis of race, gender, religion, national origin, or sexual orientation.

(2) Marriage and Family Therapists shall not exploit the trust and dependency of clients and shall avoid dual relationships with clients that could impair professional judgment or increase the risk of exploitation. When a dual relationship cannot be avoided, therapists shall take appropriate professional precautions to ensure judgment is not impaired and no exploitation occurs. Marriage and Family Therapists shall not engage in sexual relationships with clients and shall not engage in sexual relationships with former clients for at least two (2) years following the termination of therapy.

(3) Marriage and Family Therapists shall not use their professional relationships with clients to further their own interests.

(4) Marriage and Family Therapists shall respect the right of clients to make decisions and help them to understand the consequences of their decisions. Therapists shall clearly advise clients that a decision as to marital status is the responsibility of the client.

(5) Marriage and Family Therapists shall continue therapeutic relationships so long as is reasonably clear that clients are benefitting from the relationship.

(6) Marriage and Family Therapists shall assist persons in obtaining other therapeutic services if the therapist is unable or unwilling, for appropriate reasons, to provide professional help.

(7) Marriage and Family Therapists shall not abandon or neglect clients in treatment without making reasonable arrangements for the continuation of such treatment.

(8) Marriage and Family Therapists shall obtain written informed consent from clients before videotaping, audio recording, or permitting third party observation.

(B) Confidentiality.

(1) Marriage and Family Therapists shall not disclose client confidences except as mandated by law or described in this chapter.

(2) Marriage and Family Therapists may use client and/or clinical materials in teaching, writing, and public presentations only if the client has executed a written waiver or when appropriate steps have been taken to protect the identity of the client.

(3) Marriage and Family Therapists shall store or dispose of all client records in a manner that will protect confidentiality.

(C) Professional Competence and Integrity.

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(1) Marriage and Family Therapists shall immediately notify all appropriate agencies, including, but not limited to the Board, of any criminal conviction; of any conduct which may lead to a conviction; any actions disciplining or expelling them from any professional organization; suspension, revocation, or other discipline by any regulatory body; of incompetency due to physical or mental causes or the abuse of alcohol or other substances.

(2) Marriage and Family Therapists shall seek appropriate professional assistance for their personal problems or conflicts that may impair work performance or clinical judgment.

(3) Marriage and Family Therapists who function as teachers, supervisors, or researchers shall maintain the highest standards of scholarship and present accurate information.

(4) Marriage and Family Therapists shall remain abreast of new developments in knowledge and practice through educational activities.

(5) Marriage and Family Therapists shall not engage in sexual or other harassment or exploitation of clients, students, trainees, supervisees, employees, colleagues, research subjects, or actual or potential witnesses or complainants in investigations and ethical proceedings.

(6) Marriage and Family Therapists shall not diagnose, treat, or advise on problems outside the recognized boundaries of their competence, as established by the Board.

(7) Marriage and Family Therapists shall make every effort to prevent the distortion or misuse of their clinical and research findings.

(8) Marriage and Family Therapists shall exercise special care when making public their professional recommendations and opinions through testimony or other public statements.

(D) Responsibility to Students, Employees, and Supervisees.

(1) Marriage and Family Therapists shall not exploit the trust and dependency of students, employees, and supervisees and shall avoid dual relationships that could impair professional judgment or increase the risk of exploitation. When a dual relationship cannot be avoided, therapists shall take appropriate professional precautions to ensure judgment is not impaired and no exploitation occurs. A Marriage and Family Therapist shall not provide therapy to an employee, student or supervisee. Sexual intimacy with students, or supervisees is prohibited.

(2) Marriage and Family Therapists shall not permit students, employees, or supervisees to perform or hold themselves out as competent to perform professional services beyond their training, level of experience, and competence.

(3) Marriage and Family Therapists shall not disclose supervisee confidences except as mandated by law and described in this chapter.

(E) Responsibility to Research Participants.

(1) Marriage and Family Therapists functioning as investigators shall make careful examinations of ethical acceptability in planning studies. To the extent that services to research participants may be compromised by participation in research, Marriage and Family Therapists shall seek the ethical advice of qualified professionals not directly involved in the investigation and observe safeguards to protect the rights of the research participants.

(2) Marriage and Family Therapists functioning as investigators shall inform research participants of all aspects of the research that might reasonably be expected to influence willingness to participate. Marriage and Family Therapists shall be sensitive to the possibility of diminished consent when participants are receiving clinical services, have impairments which limit understanding and/or communication, or when participants are children.

(3) Marriage and Family Therapists functioning as investigators shall respect participants' freedom to decline participation in or to withdraw from a research study at any time. This obligation requires special thought and consideration when Marriage and Family Therapists or other members of the research team are in positions of authority or influence over participants. Therapists shall make every effort to avoid dual relationships with research participants that could impair professional judgment or increase the risk of exploitation.

(4) Marriage and Family Therapists shall maintain confidentiality during any investigation unless there is a waiver obtained in writing. When the possibility exists that others, including family members, may obtain access to such information, this possibility, together with the plan for protecting confidentiality, is explained as part of the procedure for obtaining informed consent.

(F) Responsibility to the Profession.

(1) Marriage and Family Therapists shall maintain the standards of the profession when acting as members or employees of organizations.

(2) Marriage and Family Therapists shall assign publication credit to those who have contributed to a publication in proportion to their contributions and in accordance with customary professional publication practices.

(3) Marriage and Family Therapists who are the authors of books shall cite persons to whom credit for original ideas is due.

(4) Marriage and Family Therapists who are the authors of books or other materials published or distributed by an organization shall take reasonable precautions to ensure that the organization promotes and advertises the materials accurately and factually.

(5) Marriage and Family Therapists should participate in activities that contribute to a better community and society, including devoting a portion of their professional activity to services for which there is little or no financial return.

(6) Marriage and Family Therapists should be concerned with developing laws and regulations pertaining to the practice of marriage and family therapy that serve the public interest, and with altering such laws and regulations that are not in the public interest.

(7) Marriage and Family Therapists should encourage public participation in the design and delivery of professional services and in the regulation of practitioners.

(G) Financial Arrangements.

(1) Marriage and Family Therapists shall not offer or accept payment for referrals.

(2) Marriage and Family Therapists shall not charge excessive fees for services and shall not barter therapy services.

(3) Marriage and Family Therapists shall disclose their fees to clients and supervisees at the initiation of services.

(4) Marriage and Family Therapists shall represent facts truthfully to clients, third party payors, and supervisees regarding the services rendered.

(H) Advertising.

(1) Marriage and Family Therapists shall accurately represent their competence, education, training, and experience relevant to their practice of marriage and family therapy.

(2) Marriage and Family Therapists shall assure that advertisements and publications in any media conveys information that is necessary for the public to make an appropriate selection of professional services.

(3) Marriage and Family Therapists shall not use a name which could mislead the public concerning the identity, responsibility, source, and status of those practicing under that name and shall not hold themselves out as being partners or associates of a firm when they are not.

(4) Marriage and Family Therapists shall not use any professional identification if it includes any statement or claim that is false, fraudulent, misleading, or deceptive. A statement is false, fraudulent, misleading, or deceptive if it:

(a) contains any material misrepresentation of fact; or

(b) fails to state any material fact necessary to make the statement, in light of all circumstances, not misleading; or

(c) is intended to or is likely to create an unjustified expectation.

(5) Marriage and Family Therapists shall correct, wherever possible, false, misleading, or inaccurate information and representations made by others concerning the therapist's qualifications, services, or products.

(6) Marriage and Family Therapists shall insure that the qualifications of persons in their employ are represented in a manner that is not false, misleading, or deceptive.

(7) Marriage and Family Therapists may represent themselves as specializing within a limited area of marriage and family therapy, but shall not advertise specialization in any area unless they have the education and supervised experience in settings which meet recognized professional standards to practice in that specialty area.

36-25. Code of Ethics for Psycho-educational Specialists.

(A) Professional Competency.

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(1) Psycho-educational Specialists shall recognize the strengths and limitations of their training and experience and engage only in practices for which they are qualified.

(2) Psycho-educational Specialists shall represent competence levels, education, training, and experience accurately and in a professional manner.

(3) Psycho-educational Specialists shall not use affiliations with persons, associations, or institutions to imply a level of professional competence exceeding that actually achieved.

(4) Psycho-educational Specialists shall enlist the assistance of other specialists in supervisory, consultative, or referral roles as appropriate in providing services.

(5) Psycho-educational Specialists shall refrain from any activity in which their personal problems or conflicts may interfere with professional effectiveness. Competent assistance is sought to alleviate conflicts in professional relationships.

(B) Professional Relationships and Responsibilities.

(1) Psycho-educational Specialists shall apply their professional expertise for the purpose of promoting improvement in the quality of life for students, their families, and the school community.

(2) Psycho-educational Specialists shall respect all persons and must be sensitive to physical, mental, emotional, political, economic, social, cultural, ethnic, and racial characteristics, gender and sexual orientation, and religion.

(3) Psycho-educational Specialists shall be responsible for the direction and nature of their personal loyalties or objectives. When these commitments may influence a professional relationship, the Psycho-educational Specialist shall inform all concerned persons of relevant issues in advance.

(4) Psycho-educational Specialists shall maintain professional relationships with students, parents, the school, and community. Parents and students must be fully informed about all relevant aspects of services in advance, taking into account language and cultural differences, cognitive capabilities, developmental level, and age so that the explanation may be understood by the student, parent, or guardian.

(5) Psycho-educational Specialists shall attempt to resolve situations in which there are divided or conflicting interests in a manner which is mutually beneficial and protective of the rights of all parties involved.

(6) Psycho-educational Specialists shall not exploit clients through professional relationships nor condone these actions in their colleagues. All individuals, including students, clients, employees, colleagues, and research participants, shall not be exposed to deliberate comments, gestures, or physical contacts of a sexual nature. Psycho-educational Specialists shall not harass or demean others based on personal characteristics nor engage in sexual relationships with their students, supervisees, trainees, or past or present clients.

(7) Psycho-educational Specialists shall not enter into personal or business relationships with students/clients or their students'/clients' parents.

(8) Psycho-educational Specialists shall notify the Board if aware of a suspected detrimental or unethical practice of another professional.

(9) Psycho-educational Specialists shall respect the confidentiality of information obtained during their professional work and reveal this information only with the informed consent of the client, or the client's parent or legal guardian, except as provided by law.

(C) Students.

(1) Psycho-educational Specialists shall engage only in professional practices which maintain the dignity and integrity of students and other clients.

(2) Psycho-educational Specialists shall explain important aspects of their professional relationships with students and clients in a clear, understandable manner, including the reason why services were requested, who will receive information about the services provided, and the possible outcomes.

(3) When a child initiates services, Psycho-educational Specialists shall respect the right of the student or client to initiate, participate in, or discontinue services voluntarily. When another party initiates services, the Psycho-educational Specialists shall make every effort to secure voluntary participation of the child/student.

(4) Psycho-educational Specialists shall discuss recommendations, including all alternatives available.

(D) Parents, Legal Guardians, and Appointed Surrogates.

(1) Psycho-educational Specialists shall explain all services to parents in a clear, understandable manner, and explain options taking into account the values and capabilities of each parent. Provision of services by associates, practicum students, and other unlicensed personnel must be explained and agreed to in advance.

(2) Psycho-educational Specialists shall assure that there is direct parent contact prior to seeing the student/client on an on-going basis. Frank and prompt reporting to the parent of findings and progress shall be made so long as it conforms to the limits of confidentiality.

(3) Psycho-educational Specialists shall encourage and promote parental participation in designing services provided to their children, including when appropriate, linking interventions between the school and the home, tailoring parental involvement to the skills of the family, and helping parents to gain the skills needed to help their children.

(4) Psycho-educational Specialists shall respect the wishes of parents who object to services and attempt to guide parents to alternative community resources.

(5) Psycho-educational Specialists shall discuss recommendations and plans for assisting the student/client with the parent. The discussion must include alternatives associated with each set of plans, showing respect for the ethnic/cultural values of the family. The parents must be advised as to sources of help available at school and in the community.

(6) Psycho-educational Specialists shall discuss the rights of parents and students regarding creation, modification, storage, and disposal of confidential materials.

(E) Service Delivery.

(1) Psycho-educational Specialists shall be knowledgeable of the organization, philosophy, goals, objections, and methodologies of the setting in which they are employed.

(2) Psycho-educational Specialists shall recognize that an understanding of the goals, processes, and legal requirements of their particular workplace is essential for effective functioning within that setting.

(3) Psycho-educational Specialists shall become integral members of the client systems to which they are assigned.

(4) Psycho-educational Specialists providing services to several different groups must disclose potential conflicts of interest to all parties.

(F) Community.

(1) Psycho-educational Specialists shall not engage in or condone practices that discriminate against clients based on race, handicap, age, gender, sexual orientation, religion, national origin, economic status, or native language.

(2) Psycho-educational Specialists shall avoid any action that could violate or diminish the civil or legal rights of clients.

(3) Psycho-educational Specialists shall adhere to federal, state, and local laws and ordinances governing their practice.

(G) Related Professional.

(1) Psycho-educational Specialists shall cooperate with other professional disciplines in relationships based on mutual respect.

(2) Psycho-educational Specialists shall encourage and support the use of all resources to best serve the interests of students and clients.

(3) Psycho-educational Specialists shall explain their field and their professional competencies, including roles, assignments, and working relationships to other professionals.

(4) Psycho-educational Specialists shall cooperate and coordinate with other professionals and agencies with the rights and needs of their clients in mind and must promote coordination of services.

(5) Psycho-educational Specialists shall refer a student or client to another professional for services whenever a condition is identified which is outside the professional's competencies or scope of practice.

(6) Psycho-educational Specialists shall ensure that all relevant and appropriate individuals, including the student/client when appropriate, are notified when transferring the intervention responsibility.

(H) Other Psycho-educational Specialists.

(1) Psycho-educational Specialists who employ, supervise, or train other professionals shall provide continuing professional development and must provide appropriate working conditions, fair and timely evaluations, and constructive consultation.

(2) Psycho-educational Specialists who supervise associates shall be responsible for all professional practices of the supervisee and assure the students/clients and the profession that the associate is adequately supervised.

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(I) Advocacy.

(1) Psycho-educational Specialists shall be responsible to students/clients when acting as advocates for their rights and welfare.

(2) Psycho-educational Specialists shall communicate to the school administration and staff service options, taking into consideration the primary concern for protecting the rights and welfare of students.

(J) Assessment and Intervention.

(1) Psycho-educational Specialists shall maintain the highest standards for educational and psycho-educational assessment.

(2) In conducting psycho-educational, educational, or behavioral evaluations, or in providing therapy, counseling, or consultation services, Psycho-educational Specialists must give consideration to individual integrity and individual differences.

(3) Psycho-educational Specialists shall respect the differences in age, gender, sexual orientation, and socioeconomic, cultural and ethnic backgrounds and must select and use appropriate assessment or treatment procedures, techniques, and strategies.

(4) Psycho-educational Specialists must maintain knowledge about the validity and reliability of their instruments and techniques so as to choose those that have up-to-date standardization data and are applicable and appropriate for the benefit of the student/client.

(5) Psycho-educational Specialists shall not condone the use of psycho-educational assessment techniques, or the mis-use of the information these techniques provide, by unqualified persons in any way, including teaching, sponsorship, or supervision.

(6) Psycho-educational Specialists shall develop interventions which are appropriate to the presenting problems and are consistent with data collected and must modify or terminate the treatment plan when the data indicate the plan is not achieving the desired goals.

(K) Use of Materials and Technology.

(1) Psycho-educational Specialists shall maintain test security, preventing the release of underlying principles and specific content that would undermine the use of the device, and shall be responsible for the security requirements specific to each instrument used.

(2) Psycho-educational Specialists shall abide by all copyright laws and obtain permission from the authors before reproducing un-copyrighted published instruments.

(3) Psycho-educational Specialists shall obtain written prior consent or remove identifying data presented in public lectures or publications.

(4) When producing materials for consultation, intervention, teaching, public lectures, or publication, Psycho-educational Specialists shall acknowledge sources and assign credit to those whose ideas are reflected in the product.

(5) Psycho-educational Specialists shall not promote or encourage inappropriate use of computer generated test analyses or reports and must select scoring and interpretation services on the basis of accuracy and professional alignment with the underlying decision rules.

(6) Psycho-educational Specialists shall bear responsibility for any technological services used. All ethical and legal principles regarding confidentiality, privacy, and responsibility for decisions apply to the Psycho-educational Specialist and cannot be transferred to equipment, software companies, or data processing departments.

(7) Technological devices shall be used to improve the quality of client services.

(L) Research, Publication, and Presentation.

(1) Psycho-educational Specialists shall, when designing and implementing research in schools, employ research methodology, subject selection techniques, data gathering methods, and analysis and reporting techniques which are grounded in sound research practice.

(2) Psycho-educational Specialists working in agencies without review committees shall have peer review prior to initiating research.

(3) In publishing reports of their research, Psycho-educational Specialists shall provide discussion of limitations of their data and acknowledge existence of disconfirming data, as well as alternate hypotheses and explanations of their findings.

(M) Relationships with School Districts.

(1) Psycho-educational Specialists employed in both the public and private sector shall separate their roles and protect and completely inform the consumer of all potential conflicts of interest or concerns.

(2) Psycho-educational Specialists shall not accept any form of remuneration from clients who are entitled to the same service provided by the same Psycho-educational Specialists while working in the public sector. This prohibition includes students who attend the non-public schools within the public school assignment area.

(3) Psycho-educational Specialists in private practice shall inform parents of any free school psycho-educational services available from the public or private schools prior to delivering such services for remuneration.

(4) Psycho-educational Specialists shall conduct all private practice outside of the hours of contracted public employment.

(5) Psycho-educational Specialists engaged in private practice shall not use tests, materials, equipment, facilities, secretarial assistance, or other services belonging to the public sector employer, unless approved in advance through a written agreement.

(6) Psycho-educational Specialists shall not barter psycho-educational services.

(N) Service Delivery.

(1) Psycho-educational Specialists shall conclude a financial agreement in advance of service delivery.

(2) Psycho-educational Specialists shall ensure to the best of their ability that the client clearly understands the financial agreement.

(3) Psycho-educational Specialists shall not give or receive any remuneration for referring clients for professional services.

(4) Psycho-educational Specialists in private practice shall adhere to the conditions of a contract until service thereunder has been performed, the contract has been terminated by mutual consent, or has otherwise been legally terminated.

(5) Psycho-educational Specialists shall not engage in personal diagnosis and therapy by means of public lectures, newspaper columns, magazine articles, radio or television programs, or mail.

(O) Announcements/Advertising.

(1) Psycho-educational Specialists shall present accurate representations of training, experience, services provided, and affiliations, and shall advertise these in a restrained manner.

(2) Listings in telephone directories shall be limited to name, highest relevant degree, state certification/licensure status as provided for by statute, address, telephone number, brief identification of major areas of practice, office hours, appropriate fee information, foreign languages spoken, policy regarding third party payments, and license number.

(3) Announcements of services by Psycho-educational Specialists in private practice shall be made in a formal, professional manner, using the guidelines for advertising in the telephone directory. In addition, clear statements of purposes with unequivocal descriptions of the experiences to be provided shall be given, along with education, training, and experience of all staff members appropriately specified.

(4) Psycho-educational Specialists in private practice shall not directly solicit clients for individual diagnosis or therapy.

(5) Psycho-educational Specialists shall not compensate in any manner a representative of the press, radio, or television in return for professional publicity in a news item.

36-26. Code of Ethics for All Supervisors.

In addition to following the profession's Code of Ethics, supervisors and candidates for supervisor's license shall:

1. Ensure that supervisees inform clients of their professional status and of all conditions of supervision. Supervisors need to ensure that supervisees inform their clients of any status other than being fully qualified for independent practice or licensed. For example, supervisees need to inform their clients if they are a student, associate, and trainee or, if licensed with restrictions, the nature of those restrictions. In addition, clients must be informed of the requirements of supervision (e.g., the audio taping of counseling sessions for purposes of supervision).

2. Ensure that clients have been informed of their rights to confidentiality and privileged communication when applicable. Clients also should be informed of the limits of confidentiality and privileged communication. The

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general limits of confidentiality are when harm to self or others is threatened; when the abuse of children, elders or disabled persons is suspected and in cases when the court compels the counselor to testify and break confidentiality. These are generally accepted limits to confidentiality and privileged communication, but they may be modified by state or federal statute.

3. Inform supervisees about the process of supervision, including supervision goals, case management procedures, and the supervisor's preferred supervision model(s).

4. Keep and secure supervision records and consider all information gained in supervision as confidential.

5. Avoid all dual relationships with supervisees that may interfere with the supervisor's professional judgment or exploit the supervisee. Refrain from supervision of current or former clients.

Although all dual relationships are not in of themselves inappropriate, any sexual relationship is considered to be a violation. Sexual relationship means sexual contact, sexual harassment, or sexual bias toward a supervisee by a supervisor.

6. Establish procedures with their supervisees for handling crisis situations.

7. Provide supervisees with adequate and timely feedback as part of an established evaluation plan, including completion of all Board required forms regarding supervision of supervisees.

8. Render assistance to any supervisee who is unable to provide adequate counseling services to clients.

9. Intervene in any situation where the supervisee is impaired and the client is at risk.

10. Refrain from endorsing an impaired supervisee when it is unlikely that the supervisee can provide adequate counseling services.

11. Refrain from offering supervision outside of the supervisor's area(s) of competence.

12. Ensure that supervisees are aware of the current ethical standards related to their professional practice, as approved by the Board, as well as legal standards that regulate their professional practice.

13. Engage supervisees in an examination of cultural issues that might affect supervision and/or counseling.

14. Ensure that both supervisees and clients are aware of their rights and of due process procedures.

ARTICLE 8 STANDARDS FOR SUPERVISION

36-27. Standards for Supervision.

A. Supervision of Clinical Contact

The process of supervision shall encompass multiple strategies of supervision, including regularly scheduled live observation of counseling sessions or review of audiotapes and/or videotapes of counseling sessions. The process may also include discussion of the supervisee's self-reports, micro-training, interpersonal process recall, modeling, role-playing, and other supervisory techniques.

B. Acceptable Supervisor

1. Supervisees beginning their period of supervision shall be supervised by a supervisor authorized by this Board or a qualified licensed mental health practitioner approved by this Board.

2. A supervisor shall not be related to the supervisee in any of the following relationships: spouse, parent, child, sibling of the whole- or half-blood, grandparent, grandchild, aunt, uncle, present stepparent, or present stepchild.

C. Role of the Supervisor

1. The supervisor shall provide nurturance and support to the supervisee, explaining the relationship of theory to practice, suggesting specific actions, assisting the supervisee in exploring various models for practice, and challenging discrepancies in the supervisee's practice.

2. The supervisor shall ensure that the counseling clinical contact is completed in appropriate professional settings and with adequate administrative and clerical controls.

3. The supervisor shall ensure the supervisee's familiarity with important literature in the appropriate field of practice.

4. The supervisor shall model effective practice.

5. The supervisor shall supervise no more than twelve supervisees for direct client contact hours in immediate supervision of individual or group supervision.

6. The supervisor shall provide written reports as required by the Board and shall be available for consultation with the Board or its committees regarding the supervisee's competence for licensure.

D. Supervision must occur in accordance with the following guidelines:

1. The Plan for Supervision shall be completed by each supervisor and submitted to the Board. Following the completion of supervision the Confirmation of Clinical Supervision form supported by a log of hours and any written confirmation that the Board may require to support the hours noted shall be completed and mailed to the Board.

2. The process of supervision shall be outlined in a contract for supervision written between the supervisor and supervisee. This contract must address supervision issues including, but not limited to, the following:

- a. clarification of whether supervision will be individual, group or both; and
- b. clarification of where, when and for what length of time supervision will occur and the consistency required; and
- c. any fee for the supervision including cancellation policy for supervisor and supervisee; and
- d. the availability of the supervisor in therapeutic emergencies and a clearly stated process for addressing suicidal or homicidal ideation or other high-risk situations; and
- e. confidentiality issues and record keeping including the process for responding to subpoenas, requests for records or other client information and a clearly stated process for protecting client's confidentiality; and
- f. knowledge of and commitment to abide by the code of ethics and applicable federal and state laws; and
- g. boundary issues including but not limited to personal issues (i.e. dual relationships, gifts, self disclosure); and
- h. release of information form for supervisor and the supervisee to exchange information with other supervisors of person supervised; and
- i. clarification of the duties of the supervisor and the supervisee such as: caseload report; preparation for supervision; documentation of diagnosis, treatment plan and session notes; time of supervisory sessions to be spent listening or watching tapes and/or observing; homework assignments including familiarity with important literature in the field; appropriate professional settings with adequate administrative and clerical controls; and
- j. the development of a learning plan addressing widely accepted treatment models and methodology; and
- k. procedure and schedule to review performance including self-evaluation, client satisfaction surveys and feedback to the Supervisor and supervisee; and
- l. procedure to review or amend contract and/or Plan for Supervision.

3. Acceptable modes for supervision of direct clinical contact are the following:

a. Individual/triadic supervision: an acceptable supervisor conducts the supervisory session with no more than two supervisees present for a period of at least one-hour. It is suggested that contracts for individual/triadic supervision occur in specified blocks of time.

b. Group supervision: an acceptable supervisor with no more than six supervisees present for a period of at least two hours conducts the supervisory session. It is suggested that contracts for group supervision occur in specified blocks of time.

4. The Board generally considers none of the following as appropriate for supervision:

- a. any supervision conducted by a current or former family member or other person connected to the supervisee in such a way that would prevent or make difficult the establishment of a professional relationship.
- b. peer supervision, consultation, or professional or staff development
- c. administrative supervision
- d. any process that is primarily didactic or involves teaching or training in a workshop, seminar or classroom format, including continuing education
- e. supervision of more than fifteen supervisees at any given time.

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 updates will: allow supervision to be conducted online; add accreditation for marriage and family therapists with CACREP and allow other programs to submit their courses to the Board for review as substantial equivalent

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programs; allow graduates from accredited programs to bypass the education review process; delete a list of required courses that are likely to be revised over time; allow supervision plan revisions to be submitted after applicants obtain employment; require that qualified mental health practitioner supervisors, who are not licensees of the board, be approved prior to candidates' obtaining the required experience with them; revise endorsement requirements to allow all licensing requirements to be deemed met if the individual has a license in good standing in another state; revise reinstatement requirements to allow an applicant whose license has been lapsed for more than five, as opposed to two, to appear before the board to determine if the terms under which the reinstatement should be made; allow all continuing education to be obtained online or in person, and allow up to 20 hours of CE to be obtained through non-traditional means; and increase the number of supervisees a supervisor may supervise from twelve to fifteen. The updates will also add addiction counselors to certain provisions where they were previously omitted and correct scrivener's errors.

Document No. 5076

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
CHAPTER 49

Statutory Authority: 1976 Code Sections 40-1-70, 40-22-60, and 40-22-130

- 49-100. Definitions.
- 49-101. Board Rules of Order/Procedures and Seal of Board.
- 49-102. Use of Forms/Applications.
- 49-103. Fees.
- 49-104. Examinations – General.
- 49-105. License Expiration, Renewal and Reinstatement – Individuals.
- 49-106. COA Expiration, Renewal and Reinstatement – Firms.
- 49-200. Professional Engineer Licensure Requirements.
- 49-201. Professional Land Surveyor Licensure Requirements.
- 49-202. Classifications and Scopes of Authority: Engineers and Surveyors.
- 49-203. Licensure by Comity.
- 49-205. Firm Registration.
- 49-207. Seals: Individuals and Firms.
- 49-300. Preamble.
- 49-301. Responsibility to the Public.
- 49-302. Competency for Assignments.
- 49-303. Public Statements.
- 49-304. Conflicts of Interest.
- 49-305. Solicitation of Work.
- 49-306. Improper Conduct.
- 49-400. Purpose.
- 49-410. Compliance.
- 49-420. General.
- 49-430. Nomenclature.
- 49-440. Classification of Surveys.
- 49-450. Plats and Platting.
- 49-460. Survey Types and Requirements.
- 49-470. Methods of Marking Property Boundaries.
- 49-480. Land Descriptions.
- 49-490. Instruments and Apparatus.
- 49-600. Purpose.
- 49-601. Definitions.
- 49-602. Requirements.
- 49-603. Units of Credit.

- 49-604. Determination of Credit.
- 49-605. Record Keeping.
- 49-606. Exemptions.
- 49-607. Reinstatements.
- 49-609. Dual License Holders.
- 49-610. Reporting Forms.

Synopsis:

The Board of Registration for Professional Engineers and Land Surveyors proposes to amend various sections of Chapter 49 of the Code of Regulations.

A Notice of Drafting was published in the *State Register* on May 28, 2021.

Instructions:

Replace regulation as shown below. All other items and sections remain unchanged.

Text:

ARTICLE 1
ORGANIZATION, ADMINISTRATION AND PROCEDURE

49-100. Definitions.

A. Definitions found in Section 40-22-20 of the Code of Laws of South Carolina apply to this Chapter.

B. The following definitions are terms used in this Chapter in addition to those included in Section 40-22-20 of the Code of Laws of South Carolina:

- (1) "CEAB" means the Canadian Engineering Accreditation Board.
- (2) "Comity Licensure" means the courteous recognition and extension of license privileges in this State to engineers and surveyors licensed in other states.
- (3) "Dual License Holder" means a person who is licensed as an engineer and a surveyor.
- (4) "Model Law Engineer" refers to a person who meets the following criteria:
 - (a) Graduation from an engineering program accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology (EAC/ABET).
 - (b) Four years of qualifying experience after graduation.
 - (c) Passing of a NCEES Fundamentals of Engineering Examination (FE).
 - (d) Passing of a NCEES Principles and Practice of Engineering Examination (PE).
 - (e) Status in good standing as a registrant in the NCEES Records Program, and
 - (f) A record clear on any license violations or sanctions by an engineering board.
- (5) "NCEES" means the National Council of Examiners for Engineering and Surveying.
- (6) "Washington Accord" refers to an international agreement providing for the mutual recognition of engineering education program accreditation by and between EAC/ABET and engineering education accrediting bodies of other nations holding membership in the Washington Accord.

49-101. Board Rules of Order/Procedures and Seal of Board.

A. Rules of Order/Procedures. All proceedings of the Board shall be governed by provisions set forth in the Administrative Procedures Act.

B. Description of Seal of Board. The seal of the Board shall be circular in form and 1 7/8 inches in diameter. Concentric with the outside of the Seal there shall be a circle 1 1/4 inches in diameter, within which there shall be a replica of the device used on the Seal of the State of South Carolina, and in the annular space between the circle and the outside of the Seal there shall appear the words "State Board of Registration for Professional

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Engineers and Surveyors.” All official papers, registration certificates, and other formal documents of the Board shall bear the imprint of this Seal.

49-102. Use of Forms/Applications.

A. Forms.

(1) All applications for engineering and surveying licensure and certificate of authorization shall be made on a form provided by the Board, and no applications made otherwise will be accepted.

(2) Applications not completed in accordance with the applicable instructions will be returned to the applicant. Withholding information, misrepresentation, or untrue statements will be cause for denial of application.

B. Documentation.

(1) All information given on an application form must be documented. The applicant is required to provide the names and current mailing addresses of five references having personal knowledge of applicant’s character and professional reputation, and of employers or supervisors who can verify applicant’s work experience. It is the applicant’s responsibility to see that references return the forms promptly to the Board office.

(a) Engineering. At least three of the character references shall be professional engineers.

(b) Land Surveying. At least three of the character references shall be from professional surveyors.

(2) Official transcripts are required showing subjects and grades of all scholastic work which the applicant wishes to claim, degree issued and date of issuance. It is the responsibility of the applicant to see that such a record is sent from the institution directly to the Board office. A failure to provide such transcript directly from the institution, whether foreign or domestic, may be grounds for rejection of the application.

49-103. Fees.

A. The Board may charge fees as shown in South Carolina Code of Regulations Chapter 10-14 and on the South Carolina Board of Registration for Professional Engineers and Surveyors website at <https://lir.sc.gov/eng/fees.aspx>

B. No fee, or any part thereof, paid by any applicant for application, examination, licensure, and/or registration will be refunded once an application has been submitted to the Board for processing. Refunds will not be made.

49-104. Examinations—General.

A. Classifications—Engineering Examinations.

(1) NCEES Fundamentals of Engineering (FE).

(2) NCEES Principles and Practice of Engineering (PE).

(3) NCEES Special Structural Engineering Examinations.

B. Classifications—Surveying Examinations.

(1) NCEES Fundamentals of Surveying (FS).

(2) NCEES Principles and Practice of Surveying (PS).

(3) S.C. State Specific Surveying Examination (State-S).

(4) TIER B Land Surveying (State-TIER B LS).

(5) S.C. Board Rules and Regulations.

(6) Principles and Practice of Photogrammetric Surveying.

(7) Principles and Practice of GIS Surveying.

C. Examination for Record Purposes.

(1) Any engineer registered by this Board may take for record purposes one or more of the listed engineering examinations upon payment of a fee as established by the Board.

(2) Any surveyor registered by this Board may take for record purposes one or more of the listed surveying examinations upon payment of a fee as established by the Board.

(3) Failure to pass an examination will not affect current registration or licensure.

D. Re-Examination.

(1) An applicant who has failed the same topical examination two times shall provide evidence satisfactory to the Board that steps have been taken in preparation for a third examination on the same topical subject.

(2) A new application will be required of any applicant who has failed the same topical examination three times. The applicant must also provide documentation that additional study satisfactory to the Board was taken in preparation for further examination on the same topical subject.

49-105. License Expiration, Renewal and Reinstatement—Individuals.

A. Expiration and Renewal.

(1) The privilege to practice in any category or tier as a registered professional engineer or surveyor in South Carolina expires on June 30, biennially in even numbered years, unless the license is renewed. Every Registered Professional Engineer and Surveyor who elects to continue the practice of his profession shall complete and submit an application for renewal of licensure and pay the appropriate fee by June 30.

(2) Renewal notices will be mailed to the licensee's address on record with this Board in May each biennial year; however, it is the licensee's responsibility to renew his or her license prior to the official expiration date of June 30.

(3) A licensee whose license has been lapsed for three months or less and who can truthfully certify that he or she has not been engaged in the practice of engineering or surveying in South Carolina during the period the certificate was not in a current status, barring any other irregularities, shall be renewed and retain the original license number upon payment of the renewal fees and penalties.

B. Reinstatement.

(1) A licensee whose license has lapsed more than three months may be required to take and pass examinations as required by the Board.

(2) Those persons who cannot certify that they have refrained from practicing their profession in this State during the period in which their license lapsed may be required to show cause to the Board why their license should not be disciplined.

(3) Any person reinstating an expired license will be required to meet the continuing professional competency requirements. If the total number of PDH units required to become current exceeds 30, then 30 shall be the maximum number of PDH units required.

49-106. COA Expiration, Renewal and Reinstatement—Firms.

A. Expiration and Renewal.

(1) Certificates of Authorization must be renewed biennially to remain in effect. Unless renewed a Certificate of Authorization shall expire biennially on March 31 of odd numbered years. A firm whose certificate has expired may not offer or engage in engineering or surveying services until the Certificate of Authorization has been renewed or until a new certificate has been issued.

(2) Renewal notices will be mailed to the firm's address on record with this Board in January each biennial year; however, it is the firm's responsibility to renew its license prior to the official expiration date of March 31.

(3) The completed renewal form signed and sworn to by the applicant must be filed with the Board office on or before March 31 of each odd numbered year.

(4) A Certificate of Authorization will become invalid upon a failure to renew by April 1 of the biennial renewal year. The Certificate may be renewed by the Board at any time during the following three months on payment of the biennial renewal fee plus late penalty. The penalties are computed in the same manner as prescribed for individual licensees who fail to renew.

B. Reinstatement.

In the case of failure to renew within three months from the date of expiration, the Certificate of Authorization will be reinstated only upon submittal of a reinstatement application, accompanied by the application fee, and approval by the Board.

C. Resident Professional Requirement.

(1) A Certificate of Authorization (COA) is automatically suspended when the firm fails to comply with the resident professional requirement as provided for in Section 40-22-250 of the Practice Act.

**ARTICLE 2
GENERAL PROVISIONS**

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49-200. Professional Engineer Licensure Requirements.

A. Education Requirements.

(1) The Board will recognize the degrees of Master of Engineering or Master of Science in Engineering in a program accredited by EAC/ABET at either the baccalaureate or master's level as fulfilling the education requirements in satisfaction of the qualifications detailed in Section 40-22-220.

(2) The Board will recognize degrees from an engineering program evaluated as accredited by a foreign accreditation board or other authority recognized by ABET as having accreditation criteria substantially equivalent as that established by EAC/ABET. Engineering degree programs in this category include the following:

(a) Four-year engineering degree accredited by the Canadian Engineering Accreditation Board (CEAB).

(b) Four-year engineering degree from an accredited program in other countries listed in the ABET published "Washington Accord" document.

(c) Courses taken for credit and appearing on official college or university transcripts must be evaluated by a Board approved Education Consultant or NCEES Credentials Evaluations. The purpose of such evaluations shall be to determine whether or not the curriculum presented by the applicant complies substantially with accreditation criteria of EAC/ABET. Programs determined by the Board, based upon the evaluations, to be substantially equivalent to those accredited by EAC/ABET will be considered as fulfilling the education requirements.

(3) In addition to transcripts submitted for evaluation by the Education Consultant or NCEES, an applicant shall have the academic institution furnish the Board such supporting documentation as necessary for a proper and sufficient evaluation.

B. Experience Requirements.

(1) General.

(a) An applicant must have completed the qualifying experience required by the Board by the application deadline. Experience cannot be anticipated. Experience gained prior to completion of the qualifying degree requirements will not be accepted as qualifying experience.

(b) Qualifying experience must be progressive and of an increasing standard of quality and responsibility after graduation. Where guidelines for qualifying experience are published by NCEES, such guidelines may be used by the Board to evaluate experience of the applicant.

(2) Engineering Experience.

(a) The applicant should have meaningful design experience under the supervision of a registered professional engineer in designing components or processes that meet a public need. This experience should include but is not limited to exposure to the formation of design problem statements and specifications, consideration of alternative solutions, feasibility considerations, analytical calculations and detailed systems descriptions. If the experience was not gained under the direct supervision of a registered professional engineer, then the indirect supervision should be explained with clarification of the degree of supervision received.

(b) Successful completion of a Master's degree in a Board approved engineering curriculum may be accepted for up to one year of equivalent engineering experience credit. The completion of a PhD in a Board approved engineering curriculum may be accepted for up to two years of equivalent experience credit. However, in no case will more than two years of equivalent engineering experience credit be given for post baccalaureate education. No applicant will be allowed credit of more than 1 year of experience for both work and education during any consecutive 12-month period.

(c) For teaching experience to be considered by the Board, the engineer applicant must have taught design courses acceptable by the Board in an engineering curriculum accredited by ABET.

(d) Military experience must have been spent in engineering and of a character substantially equivalent to that required in the civilian sector for like work.

(e) For sales experience to be considered by the Board, the engineer applicant must demonstrate conclusively that engineering principles and engineering knowledge were actually employed. The mere selection of data or equipment from a company catalogue or a similar publication will not be considered qualifying engineering experience.

(f) Experience in construction supervision must show proficiency in engineering computational and problem-solving skills in assuring compliance with specifications and designs.

(g) The Board will not accept the mere execution as a contractor of work designed by a registered professional engineer, or the supervision of the construction documents, or similar non-engineering tasks as qualifying engineering experience.

(h) Industrial experience should be directed toward the identification and solution of practice problems in the applicant's area of engineering specialization. This experience should include engineering analysis of existing physical systems and the design of new ones.

(i) Work as laboratory or field technicians where such work is merely the conduct of routine explorations or data acquisition activities shall not be considered as qualifying. In order to be qualifying, the experience should show a demonstrated and satisfactory use of basic engineering computational and problem-solving skills.

C. Examination Requirements.

(1) Engineer-in-Training (EIT).

(a) An applicant applying for certification as an engineer-in-training must take and pass one of the written examinations on the Fundamentals of Engineering (FE), prepared and graded by the NCEES.

(b) The Board may, at its discretion, exempt an applicant from taking the FE examination. These exemptions include the following:

1. An applicant who has earned a doctorate degree in engineering in which the undergraduate degree in the same field of study is accredited by EAC/ABET, and is otherwise qualified under the provisions of the South Carolina Code of Laws at the time the application is received.

2. An applicant with more than fifteen years of acceptable experience after the date of the accredited degree and is otherwise qualified under the provisions of Section 40-22-220 of the Practice Act, at the time the application is received.

3. An applicant who has been licensed in another jurisdiction for not fewer than 12 years and is otherwise qualified under the provisions of Section 40-22-220 of the Practice Act, at the time the application is received.

(2) Professional Engineer (PE).

(a) An applicant may sit for the Principles and Practice of Engineering (PE) examination prior to obtaining the mandatory four years of experience provided that:

1. The applicant has obtained an EAC/ABET undergraduate engineering degree; and
2. The applicant has successfully passed the FE examination.

(b) Upon successfully passing the PE examination and completing the qualifying four years of engineering experience, the applicant may apply for licensure with the Board.

49-201. Professional Land Surveyor Licensure Requirements.

A. Qualifying Experience and Documentation.

(1) Experience must be obtained under the supervision of a registered professional surveyor and must be of a character satisfactory to the Board.

(2) Qualifying experience approved by the Board is experience beyond elementary surveying duties such as rodman and other unskilled tasks. In order for work to be considered as qualifying experience, an advanced level of responsibility must have been placed on the applicant. Responsibility should involve mature judgment and expertise gained in such job assignments as instrument man, assistant crew chief or crew chief. Work claimed as qualifying experience should demonstrate a sound working knowledge of surveying with respect to research (records and field), instrumentation, note-keeping and data management, calculations and mapping.

(3) An experience record in boundary and route surveying, topographical surveying, construction surveying, control/geodetic surveying, and rights-of-way surveying is beneficial to the applicant in the Board's evaluation of the application. Recognizing that boundary surveys are the types of surveys which more critically affect the public welfare, experience in boundary surveys should constitute a significant portion of the applicant's experience record and will be given more weight by the Board in considering an applicant's qualifications for licensure.

(4) An applicant must submit copies of three different maps and plats of land surveys on which he has worked. The documents must be signed by the professional land surveyor who supervised the work and contain a statement describing that part of the work done by the applicant. Submitted plats and maps must meet the

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requirements of the Standards of Practice Manual for Surveying in South Carolina, Chapter 49, Article 4, of the Code of Regulations, in effect at the time of licensure.

(5) An applicant must submit five references as to the applicant's character and quality of work, three or more must be registered land surveyors having personal knowledge of the applicant's qualifications.

B. Examination Requirements—Land Boundary Surveyor.

(1) An applicant applying for certification as land surveyor-in-training must take and pass a written examination on the Fundamentals of Surveying (FS), prepared and graded by the NCEES.

(2) An applicant applying for licensure as a TIER A land boundary surveyor must have taken and passed the FS written examination and must take and pass the Principles and Practice of Surveying (PS), prepared and graded by the NCEES, and a South Carolina State Specific Surveying examination.

(3) A person licensed as a professional land boundary surveyor may practice as a professional photogrammetric surveyor only by meeting the requirements as described in the section R.49-201D of this Chapter, and may practice as a professional GIS surveyor only by meeting the requirements as described in the section R.49-201E of this Chapter.

C. TIER A Professional Photogrammetric Surveyor.

(1) After June 30, 2004, any person applying for licensure as a photogrammetric surveyor must meet the following requirements:

(a) Education Requirement—Photogrammetric Surveyor.

1. Education must be evaluated by an Education Consultant and approved by the Board before an application can be considered for further processing.

2. In addition to one of the following degrees, an applicant must submit proof of satisfactorily completing not fewer than 12 semester hours, or the equivalent in quarter hours, of course work specific to the discipline of photogrammetric surveying, satisfactory to the Board:

a. Four-year engineering or bachelor of science degree in a related field from a program accredited by the Related Accreditation Commission (RAC) or the Accreditation Board for Engineering and Technology (ABET).

b. Four-year civil engineering technology degree from a program accredited by the Technology Accreditation Commission (TAC) of ABET.

c. Four-year related baccalaureate degree, or equivalent degree, approved by the Board.

(b) Experience Requirement—Photogrammetric Surveyor.

1. Photogrammetric Surveyor-in-Training.

a. An applicant applying for certification as a photogrammetric surveyor-in-training who meets the four-year education requirements must have one year of progressive practical experience.

2. Photogrammetric Surveyor.

a. An applicant applying for licensure as a photogrammetric surveyor who meets the four-year education requirements must have four years of progressive practical experience.

3. Qualifying Experience and Documentation.

a. Experience must be obtained under supervision of a licensed photogrammetric surveyor or a recognized professional in the field of photogrammetry and must be of a character satisfactory to the Board.

b. Qualifying experience approved by the Board is experience beyond elementary level activities. In order for work to be considered as qualifying experience, an advanced level of responsibility must have been placed on the applicant. Work claimed as qualifying experience should demonstrate a sound working knowledge of photogrammetry.

c. At least two years of the required experience must have been at the professional level in responsible charge of photogrammetric mapping projects meeting ASPRS Accuracy Standards.

d. The applicant must submit proof of employment in responsible charge of at least one project as a photogrammetrist. Maps and documents satisfactory to the Board detailing methods, procedures, amount of applicant's personal involvement must be submitted to document this project. These maps and documents must be signed by the professional who supervised the work and contain a statement describing the part or the work performed by the applicant. The applicant must submit the name, address and telephone number of references to verify this information.

e. An applicant must submit five references as to the applicant's character and quality of work, three or more must be licensed surveyors or practicing professionals in the field of photogrammetry, having personal knowledge of the applicant's photogrammetric surveying experience.

(c) Examination Requirements—Photogrammetric Surveyor.

1. An applicant applying for certification as a photogrammetric surveyor-in-training must take and pass a written examination on the Fundamentals of Surveying (FS), prepared and graded by the NCEES.

2. An applicant applying for licensure as a photogrammetric surveyor must have taken and passed the FS examination and must take and pass an examination on the principles and practice of photogrammetry and an examination on the Board's rules and regulations as referred to in the section R.49-104B(5) of this Chapter.

(2) A person licensed as a professional photogrammetric surveyor may practice as a professional land boundary surveyor only by meeting the requirements of the section R.49-201A of this Chapter, and may practice as a professional GIS surveyor only by meeting the requirements of the section R.49-201D of this Chapter.

D. TIER A Professional Geographic Information System (GIS) Surveyor.

(1) Education Requirement—GIS Surveyor.

(a) Education must be evaluated by an Education Consultant and approved by the Board before an application can be considered for further processing.

(b) In addition to one of the following degrees, an applicant must also submit evidence of completion of discipline specific courses of not fewer than 12 semester hours or the equivalent in quarter hours satisfactory to the Board.

1. Four-year baccalaureate degree in a related field from a program accredited by the Accreditation Board for Engineering and Technology (ABET).

2. Four-year civil engineering technology degree from a program accredited by the Technology Accreditation Commission (TAC) of ABET.

3. Four-year related baccalaureate degree, or equivalent degree, approved by the Board.

(c) Experience Requirements—GIS Surveyor.

1. Geographic Information System Surveyor-in-Training.

a. An applicant applying for certification as geographic information system surveyor-in-training who meets the four-year education requirements must have one year of progressive practical experience.

2. Geographic Information System Surveyor.

a. An applicant applying for licensure as a geographic information system surveyor who meets the four-year education requirements must have four years of progressive practical experience.

b. An applicant applying for licensure as a geographic information system surveyor who holds a master's degree in surveying, geography, or a related field of study approved by the Board must have three years of practical experience.

3. Qualifying Experience and Documentation.

a. Experience must be obtained under supervision of a licensed geographic information system surveyor or a recognized professional in the field of GIS and must be of a character satisfactory to the Board.

b. Qualifying experience approved by the Board is experience beyond elementary level activities. In order for work to be considered as qualifying experience, an advanced level of responsibility must have been placed on the applicant. Work claimed as qualifying experience should demonstrate a sound working knowledge of GIS.

c. At least two years of the required experience must have been at the professional level in responsible charge of geographic information system mapping projects.

d. The applicant must submit proof of employment in responsible charge of at least one project as a GIS Surveyor. Maps and documents, satisfactory to the Board, detailing methods, procedures, amount of applicant's personal involvement must be submitted to document this project. The map and related project information submitted must include the project information.

e. Maps and documents must be signed by the professional who supervised the work and contain a statement describing the part or the work done by the applicant. The applicant must submit appropriate contact information including the name, address and telephone number of references to verify this information.

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f. An applicant must submit five references as to the applicant's character and quality of work; three or more must be licensed surveyors or practicing professionals in the field of GIS having personal knowledge of the applicant's GIS surveying experience.

(d) Examination Requirements—GIS Surveyor.

1. An applicant applying for certification as geographic information system surveyor-in-training must take and pass the written examinations on the Fundamentals of Surveying (FS), prepared and graded by the NCEES.

2. An applicant applying for licensure as a geographic information system surveyor must have taken and passed the FS examination and must take and pass an examination on the principles and practice of geographic information systems and pass an examination on the Board's rules and regulations.

F. TIER B Professional Land Surveyor.

(1) An applicant shall be licensed as a TIER A Land Boundary Surveyor prior to submitting an application for licensure or registration as a TIER B Land Surveyor.

(2) An applicant must meet the requirements of education, experience and examinations.

(a) Education – Tier B Land Surveyor.

An applicant must meet the education requirements in S.C. Code Ann. § 40-22-225(D).

(b) Experience – Tier B Land Surveyor.

1. Applicant must have qualifying experience acceptable to the Board in the design of storm drainage systems and preparation of sedimentation and erosion control plans associated with the development of residential subdivisions.

2. The experience must be obtained under the supervision of a licensed Tier B surveyor or a licensed professional engineer.

(c) Examinations—TIER B Land Surveyor.

1. An applicant must have taken and passed the written examinations required for licensure as a TIER A Land Boundary Surveyor which include the FS and PS examinations, prepared and graded by the NCEES, and the State Specific Land Surveying Examination.

2. An applicant must also take and pass a special written examination pertaining to the practice of TIER B land surveying in the State which includes the design of storm drainage systems and preparation of sedimentation and erosion control plans associated with the development of residential subdivisions.

(3) A TIER B land surveyor may practice as a professional photogrammetric surveyor only by meeting the requirements of the section R.49-201C of this Chapter, and may practice as a professional GIS surveyor only by meeting the requirements of the section R.49-201D of this Chapter.

49-202. Classifications and Scopes of Authority: Engineers and Surveyors.

A. Professional Engineer.

(1) A professional engineer who by reason of his special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practice experience, is qualified to practice engineering as defined in Section 40-22-20 of the Practice Act, all as attested by his legal license and registration as a professional engineer in this State.

(2) The professional engineer license holder is entitled to the unrestricted practice of engineering as described in Section 40-22-20 of the Practice Act.

B. TIER A Land Surveyor.

(1) The practice of TIER A land surveying consists of three separate disciplines: (a) land boundary surveying, (b) photogrammetry, and (c) geographic information systems (GIS). A land surveyor may be licensed in one or more of the disciplines and practice is restricted to only the discipline or disciplines for which the land surveyor is licensed.

(2) The scopes of authority for the individual disciplines of TIER A land surveying are identified as follows:

(a) Professional Land Boundary Surveyor (PLS).

1. Locates, relocates, establishes, re-establishes, lays out or retraces any property line or boundary of any tract of land or any road, right-of-way, easement, alignment, or elevation of any fixed works embraced within the practice of land surveying, or makes any survey for the subdivisions of land;

2. Determines, by use of principles of land surveying, the position for any survey monument or reference point; or sets, resets, or replaces such monument or reference; determines the topographic

configuration or contour of the earth's surface with terrestrial or extraterrestrial measurements; conducts hydrographic surveys;

3. Conducts geodetic surveying which includes surveying for determination of geographic position in an international three-dimensional coordinate system, where the curvature of the earth must be taken into account when determining directions and distances; geodetic surveying includes the use of terrestrial measurements of angles and distances, as well as measured ranges to artificial satellites;

4. Creates graphical representations of the data related to items C(2)(a)1.2.3 above.

5. Performs work of a professional photogrammetric surveyor as described in the item C(2)(b).

(b) Professional Photogrammetric Surveyor (PPS).

1. Determines the configuration or contour of the earth's surface or the position of fixed objects thereon by applying the principles of mathematics on remotely sensed data, such as photogrammetry.

2. Creates graphical representations of data relating to the item (b)1 above.

3. Performs work of a land boundary surveyor as described in the item C(2)(a) above or as a geographic information systems (GIS) surveyor as described in the item C(2)(c) below only after obtaining a license in those categories.

(c) Professional Geographic Information System Surveyor (GIS).

1. Creates, prepares, or modifies electronic or computerized data including land information systems and geographic information systems relative to the performance of the activities described in subsections (a) and (b) above.

2. Creates digital spatial data based on integration, interpretations, transformations, and/or the manipulation of primary data sources that affects the health, welfare, or safety of the public.

3. Performs work of a land boundary surveyor as described in subsection C(2)(a) above or as a photogrammetric surveyor as described in the item C(2)(b) above only after obtaining a license in those categories.

(3) The practice of TIER A land surveying does not include the use of GIS or LIS to create maps pursuant to Section 40-22-290 of the Practice Act, analyze data, or create reports.

C. TIER B Professional Land Surveyor.

(1) Persons registered as both Professional Land Surveyor and Professional Engineer are classified as TIER B Professional Land Surveyors.

(2) The practice of TIER B land surveying as described by Section 40-22-20(27) of the Practice Act, and regulated by the Board shall include the authority, within the limits set by these regulations, to practice the design of storm drainage systems and the preparation of sedimentation and erosion control plans associated with the development of residential subdivisions. Included within this practice of TIER B land surveying is the design of stormwater detention or retention facilities incidental to the surveyor's design of storm drainage systems; provided, however, that these facilities are not lakes, ponds or similar impoundments intended to contain water at all times.

(a) As used in this section, the term "residential subdivision" means property developed for single family residences and other type projects where individual lots are established for each residential unit. The density of these projects shall be limited to two lots or units per acre. Apartment projects and projects for developments of commercial or industrial properties are not included within the scope of authority.

(b) Where reference has been made to "lakes, ponds or similar impoundments intended to contain water at all times," such reference is not intended to limit a TIER B Land Surveyor's authority to prepare calculations pertaining to the hydrology or hydraulics of these impoundments. It is expected, however, that such impoundments will require a more detailed analysis and design with respect to soil mechanics. Consequently, design of impoundments intended to contain water at all times should be based upon appropriate geotechnical evaluations conducted under the direction of a licensed engineer experienced in such matters. The geotechnical investigations and report should, as a minimum, evaluate site conditions and provide recommendations for materials and methods of construction of the impoundment.

(3) The practice of TIER B land surveying shall not include the design of drainage structures, drainage systems, or other drainage features which are not incidental to the development of a residential subdivision. Projects which are purely drainage in nature or where a subdivision of a parcel of land into small parcels is not involved shall not fall within the scope of practice authorized for TIER B land surveyors. The design of such

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features as water systems, sanitary sewer systems, surcharged storm drainage systems or pumping stations which may also be incidental to the project are not included in this practice. The exclusion from the scope of authority of the design of “surcharged storm drainage systems” is not intended to apply to submerged outlet pipes routinely used in detention and retention basins.

(4) The practice of TIER B land surveying is further limited to the use of predesigned structures, which are approved by the county or municipal governmental agency having jurisdiction. Where standard design structures cannot be used because of extra loading, extreme depth or unusually large size, the structure shall be designed by a licensed engineer. “Predesigned Structure” is intended to cover two situations:

(a) As used in this section, the standard design for catch basins, junction boxes, and headwalls that are specified by local governments will be considered “predesigned”.

(b) As used in this section, precast basins, junction boxes, and headwalls produced by concrete companies are considered as “predesigned” and may be used where allowed by the local authority.

(5) In exercising powers of a TIER B Land Surveyor, the surveyor shall undertake to perform only those assignments for which he is authorized by the statute and these regulations and for which he is qualified by education or experience in the specific technical area of TIER B land surveying involved.

49-203. Licensure by Comity.

A. Professional Engineer.

(1) An application will be considered for licensure by comity from an applicant who is appropriately licensed in another jurisdiction and has not been previously licensed in this State.

(2) Any applicant holding a valid license to practice engineering issued by a proper authority of a jurisdiction or possession of the United States, based on requirements not less than those specified by the applicable licensure act in effect in the State of South Carolina at the time such other license was issued, may, upon receipt of the proper documents and payment of the fee established by the Board, be considered for licensure without further written examination.

(3) A Model Law Engineer applicant may be licensed as a Professional Engineer by making application on the prescribed form and having the NCEES Council Record sent to the Board. To be considered, the Council Record must be submitted directly to the Board by NCEES. Upon receipt of the proper documents and payment of the fee established by the Board, a Model Law Engineer applicant may be licensed as a Professional Engineer upon further review.

B. Professional Surveyor.

(1) An application will be considered for licensure by comity from an applicant who has not been previously licensed in this State but is appropriately licensed in the state in which the applicant resides or is employed unless there are extenuating circumstances satisfactory to the Board.

(2) An application will be accepted for licensure by comity if the applicant meets the requirements for education, experience and examination as prescribed by the statutes, and the rules and regulations of this Board in effect at the time of filing said application.

(3) An applicant registered in another state may be required to take such examinations as the Board deems necessary to establish that his qualifications meet the requirements of the statutes, rules and regulations of the Board. The applicant shall in all cases be required to pass a written examination including questions of laws, procedures and practices pertaining to the practice of land surveying in this State.

(4) An application will be accepted for licensure by comity as a TIER B Land Surveyor after the applicant first obtains licensure as a TIER A Land surveyor. An applicant in this category will be required to pass the written examination for a TIER B Land Surveyor in addition to meeting the education and experience requirements as established by the statutes and the rules and regulations of the Board.

49-205. Firm Licensure.

A. For the purpose of this regulation, a sole proprietorship is one in which the ownership is held by a single individual who is duly licensed to practice engineering and/or surveying in this State, where there is no stock ownership in the firm, and where the practice name is identical to that in which the individual licensure is held. A licensed engineer or surveyor, practicing in his own name as a sole proprietorship is exempt from this section of the regulations. For multiple firms practicing engineering or surveying as a joint venture for one or more

projects in this State, a Certificate of Authorization will be required for each firm practicing within the joint venture.

B. Failure to notify the Board within thirty (30) days of changes affecting the status of the firm's information shall be grounds for sanctions up to and including revocation of the organization's Certificate of Authorization. An engineer or surveyor on file with the Board as being in full authority and responsible charge shall notify the Board of any change in his employment.

49-207. Seals: Individuals and Firms.

A. Description of Licensee's Seal.

(1) The seal of engineers and surveyors licensed by the Board shall be at least 1 1/2 inches in diameter and similar to that prescribed for the Board. In the center there shall appear the license number of the licensee along with the words:

- (a) "Registered Professional Engineer", for engineers licensed prior to July 1, 2001.
- (b) "Licensed Professional Engineer", for engineers licensed after July 1, 2001.
- (c) "Professional Engineer and Surveyor", for engineers holding dual licenses.
- (d) "Professional Land Surveyor", for TIER A land boundary surveyors.
- (e) "Professional Photogrammetric Surveyor", for photogrammetric surveyors.
- (f) "Professional GIS Surveyor", for geographic information systems surveyors.
- (g) "Professional Land Surveyor—TIER B", for TIER B land surveyors.

(2) Rubber stamps (wet seal), raised embossed seals or computer-generated seals, identical in size, design and content with the approved impression seals may be used by the licensee.

B. Description of Firm's Seal.

(1) The seal evidencing issuance of a Certificate of Authorization by this Board shall be at least 1 1/2 inches in diameter and similar to that prescribed for the Board. In the center there shall appear the name of the certificate holder and the assigned Certificate of Authorization number. In the space between the circle and the outside of the Seal there shall appear the words "South Carolina" and the words "Certificate of Authorization".

(2) Rubber stamps (wet seal), raised embossed seals, or computer-generated seals, identical in size, design and content may be used by the firm.

C. Seal on Documents.

(1) The seal and signature of a licensee on a document constitutes a certification that the document was prepared by the licensee or under his direct supervision, and in the case of prototypical documents, that the licensee has reviewed the document in sufficient depth to fully coordinate and assume responsibility for application of the plans.

(2) When sealing documents is required by statute, other authority or contract, each sheet of design or construction plans and drawings for engineering practice and of maps, plats, and charts for land surveying practice shall be sealed and signed by the licensee or permit holder preparing them, or in responsible charge of their preparation. The signature and date when the document was prepared must be affixed under or across the face and beyond the circumference of the seal but in a manner that does not obliterate or render illegible the licensee's name and number. Where the engineering or surveying practice is provided through a firm, such documents shall also carry the Certificate of Authorization seal.

(3) Where more than one page is bound together in one volume of documents, specifications or reports, the licensee or permit holder who prepared said volume, or under whose direction and control said volume was prepared, may seal, date and sign only the title or index sheet, provided that the signed sheet clearly identifies all of the other sheets comprising the bound volume, and provided that any of the other sheets which were prepared by, or under the direction and control of, another licensee or permit holder, be sealed, dated and signed by said other licensee or permit holder with responsibility clearly delineated. This provision, however, shall not apply to design drawings and construction plans prepared by or under the responsible charge of a licensee. Such documents shall carry the required seals, date and licensee's signature on each sheet.

(4) Additions, deletions or other revisions to sealed documents shall not be made, unless such changes are sealed, dated and signed by the licensee who made the revisions or under whose directions and control said revisions were made.

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(5) Documents transmitted electronically shall have the computer-generated seal removed from the original file and a copy of the project report shall be signed, sealed and sent to the client. The electronic data shall have the following inserted in lieu of the signature and date: "This document originally was issued and sealed by (name of sealer), (license number), on (date of sealing). The electronic media shall not be considered a certified document."

ARTICLE 3 RULES OF PROFESSIONAL CONDUCT

49-300. Preamble.

A. In order to safeguard the life, health, property and welfare of the public and to establish and maintain a high standard of integrity, skills, and practice in the profession of engineering and surveying, the following Rules of Professional Conduct are promulgated in accordance with the Code of Laws of South Carolina (1976, as amended), Title 40, Chapter 22, and shall be binding upon every person holding a certificate of registration as a Professional Engineer or Surveyor. Reference to engineer or surveyor in this Article shall mean any engineer, surveyor, corporation, professional corporation, partnership or firm, authorized to offer or perform engineering or surveying services in this State.

B. The Rules of Professional Conduct delineate specific obligations engineers and surveyors must meet. In addition, each engineer and surveyor is charged with the responsibility of adhering to standards of generally accepted ethical and moral conduct in all aspects of the practice of professional engineering and surveying.

C. The Rules of Professional Conduct as promulgated herein are an exercise of the police power vested in the South Carolina State Board of Registration for Professional Engineers and Surveyors by virtue of the acts of the legislature, and as such the South Carolina State Board of Registration for Professional Engineers and Surveyors is authorized to establish conduct, policy and practices in accordance with the powers herein above stated.

D. All engineers and surveyors registered under the Code of Laws of South Carolina (1976, as amended), Title 40, Chapter 22, are charged with having knowledge of the existence of these Rules of Professional Conduct, and shall be deemed to be familiar with their several provisions and to understand them. Such knowledge shall encompass the understanding that the practices of engineering and surveying are privileges, as opposed to rights, and the registrants shall be forthright and candid in their statements or written responses to the Board or its representatives on matters pertaining to professional conduct.

49-301. Responsibility to the Public.

The Engineer or Surveyor shall hold paramount the safety, health, and welfare of the public in the performance of their professional duties.

A. The Engineer or Surveyor shall at all times recognize that their primary obligation is to protect the safety, health, property and welfare of the public and shall conduct their practice to fulfill this obligation.

B. If the judgment of the engineer or surveyor is overruled under circumstances where the safety, health, and welfare of the public are endangered, they shall inform their employer of the possible consequences and notify other proper authority of the situation, as may be appropriate.

49-302 .Competency for Assignments.

The Engineer or Surveyor shall perform services only in the areas of their competence.

A. The Engineer or Surveyor shall undertake to perform engineering or surveying assignments only when qualified by education or experience in the specific technical field of professional engineering or surveying involved.

B. The Engineer or Surveyor may accept an assignment requiring education or experience outside of their own field of competence, but only to the extent that their services are restricted to those phases of the project in which they are qualified. All other phases of such projects shall be performed by qualified associates, consultants, or employees.

C. The Engineer or Surveyor shall not affix their signature and seal to any engineering or surveying plan or document dealing with subject matter to which they lack competence by virtue of education or experience, nor to any such plan or document not prepared under their direct supervisory control.

D. In the event a question arises as to the competence of an Engineer or Surveyor to perform an engineering or surveying assignment in a specific technical field of engineering or surveying which cannot be otherwise resolved to the Board's satisfaction, the Board, either upon request of the Engineer or Surveyor or by its own volition, may require them to submit to an appropriate examination as determined by the Board.

49-303. Public Statements.

The Engineer or Surveyor shall issue public statements only in an objective and truthful manner.

A. The Engineer or Surveyor shall be completely objective and truthful in all professional reports, statements, or testimony. He shall include all relevant and pertinent information in such reports, statements, or testimony.

B. The Engineer or Surveyor shall express a professional opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of their statement.

C. The Engineer or Surveyor will issue no statements, criticisms or arguments on engineering or surveying matters connected with public policy which are inspired or paid for by an interested party, or parties, unless they have prefaced their comment by explicitly identifying themselves, by disclosing the identities of the party or parties on whose behalf they are speaking, and by revealing the existence of any interest they may have in the matters.

49-304. Conflicts of Interest.

The Engineer or Surveyor shall avoid conflicts of interest.

A. The Engineer or Surveyor shall conscientiously strive to avoid conflicts of interest with employer or client, but when unavoidable, the Engineer or Surveyor shall forthwith disclose the circumstances to their employer or client. In addition the Engineer or Surveyor shall avoid all known conflicts of interest with their employer or client and shall promptly inform their employer or client of any business association, interests, or circumstances which could influence their judgment or the quality of their service.

B. The Engineer or Surveyor shall not accept compensation, financial or otherwise, from more than one party for services on the same project at the same time, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to, by all interested parties.

C. The Engineer or Surveyor shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their projects.

D. The Engineer or Surveyor shall not solicit or accept gratuities, directly or indirectly from contractors, their agents, or other parties dealing with their client or employer in connection with work for which they are responsible.

E. When in public service as a member, advisor, or employee of a governmental body or department, the Engineer or Surveyor shall not participate in considerations or actions with respect to services provided by them or their organization in private engineering or surveying practices.

49-305. Solicitation of Work.

The Engineer or Surveyor shall solicit and accept work only on the basis of their qualifications.

A. The Engineer or Surveyor shall not offer to pay, either directly or indirectly, any commission, political contribution, or a gift, or other consideration in order to secure work. It is not a violation of law to seek or secure salaried positions through employment agencies.

B. The Engineer or Surveyor shall not falsify or permit misrepresentation of their, or their associates' academic or professional qualifications. They shall not misrepresent or exaggerate their degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations pertaining to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or their past accomplishments with the intent and purpose of enhancing their qualifications and work.

C. The Engineer or Surveyor shall not review the work of another engineer or surveyor for the same client, except with the knowledge of such engineer or surveyor, or unless the connection of such engineer or surveyor with the work has been terminated.

49-306. Improper Conduct.

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The Engineer or Surveyor shall conduct their work with honesty and integrity.

A. The Engineer and Surveyor shall not knowingly associate with or permit the use of their name or organization's name in a business venture by any person or organization which they know, or have reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature.

B. If the Engineer or Surveyor has knowledge or reason to believe that another person or organization may be in violation of any of these provisions or of the Code of Laws of South Carolina (1976, as amended), Title 40, Chapter 22, they shall present such information to the Board in writing and shall cooperate with the Board in furnishing such further information or assistance as may be required by the Board.

C. Engineering and surveying registrants shall recognize and honor practice restrictions placed upon them by their designated license category or practice tier.

ARTICLE 4

STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA

49-400. Purpose.

A. These regulations are intended to establish minimum standards for the practice of surveying in South Carolina.

(1) The standards set forth are to promote uniform requirements for and accurate surveys by surveyors practicing in South Carolina.

(2) The established guidelines will assist a surveyor in meeting the needs of their clients so that surveyed properties henceforth can be readily located, mapped and described in a definitive and easily understood manner.

B. These regulations are also intended to provide guidelines that will assist property owners and others who deal with real property such as those in the legal, banking, and real estate professions.

(1) The manual should be of value to property owners in South Carolina when engaging the services of qualified surveyors to establish corners, boundaries and maps of their respective properties.

(2) The manual should assist the Clerks of Court in the various counties of South Carolina in receiving and accepting for recordation maps that are in compliance with appropriate standards and statutory requirements.

49-410. Compliance.

A. All Surveyors shall comply with these regulations governing minimum standards for the practice of surveying in South Carolina.

B. A surveyor who practices surveying in South Carolina in violation of the minimum standards contained in this manual, on complaint in writing, sworn to by the complainant and submitted to the Board of Registration for Professional Engineers and Surveyors, shall be notified of the complaint and afforded an opportunity to be heard before the Board.

C. The repeated failure to adhere to minimum standards for surveying as contained in this manual may be considered as prima facie evidence of misconduct in the practice of surveying on the part of a Surveyor.

D. The Board will investigate information from Clerks of Court, clients, individuals, and land owners if in the Board's opinion a surveyor appears to have performed surveying which is not in compliance with this manual. When a surveyor obligates themselves and contracts to survey real property in South Carolina by virtue of the license granted them by this State, they accept the responsibility to comply with minimum standards prescribed by this manual.

E. The Board shall provide for each Surveyor and for each Clerk of Court in this State a copy of the Standards of Practice Manual for Surveying in South Carolina. Copies will be made available, upon request, for other State officials and the general public.

49-420. General.

A. For the purpose of these regulations, the following terms or words are defined as meaning:

(1) The term "Board" shall mean the South Carolina State Board of Registration for Professional Engineers and Surveyors.

(2) The term "manual" shall mean the Standards of Practice Manual for Surveying in South Carolina.

(3) The term "minimum standards" shall mean the standards of practice for surveying in South Carolina.

(4) The term “surveyor” shall mean a surveying practitioner duly registered by the Board for the practice of surveying in the State of South Carolina.

(5) The terms “Clerk of Court”, “Register of Deeds” and “Register of Mesne Conveyance” shall refer to the office in the county having responsibility for recording plats, maps and deeds.

(6) The term “seal” shall mean the raised embossed seal, rubber stamp (wet seal) or computer-generated seal of the Surveyor.

(7) The term “accurate” shall mean that degree of accuracy consistent with the standards and tolerances specified in this manual.

B. The proper execution of surveying, platting and mapping procedures and all other details of a survey are the direct responsibility of the Surveyor whose seal and signature shall appear on the plat or map to be prepared. The fact that a plat or map is approved by a planning department or accepted by Clerk of Court for recordation in no way relieves the surveyor whose seal appears upon the drawing of the full responsibility to make certain that the plat or map meets the requirements of these standards.

C. The plat or map shall remain for a period of time required by the statute of repose in the possession of the surveyor whose seal appears thereon. It should, therefore, be professionally and accurately prepared as a permanent record and after prints or copies have been made for recordation or other purposes the original plat should be carefully preserved by the surveyor or their firm along with the surveyor’s original field notes, calculations, and work sheets for, at a minimum, the length of time the statute of repose applies. Such material, in original form, is to be made available when required either by the Board or by the courts.

D. The words “course” and “bearing” are used interchangeably in this manual.

E. Where survey requirements are more stringent than those set forth herein, the surveyor shall comply with those standards as mandated by federal, state, or local governmental requirements.

F. Surveys which are performed for a specific stated purpose other than boundary surveys as defined herein shall be permitted where unusual conditions make it impractical or impossible to perform the survey to the standards set forth herein, provided the purpose and conditions shall be clearly stated on the survey drawing. This section is not to be used in any way to circumvent the standards in this manual on a survey which can be performed to these standards.

G. Additions and/or deletions to survey drawings by other than the signing party or parties are prohibited without written consent of the original signing party or parties.

H. The surveyor shall comply with the minimum survey classifications noted herein but has the option to negotiate with each client an agreement for a higher classification.

49-430. Nomenclature.

A. In surveying work, it is acceptable to employ abbreviations and symbols. When use of such abbreviations and symbols are necessary, the following are acceptable and may be employed in land surveying work in South Carolina:

- (1) Acres: AC
- (2) Acrylonitrile Butadiene ABS
- (3) American Society of Photogrammetry and Remote Sensing: ASPRS
- (4) Angle: Ang
- (5) Avenue: AVE
- (6) Azimuth: Az
- (7) BeiDou Navigation Satellite System: BeDou
- (8) Bench Mark: BM
- (9) Catch Basin: CB
- (10) Calculated Course(s): CC
- (11) Calculated Distance: CD
- (12) Corrugated Metal Pipe: CMP
- (13) Crimp /Clip/Pinch Top: CT
- (14) Curb Face: CF or FOC
- (15) Curb Inlet: CI
- (16) Curb and Gutter: CG

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- (17) Chord: CH
- (18) Center Line: CL or C/L or CL
- (19) Concrete Monument: Con. Mon.
- (20) Continuously Operating Reference Station: CORS
- (21) Degree of Curve: D
- (22) Deed Book: DB
- (23) Deflection Angle: Defl Ang
- (24) Departure: Dep
- (25) Ductile Iron Pipe: DIP
- (26) Drop Inlet: DI
- (27) Drill Hole: DH
- (28) Delta Angle: Δ or I
- (29) Double Meridian Distance: DMD
- (30) Easement: ESMT
- (31) East: E
- (32) Error of Closure: EC
- (33) Elevation: EL
- (34) Edge of Pavement: EP
- (35) Foot: Ft.
- (36) Found: Fd. or F
- (37) Global Navigation Satellite System: GNSS
- (38) Global Positioning System: GPS
- (39) Global'naya Navigatsionnava SputnikovavaSistima: GLONASS
- (40) Gutter: Gut
- (41) Highway: Hwy
- (42) Invert Elevation: I.E. or Inv.
- (43) Iron Pipe, Set: IPS
- (44) Iron Pipe, Found: IPF
- (45) Length of Curve: L or Arc
- (46) Latitude: Lat
- (47) Long Chord: LC
- (48) Mag Nail: MN
- (49) Magnetic course: MC
- (50) Manhole: MH
- (51) Mile: Mi
- (52) Marker: Mk
- (53) Monument: Mon
- (54) Nail and Cap: N & C
- (55) National Spatial Reference System: NSRS
- (56) New: N or (N)
- (57) Not To Scale: NTS
- (58) North: N
- (59) North American Datum 1927: NAD 27
- (60) North American Datum 1983: NAD 83
- (61) North American Vertical Datum 1988: NAVD 88
- (62) National Geodetic Survey: NGS
- (63) National Geodetic Vertical Datum 1929: NGVD 29
- (64) Offset: O.S. OR O/S
- (65) Old: O or (O)
- (66) On-line Positioning User Service (NGS): OPUS
- (67) Parts Per Million: PPM
- (68) Perimeter: P
- (69) Pavement: Pave

- (70) PK Nail: PK
- (71) Plat Book: PB
- (72) Point of Beginning: POB
- (73) Point of Curvature: PC
- (74) Point of Compound Curve: PCC
- (75) Point on Curve: POC
- (76) Point of Intersection: P.O.I. or P.I.
- (77) Point of Tangent: POT
- (78) Point of Reverse Curvature: PRC
- (79) Point on Tangency: PT
- (80) Point: Pt
- (81) Polymerized Vinyl Chloride: PVC
- (82) Position Dilution of Position: PDOP
- (83) Private: Pvt
- (84) Property Line: PL
- (85) Radius: R
- (86) Reference Point: RP
- (87) Railroad: RR
- (88) Railroad Spike: RRS
- (89) Reinforced Concrete Pipe: RCP
- (90) Register of Mesne Conveyance: RMC
- (91) Railway: Rwy
- (92) Real Time Kinematic Surveying: RTK
- (93) Real Time Network: RTN
- (94) Rebar: RB
- (95) Register of Deeds: ROD
- (96) Right of way: R/W
- (97) Satellite Receiver for RTK or VRS Surveying: Rover
- (98) Satellite Receiver Base Station: Base
- (99) South: S
- (100) SC State Plane Coordinate System SPCS
- (101) South Carolina Geodetic Survey: SCGS
- (102) Square: Sq
- (103) Square Feet: SF or FT²
- (104) Street: St
- (105) Station: Sta
- (106) Stake: Stk
- (107) Tangent of Curve: T
- (108) Tack: Tk
- (109) Traverse: Tra
- (110) Track: Trk
- (111) US Bureau of Standards: USBS
- (112) Vertical: Vert
- (113) Vitrified Clay Pipe: VCP
- (114) Virtual Reference Station Network: VRS
- (115) West: W
- (116) Wood: Wd
- (117) Symbols:
 - (a) Degree: °
 - (b) Minute: ‘
 - (c) Second: “
 - (d) Foot or Feet: ‘

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B. The following are acceptable abbreviations for metric measures:

- (1) Area: A
- (2) Centimeter: CM.
- (3) Decimeter: DM.
- (4) Hectare: HA.
- (5) Kilometer: KM.
- (6) Meter: M
- (7) Millimeter: MM.
- (8) Square Meter: M2

C. Definitions: The following definitions and terminology shall be used in land descriptions:

(1) Boundary Line: Any line bounding an area or dividing separate properties; adequately dimensioned and described. Such lines may be straight, irregular, circular, or spiral.

(2) Point of Beginning: A defined, readily located, and permanent point or monument that is the starting point on a parcel for a metes and bounds description; and also is the final point of such description.

(3) Point of Commencement: A defined, readily located, and permanent point or monument that is the point to which the Point of Beginning is tied for a permanent reference.

(4) Convey: The act of transferring title or rights to a property.

(5) Grantor: A person or party conveying property or rights to a grantee.

(6) Grantee: A person or party receiving title or rights to property.

(7) Title: A written claim or right which constitutes a just and legal cause of exclusive possession.

(8) Metes and Bounds Description: A description in which the boundary lines start from a given point and is described by listing the direction, distance, and description of corners of the lines forming this boundary; in succession and adjoining owners.

(9) Description by Lot Number: A description which identifies a lot or tract of land by reference to a previously surveyed subdivision plat together with other pertinent information.

(10) Recorded: Placed on record in the office of the Clerk of Court, Register of Deeds or Register of Mesne Conveyance for the county in which all or part of the land lies.

(11) Coordinate Description: A description of lands in which the angle points or other points in the boundary are each referred to by grid coordinates on the South Carolina State Plane Coordinate System (current Datum) or similar coordinate system.

(12) Grid Coordinates: Distances measured at right angles to each other in a rectangular system having two base lines at right angles to each other.

(13) Survey: The orderly process of determining data relating to the physical characteristics of the earth, which may be further defined according to the type of data obtained, the methods and instruments used, and the purpose(s) to be served.

(14) Boundary Survey: A survey, the primary purpose of which may include, but is not limited to, the determining of the perimeters of a parcel or tract of land by establishing or reestablishing corners, monuments, and boundary lines for the purpose of describing, or platting or dividing the parcel.

(15) Closing/Loan or Mortgage Survey: A boundary survey of a parcel or lot which includes all improvements obvious and apparent found on the property, to be used in the preparation of a mortgage, loan or deed document.

(16) Topographical Survey: A survey of the natural and selected man-made features of a part of the earth's surface by remote sensing and/or ground measurements to determine horizontal and vertical spatial relations.

(17) Compiled Map: A map drawn from previously recorded or unrecorded documents, photographic material or tax maps which represent the general configuration of the parcel where partial or no actual surveying has been performed by the land surveyor preparing the map.

(18) Right of Way Survey: A Survey of any strip or area of land, including surface, overhead, or underground, for a designated use, such as for drainage and irrigation canals and ditches; electric power, telegraph, and telephone lines; gas, oil, water, and other pipe lines; highways, and other roadways, or other similar uses.

(19) Geodetic Survey: A survey of areas and points affected by and taking into account the curvature of the earth using a nationally defined horizontal and vertical datum. Geodetic surveys may be performed with terrestrial or satellite surveying technology but must be connected to the coordinate realization of the National

Spatial Reference System (NSRS). All geodetic surveys, both vertical and horizontal, in the State of South Carolina shall conform to the datums currently supported by NSRS. Geodetic surveys shall be performed by a surveyor licensed by this board.

(20) Geodetic Datum: The recognized horizontal and vertical datum for South Carolina shall be currently adopted or recognized datum by the NSRS which is maintained by the National Geodetic Survey.

(21) State Plane Coordinate System: A map projection that is a mathematical transformation of latitudes and longitudes on the surface of sphere or ellipsoid representing the earth to grid coordinates (northing, easting, or y x values) on a plane. The official coordinate system for surveying purposes in South Carolina is the South Carolina State Plane Coordinate System. For the purpose of the South Carolina State Plane Coordinate System, the foot is the International Foot with one inch being exactly 2.54 centimeters. To convert metric coordinates to the international feet multiply by 3.280839895.

(22) Hydrographic Survey: A survey having for its principal purpose the determination of data relating to bodies of water, and which may consist of the determination of one or several of the following classes of data; depth of water and configuration of bottom; directions and force of current; heights and times and water stages; and location of fixed objects for survey and navigation purposes.

(23) Wetlands Survey: A survey showing the Wetland Boundaries tied by course and distance to either 1) property corners that are properly monumented, or 2) project boundaries that have been properly monumented, or 3) State Plane Coordinates. This shall be done in a manner that permits future surveyors to readily retrace the wetland boundary. The error of closure of such ties must be consistent with the land use classification of the parcel being surveyed as described in section 49-440 Classification of Surveys. Data collection and platting of these types of wetland boundaries must be performed by or under the direct supervision of a surveyor. A surveyor may not accept wetlands survey data from non-licensed individuals who are not under their direct supervision for the purpose of recording the information on survey plats.

(24) Corner: A point on a land boundary.

(25) Monument: A shaft of ferrous metal, concrete, stone or concrete and metal; placed to designate a fixed point; placed near vertically in the earth; designed for maximum permanency, placed by a land surveyor to mark corners.

(26) Witness Monument: Any monument that does not occupy the same defined position as the corner itself, but whose relationship to the corner is established.

(27) Reference Point: Any defined position that is or can be established in relation to another defined position.

(28) Benchmark: A relatively permanent material object, natural or artificial, bearing a marked point whose elevation above or below a referenced datum is known.

(29) Plat: A diagram drawn to scale showing all essential data pertaining to the boundaries and subdivisions of a tract of land, as determined by a survey and must be signed and sealed by the surveyor.

(30) Map: A representation on a plane surface, at an established scale, of the physical features of a part of the earth's surface, shown by the use of, but not limited to lines, arcs, signs, alpha numeric characters and symbols.

(31) Map of Survey, Plat of Survey, Survey for or other Similar Titles: Any drawing of a parcel or tract of real property used for the purpose of depicting the results of a field survey. Each survey drawing shall state the type of survey it depicts as defined in this manual.

(32) Global Navigation Satellite System (GNSS): Any satellite system which can be used to determine a precise location on the surface of the Earth. The US system is known as NAVSTAR Global Positioning System (GPS). The Russian system is known as the Global'naya Navigatsionnaya Sputnikovaya Sistema or GLONASS. The European Space Agency system is known as GALILEO.

(33) Position Dilution of Precision (PDOP): A numerical measure of the predicted accuracy of a geodetic position determined from GNSS satellites. The term represents the reliability of the geometry of the satellites with respect to the receiver location. A PDOP of 3 or less will generally ensure accuracy of the highest survey quality. A PDOP of 5 or less may be acceptable for most surveying and mapping projects where the distance between Rover and the nearest Base station is less than 10KM.

(34) Multipath: Multipath is an erroneous GNSS distance measurement between a GNSS satellite and either the Rover or Base. The multipath signal results from the receiver using a signal that has been reflected off a

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structure or water surface on its way to the receiver. The resulting measurement of distance from the satellite to the receiver is longer.

(35) Base Station: The name given to a GNSS receiver located over a known point or geodetic control monument.

(36) Rover: The name given to a GNSS receiver located over an unknown survey point whose coordinates are to be determined or checked against known geodetic control.

(37) Static GNSS Survey: A geodetic survey that uses multiple survey grade satellite receivers each collecting the same satellite data simultaneously. At least one satellite receiver must be on a known geodetic control station. The data are post-processed to yield three dimensional vectors between the known and unknown control stations. Static vectors solutions yield a “no check” solution and therefore by themselves do not meet minimum standards without additional independent checks. An expected relative accuracy of 0.07 foot plus 1:50,000 of the distance separating the Base and Rover can be obtained dependent on the length of time of simultaneous observations, the quality of the receivers, multipath and PDOP of less than 5.

(38) Static GNSS Positioning of Property Corners: If GNSS STATIC survey techniques are used to establish SC State Plane Coordinates on property corners, the corners shall be positioned from the nearest two (2) first or second order horizontal control monuments in the National Geodetic Survey (NGS) data base. Property corners shall be positioned to a horizontal accuracy of at least $0.07' + 1/20,000$ or 0.2 feet (whichever is smaller) with relation to the nearest NGS horizontal control monument.

(39) Real Time Kinematic (RTK) GNSS Survey: A geodetic survey that uses multiple survey grade satellite receivers each collecting the same satellite data simultaneously. At least one Base receiver must be on a known geodetic control station and is capable of transmitting satellite data in real time to other Rover receivers. The data are processed by the Rovers in real time to yield three dimensional vectors between the Base and Rover stations. RTK vectors solutions yield a “no check” solution and therefore by themselves do not meet minimum standards without additional independent checks. RTK surveys require a site calibration to the NAD83 and NAVD88 in the vicinity of the survey. An expected relative accuracy of 0.05 foot plus 1 PPM of the distance separating the Base and Rover can be obtained dependent on the length of time of RTK observations, the quality of the receivers, PDOP of less than 3, a minimum of 5 GPS satellites, multipath and quality of the site calibration.

(40) VRS GNSS Survey: A geodetic survey that uses multiple dual frequency survey grade satellite receivers each collecting the same satellite data simultaneously. Base stations are operated by the SCGS and data are streamed to the Rovers via the Internet and processed in real time to yield three dimensional vectors between the Base Stations and Rovers. VRS vectors solutions yield a “network check” solution and therefore will meet minimum standards without additional independent checks. VRS surveys require an “independent check” by occupying a known geodetic control point in the National datum in the vicinity of the survey to verify the proper operation of the Rover. An expected relative accuracy of 0.05 foot can be obtained dependent on the length of time of VRS observations, the quality of the receivers, PDOP of less than 3, a minimum of 5 GPS satellites and minimal multipath.

(41) Classification of Geodetic Surveys (Performed using GNSS Technology)

Type	Relative Accuracy (95%)	Max PDOP	Min # of Satellites	Site Calibration
Static	GNSS $0.07' + 1:50,000$	5	4	N
Property Corner	Positions $0.07' + 1:20,000$	5	4	N
RTK GNSS	$0.07' + 1\text{PPM dist from Base}$	3	5	Y
VRS GNSS	$0.07'$	3	5	N

All the above Geodetic Surveys will achieve the required minimum accuracy for Land Surveys

(42) Spatial Data: Information about the locations and shapes of geographical features and relationships between them, usually stored as coordinates and topology. Any data that can be mapped.

(43) Ground Coordinates: A coordinate system that has its own origin within the region being investigated and is used principally for points within that region.

49-440. Classification of Surveys.

A. The accuracy of the measurements for a survey shall be based upon the character of the land, the type of survey and the current use of the land. Unadjusted Ratio of Precision permissible shall be no less than the errors

of closure prescribed below. In lieu of an Unadjusted Ratio of Precision, a Relative Positional Accuracy may be used. Relative Positional Accuracy may be tested by: (1) comparing the relative location of points in a survey as measured by an independent survey of higher accuracy or (2) the results of a minimally constrained, correctly weighted least square adjustment of the survey.

B. On the basis of the size and character of the land, boundary surveys for conveying, platting, mapping, or describing property shall be classified as follows:

(1)(Class A) Urban Land Surveys: Urban surveys include land properties which lie within or adjoin city or town limits, or other high valued properties. Bearings shall be shown in degrees, minutes and seconds and distances shall be shown to hundredths of a foot.

(2)(Class B) Suburban Land Surveys: Suburban surveys include properties surrounding the urban area of a town or city. Bearings shall be shown in degrees, minutes and seconds and distances shall be shown to hundredths of a foot.

(3)(Class C) Rural Land Surveys: Rural surveys include properties located outside suburban properties. Bearings shall be shown in degrees and minutes or less and distances shall be shown to hundredths of a foot.

(4)(Class D) Farm and Timber Land Surveys: Timber surveys include properties located throughout the State and represent land which may be cultivated; may provide space for farm houses and buildings; or may be employed as timber land. Bearings shall be shown in degrees and minutes or less and distances to the nearest tenth of a foot or less.

(5)(Class E) Vertical Control Surveys: Surveys involving vertical control (leveling) for land areas where a common datum is necessary shall be classified on the basis of accuracy.

(a) Urban Control: Control loops employed for commercial, industrial, or urban land surveys shall be executed with a precision or error of closure not to exceed in feet 0.04 times the square root of the number of miles of the level circuit. i.e. $0.04 \sqrt{m}$ (m = number of miles in the level circuit)

(b) Other: Other leveling surveys shall be conducted with a precision or error of closure not to exceed in feet 0.10 times the square root of the number of miles of the level circuit. i.e. $0.10 \sqrt{m}$ (m = number of miles in the level circuit). The VRS will achieve this accuracy when using a dual frequency GNSS receiver, PDOP less than 3 in the absence of multipath.

C. Table of Classifications:

Classification	A	B	C	D
	Urban Surveys	Suburban Surveys	Rural Surveys	Farm & Timber Surveys
Unadjusted Linear Closure				
Closure				
(Minimum)	1:10000	1:7500	1:5000	1:3000
Angular				
Closure	$15'' \sqrt{N}$	$20'' \sqrt{N}$	$30'' \sqrt{N}$	$50'' \sqrt{N}$
(Maximum)				
Location of Improvements, Structures, Paving, Etc.:				
(Tie Measurement)	±0.1'	±0.2'	± 1.0'	±2.0'

N = Number of Points in Traverse

As an option:

Relative Positional Accuracy

$0.07' + 50 \text{ PPM}$ or $0.07' + 1/20,000 * \text{Perimeter}$ (95% confidence level).

The VRS can achieve a Relative Positional Accuracy of 0.07' with a 95% confidence level and therefore can be used for all Classifications

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49-450. Plats and Platting.

A. A plat, as defined by this manual, is an accurate graphical representation, properly dimensioned, report of a survey made by a Surveyor of a finite piece of real property, including pertinent data and appropriate information.

B. A survey requiring a plat should be accurately presented and should reveal all of the pertinent information developed by the survey.

C. Primary reference materials which provide the basis for the establishment of the survey boundaries shall be listed on the face of the plat.

49-460. Survey Types and Requirements.

A. General Property Surveys: The following general requirements apply to all survey types included in this manual, other than GIS Surveys and Photogrammetric Surveys (see section 49-460D and section 49-460E of these standards for the general requirements of these surveys).

(1) The size of the plat should conform to the requirements of the Clerk of Court, Register of Deeds or the Register of Mesne Conveyance of the county in which the plat is to be recorded with minimum size to be eight and one-half inches by eleven inches.

(2) All survey plats shall have a title and contain the following information:

- (a) The seal and the signature of the Surveyor in responsible charge for the full conduct of the survey;
- (b) A location map and/or adequate descriptive location of the property surveyed;
- (c) The state, county and/or city in which the property is located;
- (d) The name of the owner, company or agent of the property who requested the survey document;
- (e) The date the field survey was completed;
- (f) A graphic scale;
- (g) A numerical scale;
- (h) The name, license number, address and phone number of the land surveyor.
- (i) A certification executed by the Surveyor which will contain a statement of the class of the survey performed as follows:

“I hereby state that to the best of my professional knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements for a Class _ survey as specified therein.”

(j) The area of the parcel of tract surveyed will be shown consistent with the class of survey or at least to the nearest one-hundredth (0.01) of an acre.

(k) At least one corner of the property surveyed shall be referenced so as to form a tie-line which can be used to help establish or verify the correct location of the property.

(l) The distances to the nearest intersections of street centerlines or street right-of-way intersections shall be shown on the survey document.

(m) The North arrow shall be shown and shall be correlated accurately with the courses so that it is accurately positioned and designated as astronomic, grid or magnetic or record source.

(n) All property lines shall be defined by bearings and horizontal distances and plotted to the scale indicated on the plat.

(o) Bearings and distances shall be shown consistent with the class of the survey.

(p) The Land Surveyor shall retrace the boundaries of the property being surveyed and set or reset monuments or corners consistent with the class of survey and accepted practices of boundary retracement. All monuments found or placed must be described in detail on the survey plat or drawing, with data given to show their location upon the ground in relation to the boundary lines. When a property corner is inaccessible and cannot be set, a witness or reference monument shall be placed on the boundary line and the offset distance noted on the survey document, plat or drawing. Control corners, monuments or property corners, on adjoining properties, used in the establishment or verification of property corners, shall be identified, located and defined, by course and distance, to an accuracy consistent with the class of survey. Primary reference materials which provide the basis for the establishment of survey boundaries shall be listed on the face of the plat.

(q) All new or re-established corners shall be in accordance with 49-470 F:

1. Metal, concrete, or other durable material and detectable with conventional instruments for finding ferrous or magnetic objects;

2. No less than 1/2 inch in diameter for metal corners and 4 inches in diameter for concrete;
3. No less than 24 inches in length;
4. If the corner location falls on pavement, concrete, or other material where one of the above cannot be placed, it is permissible to use nails, spikes, scribes, etc. in or on the surface;
5. In place prior to the signing, sealing and issuance of the plat.

(r) Where a boundary is formed by a curved line, the curve will be defined by curve data to include the radius, delta, arc length and the long chord, by course and distance. The curve may also be defined as a traverse of chords around curve. Chord shall be defined by course and distance.

(s) All visible items across the property line shall be indicated with their extent shown or noted on the survey plat/map. The use of the words projection or encroachment shall be at the discretion of the surveyor.

(t) Visible indications of easements and rights-of-way on the site (i.e. power lines, etc.), obvious and apparent at the time of the survey or known to the surveyor, shall be shown and shall include their widths, if known.

(u) Cemeteries and burial ground located within the premises surveyed shall be located and shown upon the drawing, plat or map if obvious and apparent observed by the surveyor at the time of the survey, or if knowledge of their existence and location is furnished to the land surveyor prior to or during the performance of the survey.

(v) Lot and block numbers and/or the full names of adjoining land owners, and the names and/or numbers of principal highways, roads, streets or railroads, shall be shown, on the plat, with their rights-of-way. The plat book and page number of the subdivision as recorded by the Register of Mesne Conveyance, Register of Deeds or Clerk of Court of the county where the survey document is recorded should be included, if known.

(w) Boundaries formed by water courses shall be located and plotted to scale as shown in the title.

(x) If calculated lines are not shown, traverse lines and/or off-set lines used to close water course boundaries shall be shown, plotted to scale, and defined by course and distance. Note "Creek the line" where applicable.

(y) Maps prepared partially or entirely from reference or source data, such as compiled maps, do not represent land surveys as defined herein, and shall be clearly marked accordingly. Compiled maps must have a prominently displayed statement that the said document does not represent a land survey and is unsuitable for deeding of property or recordation.

(z) Plot plans representing planned locations prepared for city, county, state, federal governmental or other uses may be signed and sealed. A prominent statement shall be placed on the face of the document stating "This plot plan does not represent a land survey, was not prepared for recordation, and is not suitable for deeding of property. No ground survey was performed."

B. Closing/Loan or Mortgage Surveys: In addition to the requirements set forth in Section 49-460 A., General Property Surveys, the following applies to closing/loan or mortgage surveys:

(1) If a survey is all or a portion of a lot which is part of or adjoining a recorded subdivision, lot and block numbers or other designations including those of adjoining lots must be shown on the drawing.

(2) Structures shall be dimensioned to show size and location in relation to the boundary.

(3) Location distances are to be measured perpendicular from the closest side and front lines.

(4) Physical features obvious and apparent at the time of the survey to the surveyor such as storm drains, power lines, etc. on the subject property shall be shown and plotted to scale.

(5) Accuracy requirements of residential lots shall be consistent with the class of survey or a maximum closure of 0.05 foot, whichever is less restrictive.

(6) A certification shall be executed by the Surveyor as follows:

"I hereby state that to the best of my professional knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements for a Class _ survey as specified therein; also there are no visible encroachments or projections other than shown."

C. Topographical Surveys: The following applies to topographical surveys:

(1) Structures shall be shown in relation to the boundary.

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(2) Physical features obvious and apparent at the time of the survey to the surveyor such as storm drains, sanitary sewers, power lines, gas lines and water lines on the subject property shall be shown and plotted to scale.

(3) Elevations may be shown as spot elevations and/or contours.

(4) Contour intervals shall be noted.

(5) The vertical and horizontal error of contour lines and physical features shown shall not exceed one-half the contour interval.

(6) An on-site temporary bench mark shall be established with reference to datum currently adopted by NGS and plotted to scale as shown on the title.

(7) The following items from Section 49-460 A. (3) shall be used when a general property survey is not made in conjunction with the topographic survey: a through h, l through n, and t through w.

(8) Where the property boundaries are not surveyed, the source from which the boundary data was taken must be clearly noted thereon.

(9) A certification shall be executed by the Land Surveyor which will contain a statement as follows:

“I hereby state that to the best of my professional knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements as specified therein.”

D. Geographic Information System Surveys: The following applies to Geographic Information System Surveys.

(1) Purpose: The purpose of these standards is to provide the Surveyor with a guideline for surveys that provide the location of infrastructure information used in a geographic information system (GIS). The primary objective of this standard is to ensure that surveyed information in a GIS is reliable and can be used to make definitive decisions. These standards are not to be used in place of professional judgment.

(2) The Survey: Geographic information system (GIS) surveys are defined as the measurement of existing surface and subsurface features for the purpose of determining their geospatial location for inclusion in a GIS database. All GIS surveys as they relate to property lines, rights-of-way, easements, subdivisions of land, the position for any survey monument or reference point, the determination of the configuration or contour of the earth's surface or the position of fixed objects thereon, and geodetic surveying which includes surveying for determination of the size and shape of the earth both horizontally and vertically and the precise positioning of points on the earth utilizing angular and linear measurements through spatially oriented spherical geometry, shall be performed by a Surveyor who is a licensee of this Board.

The Surveyor shall select the proper equipment and methods necessary to achieve at least the Minimum Horizontal and Vertical Accuracy required in Sections 5a and 5b of these standards. The survey work will be executed in a professional manner by the Surveyor or by personnel under the direct personal supervision of the Surveyor. In the event that more stringent survey requirements are required for a given project than what is provided for herein, the more stringent requirements shall be followed.

(3) Coordinate values: Coordinate values should be in the South Carolina State Plane Coordinate System or Geographic Positions based on the National Coordinate System. Horizontal coordinate values should be in the NSRS or the most current datum published by the National Geodetic Survey (NGS). Vertical coordinate values should be in the North American Vertical Datum of 1988 (NAVD 88) or the most current datum published by the National Geodetic Survey (NGS). If coordinates are not referenced to the NSRS, identify the local coordinate system used and its relationship to the NSRS. Coordinates shall be given in either metric or English units. The English unit in South Carolina is the international foot.

(4) Results: The results of the survey shall be transmitted to the client in the form of a document in a digital format. The following information shall be included in the drawing or in the Federal Geographic Data Committee (FGDC) Metadata and certified to by the Professional Surveyor in responsible charge;

(a) The accuracy classification to which the data was gathered.

(b) The methods and procedures used to obtain the data, including but not limited to: equipment, (i.e. global positioning system, theodolite and electronic distance meter, transit and tape), documentation of positional inaccuracies, control points, bench marks, and PDOP levels for GPS surveys.

(c) Date of the survey work.

(d) Datum used for the survey.

(5) Accuracy - General: The minimum positional accuracy of the survey data is a Geospatial Positional Accuracy that is relative to the mapping scale, and therefore it is the accuracy of the base map on which the GIS is based. The reporting methodology shall be in accordance with the Federal Geographic Data Committee, Geospatial Positioning Accuracy Standards, Part 1 Reporting Methodology. The Geospatial Position Accuracy shall be reported by positional accuracy as defined in two components: horizontal and vertical. Horizontal Positional Accuracy is the radius of the circle of uncertainty, such that the true or theoretical location of the point falls within that circle 95-percent of the time. Horizontal Accuracy may be tested by comparing the planimetric coordinates of surveyed ground points with the coordinates of the same points from an independent source of higher order. Vertical Positional Accuracy is a linear uncertainty value, such that the true or theoretical location of the point falls within +/- of that linear uncertainty value 95-per cent of the time. Vertical Accuracy may be tested by comparing the elevation of surveyed ground points with the elevations of the same point determined from a source of higher accuracy.

(a) Horizontal Accuracy: The horizontal accuracy is based upon the American Society of Photogrammetry and Remote Sensing (ASPRS) Standard for Class 2 and reported in agreement with the National Standard for Spatial Data Accuracy. The NSSDA Horizontal Positional Accuracy Statistic at the 95% confidence level is determined by multiplying the Root Mean Square Error (RMSE) of the data set by 1.7308.

Acceptable	
Base Mapping Scale of LIS/GIS	Positional Accuracy Statistic of Survey Data
1"= 20 ft.	0.7 feet
1"= 50 ft.	1.7 feet
1"= 100 ft.	3.5 feet
1"= 200 ft.	6.9 feet
1"= 400 ft.	13.8 feet
1"= 500 ft	17.3 feet
1"= 1000 ft.	34.6 feet
1"= 2000 ft.	69.2 feet

(b) Vertical Accuracy: The vertical accuracy is based upon the ASPRS Standard for Class 1 and reported in agreement with the National Standard for Spatial Data Accuracy. The NSSDA Vertical Positional Accuracy Statistic at the 95% confidence level is determined by multiplying the Root Mean Square Error (RMSE) of the data set by 1.9600.

Acceptable	
Base Mapping Contour Interval	Positional Accuracy Statistic of Survey Data
1 foot	0.7 feet
2 feet	1.3 feet
5 feet	3.2 feet
10 feet	6.5 feet
15 feet	9.7 feet

(6) Certification: A certification shall be executed by the Surveyor which will contain a statement of the class of survey performed as follows:

"I hereby state that to the best of my professional knowledge, information, and belief, the GIS survey shown herein was made in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements as specified therein."

E. Photogrammetric (Airborne and Spaceborne) Surveys:

(1) Airborne and spaceborne surveys are defined as the use of photogrammetry, American Society of Photogrammetry and Remote Sensing (ASPRS), IFSAR, or other similar measurement technologies for obtaining reliable information about physical objects and the environment, including terrain surface, through the process of recording, measuring, and interpreting images and patterns of electromagnetic radiant energy and

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other phenomena. This Rule establishes minimum allowable photogrammetric production procedures and standards for photogrammetric mapping and digital data production.

(2) Production procedures for topographic and planimetric mapping surveys shall be in accordance with the standards established by Chapter 3 of the Federal Geographic Data Committee (FGDC) Geospatial Positioning Accuracy Standard and applicable extensions and revisions. These standards are incorporated by reference including subsequent amendments and editions.

(3) Topographic or planimetric maps, orthophotos, or related electronic data, unless clearly marked as "Preliminary Map," shall meet contractually specified FGDC Standards for horizontal and vertical accuracies (in the absence of specified standards, the ASPRS applies) and shall be sealed, signed and dated by the licensee.

(4) When the issued product is a digital (electronic) data set, or a map or document consisting of more than one sheet or otherwise cannot be signed and sealed, a project report shall be certified, signed and sealed. Such report shall be clearly marked "Preliminary" if applicable.

(5) Ground control for topographic and planimetric mapping projects shall be in South Carolina State Plane Coordinate System grid coordinates, and distances in International feet or meters. A minimum of one permanent project vertical control point shall be shown.

(6) A project map or report shall contain the applicable following information:

(a) Date of original data acquisition;

(b) Altitude of sensor and sensor focal length, as applicable;

(c) Date of document or data set compilation;

(d) If hard copy product is produced, the maps shall contain a north arrow, map legend, final document scale, including barograph, and contour interval, as applicable;

(e) Coordinate system for horizontal and vertical denoting SI (System International English units (i.e., latest datum adjustment maintained by the NSRS, assumed, or other coordinate system);

(f) A list or note showing the control points used for the project. The minimum data shown for each point shall include: physical attributes (i.e. iron rod, railroad spike, etc), latitude and longitude (or Easting and Northing Grid coordinates), and elevation, as applicable;

(g) If other data is included, the source and accuracy of those items must be clearly indicated;

(h) A statement of accuracy complying with contractually specified FGDC standards consistent with 49-460C of this Rule;

(i) For topographic maps or data sets, contours in areas obscured by man-made or natural features shall be uniquely identified or enclosed by a polygon clearly identifying the obscured area. The accuracies of the contours or of features in this obscured area shall be noted "No reliance is to be placed on the accuracy of these contours";

(j) A vicinity map depicting the project location shall appear on the first sheet of all hard copy maps or in the report accompanying digital files;

(k) Company name, address and phone number; and

(l) The name of the client for whom the project was conducted.

(7) A certificate, substantially in the following form, shall be affixed to all maps or reports:

"I hereby state that to the best of my professional knowledge, information, and belief, that this photogrammetric project was performed in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements as specified therein."

F. Right of Way Surveys: Right-of-way surveys are surveys of the boundaries of a strip, area or parcel of land being used for some designated public or private use. When these rights of way are taken in fee simple, the surveys and plats shall be performed in accordance with the requirements of Section 49-460-A "General Property Surveys."

49-470. Methods of Marking Property Boundaries.

A. Corner Tree: "X" and three (3) chops on the sides where the line enters and leaves the tree.

B. Corner Witness Tree: One (1) blaze and three (3) chops or three (3) chops facing the corner.

C. Side Line Tree: Two (2) chops facing the property line.

D. Property Line Tree or Center Line Tree: One (1) blaze and two (2) chops, at points where the line enters and leaves the tree.

E. Monuments shall be placed at all property corners where there is a change in direction of a property line.

F. Inaccessible Point: In the event a corner cannot be marked or monumented, one or more witness monuments or metal stakes shall be placed on the boundary line and described by bearings and/or distances so that the inaccessible point may be located accurately on the ground.

G. Boundary Monument or Witness Monument: In the event the location falls on pavement, concrete, or other material, it is permissible to use spikes or scribes in or on the surface.

49-480. Land Descriptions.

A. Land Description: A land description is the detailed statement of appropriate information necessary to locate, relocate, or define the boundaries of a certain area or tract of land.

(1) A land description can be part of a land survey and can be used in connection with the preparation of deeds or similar documents.

(2) It is the surveyor's responsibility to make certain that the surveyor's description is complete and proper. The fact that some element or object which should be described is not included in the above does not justify the surveyor's omitting it from the description.

B. Preparing a Description: In a land survey the land description may be prepared by the surveyor. The writing of a deed is the practice of Law and is not the practice of surveying. In a description the full name, address and signature of the surveyor, their license number and seal, the date the land description was prepared, and the date of survey from which the information was procured, or the book and page number of the recorded map or deed, if it is used in preparing the description, shall appear as part of the document.

C. Types of Land Descriptions and Their Content: In describing a lot located in a subdivision by number; the plat or map must be referenced with the name of the subdivision, the surveyor's name, the date, the township and the general location of the property. In addition, the book and page number in which the particular lot is recorded shall be included.

D. Metes and Bounds Description: A metes and bounds description shall include the general location of the tract or lot with sufficient accuracy such that the tract can be readily located on the ground. This is commonly known as a "being clause" and it should also include the source of title of the tract or lot. The point of beginning must be selected such that it can be readily and accurately located from some previously established monument or corner of record and can be readily described. The description shall include the names of adjoining property owners on all lines and at all points. The monument or marker at each corner shall be described. A metes and bounds description shall describe all courses in logical sequence around a tract or lot in a clockwise direction such that the ending point is the beginning point. All lines adjacent to streets, roads, or other rights-of-way shall be referenced to these and all pertinent distances and curve data shall be listed in addition to the parcel's area.

49-490. Instruments and Apparatus.

A. Surveyor's Instruments: Surveying in South Carolina shall be conducted in the field with properly calibrated equipment appropriate for the tolerance of work being performed. The equipment shall be tested at regular intervals and adjusted to maintain its optimum accuracy.

B. Tapes: All tapes shall be of alloy or carbon steel and shall be certified as USBS quality with a known coefficient of temperature and tension corrections, and graduated in feet and decimal parts of a foot or calibrated to another tape or means that has been certified by the USBS or NGS.

C. Baselines: Baselines have been established by NGS throughout the state for the purpose of calibrating electronic distance measuring devices. Some of these baselines have 100' monuments to calibrate tapes. Surveyors shall utilize these baselines to insure calibration of their electronic measuring equipment and tapes. Calibration records for each instrument and tapes shall be maintained by the Surveyor and shall be made available when required by the Board or the courts.

**ARTICLE 6
CONTINUING PROFESSIONAL COMPETENCY**

49-600. Purpose.

A. Professionals licensed to practice engineering, surveying, or engineering and surveying in South Carolina are required to demonstrate a continuing development of professional competency.

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B. Each licensee shall meet the continuing professional competency requirements of these regulations as a condition for biennial renewal of license.

49-601. Definitions.

Terms used in this section are defined as follows:

- (1) Professional Development Hour (PDH) -A contact hour (nominal) of instruction or presentation. The common denominator for other units of credit.
- (2) Continuing Education Unit (CEU) -Unit of credit customarily used for continuing education courses.
- (3) College/Unit Semester/Quarter Hour -Credit for courses in EAC/ABET approved programs or other related college courses approved in accordance with provision 49-604 of this section.
- (4) Course/Activity -Any qualifying course or activity with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the licensee's field of practice. Regular duties are not considered qualified activities.
- (5) Dual Licensee -A person who is licensed as both an engineer and a surveyor.

49-602. Requirements.

A. Each licensee is required to obtain 30 PDH units during each biennial renewal period.

B. If a licensee exceeds the requirements in any renewal period, a maximum of 15 PDH units may be carried forward into the subsequent renewal period. If the licensee claims 15 PDH carry over units, the previous renewal period will be subject to audit.

C. PDH units may be earned as follows:

- (1) Successful completion of college courses.
- (2) Successful completion of continuing education courses.
- (3) Successful completion of short courses, tutorials, webinars, and distance-education courses offered for documented individual or group study. The method of delivery can be through the following:
 - (a) Face-to-face programs or live internet-based programs; or
 - (b) Archived prerecorded programs or archived correspondence programs.
- (4) Teaching or instructing in (1) through (3) above.
- (5) Authoring published papers, articles, or books.
- (6) Active participation in professional or technical societies.
- (7) Successful application for patents.

D. Effective July 1, 2022, no more than fifty percent of PDHs claimed during a renewal cycle may be earned in a business or non-technical subject matter.

49-603. Units of Credit.

The conversion of other credit to PDH units is as follows:

(1)	1 College or unit semester hour	45 PDH
(2)	1 College or unit quarter hour	30 PDH
(3)	1 Continuing Education Unit	10 PDH
(4)	1 Hour of professional development for attendance in course work, seminars, or professional or technical presentations made at meetings, conventions, or conferences	1 PDH
(5)	For teaching as in 49-602C(5)	PDH Credits are doubled
(6)	Each published technical or professional paper, article or book	10 PDH
(7)	Active participation in a professional and technical society	2 PDH
(8)	Each patent	10 PDH

49-604. Determination of Credit.

The Board has final authority with respect to approval of courses, credit, PDH value for courses and other methods of earning credit.

(1) Credit for college or community college approved courses will be based upon course credit established by the college.

(2) Credit for qualifying seminars and workshops will be based on one PDH unit for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDH units for the actual contact time of each program.

(3) Credit determination for activities 49-603-(6) and 49-603-(8) is the responsibility of the licensee, subject to review as required by the Board.

(4) Credit for activity 49-603-(7), active participation in professional and technical societies is limited to 2 PDH units per organization, with a maximum of 4 PDH units per year, and requires that a licensee serve as an officer, or actively participate in a committee of the organization, or have at least a 50% documented attendance at meetings held not less than eight times per year. PDH credits for participation in a professional or technical society are not earned until the end of the administrative year of the society.

(5) Teaching credit is valid for teaching a course or seminar for the first time only. Teaching credit does not apply to full-time faculty.

(6) No more than twelve hours of credit may be obtained in one calendar day.

49-605. Record Keeping.

A. The responsibility for maintaining records used to support credits claimed is that of the licensee. Records required include, but are not limited to:

(1) A log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and PDH credits earned and;

(a) Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance; or

(b) Records as maintained by the NCEES Records Program or other recognized repositories for such records.

B. These records must be maintained for a minimum period of two renewal cycles during which copies may be requested by the Board for audit verification purposes.

C. If, upon review or audit by the Board, any or all PDH units claimed by the license holders are disallowed, the license holder will be allowed a ninety-day period during which such deficiencies must be remedied. A license will be automatically deemed lapsed if the licensee fails to remedy the deficiencies during the allowed time frame.

49-606. Exemptions.

A licensee may be exempt from the professional development educational requirements for one or more of the following reasons:

A. New licensees by way of examination or comity shall be exempt for their first renewal period.

B. Licensees experiencing physical disability, illness, or other extenuating circumstances may apply to the Board for an exemption or extension of time to obtain the credits subject to the review and approval of the Board. Supporting documentation must be furnished with any such exemption request made to the Board.

C. Licensees who list their occupation as "Retired" on the Board approved renewal form and who further certify that they are no longer receiving any remuneration from providing professional engineering or surveying services shall be exempt from requirements for professional development hours. In the event such a person elects to return to the active practice of professional engineering or surveying, professional development hours must be earned, before returning, for each year exempted, not to exceed 30 PDHs.

D. Engineers and Surveyors continuously licensed by this Board prior to January 1, 1969 will be exempt from continuing education requirements.

49-607. Repealed.

49-609. Dual License Holders.

The total number of PDH units required shall be the same as that required for a single license holder; but at least ten units shall be obtained separately for each profession.

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49-610. Reporting Forms.

A. All renewal applications will contain a statement of verification that the licensee has obtained the required professional development hours at the time of renewal. Upon audit, the licensee must report the course date, sponsoring organization, location, activity title, brief description and PDH's claimed and provide documentation of attendance or completion as well as any other information required by the Board.

B. Failure to fulfill the professional development requirements or to comply with the Board's audit shall be considered a violation of the Registration Law for Professional Engineers and Surveyors.

Fiscal Impact Statement:

There will be minimal cost incurred by the State or any of its political subdivisions for this regulation.

Statement of Rationale:

The updated regulations will: change references from "registration" and "registered" to "license" or "licensure" or "licensed" where appropriate; change language throughout to make it gender neutral; update terminology; remove all references to Category A and Category B licensure and replace with Professional Engineer licensure; update and clarify Professional Engineer licensure requirements; clarify FE examination exemptions; add early PE examination requirements; remove all references to two year degrees for land surveying licensure; remove all provisions now voided by date; add Tier B land surveyor experience requirements; update statutory and regulatory references throughout regulations; update seal requirements; modify language in Public Statements; add terms and definitions to Standards of Practice Manual for Surveying in South Carolina and update nomenclature and definitions; update and clarify survey types and requirements and methods of making property boundaries; and update and modify PDH requirements.

Document No. 5037

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF FUNERAL SERVICE
CHAPTER 57**

Statutory Authority: 1976 Code Sections 40-1-70, 40-19-60, and 40-19-70

57-06.1. Apprenticeship Requirements.

57-08. Licensure by Endorsement.

57-09. Provisions for Biennial Renewal of Licenses and Reactivation of Expired Licenses.

57-10. Provisions for Permitting of Funeral Establishments.

57-11. Continuing Education Requirements for Embalmers and Funeral Directors.

57-13. Code of Ethics.

57-13.2. Websites. (New)

Synopsis:

The South Carolina Board of Funeral Service proposes to amend: R.57-06 to clarify apprentices' quarterly reporting requirements; R.57-08 regarding licensure by endorsement; R.57-09 regarding renewal applications; R.57-10 establishing a residency requirement for funeral home managers and requiring owners of funeral establishments to be licensed funeral directors; R.57-11 regarding continuing education requirements; and other sections to comply with requirements set forth in Chapter 19 of Title 40.

A Notice of Drafting was published in the *State Register* on August 28, 2020.

Instructions:

Replace regulations as shown below. All other items and sections remain unchanged.

Text:

ARTICLE 1
DEFINITIONS

57-01. Definitions.

Definitions found in Section 40-19-20 apply to this chapter.

(A) "Supervision" means protective oversight, including review, timely quality control, and inspection to assist the supervisee in preparing for practice and strengthening the skills of the supervisee. When the apprentice is assisting with funeral directing activities or embalming activities, the supervisor must be present on the premises and readily available.

(B) "Continuing education" means an organized educational program designed to expand a licensee's knowledge base beyond the basic entry level educational requirements.

(C) "Contact hour" means a minimum of fifty (50) minutes of instruction.

(D) "Full-Time Employee" means a person whose work schedule requires that the employee be present a minimum of thirty-five (35) hours per week for the entire normal year of operation.

(E) "Cremains" means the remains of a cremated human body.

(F) "Crematory" means a facility equipped with a gas fired cremation retort specifically designed use in cremation of human remains.

(G) "Cremation Casket" means a casket specifically designed for holding, viewing, transporting human remains and must meet the requirements listed in item (H) below.

(H) "Alternative container" means a receptacle, other than a casket, in which human remains are transported to a crematory and placed in a cremation chamber for cremation. An alternative container or cremation casket must be:

- (1) composed of readily combustible materials suitable for cremation;
- (2) resistant to leakage or spillage;
- (3) rigid enough for handling with ease;
- (4) able to provide protection for the health, safety, and personal integrity of crematory personnel.

ARTICLE 2
OFFICERS OF BOARD; MEETINGS

57-02. Officers of Board.

The Board shall elect annually from among its members a president, vice-president, secretary-treasurer, and other officers as the Board determines necessary.

57-03. Meetings.

(A) The Board shall meet at least two (2) times a year and at other times upon the call of the president or a majority of the Board members.

(B) A majority of the members of the Board constitutes a quorum; however, if there is a vacancy on the Board, a majority of the members serving constitutes a quorum.

(C) Board members are required to attend meetings or to provide proper notice and justification of inability to do so. Unexcused absences from meetings may result in removal from the Board as provided in Section 1-3-240, South Carolina Code of Laws 1976, as amended. Affirmative action of the Board is required to approve an excused absence and is entirely within the Board's discretion.

ARTICLE 3
LICENSING PROVISIONS

57-04. General Licensing Provisions for Embalmers.

An applicant for initial licensure as an embalmer must:

- (A) be at least eighteen (18) years of age; and

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- (B) submit an application on forms approved by the Board, along with the required fee; and
- (C) submit evidence of successful completion of a course of study in an embalming college accredited by the American Board of Funeral Service Education and approved by the Board; and
- (D) submit evidence of a passing score of at least seventy-five (75) on an examination approved by the Board; and
- (E) submit evidence of successful completion of a minimum of twenty-four (24) months of full time service as an apprentice under the direct supervision of a licensed embalmer approved by the Board; and
- (F) has not been convicted of a violent crime or found guilty of a felony or crime of moral turpitude.

57-05. General Licensing Provisions for Funeral Directors.

An applicant for initial licensure as a funeral director must:

- (A) be at least eighteen (18) years of age; and
- (B) submit an application on forms approved by the Board, along with the required fee; and
- (C) submit evidence of a high school diploma, or its equivalent and successful completion of a one-year course in an accredited mortuary college, successful completion of a bachelor's degree from a regionally accredited college or university or successful completion of sixty (60) semester hours at a regionally accredited college or university, including a minimum of twenty-four (24) semester hours divided among at least four (4) of the following areas:
 - (1) Psychological Sciences: This area may include courses in General Psychology, Guidance/Counseling, General Sociology, and other Psychology courses; and
 - (2) Business: This area may include courses in Accounting, Business Law, Math/Logic, Business Management, Typing, and Computer Science; and
 - (3) English: This area may include English, English Literature, and English Composition; and
 - (4) Natural/Biological/Physical Sciences: This area may include courses in Chemistry, Biology, Pathology, Microbiology, and Physiology; and
 - (5) Religion: This area may include courses in Religion, Bible, and Bible History; and
- (D) submit evidence of successful completion of a minimum of twenty-four (24) months of full-time service as an apprentice under the direct supervision of a licensed funeral director approved by the Board; and
- (E) submit evidence of a passing score of at least seventy-five (75) on an examination approved by the Board; and
- (F) has not been convicted of a violent crime or found guilty of a felony or crime of moral turpitude.

57-06. General Licensing Provisions for Apprentice Funeral Directors or Apprentice Embalmers.

An applicant for an apprentice funeral director or apprentice embalmer must:

- (A) be at least eighteen (18) years of age; and
- (B) submit an application on forms approved by the Board, along with the required fee; and
- (C) submit a Certificate of Apprenticeship signed by the apprentice, the licensee supervisor, and the manager of the establishment in which the apprenticeship is to be served.

57-06.1. Apprenticeship Requirements.

(1) An apprentice embalmer or funeral director must serve an apprenticeship of not less than twenty-four (24) months. Apprentice embalmers and funeral directors must be full-time employees as defined in this chapter; working under the direct supervision of a funeral director for funeral director apprentices or embalmer for embalmer apprentices who is licensed in South Carolina.

(2) During the course of the apprenticeship, an apprentice must submit reports of his or her funeral activities, indicating the actual number of funerals that he or she has assisted with and in what preparation he or she assisted with. All apprentices must report to the Board quarterly upon the forms provided by or approved by the board indicating all work completed during the reporting period.

(3) The apprentice must report quarterly, regardless of whether or not there has been any activity during the quarter. March 31, June 30, September 30 and December 31 are the quarter end dates for reporting purposes. Quarterly reports must be submitted to the office of the Board Administrator no later than thirty (30) days after the quarter's end. April 30, July 30, October 30 and January 30 are the due dates for the quarterly reports. It is the sole responsibility of the apprentice to ensure that quarterly reports are received in the office of the Board

Administrator. Quarterly reports not received on time may not be accepted for credit toward completion of the apprenticeship. In no case shall an apprentice be permitted to complete his or her apprenticeship unless the reporting requirement is met.

(4) The apprentice embalmer or funeral director must conduct all embalming and funeral direction activities under the supervision of the designated supervising licensee as approved by the Board. When the apprentice is assisting with funeral directing activities or embalming activities, the supervisor must be present.

(5) If the apprentice leaves the supervision of the licensee in whose service he or she has been engaged, the supervisor shall give the apprentice an affidavit showing the length of time served toward completion of the apprenticeship. The apprentice must request and obtain permission from the Board to change supervisors by completing a new application and receiving approval to change supervisors from the Board.

(6) To complete his or her apprenticeship, an apprentice embalmer or funeral director must assist in the embalming of at least fifty (50) cases for an apprentice embalmer or assist the funeral director in at least fifty (50) funerals for an apprentice funeral director. The apprentice embalmer or apprentice funeral director must document all embalming and funeral cases that he or she assists in during the apprenticeship period. Of the fifty (50) cases required, at least twenty-five (25) cases must include a series of tasks as specified by the Board and enumerated in the quarterly report form.

(7) A certificate of apprenticeship is renewable twenty-four (24) months after registration for an additional twelve (12) months. A certificate of apprenticeship may not be renewed more than three (3) times.

(8) If an apprentice does not become licensed as a funeral director or embalmer within five (5) years of completing his or her apprenticeship, the Board may require the applicant to complete all or part of the apprenticeship period.

(9) If an apprentice embalmer or funeral director does not complete his or her apprenticeship within five (5) years from the date of application, the Board may require the applicant to complete all or part of the apprenticeship period.

(10) An apprentice may serve under one preceptor per license type.

57-07. General Provisions for Student Permits.

An applicant for a student permit must:

(A) submit evidence that the student is enrolled in an accredited mortuary science college or mortuary science college or program in the process of seeking accreditation in South Carolina and at all times hereunder maintain a minimum of part-time student status. Student permits shall expire whenever the licensee ceases to be a mortuary science student; and

(B) submit a notarized statement that the funeral service activities in which the student engages are in conjunction with the student's academic training and are under the supervision of a licensee designated by the accredited mortuary science college or program.

57-08. Licensure by Endorsement.

(A) An applicant for licensure as an embalmer or funeral director by endorsement must:

(1) submit proof of a current, active, and unrestricted license of at least five (5) years duration under the laws of another state or territory that had requirements that were, at the date of licensure, equivalent to the requirements in effect at the time of application in South Carolina; and

(2) submit evidence of a passing score of at least seventy-five (75) on an examination approved by the Board; and

(3) submit an application on a form approved by the Board, along with the required fee.

(B) An applicant whose jurisdiction does not require substantially similar requirements must:

(1) submit proof of a current, active, and unrestricted license of at least five (5) years' duration as an embalmer or funeral director; and

(2) submit evidence of a passing score of at least seventy-five (75) on an examination approved by the Board; and

(3) submit an application on a form approved by the Board, along with the required nonrefundable fee.

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57-09. Provisions for Biennial Renewal of Licenses and Reactivation of Expired Licenses.

(A) All licenses and renewals expire on the thirtieth (30th) day of June unless sooner revoked or canceled. No license may be issued or renewed for a period exceeding two (2) years.

(B) All applications for renewal shall be filed with the Board within thirty (30) days prior to or within thirty (30) days following June thirtieth (30th) each even year. Renewal applications must be accompanied by the renewal fee prescribed by the Board and, if applicable, the required number of continuing education credits. Licensees who have not properly renewed their licenses for failure to complete the required continuing education credits and/or failure to submit the appropriate renewal fee must apply for late renewal during a six (6) month penalty period following the expiration date. Late renewal applications must be accompanied by documentation, if applicable, indicating completion of the required continuing education credits as specified in Reg. 57-11 and a fee equal to the annual renewal fee plus a penalty as described in Reg. 57-12.

(C) An embalmer or funeral director whose license has been expired for less than five (5) years may reactivate the license by applying to the Board, submitting the required fees, and demonstrating evidence satisfactory to the Board, on a form approved by the Board, of the requisite continuing education hours for each year during which the license was expired. In such cases, the Board may require supervised experience as a condition of reactivation.

(D) An embalmer or funeral director whose license has been expired for more than five (5) years must reapply and meet all of the requirements, including re-examination, at the time of application, for licensure.

(E) Applicants for reactivation must submit a notarized affidavit certifying that he or she has not been engaged in the practice of embalming or funeral directing in this State during the period the license was not in a current status.

57-10. Provisions for Permitting of Funeral Establishments.

An applicant for permitting of a funeral establishment must:

(A) submit an application on forms approved by the Board, along with the required fee; and

(B) submit to an inspection of the funeral establishment. The inspection must show the establishment has the following:

(1) a chapel or parlor where funeral services may be conducted; and

(2) a preparation room equipped with a sanitary floor and necessary drainage, ventilation, necessary approved tables, hot and cold running water, and a sink separate from table drainage; instruments, and supplies, for the preparation and embalming of dead human bodies; and

(3) a room containing a displayed stock of at least six (6) adult caskets and other necessary funeral supplies; and

(4) a minimum of one (1) motor hearse for transporting casketed human remains; and

(5) submit evidence that the facility meets all State and local building and fire codes; and

(C) submit the name of a licensed funeral director as manager of the facility who is or will become, prior to opening the facility, a full-time regular employee in responsible charge of the establishment and who is legally and ethically responsible for all actions taken at the establishment. In the event the manager leaves the facility or is unable to perform the duties of a facility manager, the facility shall, within thirty (30) days submit, on a form approved by the Board, the name of the successor manager as required in Section 40-19-270(C), South Carolina Code of Laws (1976, as amended). As a part of the application, the manager must submit a notarized statement that he or she has been licensed in South Carolina for at least one (1) year prior to being named the manager of the facility; and

(D) submit evidence satisfactory to the Board that the owner of the facility is a South Carolina licensed funeral director, if a sole proprietorship. If a partnership, at least one (1) partner must be a licensed funeral director, or the partnership must employ a full-time manager. If a corporation, at least one (1) officer of the corporation must be a licensed funeral director, or the corporation must employ a full-time manager. Owners of facilities may be required to submit partnership agreements, corporate resolutions, or any other such documents as may be requested by the Board to demonstrate compliance with this provision.

ARTICLE 4 CONTINUING EDUCATION

57-11. Continuing Education Requirements for Embalmers and Funeral Directors.

(A) Persons licensed as embalmers or funeral directors must complete six (6) hours of formal continuing education during every licensure period as a condition of renewal of their license. The continuing education completed must be gained through participation in formal instruction, seminars, or workshops approved by the Board. This continuing education requirement does not apply to persons who are sixty (60) years of age or older or persons who have been licensed for thirty (30) or more years by the Board so long as those persons do not act as the manager of record of any funeral establishment.

(B) The Board may grant waivers of the continuing education requirement in cases involving disability or illness and may extend the time within which the continuing education hours may be gained. Applications for waiver shall be submitted on forms approved by the Board and shall be signed by a licensed health care professional attesting to the licensee's inability to complete continuing education due to disability or illness.

(C) The Board shall maintain a list of approved continuing education courses.

ARTICLE 5

FEES

57-12. Fees.

(A) The Board may charge fees as shown in South Carolina Code of Regulations Chapter 10-17 and on the South Carolina Board of Funeral Service website at <http://lfr.sc.gov/POL/Funeral/>.

(B) All fees are nonrefundable.

ARTICLE 7

CODE OF ETHICS

57-13.1. Code of Ethics.

(A) Responsibilities to the Family.

(1) A funeral director shall, where possible, fully inform the family of the deceased concerning the time, the place, and details of the funeral service.

(2) A funeral director shall consider the financial limitations of the family of the deceased when counseling the family in the selection of services and furnishings.

(3) A funeral director shall explain to the family of the deceased costs of the services and the merchandise and disclose the range of prices for funeral goods and services available.

(4) A funeral director shall review with the family of the deceased all death benefits and burial allowances of which he is aware.

(5) A funeral director shall provide a statement of goods and services for the family to approve showing the price of the services and merchandise that was selected, the price of each of the supplemental items of the service, and the amount involved for each of the items for which the funeral director will advance monies as an accommodation to the family.

(6) A funeral director shall not make any misrepresentation concerning any aspect of the services rendered or the funeral furnishings or disposition alternatives.

(B) Confidentiality.

(1) A funeral director shall not disclose the cause of death of the deceased, expenditures for the funeral, the cost of the service, the source of funds or other information of a personal nature except with the express permission of the immediate family, or their authorized representatives.

(C) Property.

(1) A funeral director shall dispose of the personal effects of the deceased in accordance with the wishes of the family.

(D) Organ Donation.

(1) A funeral director shall support the wishes of families who authorize organ or body donations, if the body is needed and medically acceptable.

(E) Responsibilities to the Clergy.

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(1) A funeral director shall respect the customs and mourning habits of all religious creeds and denominations and shall adjust services to conform with the rituals and the beliefs of the family of the deceased.

(2) A funeral director shall honor the wishes and desires of the clergy in conducting the service whenever possible, except that the wishes of the clergy person shall be subservient to those of the family except when dogma is involved.

(3) A funeral director shall abide by the rules and regulations of the church when the funeral service is held in a church.

(4) A funeral director shall make appropriate referrals when religious or pastoral counseling is requested.

(F) Responsibilities to Medical and Hospital Personnel.

(1) A funeral director or embalmer shall promote public health by conforming with health laws and regulations.

(2) A funeral director or embalmer shall not discourage autopsy of the deceased unless instructed to do so by the immediate family.

57-13.2. Websites.

Websites for funeral establishments must list the individual South Carolina State Board of Funeral Service license number of all licensed funeral directors and embalmers employed at the establishment and further must identify all other employees mentioned in the website as either unlicensed or apprenticed, as the case may be. If a funeral director or embalmer's license is subsequently lapsed, revoked, suspended, or surrendered, the website shall not continue to identify the individual as licensed as long as the disqualification exists.

ARTICLE 8 CREMATORY REQUIREMENTS

57-14.1. Records.

Records, policies, and procedures will be maintained at the crematory site and will be available for inspection at all times.

(A) The crematory shall maintain a log which shows clearly:

- (1) The name of the deceased;
- (2) A unique identification number assigned to each deceased;
- (3) Authorization for cremation;
- (4) Date body received at the crematory;
- (5) Type of cremation container received;
- (6) Date cremated;
- (7) Date cremains delivered;
- (8) To whom the cremains were delivered.

(B) The crematory shall develop and implement a system to assure the identification of each deceased through all steps of the crematory process.

(C) The crematory shall develop and implement a system to track each deceased through all steps of the crematory process and shall attach a physical identification to each body which shall accompany it at all times during the cremation process. This identification may be attached to the outside of the retort during the period of actual cremation.

(D) The crematory shall maintain current operators manual for each retort and a maintenance record for each retort.

(E) Where a family requests removal of dental gold or other dental work, they shall be allowed to arrange for such removal by a licensed dentist of their choice and the crematory will allow access to that dentist. The crematory log will record the name and license number of the dentist.

(F) Crematories may only cremate human remains, the cremation of animals is forbidden.

57-14.2. Equipment and practices.

(A) Each crematory must provide a holding facility of suitable size to accommodate all human remains which are retained and awaiting cremation.

(B) Each crematory must be equipped with a commercially manufactured cremation unit (retort), made specifically for the cremation of human remains and including the following features:

- (1) An ash collection pan to minimize the commingling of cremated remains of one human with another;
- (2) A hearth floor without depressions to minimize the commingling of cremated remains of one human with another;
- (3) A door safety switch to stop the burner operation when the front charging door is opened;
- (4) A pollution monitoring system to monitor and detect smoke when the density exceeds applicable state and federal standards, whereupon the system will automatically stop the burner operation on a time setting of not less than three (3) minutes;
- (5) Approval by Underwriters Laboratory or a comparable laboratory.

(C) The cremation retort shall be in good working order at all times. If a retort is unavailable for any period exceeding twenty-four (24) hours, the crematory shall refuse to accept any body until such time as the retort is working, unless that body can be maintained under appropriate refrigeration as described in Subsection (E).

(D) A commercially manufactured processor made specifically for the pulverization of cremated remains and equipped with the following features:

- (1) Capable of consistently processing cremated remains to unidentifiable dimensions;
- (2) Rust resistant processing chamber;
- (3) Exterior surface made of easily cleaned, non-corrosive material.

(E) If the crematory provides a refrigeration unit for the holding of human remains in its custody for twenty-four (24) or more hours, it must meet the following standards:

- (1) Is capable of maintaining interior temperature of 40 degrees Fahrenheit while loaded with the maximum number of bodies for which it was designed;
- (2) Has a surface of sealed concrete, stainless steel, galvanized steel, aluminum or other easily cleaned material.

(F) The crematory shall maintain a vacuum system in working order and able to capture small bone fragments as well as some residual dust.

(G) The crematory shall remove all remains from the retort at the conclusion of each cremation and shall minimize residual dust.

(H) The crematory shall be operated by a person listed on the official roster of the Board as a Certified Crematory Operator.

(I) The crematory will provide and require that its operator use proper safety equipment including:

- (1) Heat Resistant Apron;
- (2) Heat Resistant Gloves (at least to the elbow);
- (3) Safety glasses with side shields, goggles or face shield.

(J) All cremains will be placed in a closed, rigid, and leak resistant container, specifically designed for the storage of cremains.

57-14.3. Training of Crematory Operators.

(A) Persons who complete the following training will be listed on the official roster of the Board as Certified Crematory Operators.

(B) Training will cover the following topics. The preceptor will document the time and date of specific training on these topics:

- (1) Documents required prior to cremation authorization;
- (2) Compliance with the record keeping requirements of this chapter;
- (3) Operation of the retort and processing cremains, including specific safety precautions.

57-14.4. Training of Certified Crematory Trainer/Preceptors.

(A) Persons who complete the following training and documented experience will be listed on the official roster of the Board as Certified Crematory Trainer/preceptors.

(B) Training will include the following components:

- (1) Factory approved instruction in the operation of the on-site unit;
- (2) Documents required prior to cremation (e.g. authorization, BRT, DC, Coroners' Permit);

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- (3) Compliance with the record keeping requirements of this chapter;
- (4) Operation of the retort and processing cremains, including specific safety precautions;
- (5) Packaging and delivery of cremains.

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 clarify apprentices' quarterly reporting requirements (R.57-06.1); provide guidance on licensure by endorsement when an applicant's jurisdiction does not have substantially similar licensure requirements (R.57-08); establish time lines for filing renewal applications with the Board (R.57-09); establish a residency requirement for funeral home managers and require owners of funeral establishments to be licensed funeral directors (R.57-10); amend the continuing education period to reflect biennial renewal and delete a requirement that the continuing education represent an in depth study of three different topics (R.57-11); and add a section regarding listing individuals employed at an establishment on the website.

Document No. 5089
DEPARTMENT OF LABOR, LICENSING AND REGULATION
MANUFACTURED HOUSING BOARD
CHAPTER 79

Statutory Authority: 1976 Code Section 40-29-10(D)(3)-(7)

- 79-6. License Renewal.
- 79-15. Retail Dealer Sales Transactions.
- 79-21. Installers.
- 79-22. Repairers.
- 79-23. Contractors.

Synopsis:

The South Carolina Manufactured Housing Board is considering proposing amendments to Chapter 79 to update and clarify R.79-6(D) regarding the continuing education requirements for the two-year licensing period, the carry-over of credits to the next licensing period, and allowing apprentice retail salespersons to accumulate continuing education credit towards requirements before the actual license begins. Furthermore, the South Carolina Manufactured Housing Board is considering amending R.79-15B to remove the requirement of all costs totaling the sales price from the contract for sale and amending R.79-21(B), 79-22(B) and 79-23(B) to remove the requirement of a certificate of completion for installers, repairers, and contractors.

A Notice of Drafting was published in the *State Register* on August 27, 2021.

Instructions:

Replace regulation as shown below. All other items and sections remain unchanged.

Text:

- 79-6. License Renewal.
 - (A) Penalty for failure on the part of the applicant to file a renewal application shall be as follows:
 - (1) A late fee will be assessed for applications received after the end of the renewal period.

(2) If a licensee fails to renew within six months the applicant/authorized official is required to qualify as a new applicant.

(B) Continuation in business without proper license will be deemed a violation of the Act.

(C) All license renewals must be accompanied by a current criminal background check, and verification that the applicant has obtained the required continuing education with the exception of manufacturers.

(D) Continuing Education

(1) To qualify for registration renewal, a registrant must accumulate a minimum of six (6) hours of continuing education per two-year licensing period. One (1) hour of continuing education shall be awarded for each hour of active participation in continuing education approved by the Board.

(a) Providers shall provide a course outline for review by the Board before approval. Approval of a course shall be valid for two years, after which the course must be resubmitted to the Board.

(b) Registrants who have earned more than six (6) hours of continuing education during a two-year licensing period may carry over up to two (2) hours to the next licensing period.

(c) A Manufactured Home Apprentice Salesperson may take continuing education classes and be credited hours earned toward any continuing education requirements the individual may have during the same licensing period as a Retail Salesperson or Retail Multi-lot Salesperson.

(2) Continuing education classes must concern South Carolina or federal laws, regulations and judicial decisions that affect the sale, installation or repair of manufactured homes.

(3) If the first period of registration is less than twenty-four (24) months, continuing education required for the first registration renewal must be based on the following:

(a) For registrations issued twelve (12) or less months before expiration, no hours.

(b) For registrations issued more than twelve (12) months before expiration, three (3) hours.

79-15. Retail Dealer Sales Transactions.

A. Each retail dealer shall furnish each Consumer purchasing a manufactured home a copy of any and all documents pertaining to the sale of the manufactured home, which include, but are not limited to, the following:

(1) A Copy of Purchase Agreement;

(2) Contract of Sale;

(3) Closing statement, including the purchase price, all funds paid and to be paid by the Consumer, receipt and disposition of all other funds relevant to the sales transaction, except those funds related to sales commissions and profit by the dealer;

(4) Homeowner's Manual and Installation Manual; and

(5) Warranties and Manuals for Appliances, Roof and Siding, if applicable.

B. A contract for sale for a manufactured home between a retail dealer and a consumer must contain an itemized list of all options and on site work to be included as part of the sales agreement. In addition, the following certifications must be obtained before the completion of the sales transaction when the manufactured home is to be placed on property in South Carolina or to be installed by the retail dealer:

(1) Meets applicable zoning requirements as submitted by consumer to the retail dealer for certification to contract, the consumer must certify in writing to the retail dealer that the manufactured home meets the applicable zoning requirements for the property on which the home is to be installed;

(2) Meets or can be made to meet regulations of the South Carolina Department of Health and Environmental Control (SCDHEC) governing wells and septic tanks, if the property is served or is to be served by a well or septic tank, or both. The consumer must provide a form from the Department of Health and Environmental Control certifying to the retail dealer that the property on which the manufactured home is to be located meets or can be made to meet regulations of the Department of Health and Environment Control criteria governing wells or septic tanks or both, if the manufactured home is to be served by a well or septic tank or both. The certification form must be kept as a part of the permanent record of the sale of the home and maintained by the retail dealer;

(3) Further, the contract must have attached a certification submitted by the retail dealer, that if the manufactured home per the contract is to be installed in South Carolina that the installation will meet installation requirements of the Board;

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(4) Failure by a retail dealer and/or salesperson or multi-lot salesperson to have these certifications attached to the contract shall be cause for the Board to suspend or revoke a retail dealer license or take other corrective action as provided in the Act or these Regulations.

C. Each retail dealer is required at the time of sale of a manufactured home to make a full disclosure to the buyer, concerning the disposition of the wheels, axles and hitch(es), and such disclosure must be signed and approved by the purchaser.

D. Each retail dealer is required at the time of sale of a manufactured home to present conspicuous notice to the consumer that if the new manufactured home is moved from the initial installation site during the term of the warranty period, the new home warranty does not apply to a defect or damage caused by the move.

E. The following provisions shall govern all transactions in which a retail dealer is involved in a transfer of a pre-owned manufactured home between a consumer and a seller, other than the retail dealer:

(1) The retail dealer's role is that of a fiduciary to his principal;

(2) In all such transactions which require a transfer of title, the retail dealer must:

(a) Determine the status of title, including all recorded liens and security interests, of the manufactured home according to the title records of the Department of Public Safety; and

(b) Disclose in writing to all parties in the transaction the status of the home as shown by such records.

79-21. Installers.

(A) An installer's license entitles its holder to install manufactured homes on a contract or subcontract basis for manufacturers, dealers or home purchasers. All work must be in compliance with all applicable federal, state statutes, regulations and standards. Work authorized by an installer's license is limited to:

(1) transportation of the manufactured home from dealership to stand:

(2) stand preparation:

(3) physical placement of the manufactured home on the stand:

(4) physical connection of sections and structural, nonstructural and mechanical components of the manufactured home:

(5) installation of foundation system, piers, block work, ground anchors and tiedown straps, leveling, vapor barrier, prefabricated steps: and,

(6) physical connection and testing of electrical, plumbing, gas and mechanical components and services, unless otherwise authorized by law.

(B) All work undertaken by an installer must be accomplished in good and workmanlike manner.

(C) Electric, water, sewer and gas utilities must not be connected until the manufactured home is properly blocked and leveled.

(D) An installer's license does not permit an individual to perform modifications or repairs to any manufactured home.

79-22. Repairers.

(A) A repairer's license entitles its holder to modify or repair manufactured homes on a contract or subcontract basis for manufacturers, dealers or home purchasers. All work must be in compliance with all applicable federal, state statutes, regulations and standards. Work authorized by a repairer's license is limited to repair of components, systems, appliances, fixtures or devices on or in a manufactured home;

(B) All work undertaken by a repairer must be accomplished in a good and workmanlike manner. (C) A repairer's license does not permit an individual to install a manufactured home.

79-23. Contractors.

(A) A contractor's license entitles its holder to install, modify or repair manufactured homes on a contract or subcontract basis for manufacturers, dealers or home purchasers. All work must be in compliance with all applicable federal, state statutes, regulations and standards. Work authorized by a contractor's license is limited to:

(1) all work authorized for installers and repairers;

(2) construction of porches, decks, ramps, handrails and guardrails: and,

(3) installation of awnings and other add-on components produced specifically for use on or in manufactured homes.

(B) All work undertaken by a contractor must be accomplished in a good and workmanlike manner.

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 South Carolina Manufactured Housing Board is considering proposing amendments to Chapter 79 to update and clarify R.79-6(D) regarding the continuing education requirements for the two-year licensing period, the carry-over of credits to the next licensing period, and allowing apprentice retail salespersons to accumulate continuing education credit towards requirements before the actual license begins. Furthermore, the South Carolina Manufactured Housing Board is considering amending R.79-15B to remove the requirement of all costs totaling the sales price from the contract for sale and amending R.79-21(B), 79-22(B) and 79-23(B) to remove the requirement of a certificate of completion for installers, repairers, and contractors.

Document No. 5049
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF MEDICAL EXAMINERS
CHAPTER 81
Statutory Authority: 1976 Code Sections 40-1-70, 40-47-10, and 40-47-110

81-110. Criteria for Physician Supervision of Nurses in Extended Role.

Synopsis:

The South Carolina Board of Medical Examiners proposes to repeal R.81-110.

A Notice of Drafting was published in the *State Register* on February 26, 2021.

Instructions:

Replace regulation as shown below. All other items and sections remain unchanged.

Text:

81-110. Repealed.

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 South Carolina Board of Medical Examiners proposes to repeal R.81-110 as it has been superseded by statute.

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Document No. 5090

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF MEDICAL EXAMINERS
CHAPTER 81**

Statutory Authority: 1976 Code Sections 40-1-70, 40-47-10, and 40-47-110

81-75. Emergency Temporary Licenses. (New)

Synopsis:

The South Carolina Board of Medical Examiners proposes to promulgate a regulation regarding emergency licensure and the requirements for the same.

A Notice of Drafting was published in the *State Register* on July 23, 2021.

Instructions:

Replace regulation as shown below. All other items and sections remain unchanged.

Text:

**ARTICLE 7.5
EMERGENCY TEMPORARY LICENSES**

81-75. Emergency Temporary Licenses.

A. Upon the declaration of a state of emergency by the Governor, the Board may authorize the issuance of emergency temporary licenses to physicians, physician assistants, and respiratory care practitioners actively licensed to practice in another state.

B. The board may not issue an emergency temporary license to an individual:

(1) whose license in any other state is currently revoked, suspended, restricted in any way, or on probationary status in that state; or

(2) who currently has disciplinary action pending in any state.

C. An emergency temporary license issued under this section is valid only for the duration of the declared state of emergency and shall immediately expire upon the expiration of the declared state of emergency.

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 South Carolina Board of Medical Examiners proposes to promulgate a regulation regarding emergency licensure and the requirements for the same. The regulation will state when and to whom the Board may issue emergency temporary licenses, to whom a license may not be issued, and when the license expires.

Document No. 5050
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH
CHAPTER 71

Statutory Authority: 1976 Code Section 41-15-210

Chapter 127. South Carolina Occupational Health and Safety Review Board.

Synopsis:

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health, proposes to repeal Chapter 127, as the law establishing the Board was repealed by 2008 Act No. 188, Section 3, effective January 1, 2009.

A Notice of Drafting was published in the *State Register* on July 23, 2021.

Instructions:

Repeal regulations as shown below. All other items and sections remain unchanged.

Text:

127-1.1. Repealed.

127-1.2. Repealed.

127-1.3. Repealed.

127-1.4. Repealed.

127-1.5. Repealed.

127-1.6. Repealed.

127-1.7. Repealed.

127-1.8. Repealed.

127-1.9. Repealed.

127-1.10. Repealed.

127-1.11. Repealed.

127-2.1. Repealed.

127-2.2. Repealed.

127-2.3. Repealed.

127-2.4. Repealed.

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127-3.1. Repealed.

127-3.2. Repealed.

127-3.3. Repealed.

127-3.4. Repealed.

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 South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health, proposes to repeal Chapter 127, as the law establishing the Board was repealed by 2008 Act No. 188, Section 3, effective January 1, 2009.

Document No. 5106
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH
CHAPTER 71

Statutory Authority: 1976 Code Section 41-15-220

Article 1, Subarticle 6, Section 1910.502 (q) and (r)
Occupational Safety and Health Standards

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health, hereby promulgates the following revisions to South Carolina regulations:

Article 1, Subarticle 6, Section 1910.502 (q) and (r). Paragraph (q) requires employers to maintain a COVID-19 log and reporting provisions. Paragraph (r)(1)(i) requires employers to report each work-related COVID-19 fatality to OSHA within 8 hours of the employer learning about the fatality regardless of when the exposure in the work environment occurred. Paragraph (r)(1)(ii) of the standard requires an employer to report each work-related COVID-19 in-patient hospitalization to OSHA within 24 hours of the employer learning about the in-patient hospitalization.

Copies of these final regulation changes can be obtained or reviewed at the South Carolina Department of Labor, Licensing and Regulation during normal business hours by contacting the OSHA Standards Office at (803) 896-5811 or on the OSHA website at www.OSHA.gov.

Document No. 5100
DEPARTMENT OF LABOR, LICENSING AND REGULATION
REAL ESTATE APPRAISERS BOARD
CHAPTER 137

Statutory Authority: 1976 Code Sections 40-1-70, 40-60-10(I), and 40-60-38

137-100. Definitions.

137-100.02. Qualifications.

137-100.03. Appraisal Categories.

137-100.04. Residential Experience Hours.

- 137-100.05. Nonresidential Experience Hours.
- 137-100.06. Co-Appraiser Experience.
- 137-200.02. Residential Mass Appraisals.
- 137-200.03. Nonresidential Mass Appraisals.
- 137-300.01. Responsibilities of an Apprentice Appraiser.
- 137-400.01. Temporary Practice.
- 137-500.01. Continuing Education.
- 137-800.01. Payment of Fees.
- 137-800.04. Permit, License, Certification and Registration Renewals.
- 137-800.05. Expired Permit, License, Certificate, or Registration.
- 137-900.05. Curriculum and Attendance.
- 137-900.06. Provider, Instructor and Course Renewals.

Synopsis:

The South Carolina Real Estate Appraisers Board proposes to amend Chapter 137 as follows: to add definitions for “desk review” and “field review”, with necessary renumbering, in R.137-100; to remove the word “Residential” from course names in R.137-100.02(C)(1); to change the current experience requirement for the Licensed category to meet the Appraiser Qualifications Board (AQB) minimum requirements in R.137-100.02(C)(3) and (4); to remove the word “Residential” from the course names in R.137-100.02(D)(1); to change the current experience requirement for the Certified Residential category to meet the AQB minimum requirements in R.137-100.02(D)(3) and (4); to change the current experience requirement for the Certified General category to meet the AQB minimum requirements in R.137-100.02(E)(3) and (4); to remove definitions for “desk review” and “field review” from R.137-100.03; to add a column for co-appraiser hours assigned in R.137-100.04 and R.137-100.05; to restate the language in R.137-100.06; to add a column for co-appraiser hours assigned in R.137-200.02(A) and R.137-200.03(A) and to delete R.137-200.02(B) and R.137-200.03(B); to change “permit” to “license” in 137-300.01(A) and (6); to delete R.137-400.01; to clarify and restate certain language in R.137-500.01(F); to delete R.137-800.01; to restate and clarify certain language in R.137-800.04(A) regarding appraiser renewals and R.137.800.04(B) regarding AMC renewals; to delete certain language in R.137-800.05(B); to delete certain language in R.137-900.05(B) and to remove the word “Residential” from the course names in R.137-900.05(C) and (D); and to delete and clarify certain language in R.137-900.06.

The Notice of Drafting was published in the *State Register* on September 24, 2021.

Instructions:

Replace regulation as shown below. All other items and sections remain unchanged.

Text:

CHAPTER 137

Department of Labor, Licensing and Regulation — South Carolina Real Estate Appraisers Board

(Statutory Authority: 1976 Code Sections 40-60-50(I) and 40-60-90)

137-100. Definitions.

(1) “Asynchronous” means communication that does not take place at the same time. It is characterized by as needed, intermittent communication.

(2) “Co-Appraiser” refers to appraisals in which more than one appraiser works as a team. Applicants must have performed at least fifty (50%) percent of the work on an appraisal.

(3) “Desk Review” refers to an appraisal performed by another person (including a person under the applicant’s supervision) but does not include a physical inspection of the subject property. In order to qualify

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for experience credit in this category, an applicant must have thoroughly and critically reviewed all portions of the appraisal report and recommended the acceptance, revision, or rejection of the appraisal under review.

(4) "Direct Supervision" means personally reviewing an appraisal report prepared by an apprentice and signing and certifying the report as being independently and impartially prepared and in compliance with the Uniform Standards of Professional Appraisal Practice, these regulations and applicable statutory requirements.

(5) "Distance Education" means the process of delivering instruction when the instructors and the students are separated by distance.

(6) "Field Review" refers to an appraisal performed by another person who has conducted a physical inspection of the property, as well as verified the data and checked the calculations contained in the appraisal under review. In addition, in order to qualify for experience credit in this category, an applicant must have prepared a written report recommending the acceptance, revision, or rejection of the appraisal under review.

(7) "Lister" refers to duties individuals perform in mass appraisals that are typically limited to the location of real property, measurement of improvements relative to such things as number of bedrooms and bathrooms, siding, decks, or other miscellaneous information.

(8) "Sole Appraiser" refers to appraisals that are completed by only one person.

(9) "Synchronous" means communication in which the interaction is simultaneous. It is characterized by live two-way communication.

137-100.02. Qualifications.

(A) In order to qualify as a state apprentice, licensed or certified appraiser, an applicant must meet the requirements set forth below, as well as any requirements established by the Appraiser Qualifications Board (AQB) and the Appraisal Standards Board (ASB) of the Appraisal Foundation, as subsequently endorsed by the Appraisal Subcommittee pursuant to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(B) In order to qualify as an apprentice appraiser, an applicant:

(1) must have received 75 hours of Core Curriculum prescribed by the AQB in qualifying education covering thirty (30) hours in Basic Appraisal Principles, thirty (30) hours in Basic Appraisal Procedures, and fifteen (15) hours in National Uniform Standards of Professional Appraisal Practice or its equivalent as determined by the AQB;

(2) must attend a trainee/supervisor orientation conducted in compliance with AQB requirements.

(C) In order to qualify to become a state licensed real estate appraiser, an applicant:

(1) must have received one hundred fifty (150) hours of Core Curriculum prescribed by the AQB in qualifying education covering thirty (30) hours in Basic Appraisal Principles, thirty (30) hours in Basic Appraisal Procedures, fifteen (15) hour National Uniform Standards of Professional Appraisal Practice or its equivalent as determined by the AQB, fifteen (15) hours in Market Analysis and Highest and Best Use, fifteen (15) hours in Appraiser Site Valuation and Cost Approach, thirty (30) hours in Sales Comparison and Income Approaches, and fifteen (15) hours in Report Writing and Case Studies.

(2) Applicants for the Licensed appraiser classification must hold a high school diploma or certificate of equivalency.

(3) must have earned a minimum of one thousand (1,000) hours of appraisal experience in appraising either residential or nonresidential properties. However, the maximum number of hours which an applicant can earn in review (field, documentary, or desk) appraisal experience is limited to five hundred (500) hours. Qualifying experience must be obtained after January 1, 1992, be in appraisal work conforming to USPAP Standards where the appraiser demonstrates proficiency in appraisal principles, methodology, procedures (development), reporting conclusions, sufficient to demonstrate competency in all USPAP requirements; and

(4) must have at least six (6) months of real estate appraisal experience commencing as of the date that the first assignment is completed after the initial license is issued; and

(5) must stand for and pass an exam administered or approved by the Board. An applicant who does not become licensed within two years after passing the examination must retake the examination.

(D) In order to qualify to become a state certified residential real estate appraiser, an applicant:

(1) must have received two hundred (200) hours of Core Curriculum prescribed by the AQB in qualifying education covering thirty hours in Basic Appraisal Principles, thirty (30) hours in Basic Appraisal Procedures, fifteen (15) hour National Uniform Standards of Professional Appraisal Practice or its equivalent as determined

by the AQB, fifteen (15) hours in Market Analysis and Highest and Best Use, fifteen (15) hours in Appraiser Site Valuation and Cost Approach, thirty (30) hours in Sales Comparison and Income Approaches, fifteen (15) hours in Report Writing and Case Studies, fifteen (15) hours in Statistics, Modeling, and Finance, fifteen (15) hours in Advanced Applications and Case Studies, and twenty (20) hours in appraisal subject matter electives;

(2) must have maintained a Licensed Appraiser credential for a minimum of five (5) years and have no record of any disciplinary action affecting the Licensed Appraiser's legal eligibility to engage in appraisal practice within the previous five (5) years, or must hold a Bachelor's degree or higher, or an Associate's degree in a field of study related to Business Administration, Accounting, Finance, Economics or Real Estate from an accredited college, community college, or university. In lieu of the degree requirement, an applicant for the certified residential appraiser credential shall successfully complete thirty (30) semester hours of college-level education from an accredited college, junior college, community college or university in the following topic areas:

English Composition (3 hours)

Microeconomics (3 hours)

Macroeconomics (3 hours)

Finance (3 hours)

Algebra, Geometry or Higher Math (3 hours)

Statistics (3 hours)

Computer Science (3 hours)

Business or Real Estate Law (3 hours)

Two elective courses in any of the above topics, or in Accounting, Geography, Agricultural Economics, Business Management or Real Estate (3 hours each)

The college or university must be a degree-granting institution accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education. If an accredited college or university accepts the College-Level Examination Program (CLEP) examination(s) and issues a transcript for the exam, showing its approval, it will be considered as credit for the college course.

(3) must have earned a minimum of one thousand five hundred (1,500) hours of appraisal experience in appraising either residential or nonresidential properties. However, the maximum number of hours which an applicant can earn in review (field, documentary, or desk) appraisal experience is limited to seven hundred fifty (750) hours. Qualifying experience must be obtained after January 1, 1992, be in appraisal work conforming to USPAP Standards where the appraiser demonstrates proficiency in appraisal principles, methodology, procedures (development), reporting conclusions, and be of a variety sufficient to demonstrate competency in all USPAP requirements;

(4) must have at least twelve (12) months of real estate appraisal experience commencing as of the date that the first assignment is completed after the initial license is issued; and

(5) must stand for and pass an exam administered or approved by the Board. An applicant who does not become certified within two years after passing the examination must retake the examination to qualify for residential certification.

(E) In order to qualify to become a state certified general real estate appraiser, an applicant:

(1) must have received three hundred (300) hours of Core Curriculum prescribed by the AQB in qualifying education covering thirty (30) hours in Basic Appraisal Principles, thirty (30) hours in Basic Appraisal Procedures, fifteen (15) hour National Uniform Standards of Professional Appraisal Practice or its equivalent as determined by the AQB, thirty (30) hours in General Appraiser Market Analysis and Highest and Best Use, fifteen (15) hours in Statistics, Modeling, and Finance, thirty (30) hours in General Appraiser Sales Comparison Approach, at least thirty (30) hours in General Appraiser Site Valuation and Cost Approach, sixty (60) hours in General Appraiser Income Approach, thirty (30) hours in General Appraiser Report Writing and Case Studies, and thirty (30) hours in appraisal subject matter electives;

(2) must hold a Bachelors degree or higher from an accredited college or university;

(3) must have earned a minimum of three thousand hours of appraisal experience, fifty (50%) percent of which must come from appraising nonresidential properties. The maximum number of hours which an applicant can earn in review (field, documentary, or desk) appraisal experience is limited to one thousand five hundred

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(1,500) hours. Qualifying experience must be obtained after January 1, 1992, be in appraisal work conforming to USPAP Standards where the appraiser demonstrates proficiency in appraisal principles, methodology, procedures (development), reporting conclusions, sufficient to demonstrate competency in all USPAP requirements;

(4) must have at least eighteen (18) months of real estate appraisal experience commencing as of the date that the first assignment is completed after the initial license is issued; and

(5) must stand for and pass an exam administered or approved by the Board. An applicant who does not become certified within two years after passing the examination must retake the examination to qualify for general certification.

(F) Courses taken in satisfying the qualifying education requirements should not be repetitive in nature. Each course credited toward the required number of qualifying education hours should represent a progression in which the appraiser’s knowledge is increased.

(G) The Board may waive the examination requirements for those applicants who are currently licensed or certified in another state upon proof that the applicant has successfully passed an Appraisal Qualifications Board approved exam which served as a requirement for licensure or certification in the state where he is currently licensed or certified.

137-100.03. Appraisal Categories.

The following categories pertain to various forms of appraiser involvement and the percentage which may be awarded by the Board when evaluating appraisal experience:

	Category	Percentages Assigned
(A)	Sole Appraiser -	100%
(B)	Co-Appraiser -	75%
(C)	Field Review -	50%
(D)	Desk Review -	25%

137-100.04. Residential Experience Hours.

The following hours may be awarded by the Board concerning property types when evaluating residential appraisal experience:

	Type of Appraisal	Sole Appraiser Hours Assigned	Co-Appraiser Hours Assigned
1.	Appraisal of Single-Family (one unit dwelling)	8	6
2.	Appraisal of Multi-Family (two-four units)	16	12
3.	Appraisal of Vacant Residential Lot	6	4.5
4.	Appraisal of Rural Residential Land (10-50 acres)	16	12
5.	All other residential properties, larger or more complex than typical properties.	Hours to be determined by the Board upon submission.	

137-100.05. Nonresidential Experience Hours.

The following hours may be awarded by the Board concerning property types when evaluating nonresidential appraisal experience:

	Type of Appraisal	Sole Appraiser Hours Assigned	Co-Appraiser Hours Assigned
A.	Vacant Land:	20	15

	(Undeveloped nonresidential tracts, residential multifamily sites, commercial sites, industrial sites, lands in transition, etc.)		
B.	Rural/Agricultural:		
	(51 to 250 acres)	20	15
	(more than 250 acres)	32	24
C.	Residential Multi-Family (5-12 units):	40	30
D.	Residential Multi-Family (13 units or more):	56	42
	(apartments, condominiums, townhouses, mobile home parks, etc.)		
	(Apartments, condominiums, townhouses, mobile home parks, etc.)		
E.	Commercial Single-Tenant:	40	30
	(Office building, retail store, restaurant, service station, bank, day-care center, etc.)		
F.	Commercial Multi-Tenant:	64	48
	(Office building, shopping center, hotel/motel, etc.)		
G.	Industrial:		
	(Warehouse, manufacturing plant, etc.)		
	Under 20,000 square feet	40	30
	20,000 square feet or more	72	54
H.	Institutional:	72	54
	(Nursing home, hospital, school, church, government building, etc.)		
I.	Specialized or more complex properties	Hours to be determined by Board upon submission.	

137-100.06. Co-Appraiser Experience

An appraiser with any credential, licensed under this chapter, can assist in any appraisal assignment, as long as the appraiser signs the report or is stated in the report for providing professional assistance. A co-appraiser can claim experience credit using seventy-five (75%) of the experience hours as allowed in 137-100.04 and 137-100.05.

137-200.02. Residential Mass Appraisals.

The following categories pertain to various forms of appraiser involvement and the hourly values which may be awarded by the Board when evaluating residential mass appraisal experience:

Type of Appraisal		Sole Appraiser Hours Assigned	Co-Appraiser Hours Assigned
1.	Single-Family	2	1
	(one-unit dwelling)	Update	.50

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2.	Multi-Family	New	2	1
	(two-four units)	Update	1	.50
3.	Residential Lots	New	2	1
	(4 lots or less)	Update	1	.50
4.	Rural Residential Land	New	2	1
	(50 acres or less)	Update	1	.50

137-200.03. Nonresidential Mass Appraisals.

The following categories pertain to various forms of appraiser involvement and the hourly values which may be awarded by the Board when evaluating nonresidential mass appraisal experience:

Type of Appraisal			Sole Appraiser Hours Assigned	Co-Appraiser Hours Assigned
1.	Vacant Land	New	2	1
		Update	1	.50
2.	Rural Agricultural	New	2	1
	(51 acres to 250 acres)	Update	1	.50
3.	Rural Agricultural	New	2	1
	(more than 250 acres)	Update	1	.50
4.	Multi-Family	New	8	4
	(5-12 units)	Update	4	2
5.	Multi-Family	New	12	6
	(13 or more units)	Update	6	3
6.	Commercial	New	8	4
	(single tenant)	Update	4	2
7.	Commercial	New	16	8
	(multi-tenant)	Update	8	4
8.	Industrial	New	8	4
	(under 20,000 square feet)	Update	4	2
9.	Industrial	New	12	6
	(more than 20,000 square feet)	Update	6	3
10.	Institutional	New	12	6
		Update	6	

137-300.01. Responsibilities of an Apprentice Appraiser.

(A) The holder of an apprentice appraiser license issued by the Board must comply with the following:

(1) The apprentice shall perform appraisal assignments only under the direct supervision of a state certified residential or state certified general real estate appraiser.

(2) The apprentice and supervisor are required to complete a course that is oriented toward the requirements and responsibilities of supervisory appraisers and expectations for trainee appraisers prior to obtaining an apprentice credential.

(3) The apprentice shall maintain a log which shall contain the following for each appraisal assignment:

(a) Date of appraisal.

(b) Address of appraised property.

(c) Description of work performed by the apprentice and scope of the review and supervision of the supervising appraiser.

(d) Type of property.

(e) Hours by the apprentice on the assignment.

(f) Name, signature and certification number of supervising appraiser.

(4) The apprentice shall maintain copies or have access to all appraisals.

(5) The apprentice shall make the log and all appraisals available at all times for inspection by the Board.

(6) When performing appraisal assignments, the apprentice shall have in his or her possession the license issued by the Board.

(7) The apprentice is eligible to take the appraisal licensing or certification examinations after completing the requisite Board-approved AQB Core Curriculum and experience required for the Licensed or Certified appraiser classification.

137-400.01. [Deleted]

137-500.01. Continuing Education.

(A) All appraisers, including apprentice appraisers, prior to their first and all subsequent renewals of their authorization to engage in real estate appraisal activity, must complete the continuing education requirement of at least twenty-eight (28) class hours of approved instruction biennially.

(B) Continuing education is to be reported on a form approved by the Board and must have all supporting documentation attached. To ensure that it is recorded prior to the renewal deadline of June 30 and does not delay an appraiser's renewal, it should be received by the Board no later than June 1. The Board cannot guarantee that a renewal will be processed prior to the expiration date of June 30 if forms are received after June 1.

(C) Approved qualifying courses may be used to meet the continuing education requirement provided that the following conditions are met:

(1) Qualifying courses must be on the Board's approved list.

(2) The level of the course must be above the appraiser's current status [e.g. a licensed appraiser may receive continuing education credit for taking a Certified Residential or Certified General Level Course].

(3) Credit will not be given for the same category course taken within a two (2) year period.

(4) The current 7-hour National Uniform Standards of Professional Appraiser Practice Update Course must be taken by all appraisers prior to each renewal.

(D) Appraisers may request that they receive credit for continuing education for a course taken that has not been approved by the Board. Appraisers may use qualifying courses for continuing education credit provided that the content is substantially different from their previously completed qualifying courses. Credit will be granted only if the appraiser provides satisfactory proof of course completion and the Board finds that the course meets the criteria set for continuing education courses with regard to subject matter, course length, instructor qualification and student attendance. Requests for continuing education credit for non-approved courses must be made on a form approved by the Board and must be submitted along with a nonrefundable fee.

(E) Appraisers who received their authority to engage in real estate appraisal activity in South Carolina through either a reciprocal agreement with their state of residence or as a non-resident South Carolina appraiser may meet the continuing education requirements by providing evidence that they have met the continuing education requirements of their state of residence. Such real estate appraisal requirements must meet South Carolina's minimum hour requirements and be approved by the regulatory agency in their state.

(F) Submission of false or misleading information is grounds for immediate suspension of the appraiser's authority to practice along with other possible disciplinary actions.

(G) Approved instructors may receive up to one-half of their continuing education credit for teaching continuing education courses, subject to Board approval. Credit will not be given for the same continuing education course more than once during a continuing education cycle.

137-800.01. [Deleted]

137-800.04. Permit, License, Certification and Registration Renewals.

(A) All appraiser permits, licenses, and certifications expire biennially on June 30 (even years), except those appraisers who first become permitted, licensed or certified in the last quarter of the fiscal year (April 1 to June 30) are not required to renew until the following renewal period. If the initial license is issued in an odd-numbered year, the license shall be renewed the following year and then biennially thereafter.

(B) All appraisal management company registrations expire biennially on June 30 (odd years), except those registrations that are received in the last quarter of the renewal year (April 1 to June 30) are not required to renew

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until the following renewal period. If initial registration is issued in an even-numbered year, the license shall be renewed the following year and then biennially thereafter.

137-800.05. Expired Permit, License, Certificate, or Registration.

(A) Permits, licenses and certificates expired for more than twelve (12) months will be cancelled. Such cancelled permits, licenses and certificates may be considered for reinstatement upon proper application, payment of the original license or certificate fee, and proof of having obtained continuing education equal to the total number of hours that would have been required had the permit, license or certificate been continuously renewed including the most recent 7-hour National Uniform Standards of Professional Appraisal Practice Update Course. Such applications will be reviewed by the Board to determine whether an examination and/or additional real estate appraisal education will be required.

(B) Registrations of an appraisal management company expired for more than twelve (12) months will be cancelled. Such cancelled registration may be considered for reinstatement upon proper application and payment of the original registration fee.

137-900.05. Curriculum and Attendance.

(A) Topics for qualifying courses referenced in the South Carolina Real Estate Appraisers and Appraisal Management Companies Act must be broad in scope and must cover various principles, concepts, standards, practices and/or methods that are applicable to the performance of a wide range of appraisal assignments that will commonly be encountered by licenses or certified appraisers in connection with appraisals in federally-related transactions. The courses must be at least fifteen (15) hours and must include an examination pertinent to that educational offering. Prelicense appraisal courses must be in modules which require a specified number of education hours at each credential level as established by the Appraiser Qualifications Board (AQB) of The Appraisal Foundation.

(B) The seventy-five (75) hours required for qualifying as a real estate apprentice appraiser must include content on the following course modules:

1. Basic Appraisal Principles (30 hours);
2. Basic Appraisal Procedures (30 hours);
3. National USPAP Course or its equivalent as determined by the AQB (15 hours).

(C) The one hundred fifty (150) hours required for a state licensed real estate appraiser must include content from the Basic Appraisal Principles (30 hours), Basic Appraisal Procedures (30 hours) and the National USPAP Course or its equivalent as determined by the AQB (15 hours) in addition to the following course modules:

1. Market Analysis And Highest And Best Use (15 hours);
2. Appraiser Site Valuation And Cost Approach (15 hours);
3. Sales Comparison And Income Approaches (30 hours);
4. Report Writing And Case Studies (15 hours).

(D) The two hundred (200) hours required for a state certified residential real estate appraiser must include content from the Basic Appraisal Principles (30 hours), Basic Appraisal Procedures (30 hours), National USPAP Course or its equivalent as determined by the AQB (15 hours), Market Analysis And Highest And Best Use (15 hours), Appraiser Site Valuation And Cost Approach (15 hours), Sales Comparison And Income Approaches (30 hours), and Report Writing And Case Studies (15 hours) in addition to the following course modules:

1. Statistics, Modeling And Finance (15 hours);
2. Advanced Applications And Case Studies (15 hours);
3. Appraisal Subject Matter Electives (20 hours and may include hours over the minimum in other modules).

(E) The three hundred (300) hours required for a state certified general real estate appraiser must include content from the Basic Appraisal Principles (30 hours), Basic Appraisal Procedures (30 hours), National USPAP Course or its equivalent as determined by the AQB (15 hours), Statistics, Modeling And Finance (15 hours) in addition to the following course modules:

1. General Appraiser Market Analysis And Highest And Best Use (30 hours);
2. General Appraiser Sales Comparison Approach (30 hours);
3. General Appraiser Site Valuation And Cost Approach (30 hours);
4. General Appraiser Income Approach (60 hours);

5. General Appraiser Report Writing And Case Studies (30 hours);

6. Appraisal Subject Matter Electives (30 hours and may include hours over the minimum in other modules).

(F) Topics for continuing education courses must contribute to the goal of maintaining or increasing the knowledge, skill and competence of real estate appraisers with regard to the performance of real estate appraisals in a manner that best serves the public interest and must be a minimum of two (2) class hours in length.

(G) Learning objectives and detailed lesson plans reflecting the course content with time allotments must be furnished to the Board at the time of application for approval, along with copies of all quizzes and examinations for qualifying courses. Examinations and the criteria for such examinations and final grade determination may be developed by each provider based on its individual concepts. The Board may, however, direct alterations in examinations procedures, criteria for passing, and administration whenever deemed necessary.

(H) Providers must identify to the Board the texts to be used in any approved course of instruction. The Board may direct that the school withdraw texts and may require additional instructional materials.

(I) For qualifying courses, providers must establish uniform testing and grading procedures for their quizzes and examinations and must use approved instructors for administering and monitoring all such tests. No proprietor, instructor or any other individual may arbitrarily alter a student's grade or offer to students any re-examination of the same test previously administered. Retake examinations must contain at least eighty percent (80%) new material.

(J) Class meetings must be limited to a maximum of eight (8) hours in any given day. Students must be allowed one ten (10) minute break each hour and must be allowed at least one thirty minute break for classes that exceed four (4) hours. Providers must require strict attendance of all classroom hours required by law and must maintain records indicating all student absences.

(K) Providers may offer students failing to meet the minimum-hour requirement make-up sessions as follows:

1. a make-up session offered by the provider consisting of the content covered in the session or hours missed; or

2. a video tape of the class session missed, supervised by the instructor, if not more than twenty percent (20%) of the classroom hours are missed; or

3. attendance of the same class session offered by the provider at a future date.

(L) Each provider must prepare and submit to the Board reports verifying completion of a course for each licensee who satisfactorily completes the course. Such reports shall be transmitted electronically fourteen (14) calendar days following the course. The verified Course Completion Report shall list: the course identification number assigned by the Board, provider's name, instructor's name, title, location and dates of course; full legal name, address, phone number, permit/license/certificate number, if applicable, of each student, along with the number of hours in attendance and final grade, if applicable. The Course Completion Report must be verified by an authorized official of the provider.

(M) A Certificate of Completion prescribed by the Board shall be awarded to each course graduate, signed and dated by the authorized official of the provider, and must contain the course identification number assigned by the Board, provider's name and address, title, location, dates and number of hours of the course, full legal name, and license number, if applicable, of the student.

137-900.06. Provider, Instructor and Course Renewals.

All provider, course, and instructor approvals expire biennially on August 31 (even years). If issued in odd-numbered years, they shall be renewed the following year and then biennially thereafter. Renewal forms will be mailed to all approved providers and instructors, and completed forms must be received in the Board's office not later than August 15 to insure renewal by August 31. Renewal fees must accompany the form and a late fee will be charged if received after August 31.

Fiscal Impact Statement:

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

Statement of Rationale:

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The updated regulation will amend Chapter 137 to comply with changes required by Federal law. Under the provisions of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), the Appraiser Qualifications Board (AQB) establishes the Real Property Appraiser Qualification Criteria, or the minimum education, experience and examination requirements for real property appraisers to obtain a state certification. The Board regulations must be amended to achieve consistency with the aforementioned Federal law. In addition to the changes above, the proposed regulations will delete, restate and clarify certain language in the regulations as set forth hereinabove.

Document No. 5101

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
CHAPTER 115

Statutory Authority: 1976 Code Sections 40-1-70 and 40-67-70

115-1. General Licensing Provisions.

115-2. Speech-Language Pathology Assistants.

115-3. Supervised Professional Employment (SPE).

Synopsis:

The South Carolina Board of Examiners in Speech-Language Pathology and Audiology proposes to amend R.115-1, 115-2, and 115-3.

The Notice of Drafting was published in the *State Register* on August 27, 2021.

Instructions:

Replace regulation as shown below. All other items and sections remain unchanged.

Text:

ARTICLE 1

LICENSING PROVISIONS

115-1. General Licensing Provisions.

Each applicant for a license must submit a notarized application form to the board office. The appropriate fee must be received before the application may be evaluated.

(A) An applicant for active licensure in Speech-Language Pathology or Audiology must submit or cause to be submitted documented evidence of the following:

(1) a diploma showing a post-graduate degree in speech-language pathology or audiology from a school or program with regional accreditation determined by the board to be equivalent to those accredited by the Council of Academic Accreditation (CAA) for Audiology and Speech-Language Pathology of the American Speech-Language Hearing Association (ASHA) or other board approved authority;

(2) a passing score on a national examination as approved by the board; and

(3)(a) completed supervised professional employment (SPE); or

(b) meets ASHA's standards for Certificate of Clinical Competence or its equivalent as approved by the board, in Speech-Language Pathology or Audiology in effect at the time of application; or

(c) have a current ASHA Certificate of Clinical Competence or its equivalent as approved by the board.

(B) An applicant for active licensure in Audiology with a Masters in Audiology before January 1, 2007, must submit or cause to be submitted documented evidence of the following:

- (1) at least a masters degree in audiology or its equivalent from a school or program determined by the board to be equivalent to those accredited by the Council of Academic Accreditation (CAA) for Audiology and Speech-Language Pathology of the American Speech-Language Hearing Association (ASHA);
- (2) successful completion of a supervised clinical practicum approved by the board; and
- (3) successful completion of postgraduate professional experience approved by the board; or
- (4) meets ASHA’s standards for Certificate of Clinical Competence or its equivalent as approved by the board.

(C) An applicant for active licensure in Audiology with a Doctorate in Audiology after January 1, 2007, must submit or cause to be submitted documented evidence of the following:

- (1) a doctoral degree in audiology from a school or educational institution with regional accreditation determined by the board to be equivalent to those accredited by the Council of Academic Accreditation (CAA) for Audiology and Speech-Language Pathology of the American Speech-Language Hearing Association (ASHA); or
- (2) meets ASHA’s standards for Certificate of Clinical Competence or its equivalent as approved by the board.

(D) An applicant for a speech-language pathology or audiology intern license must submit or cause to be submitted documented evidence of having satisfied the requirement of (A)(1).

(1) A speech-language pathology or audiology intern license must be issued to an applicant who has satisfied the requirement of subsection (A)(1) but who has not passed the examination required by subsection (A)(2) or who lacks the supervised professional employment as required by subsection (A)(3), or both.

(2) A person who has been issued a license as an intern who has not met the requirement of subsection (A)(2) must pass an examination approved by the board within twelve months of the issuance of the intern license.

(E) An applicant whose license is expired must submit a new application for licensure along with the required fee, provide evidence of continuing education earned within the last two years (16 hours for a speech-language pathologist or audiologist and 8 hours for a speech-language pathologist assistant), and meet all licensure requirements in effect at the time of said application.

115-2. Speech-Language Pathology Assistants.

(A) To be licensed as a Speech-Language Pathology Assistant an applicant must:

- (1) submit an application on forms approved by the board;
- (2) submit an application fee as prescribed by the board;
- (3) present evidence of a bachelor’s degree in Speech-Language Pathology from a regionally accredited institution; and
- (4) present evidence of a supervised clinical experience that consists of 100 clock hours of supervised clinical fieldwork with direct client contact/clinical practicum that meets the requirements in (C).

(B) A bachelor’s degree in Speech-Language Pathology from a regionally accredited institution must include as a minimum the following core curriculum of 36 semester hours:

(1)	Basic Area	
	Anatomy, physiology, mechanics, and function of the ear and vocal mechanism.	
	Semantics	
	Speech and Voice Science	
	Psychology of Speech	
	Introduction to Phonetics	
(2)	Speech-Language Pathology Courses	(12 Semester Hours)
	Stuttering	
	Articulation	
	Voice Disorders	
	Cleft Palate	
	Aphasia	

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	Cerebral Palsy	
	Speech-Language Disorders	
	Neurogenics	
(3)	Audiology	(3 Semester Hours)
	Testing of Hearing	
	Introduction to Audiology	
	Auditory Training	
	Speechreading	
	Speech for the Deaf or Hard of Hearing	
(4)	Psychology	(6 Semester Hours)
	Human Growth and Development	
	Psychology of Adjustment or	
	Abnormal Psychology	
(5)	Basic Course in Public Speaking	(3 Semester Hours)

(C) Supervised Clinical Experience.

(1) Observation hours cannot be used to satisfy the required 100 hours of clinical fieldwork.

(2) Hours must be completed before the speech-language pathology assistant license can be issued by the Board.

(3) The supervised clinical experience may be obtained as follows:

(a) as part of an academic program that is acceptable to the Board; or

(b) an on-the-job training/work program completed in another state in accordance with that state’s laws;

or

(c) completion within a four (4) month period of a Board-approved plan to fulfill the 100 clinical clock hours under the supervision of a South Carolina licensed speech-language pathologist subject to the following:

(i) The plan to obtain the 100 clinical clock hours must be on a Board-approved form signed by the applicant and the South Carolina licensed speech-language pathologist providing the supervision; and

(ii) The plan must be submitted with a completed application for speech-language pathology assistant licensure that includes all required documentation; and

(iii) The plan must be approved by the Board before the applicant begins the clinical clock hours; and

(iv) If the plan is not completed within the four (4) month period, the applicant must submit a new plan to be approved by the Board.

(4) Applicant may submit an ASHA Speech-Language Pathology Assistant Certification as evidence of the 100 clinical clock hours obtained under (3)(a) or (3)(b).

(5) Family members or individuals related to an applicant may not serve as clinical supervisors.

(D) General Guidelines.

(1) No speech-language pathology assistant may begin working in direct contact with clients/patients without the board’s written approval of the supervisory agreement and on the job training plan.

(2) Only a speech-language pathologist with an active license in good standing and a minimum of three years of work experience may supervise speech-language pathology assistants.

(3) A speech-language pathologist shall supervise no more than two full-time or three part-time speech-language pathology assistants, not to exceed more than three speech-language pathology assistants whether part-time or full-time. Full time is defined as a minimum of 30 work hours per week.

(4) If, for any reason, there is a change in supervising speech-language pathologist, it is the responsibility of the supervising speech-language pathologist to notify the board in writing within seven (7) working days that the supervisory agreement has been discontinued.

(5) The assistant’s license shall become void when the authorized supervisor is no longer available for supervision. The license will be reactivated upon receipt and approval by the board of a new supervisory agreement and the change in supervising speech-language pathologist fee specified in Reg. 10-41(E).

(6) At the time of license renewal, supervising speech-language pathologists are to list the names of all those speech-language pathology assistants they are supervising.

(7) A speech-language pathology assistant may work part-time for more than one supervising speech-language pathologist provided that the board has approved supervisory agreements for each supervising speech-language pathologist.

(8) A licensed speech-language pathologist who supervises any speech-language pathology assistant must provide each speech-language pathology assistant with on the job training and must maintain responsibility for all services performed or omitted by such speech-language pathology assistant(s).

(E) On-the-Job Training (OJT).

At a minimum, on-the-job training (OJT) must include step-by-step instruction of each and every service or task the speech-language pathology assistant is to perform and continuous visual observation by the supervising speech-language pathologist of the speech-language pathology assistant's performance of each service or task until the supervising speech-language pathologist establishes the speech-language pathology assistant's competence. The supervising speech-language pathologist must maintain a written record of each service or task indicating the activity, date, time, and location of the training demonstration and observations. This record must be signed by both the supervising speech-language pathologist and the speech-language pathology assistant and a copy must be provided to the speech-language pathology assistant. The supervising speech-language pathologist and the speech-language pathology assistant must maintain such records for a period of four (4) years and such records must be made available to the director or the designee upon request.

(F) Supervision - General.

Supervising speech-language pathologists are responsible for all the clinical services provided or omitted by the speech-language pathology assistant(s). When speech-language pathology assistants provide direct services, the supervising speech-language pathologist is responsible for informing, in writing, all the clients (or their legal guardians), referring agencies, and third-party payers. Further, it is the supervisor's responsibility to ensure that the assistant is clearly identified at all times as an assistant by means of a name tag or similar identification. At no time may a speech-language pathology assistant perform tasks when the supervising speech-language pathologist cannot be reached by personal contact, phone, e-mail, pager, or other immediate or electronic means. The supervisor must make provisions, in writing, for emergency situations including designation of another licensed speech-language pathologist who has agreed to be available on an as needed basis to provide supervision and consultation to the assistant when the supervisor is not available. If for any reason (i.e., maternity leave, illness, change of job) a supervisor is not able to provide the level of supervision stipulated, the assistant may not perform client contact tasks.

(G) Direct Supervision.

Following initial OJT, direct supervision of each speech-language pathology assistant must consist of a minimum of one of every seven therapy sessions per patient of direct, visual supervision of client contact to include a sampling of each assigned service or task. This direct supervision must be on-site, in person, and documented in writing. This documentation must be maintained by the supervising speech-language pathologist for a period of four years and must be made available to the director or the designee upon request.

(H) Indirect Supervision.

In addition to direct supervision, indirect supervision is required a minimum of 5% (e.g., 2 hours per 40 hour work week) and must include review of written records and may include demonstrations, review and evaluation of audio- or video- taped sessions, and/or supervisory conferences.

(I) Quarterly Reviews.

In addition to direct and indirect supervision, the supervising speech-language pathologist must conduct quarterly performance reviews of each speech-language pathology assistant's performance of each assigned service or task. Such quarterly reviews must document, on a form approved by the board, direct observation of each task or service assigned to the speech-language pathology assistant. These reviews must be signed by both the supervising speech-language pathologist and the speech-language pathology assistant and must be maintained by the supervising speech-language pathologist for a period of four (4) years and must be made available to the director or the designee upon request.

(J) Scope of Practice.

The supervising speech-language pathologist accepts full and complete responsibility for all services and tasks performed or omitted by the speech-language pathology assistant. Provided that education, training, supervision

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and documentation are consistent with that defined in this chapter, the following tasks may be designated to the speech-language pathology assistant:

- (1) Conduct speech-language or hearing screenings (without interpretation) following specified screening protocols developed by the supervising speech-language pathologist.
- (2) Provide direct treatment assistance to patients/clients identified by the supervising speech-language pathologist.
- (3) Follow documented treatment plans or protocols developed by the supervising speech-language pathologist.
- (4) Document patient/client progress toward meeting established objectives as stated in the treatment plan.
- (5) Assist the supervising speech-language pathologist during assessment of patients/clients.
- (6) Assist with tallying patient/client responses, prepare therapy materials, schedule activities, prepare charts and assist with other clerical tasks as directed by the supervising speech-language pathologist.
- (7) Perform checks and maintenance of equipment on a regular basis, and verified calibration at least annually on audiometric equipment.
- (8) Assist the supervising speech-language pathologist in research projects, in-service training and public relations programs.
- (9) Sign treatment notes which must be reviewed and co-signed by the supervising speech-language pathologist.
- (10) Discuss with the client, the guardian or family members specifically observed behaviors that have occurred during treatment when such behaviors are supported by documented objective data.

(K) Prohibited Activities.

The speech-language pathology assistant must not:

- (1) Perform diagnostic tests of any kind, formal or informal evaluations, or interpret test results.
- (2) Participate in parent conferences, case conferences, or any interdisciplinary team meetings where diagnostic information is interpreted or treatment plans developed without the presence of the supervising speech-language pathologist or designated licensed speech-language pathologist.
- (3) Provide patient/client or family counseling.
- (4) Write, develop, or modify a patient/client's treatment plan in any way.
- (5) Assist with patients/clients without following a documented treatment plan which has been prepared by a licensed speech-language pathologist and for which the speech-language pathology assistant has not received appropriately documented OJT.
- (6) Sign any formal documents (e.g., treatment plans, reimbursement forms or reports) without the signature of the supervising speech-language pathologist.
- (7) Select patients/clients for services.
- (8) Discharge patients/clients from services.
- (9) Disclose clinical or confidential information either orally or in writing to any one not designated in writing by the supervising speech-language pathologist.
- (10) Make referrals for additional services.
- (11) Provide any interpretation or elaboration of information that is contained in reports written by any licensed speech-language pathologist.
- (12) Represent oneself to be a speech-language pathologist.
- (13) Make advertisement or public announcement of services independent of the supervising speech-language pathologist.
- (14) Participate in feeding or swallowing activities as set forth in the ASHA Speech-Language Pathology Assistant Scope of Practice.
- (15) Treat a person who is medically fragile as defined by the ASHA Speech-Language Pathology Assistant Scope of Practice.

115-3. Supervised Professional Employment (SPE).

(A) Supervised professional employment (SPE), as required by the board, means direct clinical work with patients, consultations, record keeping, or any other duties relevant to a bona fide program of clinical work. It is expected, however, that a significant amount of clinical experience will be in direct clinical contact with persons who have communication disorders. Time spent in supervision of students, academic teaching, and research, as

well as any administrative activity that does not deal directly with management programs of specific patients or clients will not count toward completion of the SPE.

(B) The SPE, whether or not for wages or other compensation, should consist of not less than 1,260 hours and must be completed within one (1) year or less from the date that it begins unless renewed in accordance with statute:

(1) Full-time experience is considered a minimum of thirty (30) hours per week. However, working more than thirty-five (35) hours per week will not shorten the length of the SPE, which must be for a period of at least nine months (35 hours per week for 9 months = 1,260 hours); and

(2) Part-time experience may be applied towards satisfying the SPE provided that it is a minimum of five (5) hours per week and will extend the number of weeks required to reach 1,260 hours.

In the event that part-time employment is used to fulfill a portion of the SPE, one hundred (100%) percent of the minimum hour requirements for part-time work must be spent in direct professional employment as defined in subsection (A).

(C) SPE supervision must entail the personal and direct involvement of the supervisor in observations of diagnostic and therapeutic procedures that will permit the SPE supervisor to monitor, improve and evaluate the intern's performance in professional clinical employment. The supervision must include on-site observations of the intern. Other monitoring activities such as conferences with the intern, evaluation of written reports, and evaluation by professional colleagues may be executed by correspondence. The intern's supervisor must base the total evaluation on no fewer than thirty-six (36) monitored activities (a minimum of four hours per month). The monitoring activities must include at least eighteen (18) on-site observations (a minimum of two hours each month). Should a supervisor suspect at any time during the SPE that an intern will not meet the requirements of this section, the supervisor must counsel the intern both orally and in writing and maintain carefully written records of all contacts and conferences in the ensuing months.

(D) Within one month of completion of the SPE, the supervisor must conduct a formal evaluation of the intern's performance and submit the evaluation to the board. Such evaluation must be completed on a form approved by the board, must be signed and dated by both the intern and the supervisor, and must include a recommendation by the supervisor that in his opinion the intern either is or is not qualified for full licensure.

(E) The SPE supervisor shall only supervise no more than three (3) total of either interns and/or speech-language pathology assistants at one time.

(F) In order to serve as an SPE supervisor, the licensee must have a minimum of three years of full-time licensed work experience which may include an internship or other mentored professional experience that follows completion of the post-graduate degree.

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 regulation, R.115-1, would add Section (E) which would identify the requirements for an applicant to reinstate an expired license in accordance with S.C. Code Section 40-67-270. The updated regulation, R.115-2, would revise the requirements of Supervised Clinical Experience for Speech Language Pathology Assistants, to allow experience to be obtained as part of an academic program acceptable to the Board, as on-the-job training completed in another state in accordance with that state's laws, or completed within a four-month period of a Board-approved plan under the supervision of a state-licensed speech-language pathologist. It would also clarify the requirements for Direct Supervision and add two activities that are prohibited from being performed by speech-language pathology assistants: participating in feeding or swallowing activities as set forth in the ASHA Speech-Language Pathology Assistant Scope of Practice; and treating a person who is medically fragile as defined by the ASHA Speech-Language Pathology Assistant Scope of Practice. The updated regulation, R.115-3, would clarify the requirements for full-time and part-time employment for purposes of a Supervised Professional Employment and clarify the requirements for serving as a supervisor.

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Document No. 5070
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Sections 50-11-2200 and 50-11-2210

123-204. Additional Regulations Applicable to Specific Properties.

Synopsis:

The South Carolina Department of Natural Resources is proposing to amend the existing regulation that governs the conduct and activities of visitors to Wildlife Management Areas, Heritage Preserves, and other lands owned or leased by the Department of Natural Resources. The following is a section-by-section discussion of the proposed changes and additions:

The Notice of Drafting was published in Volume 45, Issue No. 8 of the South Carolina *State Register* on August 27, 2021.

Instructions:

Amend Regulation 123-204 as indicated below. Included are specific changes and additions. Unless specifically listed as a change, all other existing regulations remain intact.

123-204. Additional Regulations Applicable to Specific Properties.

- F.(11) Add sections and new text as specified.
- N.(4)(l) Add new text as specified, renumber subsequent sections to “m” and “n”.
- N.(5)(b) Strike specified text and insert new text as indicated.
- T.(2) Strike specified text and insert new text as indicated.
- U.(4) Strike all previous language in 4 and renumber as indicated.
- V.(6) Add new text as specified.
- V.(9) Strike specified text and insert new text as indicated.
- V.(10) Add sections and new text as specified.
- Z.(2) Strike specified text and insert new text as indicated.
- Z.(3) Add section and new text as specified.
- LL.(2) Strike specified text and insert new text as indicated.
- NN. Add sections and new text as specified.
- OO. Add section and new text as specified.

Text:

123-204. Additional Regulations Applicable to Specific Properties.

- A. Aiken County Gopher Tortoise Heritage Preserve.
 - (1) Bicycles may be ridden on hiking trails. Bicyclists may ride in groups no larger than five (5).
- B. Bay Point Heritage Preserve.
 - (1) No dogs are allowed.
 - (2) No person may enter any area of the preserve designated as a nesting area for birds.
- C. Bear Branch Heritage Preserve.
 - Public visitation is by permit only. The preserve is closed to use except by permit.
- D. Bear Island.
 - (1) Except when closed for scheduled hunts, the area is open from 1/2 hour before sunrise to 1/2 hour after sunset.
 - (2) The property is closed to all public access from November 1 through February 8, except for scheduled hunts.

- (3) All terrain vehicles are prohibited.
 - (4) Camping is allowed only at designated sites and only during scheduled big game hunts.
 - (5) The area is closed to general public access during scheduled hunts.
 - (6) Fishing is allowed in designated areas from April 1 through September 30.
- E. Bird-Key Stono Heritage Preserve.
- (1) No dogs are allowed.
 - (2) No person may enter any area of the preserve designated as a nesting area for birds.
 - (3) March 15 through October 15 the area is closed to all access including the intertidal zone between low and high tide waterlines.
 - (4) October 16 through March 14 access is allowed only in the intertidal zone between low and high tide waterlines.
 - (5) No motorized vehicles, bicycles or horses.
- F. Caper's Island Heritage Preserve.
- (1) Overnight Camping on Capers Island is by permit only. Permit may be obtained from the DNR Charleston office. No more than 80 people will be allowed to camp per night. These 80 people may be divided into no more than 20 different groups.
 - (2) Permits will be issued on a first come first served basis.
 - (3) Campsites will be occupied on a first come first served basis.
 - (4) Permits are not required for day use.
 - (5) Persons without permits must be off the island by one hour after sunset.
 - (6) No trash is to be placed in any fire or buried.
 - (7) Department maintenance facilities on the island are not open to the public.
 - (8) No crab or fish pots or traps are allowed in impoundments.
 - (9) No motorized vehicles, non-motorized vehicles, off road vehicles, or all-terrain vehicles are allowed on Capers Island.
 - (10) No fishing is allowed from the impoundment tide gate.
 - (11) Dogs are allowed on Caper's Island subject to the following restrictions:
 - (a) Dogs are allowed on the southern beaches of Caper's Island.
 - (b) Dogs are not allowed in the impoundment area.
 - (c) Dogs are not allowed on the northern beaches of Capers Island between April 1 and August 31. Areas closed to dogs are posted by the Department.
 - (d) Dogs restrained by a leash or similar device are allowed in the designated area on Price's Inlet.
- G. Crab Bank Heritage Preserve.
- (1) No dogs are allowed.
 - (2) No person may enter any area of the preserve designated as a nesting area for birds.
 - (3) March 15 through October 15 the area is closed to all access including the intertidal zone between low and high tide waterlines.
 - (4) October 16 through March 14 access is allowed only in the intertidal zone between low and high tide waterlines.
 - (5) No motorized vehicles, bicycles or horses.
- H. Daws Island Heritage Preserve.
- Camping is allowed only by permit issued by the Department. Primitive camping only is allowed. Daws Island camping is limited to two groups of no more than eight people in each group.
- I. Deveaux Bank.
- (1) No dogs are allowed.
 - (2) No person may enter any area of the preserve designated as a nesting area for birds.
 - (3) Closed all year above the high tide line (no seasonal closure) except in the recreation area.
 - (4) No motorized vehicles, bicycles or horses.
- J. Donnelley WMA.
- (1) Horseback riders must obtain a permit from the Donnelley WMA office prior to riding.
 - (2) All terrain vehicles are prohibited.
 - (3) Camping is prohibited.

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K. Dungannon Plantation Heritage Preserve.

(1) No person may enter any area of the preserve designated as a nesting area for birds.

(2) Entrance to the preserve is through a designated parking area. Each person must sign in and out of the preserve at a designated entrance/exit.

L. Gopher Branch Heritage Preserve.

Public visitation is by permit only.

M. Great Pee Dee River Heritage Preserve.

(1) Primitive camping only is allowed. Camping may occur only along riverbanks and on sandbars, which may be approached only by backpacking or boat.

(2) Each person entering the preserve other than by boat must sign in and out at a designated entrance/exit.

N. Jim Timmerman Natural Resources Area at Jocassee Gorges.

This subsection shall apply to all Department owned and leased land within the boundaries of the Jim Timmerman Natural Resources Area at Jocassee Gorges (hereinafter referred to as Jocassee Gorges).

(1) Camping.

(a) Backcountry camping by permit will be allowed at any time during the year that the main roads allowing access to the Jocassee Gorges are not opened in connection with big game hunting. Backcountry camping is allowed by permit only at any location within the Jocassee Gorges, except for any area closed for camping by the Department. Backcountry camping is defined as minimal impact camping. No fires are allowed and each permitted camper is responsible for camping in a manner that results in no trace of the camping activity being left after breaking camp. Backcountry campers must apply for camping permits over the Department internet site. No camping is permitted within twenty-five (25) feet of a stream, lake, or as posted by the Department.

(b) The Foothills Trail and the Palmetto Trail pass through portions of the Jocassee Gorges. Use of the Foothills Trail and the Palmetto Trail shall be limited to hiking and primitive camping. Camping is allowed at any point along the trails and within one hundred feet of either side of the trails. Camping along the Foothills Trail and the Palmetto Trail is restricted to hikers while engaged in backpacking.

(2) Operation of motorized, non-motorized vehicles, all-terrain vehicles, and off-road vehicles. Motorized and non-motorized vehicle access to the Jocassee Gorges is limited. Highway 178 and Cleo Chapman Road (county road 143) are the only paved roads that access the property. Access by the general public to the Jocassee Gorges by motorized vehicles will follow a seasonal schedule with the exception of portions of Horsepasture and Camp Adger Roads. Road opening and closing schedules written below are given as general information. The Department may open and close any road at any time and for such duration as deemed necessary by the Department to manage the property.

(a) The operation of a motorized vehicle behind any closed gate is prohibited. Motorized, self-propelled, unmanned electric cargo carriers (“deer carts”) may be used for the purposes of hauling cargo and harvested game only.

(b) Roads open to year-round public access include a section of Horsepasture Road to Jumping Off Rock (from Highway 178 only) and a section of Camp Adger Road.

(c) All roads with Green gates are seasonally open. All roads with red gates are closed to vehicular traffic. This information will be posted at all major entrances.

(d) Motorized vehicles, all terrain vehicles, and off road vehicles may be operated only on open maintained roads and parking areas except as otherwise established by posted notice or as approved by the Department.

(e) Motorized vehicles, all terrain vehicles, and off road vehicles shall not exceed speed limits posted on Department signs. On any land where no speed limit signs are posted the speed limit shall be 15 miles per hour.

(f) Subject to the authority in subsection (d) above, the operation of all terrain vehicles is restricted as follows: Operation of all terrain vehicles is restricted to one hour before sunrise to one hour after sunset each day beginning on Monday and continuing through the following Friday. A person may use an all terrain vehicle while actually engaged in hunting at any time hunting is allowed; provided, however, the operation of an all terrain vehicle is restricted to one hour before sunrise to one hour after sunset with the exception of game retrieval, and an all terrain vehicle may be used only on open roads. All terrain vehicles and off-road vehicles may not be operated on Horsepasture Road or Camp Adger Road during the periods January 16 - March 19 and May 11 - September 14 when the main roads are closed.

(g) All terrain vehicles having three (3) wheels and motorcycles constructed or intended primarily for off road use, such as dirt bikes and motocross bikes, are prohibited within the Jim Timmerman Natural Resources Area at all times.

(h) Bicycles may be ridden on any road or area that is not posted as closed to bicycles except that the Foothills Trail and Palmetto Trail are closed to bicycles.

(3) The use of hang gliders, parachutes, or similar devices is not allowed and may be deemed abuse of Department land.

(4) Sassafras Overlook Site. These regulations apply to the portion of Jocassee Gorges designated as the overlook site by the Department.

(a) No camping is allowed on the site.

(b) No fires are allowed on the site.

(c) The hours of operation are one hour before official sunrise to one hour after official sunset, except as permitted by the Department.

(d) No alcohol is allowed on the site.

(e) No motor vehicles are allowed except on public roads and in the designated parking area. Motorized scooters or similar vehicles designed specifically for use by disabled persons may only be used by disabled persons on the site. No ATVs, UTVs or similar vehicles are allowed on the site.

(f) No skateboards, hoverboards or similar devices are allowed on the site.

(g) No exclusive use of the site will be allowed by any party.

(h) No drones may be allowed on the site.

(i) No horses, mules, donkeys or other animals may be allowed on the site except pets as defined below.

(j) No pets will be allowed on the site except for dogs and cats. All pets must be restrained by a leash at all times and may not cause any disruption to other visitors, wildlife or the site. All pet waste must be picked up and removed from the site.

(k) Commercial vending is prohibited on the site.

(l) No bicycles may be ridden on the site, except on roads open to vehicular traffic and in designated parking areas.

(m) Special permits may be issued by the Department to allow activities prohibited herein.

(n) All other laws, regulations, and ordinances that apply to the site are also in effect.

(5) Abner Creek Falls Trail

(a) Human foot traffic only is permitted.

(b) No horses, bicycles, non-motorized conveyances or motor conveyance is permitted, except for motorized scooters or similar vehicles designed specifically for use by disabled persons that may only be used by disabled persons on the site.

(c) No access is allowed from the trail or platform to adjacent areas within 300 feet of the platform.

O. Joiner Bank Heritage Preserve.

(1) No dogs are allowed.

(2) No person may enter any area of the preserve designated as a nesting area for birds.

P. Little Pee Dee Heritage Preserve.

(1) Primitive camping only is allowed. Camping may occur only along riverbanks and on sandbars, which may be approached only by backpacking or boat.

Q. Nipper Creek Heritage Preserve.

Public visitation is by permit only. The preserve is closed to use except by permit.

R. North Santee Bar Heritage Preserve.

(1) No dogs are allowed.

(2) No person may enter any area of the preserve designated as a nesting area for birds.

S. St. Helena Sound Heritage Preserve (Ashe Island, Beet Island, Big Island, Warren Island, and South Williman).

Camping is restricted to primitive camping in designated areas only.

T. St. Helena Sound Heritage Preserve (Otter Island).

(1) No dogs are allowed.

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(2) Primitive camping only is allowed by permit issued by the Department. Primitive camping is restricted to designated areas and will be allowed only between October 16 and March 14.

U. Samworth WMA.

(1) Managed wetlands will be open for wildlife observation, bird watching, photography or nature study during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) from February 9 through October 31 each year. Between November 1 and February 8 these activities will be restricted to designated areas on Butler Creek and the Big Pee Dee River. All public use of this type will be by foot travel only after arriving by watercraft.

(2) The mainland nature trail will be open during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) to foot traffic only.

(3) All terrain vehicles, bicycles, and horses are prohibited.

(4) Dirleton grounds are open to the public from 8:30 a.m. until 5:00 p.m., Monday through Friday.

V. Santee Coastal Reserve.

(1) The Santee Coastal Reserve is open during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) for limited public use year round except as listed below.

(2) Managed wetlands will be open for wildlife observation, bird watching, photography, or nature study during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) from February 9 through October 31 each year except during special hunts and events regulated by the Department.

(3) The dikes around the waterfowl impoundments will be closed, except by prior arrangement, during the period of November 1 through February 8 of the next year.

(4) Prior arrangements must be made with the Reserve Manager to use observation blinds for waterfowl.

(5) Upland trails will be available during open periods stated above.

(6) The beaches on Cedar and Murphy Islands will be open year round, seven days a week, during daylight hours. No person may enter any area designated as a critical area for wildlife.

(7) Bicycles may be ridden on upland trails year round and on dikes from February 9 - October 31.

(8) Fishing is permitted from the Santee River dock and the Hog Pen impoundment except during scheduled waterfowl hunts. Fishing will be allowed during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset). Fishing is permitted on Murphy and Cedar Island beaches at any time on a year round basis.

(9) Primitive camping on Cedar and Murphy Islands is restricted to designated areas and will be allowed only between October 16 and March 14. Camping on the mainland portion is restricted to the designated campground. Mainland camping registration is required at the campground self-serve kiosk. Advance registration is required for groups greater than 15 people.

(10) Dogs are allowed on Cedar and Murphy Islands subject to the following restrictions:

(a) Dogs are allowed during participation in scheduled hunts

(b) Dogs are allowed in designated areas at the southern end of Cedar Island and the South Santee side of Murphy Island.

(c) Dogs are prohibited in all other areas of Cedar and Murphy Island between April 1 and August 30.

(d) Areas closed to dogs are posted by the Department.

W. Santee-Delta WMA.

(1) Managed wetlands will be open for wildlife observation, bird watching, photography or nature study during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) from February 9 through October 31 each year except during special hunts and events regulated by the Department. Area closed to all public access from November 1 through February 8 except for special hunts and events regulated by the Department. All public use of this type will be by foot travel only.

(2) All terrain vehicles, bicycles, and horses are prohibited.

(3) Camping is prohibited.

X. Shealy's Pond Heritage Preserve.

Gasoline powered motors on boats are prohibited.

Y. Tillman Sand Ridge Heritage Preserve.

(1) Camping is allowed in designated campsites during designated hunts only.

Z. Tom Yawkey Wildlife Center.

The Center is a wildlife sanctuary. Boating, fishing and wildlife viewing in or upon navigable waters is allowed.

(1) Public visitation is by pre-scheduled educational field trips only. The scheduling of educational field trips is at the discretion of SCDNR.

(2) Primitive camping is allowed by permit only. Requests for permits should be no less than 2 weeks prior to their effective date. Primitive camping is allowed only at Department designated locations along the beach front from October 16 and March 14. Only one permit will be issued for each location at a time. Camping is allowed for a period of not more than 4 consecutive nights per individual permit holder.

(3) No dogs are allowed on beaches, except in the designated public access area.

AA. Victoria Bluff Heritage Preserve.

(1) No campfires or any other use of fire shall be allowed.

BB. Waccamaw River Heritage Preserve.

Primitive camping only is allowed. Camping is allowed only along riverbanks and on sandbars; campers may approach only by backpacking or boat.

CC. Watson Cooper Heritage Preserve.

Camping is restricted to primitive camping. No live plants may be cut or cleared to improve or expand a campsite. No campsites or campfires within 25 feet of a stream or creek.

DD. Webb WMA.

(1) Webb WMA is closed to the general public from one hour after official sunset to one hour before official sunrise.

(2) Overnight visitors to the Webb Center are not restricted in hours of access.

(3) No camping without a permit except for deer, turkey, and hog hunters on nights before a designated hunt.

(4) Bicycles may be ridden on any area that is not marked or posted as restricted to bicycles. No bicycle may be operated in any manner or place that will damage or degrade any feature or habitat. During scheduled big game hunts, bicycles and all terrain vehicles are prohibited except as used by legal hunters and anglers.

EE. Laurel Fork Heritage Preserve.

(1) All terrain vehicles may be ridden on the portions of Cane Break and Horsepasture roads on the Preserve subject to the same rules as the Jim Timmerman Natural Resources Area at Jocassee Gorges.

FF. Botany Bay Plantation WMA.

(1) No camping is allowed.

(2) All terrain vehicles are prohibited except those permitted by the Department for special management activities.

(3) The Fig Island shell rings are closed to all public access except organized scientific, management or educational activities permitted by the the Department.

(4) Access to the beach is by foot, bicycle or boat; no horses allowed on the beach. No dogs allowed on the beach. No collection, removal or possession of shells, fossils, driftwood or cultural artifacts is permitted.

(5) Sea Cloud Landing on Ocella Creek and all other designated access points are restricted to non-trailerred watercraft.

(6) All hunters, fishermen and visitors must obtain and complete a day use pass upon entering the area and follow instructions on the pass.

(7) Botany Bay Plantation WMA is closed to public access 1/2 hour after sunset until 1/2 hour before sunrise except for special events regulated by the Department.

(8) No person may gather, collect, deface, remove, damage, disturb, destroy, or otherwise injure in any manner whatsoever the plants, animals (except lawful hunting), fungi, rocks, minerals, fossils, artifacts, or ecofacts including but not limited to any tree, flower, shrub, fern, moss, charcoal, plant remains, or animal remains. The Department may authorize the collection of certain material upon issuance of a permit as provided in 123-206.

(9) Shorebased fishing, shrimping, and crabbing, is allowed only on the front beach and in designated areas only.

(10) The Department reserves the right to close specific areas as needed for management purposes.

(11) Alcoholic beverages are prohibited on the area.

GG. McBee WMA.

(1) All terrain vehicles are prohibited.

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HH. Campbells Crossroads and Angelus Tract.

- (1) All terrain vehicles are prohibited.

II. Pee Dee Station WMA.

- (1) All terrain vehicles are prohibited.

JJ. Daily use cards are required for all users of Hamilton Ridge WMA, Palachucola WMA, Webb WMA, Tillman Sand Ridge Heritage Preserve, Bonneau Ferry WMA, Bear Island WMA, Donnelley WMA, Great Pee Dee River Heritage Preserve, Belfast WMA, Congaree Bluffs Heritage Preserve, Marsh WMA, Woodbury WMA, Worth Mountain WMA, Liberty Hill WMA and Santee Cooper WMA. Cards must be in possession while on the property and completed cards must be returned daily upon leaving the property.

KK. Liberty Hill WMA

- (1) All-terrain vehicles are prohibited.

- (2) The area is closed to public access 1/2 hour after sunset until 1/2 hour before sunrise except for hunts and special events regulated by the Department.

LL. Wateree River HP WMA

- (1) All-terrain vehicles are prohibited.

- (2) The waterfowl impoundments are closed to all public access from November 1 through February 8, except for scheduled hunts.

- (3) The area is closed to public access 1/2 hour after sunset until 1/2 hour before sunrise except for special events regulated by the Department.

- (4) All users, including hunters and anglers must obtain and possess a day use pass upon entering the area and follow instructions on the pass. The completed form must be deposited in the designated container before leaving the area.

- (5) Special events may be permitted by the Department.

- (6) Horseback riding is prohibited except by special permit.

MM. Lewis Ocean Bay HP WMA

- (1) Horseback riding is also allowed during the period January 2 through March 1, subject to the restrictions in Regulation 123-203, Paragraph G, sections (2) through (11).

NN. Turtle Island WMA

- (1) No dogs are allowed, except during participation in scheduled hunts, and when physically restrained by a leash or similar device between Sept 1 and March 31.

- (2) Primitive camping is restricted to designated areas and will be allowed only between October 16 and March 14.

OO. Pine Island

- (1) No dogs are allowed, except when physically restrained by a leash or similar device between Sept 1 and March 31.

Fiscal Impact Statement:

The amendment of Regulations 123-204 will result in limited fiscal impact and will protect the State's natural resources. Regulations focus on protecting user experience, trails, and sensitive plant communities at several locations and limiting disturbance of wildlife at important coastal locations. These regulations will provide protection to imperiled species at critical times including, nesting, hatching, rearing of young, feeding, and stop-over. These protections may help to stabilize and reverse species declines and prevent future burdens associated with Federal listing under the Endangered Species Act.

Statement of Rationale:

Rationale for the formulation of these regulations is based on over 70 years of experience by SCDNR in managing wildlife populations and establishing public hunting areas. New areas are evaluated on location, size, current wildlife presence, access and recreation use potential. Management objectives for specific properties are continually evaluated for needed changes. Contractual agreements with the landowners provide guidelines for the use and management of the property. Wildlife Management Area agreements are on file with the Wildlife

Management Section of the Department of Natural Resources, Room 267, Dennis Building, 1000 Assembly Street, Columbia.

Document No. 5095

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-5-30 and 50-5-515

123-27. Channel Nets.

Synopsis:

The South Carolina Department of Natural Resources proposes to promulgate Regulation 123-27 to delineate the area where channel nets may be used in the salt waters of the state, pursuant to Section 50-5-515(A). This proposal was approved by the Natural Resources Board on September 16, 2021.

A Notice of Drafting for the proposed regulation was published in the *State Register* on September 24, 2021.

The proposed regulation will require legislative review.

Instructions:

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

Text:

123-27. Channel Nets.

Winyah Bay Channel Net Area:

Channel nets are lawful in the following zone established within an enclosed polygon with a linear boundary defined as follows, and with all named features referencing NOAA Navigational Chart 11532 (Winyah Bay); 23rd Edition., September 2019.

Starting from a point on the shoreline of Cat Island on the western shore of Winyah Bay, with latitude 33.22926° N, longitude 079.20231° W; thence following a straight line northeasterly to the No. 15 green channel marking buoy located at latitude 33.23178° N, longitude 079.19453° W; thence following a straight line northwesterly along the western border of the federally maintained shipping channel to a point with latitude 33.25181° N, longitude 079.21301° W; thence following a straight line southwesterly to a point on the mouth of Mosquito Creek at latitude 33.24678° N, longitude 079.21651° W; thence following the shoreline (“shoreline” herein defined as the line of Mean High Water excluding the shorelines of un-named tributaries) of Cat Island in a southeasterly to the starting point at latitude 33.22926° N, longitude 079.20231° W.

Winyah Bay Channel Net Area (TED not required pursuant to S.C. Code Section 50-5-515(B)(4)):

Channel nets are lawful in the following zone established within an enclosed polygon with a linear boundary defined as follows, and with all named features referencing NOAA Navigational Chart 11532 (Winyah Bay); 23rd Edition., September 2019.

Starting from a point on the shoreline of North Island on the eastern shore of Winyah Bay, with latitude 33.23396° N, longitude 079.18904° W; thence following the shoreline (“shoreline” herein defined as the line of

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Mean High Water excluding the shorelines of un-named tributaries) of North Island in a northerly direction to a point at the mouth of Cottonpatch Creek with latitude 33.25916° N, longitude 079.19692° W; thence following a straight line southwesterly to the No. 18 red channel marking buoy located at latitude 33.25268° N, longitude 079.21109° W; thence following a straight line southeasterly along the eastern boundary of the federally maintained shipping channel to the No. 16 red channel marking buoy located at latitude 33.23233° N, longitude 079.19310° W; thence following a straight line northeasterly to the starting point at latitude 33.23396° N, longitude 079.18904° W.

North Santee Channel Net Area

Channel nets are lawful in the following zone established within an enclosed polygon with a linear boundary defined as follows, and with all named features referencing NOAA Navigational Chart 11532 (Winyah Bay); 23rd Edition., September 2019.

Starting from a point near the southeastern tip of Crow Island on North Santee Bay, with latitude 33.16705° N, longitude 079.25538° W; thence following a straight line northeasterly across North Santee Bay to a point at the mouth of Beach Creek on South Island with latitude 33.17396° N, longitude 079.24563° W; thence following the shoreline ("shoreline" herein defined as the line of Mean High Water excluding the shorelines of un-named tributaries) of South Island in a northwesterly direction to a point on the mouth of Mosquito Creek with latitude 33.18270° N, longitude 079.25924° W; thence following a straight line across Mosquito Creek to a point with latitude 33.18363° N, longitude 079.26006° W; thence following the shoreline in a northwesterly direction to a point with latitude 33.18680° N, longitude 079.26923° W; thence following a straight line to a point with latitude 33.18617° N, longitude 079.27241° W; thence following the shoreline in a westerly direction to a point on the shoreline of the Intracoastal Waterway with latitude 33.18516° N, longitude 079.27888° W; thence following a straight line in a southwesterly direction to a point on the shoreline of Little Crow Island with latitude 33.18362° N, longitude 079.27959° W; thence following the shoreline of Little Crow Island in an easterly direction to a point with latitude 33.18404° N, longitude 079.27087° W; thence following the shoreline of Little Crow Island in a southwesterly direction to a point on the shoreline of the Intracoastal Waterway with latitude 33.17678° N, longitude 079.28433° W; thence following a straight line across Big Duck Creek to a point on the shoreline of Crow Island with latitude 33.17503° N, longitude 079.28553° W; thence following the shoreline of Crow Island in a northeasterly direction to a point with latitude 33.18393° N, longitude 079.26945° W; thence following the shoreline of Crow Island in a southeasterly direction to the starting point at the southeastern tip of Crow Island with latitude 33.16705° N, longitude 079.25538° W.

Fiscal Impact Statement:

SCDNR does not anticipate additional costs to the state or its political subdivisions as a result of the promulgation of Regulation 123-27.

Statement of Rationale:

Section 50-5-30 allows the Department to promulgate regulations necessary for the implementation of the South Carolina Marine Resources Act. Section 50-5-515(A) provides that the Department may designate areas of the salt waters of the state where channel nets may be used.

Document No. 5096

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-5-30 and 50-5-900

123-36. Duration of Commercial Shellfish Culture and Mariculture Permits.

Synopsis:

The South Carolina Department of Natural Resources proposes to promulgate Regulation 123-36 to clarify the duration of commercial shellfish culture and mariculture permits. S.C. Code Section 50-5-900 establishes five-year permits. This regulation will specify that for purposes of five-year shellfish culture and mariculture permits issued pursuant to S.C. Code Section 50-5-900, the first year of the five-year period shall end on December 31, regardless of the month and day of permit issuance. This proposal was approved by the Natural Resources Board on September 16, 2021.

A Notice of Drafting for the proposed regulation was published in the *State Register* on September 24, 2021.

The proposed regulation will require legislative review.

Instructions:

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

Text:

123-36. Duration of Commercial Shellfish Culture and Mariculture Permits.

For purposes of five year shellfish culture and mariculture permits issued pursuant to S.C. Code Section 50-5-900, the first year of the five year period shall end on December 31, regardless of the month and day of permit issuance.

Fiscal Impact Statement:

SCDNR does not anticipate additional costs to the state or its political subdivisions as a result of the promulgation of Regulation 123-36.

Statement of Rationale:

Section 50-5-30 allows the Department to promulgate regulations necessary for the implementation of the South Carolina Marine Resources Act.

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Document No. 5080
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Section 50-23-230

123-9. Display of Decals Bearing Title Number.

Synopsis:

The South Carolina Department of Natural Resources proposes to amend Regulation 123-9 to update references to the former Wildlife and Marine Resources Department and make minor, technical updates.

A Notice of Drafting for the proposed regulation was published in the *State Register* on August 27, 2021.

The proposed amendment will require legislative review.

Instructions:

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

Text:

123-9. Display of Decals Bearing Title Number.

1. When an outboard motor is titled pursuant to Title 50, Chapter 23 of the 1976 Code, a decal issued by SCDNR bearing the title number of the outboard motor shall be affixed to the starboard side of the motor cowling.

2. When an unregistered watercraft is titled pursuant to Title 50, Chapter 23 of the 1976 Code, a decal issued by SCDNR bearing the title number of the unregistered watercraft shall be affixed to the right starboard outboard side of the transom within six inches of the top of the transom right above the waterline, or if there is no transom then affixed to the starboard outboard side of hull, aft, within one foot of the stern and within six inches of the top of the hull side, gunwale or hull/deck joint, whichever is lowest. On catamarans and pontoon boats with replaceable hulls, to the aft crossbeam, within eighteen (18) inches of the starboard hull attachment. The decal shall not cover the hull identification number.

Fiscal Impact Statement:

SCDNR does not anticipate additional costs to the state or its political subdivisions as a result of the amendment of Regulation 123-9.

Statement of Rationale:

Regulation 123-9 contains references to the former Wildlife and Marine Resources Department and requires minor, technical updates to make the regulation easier to understand.

Document No. 5071

DEPARTMENT OF NATURAL RESOURCES**CHAPTER 123**

Statutory Authority: 1976 Code Sections 50-11-2100, 50-11-2200, and 50-11-2210

123-96. Field Trial Regulations.

Synopsis:

The Department of Natural Resources proposes to amend Regulations 123-96, Field Trial Regulations. The subject of the proposed action is to amend statutory reference to reflect appropriate authority, to update name of specific field trial area referenced in regulation and clarify licensing requirements for field trial participants to conform to existing statute.

The Notice of Drafting was published in Volume 45, Issue No. 8 of the South Carolina *State Register* on August 27, 2021.

Instructions:

123-96. Field Trial Regulations.

2. Strike text as indicated.
6. Strike text as indicated and insert text as shown.
7. Strike text as indicated.

Text:

123-96. Field Trial Regulations.

(Statutory Authority: 1976 Code Section 50-11-2100)

1. It shall be unlawful for any person to conduct or participate in any field trial unless a permit for such trial has been obtained from the Department.
2. No wildlife may be taken during a field trial except during the open season for such species, except during permitted bird dog trials.
3. Requests for field trial permits must be submitted to the Department at least fourteen (14) days prior to the proposed trial date. Requests shall include payment of five dollars (\$5.00) per trial, the time and location of the proposed trial.
4. Field trial permittees may be required to maintain records and file reports with the Department.
5. Field trial permits may be issued by the Department for private lands outside of the regular season.
6. There shall be no field trials conducted on Wildlife Management Areas outside of the regular season, except as permitted by the Department on the H. Cooper Black Memorial Field Trial and Recreation Area at Sand Hills State Forest.
7. Any person participating in any field trial permitted by the Department shall not be required to procure a hunting license if the participant is not carrying a firearm and no game is taken.
8. The Department may restrict or deny permits for field trials at its discretion.

Fiscal Impact Statement:

The amendment of Regulations 123-96 will result in limited fiscal impact and update regulations to reflect and conform to appropriate statutory authority.

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Statement of Rationale:

Rationale for the formulation of these regulations is based on over 70 years of experience by SCDNR in managing wildlife populations and establishing public hunting areas. Areas are evaluated on location, size, current wildlife presence, access and recreation use potential. Management objectives for specific properties are continually evaluated for needed changes. Periodic updates are required to ensure statutory references are up to date and correct as well as to reflect any name changes that may occur.

Document No. 5097

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-5-30 and 50-5-500

123-22. Gill Nets.

Synopsis:

The South Carolina Department of Natural Resources proposes to promulgate Regulation 123-22 to delineate the area where gill nets may be used in inshore salt waters, pursuant to Section 50-5-500(A)(10). This proposal was approved by the Natural Resources Board on September 16, 2021.

A Notice of Drafting for the proposed regulation was published in the *State Register* on September 24, 2021.

The proposed regulation will require legislative review.

Instructions:

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

Text:

123-22. Gill Nets.

Gill nets are lawful in the following zone established within an enclosed polygon with a linear boundary defined as follows, and with all named features referencing NOAA Navigational Chart 11534 (Myrtle Grove Sound and Cape Fear River to Casino Creek), 40th Edition., September 2019; and also referencing USGS Little River, South Carolina – North Carolina 7.5-minute series Quadrangle, 1:24,000 scale, 2020.

Starting from a point on the western shoreline of Bird Island facing Little River, with latitude 33.85366° N, longitude 078.54396° W; thence following a straight line northwesterly to a point on Goat Island with latitude 33.85971° N, longitude 078.55082° W; thence following the shoreline (“shoreline” herein defined as the line of Mean High Water excluding the shorelines of un-named tributaries) west and southwesterly to a point at the mouth of Horse Ford Creek with latitude 33.85834° N, longitude 078.56444° W; thence following a straight line across the mouth Horse Ford Creek to a point on Mink Island with latitude 33.85846° N, longitude 078.56541° W; thence following the shoreline west then northwesterly to a point with latitude 33.86017° N, longitude 078.56966° W; thence following a straight line to a point with latitude 33.86034° N, longitude 078.56989° W; thence following the shoreline in a northerly direction to a point at the northern tip of Mink Island on the Intracoastal Waterway with latitude 33.86765° N, longitude 078.57158° W; thence following a straight line across Little River to a point on the eastern tip of Little River Neck with latitude 33.86999° N, longitude 078.57405° W; thence following the shoreline in a south-southwesterly direction to point with latitude 33.86498° N, longitude 078.57583° W; thence following the shoreline in a south-southeasterly direction to a point with latitude 33.86186° N, longitude 078.57464° W; thence following a straight line to a point on the northern tip of

The Battery Island with latitude 33.86140° N, longitude 078.57469° W; thence following the shoreline to a point on the southeastern tip of The Battery Island with latitude 33.85757° N, longitude 078.57225° W; thence following a straight line across the mouth of Dunn Sound Creek to a point with latitude 33.85634° N, longitude 078.57031° W; thence following the shoreline in a southeasterly direction to a point on the mouth of Sheephead Creek with latitude 33.85522° N, longitude 078.56852° W; thence following a straight line across the mouth of Sheephead Creek to a point with latitude 33.85492° N, longitude 078.56809° W; thence following the shoreline in a westerly direction to point with latitude 33.85484° N, longitude 078.55635° W; thence following the shoreline in a southeasterly direction to a point with latitude 33.85142° N, longitude 078.55311° W; thence following a straight line across Little River to the starting point on Bird Island with latitude 33.85366° N, longitude 078.54396° W.

Fiscal Impact Statement:

SCDNR does not anticipate additional costs to the state or its political subdivisions as a result of the promulgation of Regulation 123-22.

Statement of Rationale:

Section 50-5-30 allows the Department to promulgate regulations necessary for the implementation of the South Carolina Marine Resources Act. Section 50-5-500(A)(10) provides that the Department may designate areas of inshore salt waters where gill nets, not more than one hundred yards in length with a mesh size no smaller than three inches stretched mesh and up to five and one-half inches stretched mesh, may be used.

Document No. 5079
DEPARTMENT OF NATURAL RESOURCES
 CHAPTER 123
 Statutory Authority: 1976 Code Section 50-21-710

123-4. Rule and Regulation Adopting Certain Federal Rules and Regulations.

Synopsis:

The South Carolina Department of Natural Resources proposes to amend Regulation 123-4 to update references to the former Wildlife and Marine Resources Department and make minor, technical updates.

A Notice of Drafting for the proposed regulation was published in the *State Register* on August 27, 2021.

The proposed amendment will require legislative review.

Instructions:

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

Text:

123-4. U.S. Army Corps of Engineers Aids to Navigation and Regulatory Markers.

All aids to navigation and regulatory markers erected by the U.S. Army Corps of Engineers pursuant to Federal Law are hereby declared to be SCDNR aids to navigation and regulatory markers pursuant to Section 50-21-710 of the 1976 Code, and are hereby declared to be the law of this State.

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Fiscal Impact Statement:

SCDNR does not anticipate additional costs to the state or its political subdivisions as a result of the amendment of Regulation 123-4.

Statement of Rationale:

Regulation 123-4 contains an outdated reference to the former Wildlife and Marine Resources Department and requires minor, technical updates.

Document No. 5066
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Section 50-11-2200

123-209. Term and Conditions for the Public's Use of State Lakes and Ponds Owned by the Department of Natural Resources

123-210. Term and Conditions for the Public's Use of State Lakes and Ponds Leased by the Department of Natural Resources.

Synopsis:

The Department of Natural Resources (the department) proposes to establish revised Regulation 123-209, setting the term and conditions for the public use of lakes and ponds owned the department for the purpose of providing public fishing and revised Regulation 123-210, setting term and conditions for the public's use of lakes and ponds leased by the department for the purpose of providing public fishing.

Section-by-Section Discussion:

123-209. Term and Conditions for the Public's Use of State Lakes and Ponds Owned by the Department of Natural Resources.

A. No Change.

- a. Draper WMA State Lakes in York County – clarify that bream limit includes redbreast sunfish.
- b. Lake Cherokee in Cherokee County – revise largemouth bass limit to 5 from 3, revise bream limit from 20 to 10 and clarify that bream limit includes redbreast sunfish.
- c. Lake Edgar Brown in Barnwell County – clarify that bream limit includes redbreast sunfish and rewords outboard motor restriction for clarity.
- d. Lake George Warren in Hampton County – clarify that bream limit includes redbreast sunfish.
- e. Lake John D. Long in Union County – revise largemouth bass limit to 5 from 3, clarify that bream limit includes redbreast sunfish and revise catfish limit to 5 from 3.
- f. Mountain Lakes in Chester County – revised to have Mountain Lakes 1 open Tuesday, Thursday, Saturday, Sunday and Mountain Lakes 2 open on Tuesday, Saturday, and Sunday, largemouth bass limit increased to 3 from 1 and clarify the bream limit includes redbreast sunfish.
- g. Lake Paul Wallace in Marlboro County – provides for closure of the boating side of Lake Wallace to be opened only from one-half hour before sunrise to one-half hour after sunset, allow for the harvest of three largemouth bass, clarify that bream limit includes redbreast sunfish and increases the harvest of catfish to 5 from 3.
- h. Lake Thicketty in Cherokee County – clarify that the lake is open seven days a week, increases the limit for largemouth bass to 5 from 3, clarify that bream limit includes redbreast sunfish and increases catfish limit to 5 from 3.

i. Webb Center Lakes in Hampton County – removes Webb Center Lakes from regulation and enters Dunn’s Pond on Hamilton Ridge into regulations with the same series of regulations except the largemouth bass limit is increased to 5 from 3, bream limit is set at 5 and clarify the bream limit includes redbreast sunfish.

123-210. Term and Conditions for the Public’s Use of State Lakes and Ponds Leased by the Department of Natural Resources.

A. No change.

a. Lake Ashwood in Lee County – reference to pond is changed to lake, clarify the bream limit includes redbreast sunfish and increase the limit for catfish to 5 from 3, removes reference to lake closure period.

b. Dargan’s Pond in Darlington County – removes all existing regulations and establishes the Dargan’s Pond is closed until repaired.

c. Lake Edwin Johnson in Spartanburg County – increase largemouth bass limit to 5 from 3, clarify the bream limit includes redbreast sunfish. increases catfish limit from 3 to 5.

d. Jonesville Reservoir in Union County – increase largemouth bass limit to 5 from 3, clarify the bream limit includes redbreast sunfish. increases catfish limit from 3 to 5.

e. Lancaster Reservoir in Lancaster County – clarify that bream limit includes redbreast sunfish.

f. Lake Oliphant in Chester County – increase largemouth bass limit to 5 from 3, clarify the bream limit includes redbreast sunfish, removes reference to lake closure period.

g. Star Fort Pond in Greenwood County – increase largemouth bass limit to 5 from 3, clarify the bream limit includes redbreast sunfish. increases catfish limit from 3 to 5.

h. Sunrise Lake in Lancaster County – clarify that bream limit include redbreast sunfish, removes reference to lake closure period.

The Notice of Drafting was published in the *State Register* on September 24, 2021.

Instructions:

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

Text:

123-209. Term and Conditions for the Public’s Use of State Lakes and Ponds Owned by the Department of Natural Resources.

A. Pursuant to the conditions provided in 1976 Code Section 50-11-2200 prohibiting certain acts and conduct on state lakes owned or leased by the department, regulations defining the terms and conditions for public use of state lakes owned by the Department are as follows:

a. Draper WMA State Lakes in York County

i. The lakes are open for fishing from one-half hour before official sunrise to one-half hour after official sunset, every day except Tuesday. The ponds are closed to fishing on Tuesdays.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. No minnows allowed for bait.

iv. Combined daily fish limits from all ponds are 3 largemouth bass, 15 bream to include redbreast sunfish, and 3 catfish. Statewide limits apply for all other fish species, except no size limit for crappie.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. No boats are allowed in ponds.

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viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

b. Lake Cherokee in Cherokee County

i. The lake is open to fishing 24 hours a day. The lake is open for other allowed purposes from one-half hour before official sunrise until one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. Daily fish limits are 5 largemouth bass, 10 bream to include redbreast sunfish, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

iv. Vehicles are restricted to roads and designated access areas only.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed but may only be propelled by paddle or electric trolling motors.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

c. Lake Edgar Brown in Barnwell County

i. The lake is open to fishing 24 hours a day. The lake is open for other allowed purposes from one-half hour before official sunrise until one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. Daily fish limits are 3 largemouth bass 16 inches or longer, 20 bream to include redbreast sunfish, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

iv. Vehicles are restricted to roads and designated access areas only. No motorized vehicles of any type allowed on dikes.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Motor powered boats are allowed. North of Wellington Road only outboard motors rated at 10 horsepower or less are allowed.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

d. Lake George Warren in Hampton County

i. The lake is open to fishing 24 hours a day. The lake is open for other allowed purposes from one-half hour before official sunrise until one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. Daily fish limits are 3 largemouth bass, 20 bream to include redbreast sunfish, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

iv. Vehicles are restricted to roads and designated access areas only.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed, but may only be propelled by paddle, electric trolling motors or outboard motors rated at 10 horsepower or less.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

e. Lake John D. Long in Union County

i. The lake is open from one-half hour before official sunrise until one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. Daily fish limits are 5 largemouth bass, 10 bream to include redbreast sunfish, and 5 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

iv. Vehicles are restricted to roads and designated access areas only.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. No minnows allowed for bait.

viii. Boats are allowed but may only be propelled by paddle or electric trolling motors.

ix. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

f. Mountain Lakes in Chester County

i. Mountain Lakes 1 (large lake, 42 acres) is open on Tuesday, Thursday, Saturday, and Sunday from one-half hour before official sunrise to one-half hour after official sunset. Mountain Lakes 2 (small lake, 7 acres) is open on Tuesday, Saturday, and Sunday from one-half hour before official sunrise to one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. Daily fish limits for Mountain Lakes 1 are 3 largemouth bass, 10 bream to include redbreast sunfish, and 3 catfish. Statewide limits apply for all other fish species, except no size limit for crappie. Daily fish limits for Mountain Lakes 2 are 2 largemouth bass, 10 bream to include redbreast sunfish and 3 catfish. Statewide limits apply for all other fish species, except no size limit for crappie.

iv. Vehicles are restricted to roads and designated access areas only.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. No minnows allowed for bait.

viii. Boats are allowed but may only be propelled by paddle or electric trolling motors.

ix. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

g. Lake Paul Wallace in Marlboro County

i. The fishing side of the lake is open to fishing 7 days a week, 24 hours a day, and open for other allowed purposes from one-half hour before official sunrise until one-half hour after official sunset. The boating side of the lake is open for fishing and other allowed purposes from one-half hour before official sunrise until one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. Daily limits are 3 largemouth bass, 20 bream to include redbreast sunfish and 5 catfish. Statewide limits apply for all other fish species, except no size limit for crappie.

iv. No minnows allowed for bait.

v. Vehicles are restricted to roads and designated access areas only.

vi. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vii. Pets must be on leashes or under the control of their owner at all times.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

ix. Lake may be closed for special use activities by special permit from the department.

x. The department may issue to the Lake Paul Wallace Authority (the Authority) permits with conditions whereby the Authority may provide for fireworks shows and/or designate a public swimming area on the Lake

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Paul Wallace property provided that the Authority ensures that such actions comply with all local and state laws, regulations and ordinances applicable to fireworks displays and/or public swimming areas.

- xi. Lake Wallace Fishing Side (East of the earthen dike that separates the two lake portions)
 - 1. Boats are allowed, but may only be propelled by paddle, electric trolling motors, or outboard motors rated at 10 horsepower or less.
- xii. Lake Wallace Boating Side (West of the earthen dike which separates the two lake portions)
 - 1. Boats and water skiing are allowed and must follow a counter-clockwise route of travel.
 - 2. Jet Ski or personal watercraft are allowed but not within 200 feet of boats.
 - 3. All other South Carolina watercraft rules and regulations apply.

- h. Lake Thicketty in Cherokee County
 - i. The lake is open to fishing 7 days a week 24 hours a day. The lake is open for other allowed purposes from one-half hour before official sunrise until one-half hour after official sunset.
 - ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
 - iii. Daily fish limits are 5 largemouth bass, 20 bream to include redbreast sunfish, and 5 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.
 - iv. Vehicles are restricted to roads and designated access areas only.
 - v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.
 - vi. Pets must be on leashes or under the control of their owner at all times.
 - vii. Boats are allowed, but may only be propelled by paddle, electric trolling motors or outboard motors rated at 10 horsepower or less.
 - viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

- i. Dunn's Pond on Hamilton Ridge
 - i. The lakes are open for fishing Monday through Saturday from one-half hour before official sunrise until one-half hour after official sunset except for Monday afternoons, Tuesday mornings, Friday afternoon, and Saturday morning during scheduled deer hunts (October 1 – January 1).
 - ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.
 - iii. Daily fish limits are 5 largemouth bass, and 5 bream to include redbreast sunfish. Statewide limits apply for all other fish species, except no size limit on crappie.
 - iv. Vehicles are restricted to roads and designated access areas only.
 - v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.
 - vi. Pets must be on leashes or under the control of their owner at all times.
 - vii. No minnows allowed for bait.
 - viii. Boats are allowed but may only be propelled by paddle or electric trolling motors.
 - ix. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

123-210. Term and Conditions for the Public's Use of State Lakes and Ponds Leased by the Department of Natural Resources.

A. Pursuant to the conditions provided in 1976 Code Section 50-11-2200 prohibiting certain acts and conduct on state lakes owned or leased by the department, regulations defining the terms and conditions for public use of state lakes leased by the Department are as follows:

- a. Lake Ashwood in Lee County
 - i. The lake is open for fishing from one-half hour before official sunrise to one-half hour after official sunset, every day except Tuesday. The lake is closed to fishing on Tuesdays.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. No minnows allowed for bait.

iv. Daily fish limits are 3 largemouth bass, 15 bream to include redbreast sunfish, and 5 catfish. Statewide limits apply for all other fish species, except no size limit for crappie.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed, but may only be propelled by paddle, electric trolling motors, or outboard motors rated 10 horsepower or less.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

b. Dargan's Pond in Darlington County

i. Dargan's Pond is closed until repaired.

c. Lake Edwin Johnson in Spartanburg County

i. Lake is open for fishing from one-half hour before official sunrise to one-half hour after official sunset seven days a week.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. No minnows allowed for bait.

iv. Daily fish limits are 5 largemouth bass, 10 bream to include redbreast sunfish, and 5 catfish. Statewide limits apply for all other fish species except no size limit on crappie.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed but may only be propelled by paddle or electric trolling motors.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

d. Jonesville Reservoir in Union County

i. Lake is open on Monday, Wednesday and Saturday only, from one-half hour before official sunrise to one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. No minnows allowed for bait.

iv. Daily fish limits are 5 largemouth bass, 10 bream to include redbreast sunfish, and 5 catfish. Statewide limits apply for all other fish species except no size limit on crappie.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed but may only be propelled by paddle or electric trolling motors.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

e. Lancaster Reservoir in Lancaster County

i. Lake is open on Thursday and Saturday from one-half hour before official sunrise to one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. No minnows allowed for bait.

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iv. Daily fish limits are 2 largemouth bass 16 inches or longer, 20 bream to include redbreast sunfish, and 3 catfish. Statewide limits apply for all other fish species.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed, but may only be propelled by paddle or electric trolling motors.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

f. Lake Oliphant in Chester County

i. Lake is open Monday, Wednesday and Saturday from one-half hour before official sunrise to one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. No minnows allowed for bait.

iv. Daily fish limits are 5 largemouth bass, 10 bream to include redbreast sunfish, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed but may only be propelled by paddle or electric trolling motors.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

g. Star Fort Pond in Greenwood County

i. Lake is open for fishing on Wednesday, Friday and Saturday between April 1 and November 1, from one-half hour before official sunrise to one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. No minnows allowed for bait.

iv. Daily fish limits are 5 largemouth bass, 10 bream to include redbreast sunfish, and 5 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed but may only be propelled by paddle or electric trolling motors.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

h. Sunrise Lake in Lancaster County

i. Lake is open for fishing on Monday, Wednesday and Saturday from one-half hour before official sunrise to one-half hour after official sunset.

ii. Fishing is allowed with only rod and reels or poles. The statewide limit on the number of these devices applies.

iii. No minnows allowed for bait.

iv. Daily fish limits are 2 largemouth bass, 10 bream to include redbreast sunfish, and 3 catfish. Statewide limits apply for all other fish species, except no size limit on crappie.

v. Trails are for walking or fishing access only; no ATVs, motorized vehicles, or horses allowed on these trails.

vi. Pets must be on leashes or under the control of their owner at all times.

vii. Boats are allowed but may only be propelled by paddle or electric trolling motors.

viii. The possession or consumption of alcoholic beverages is prohibited on department lake properties, except as by special permit from the department.

Fiscal Impact Statement:

The amendment of Regulations 123-109 and 123-110 will not result in any additional costs to the State. The State and local communities will continue to benefit economically from the activities of the public accessing and utilizing the lakes and ponds for recreational fishing and outdoor recreation.

Statement of Rationale:

Regulation 123-209 is amended to clarify and update the term and conditions to provide for the public's use of state lakes and ponds owned by the department for the purpose of providing public fishing.

Regulation 123-210 is amended to clarify and update the term and conditions to provide for the public's use of state lakes and ponds leased by the department for the purpose of providing public fishing

Document No. 5067
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Section 50-3-395

123-601. Use of Warning Tickets.

Synopsis:

Regulation 123-601 contains outdated language and is no longer necessary. Therefore, SCDNR proposes to repeal Regulation 123-601 in its entirety. This change was approved by the Natural Resources Board on August 20, 2020.

A Notice of Drafting for the proposed changes to Regulation 123-125 was published in the *State Register* on August 27, 2021.

The proposed repeal will require legislative review.

Instructions:

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

Text:

123-601. Repealed.

Fiscal Impact Statement:

SCDNR does not anticipate additional costs to the state or its political subdivisions as a result of the proposed repeal of Regulation 123-601.

Statement of Rationale:

Regulation 123-601 is no longer necessary, and the language is outdated. The regulation should be repealed.

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Document No. 5072

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-60, 50-1-200, 50-1-220, 50-9-650, 50-11-10, 50-11-105, 50-11-310, 50-11-315, 50-11-320, 50-11-365, 50-11-390, 50-11-410, 50-11-430, 50-11-500, 50-11-520, 50-11-525, 50-11-530, 50-11-580, 50-11-2200, and 50-11-2210

123-40. Wildlife Management Area Regulations.

Synopsis:

The South Carolina Department of Natural Resources is proposing to amend the existing regulations that set seasons, bag limits and methods of hunting and taking of wildlife.

The Notice of Drafting was published in Volume 45, Issue No. 8 of the South Carolina *State Register* on August 27, 2021.

Instructions:

123-40. Wildlife Management Area Regulations.

B. Game Zone 2

1. (d)(i) Insert new text as indicated
4. Draper WMA
 - (e)(i) Delete stricken text and add new text as indicated
14. Insert Section 14 as indicated

C. Game Zone 3

6. Francis Marion National Forest
 - (a) Insert new text as indicated
 - (d) Hellhole WMA
 - (iv)(2) Insert new text as indicated
 - (f) Wambaw WMA
 - (iv)(2) Insert new text as indicated
 - (g) Northhampton WMA
 - (iv)(2) Insert new text as indicated
 - (h) Santee WMA
 - (iv)(2) Insert new text as indicated
9. Webb WMA
 - (d)(i) Delete stricken text and insert new text as indicated
18. Palachucola WMA
 - (e)(i) Delete stricken text and insert new text as indicated
22. Hamilton Ridge WMA
 - (e)(i) Delete stricken text and insert new text as indicated
26. Wateree River Heritage Preserve WMA
 - (a) Delete stricken text and insert new text as indicated
27. South Fenwick Island
 - (b)(i) Delete stricken text and insert new text as indicated

D. Game Zone 4

2. Marsh WMA
 - (i)(i) Delete stricken text and insert new text as indicated
13. Oak Lea WMA

- (b)(i) Insert new text as indicated
- (d)(i) Delete stricken text and insert new text as indicated

GENERAL REGULATIONS

2.7 Delete stricken text and insert new text as indicated
WATERFOWL & DOVE REGULATIONS

- 10.7 Insert new text as indicated
- 10.12 Insert new text as indicated

Add new Section 42
Add new Section 43

Text:

ARTICLE 3

WILDLIFE AND FRESH WATER FISHERIES DIVISION—HUNTING REGULATIONS

SUBARTICLE 1

HUNTING IN WILDLIFE MANAGEMENT AREAS

123-40. Wildlife Management Area Regulations.

1.1 The regulations governing hunting including prescribed schedules and seasons, methods of hunting and taking wildlife, and bag limits for Wildlife Management Areas and special restrictions for use of WMA lands are as follows:

A. Game Zone 1

1. Other WMAs

- (a) Archery Hunts for Deer
 - (i) Oct. 17 - Oct. 30
- (b) Primitive Weapons for Deer
 - (i) Oct. 1 through Oct. 10
- (c) Still Gun Hunts for Deer
 - (i) Oct. 11 through Oct. 16; Oct. 31 - Jan. 1
- (d) Still Gun Hunts for Bear
 - (i) Game Zone 1 seasons and bag limits apply
- (e) Special Party Dog Hunt for Bear
 - (i) Game Zone 1 seasons and bag limits apply
- (f) Small Game
 - (i) Game Zone 1 seasons and bag limits apply
- (g) Hog Hunts with Dogs
 - (i) Jan. 2 - Jan. 10, Mar. 20 - Mar. 28

2. Glassy Mountain Archery Only Area – Chestnut Ridge Heritage Preserve

- (a) Archery Hunts for Deer.
 - (i) Oct. 1 – Jan. 1
- (b) Small Game
 - (i) Game Zone 1 seasons and bag limits apply

3. Long Creek Tract

- (a) Game Zone 1 seasons and bag limits, except no deer hunting on or after Thanksgiving Day

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B. Game Zone 2

1. Other WMAs

(a) Archery Hunts for Deer

(i) Sept. 15 – Sept. 30

(b) Primitive Weapons for Deer

(i) Oct. 1 through Oct. 10

(c) Still Gun Hunts for Deer

(i) Oct. 11 through Jan. 1

(d) Small Game

(i) Game Zone 2 seasons and bag limits apply except for quail and woodcock within the Indian Creek Quail Focal Area on the Enoree Ranger District of the Sumter National Forest

(e) Hog Hunts with Dogs

(i) Jan. 2 - 10, Mar. 20 - 28

2. Keowee WMA

(a) Designated as a Quality Deer Management Area. No hunting is allowed in research and teaching areas of Keowee WMA posted with white signs except those special hunts for youth or mobility impaired as conducted by the Department.

(b) North of Hwy 123 and west of the Keowee arm of Lake Hartwell, and west of Hwy 291, small game hunting with shotguns only. All other areas are archery only for small game.

(c) Archery Hunts for Deer

(i) Oct. 15 - Dec. 22

(d) Raccoon and Opossum

(i) Game Zone 2 seasons and bag limits

(e) Other Small Game

(i) Game Zone 2 seasons and bag limits apply.

(ii) No small game hunting during archery deer hunts except for waterfowl, designated dove field hunting, or raccoon and opossum hunting at night.

3. Draper WMA

(a) Data cards required for hunter access, except draw dove hunts. Completed data cards must be returned daily before leaving the WMA.

(b) Archery Hunts for Deer

(i) Sept. 15 - Sept. 30

(c) Primitive Weapons for Deer

(i) Oct. 1 - Oct. 10

(d) Still Gun Hunts for Deer

(i) Oct. 11 - Jan. 1

(e) Quail Hunts

(i) 1st Sat. following Thanksgiving, 1st, 3rd, and 4th Wed. in Dec., 3rd Sat. in Dec., 1st and 4th Sat. in Jan., 3rd Wed. in Jan., 2nd Wed. in Feb., 3rd Sat. in Feb.

(ii) Game Zone 2 bag limit

(iii) PM Shooting hours end 30 minutes prior to official sunset.

(f) Rabbit Hunts

(i) Wed. and Sat. in Jan. and Feb. following the last scheduled quail hunt until Mar. 1

(ii) Game Zone 2 bag limit

(g) Other Small Game (no fox squirrels)

(i) Zone 2 seasons and bag limits apply

4. Fant's Grove WMA

(a) Designated as a Quality Deer Management Area

(b) Archery Deer Hunts

(i) Oct. 15 - Dec. 22

(c) Special Gun Hunts for Deer

(i) Hunters selected by drawing

(ii) Total 1 deer, either sex.

- (d) Raccoon and Opossum
 - (i) Game Zone 2 seasons and bag limits
- (e) Other Small Game
 - (i) Game Zone 2 seasons and bag limits apply
 - (ii) No small game hunting during archery deer hunts except for waterfowl, designated dove field hunting, or raccoon and opossum hunting at night.
 - (iii) Waterfowl may be hunted Wed. and Sat. AM only.
- 5. Rock Hill Blackjacks HP WMA
 - (a) Archery Deer Hunts
 - (i) Sept. 15 – Jan. 1
 - (b) Small Game
 - (i) No small game hunting
- 6. Belfast WMA
 - (a) All terrain vehicles are prohibited. All harvested deer and turkeys must be checked in at the Belfast Check Station. Belfast WMA is open to public access during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) except during special hunts and events regulated by DNR. Hunters may not enter the WMA prior to 5:00 AM on designated hunts. Public visitation is not allowed during scheduled deer and turkey hunts. Data cards required for hunter access. Completed data cards must be returned daily upon leaving Belfast WMA.
 - (b) Designated as a Quality Deer Management Area.
 - (c) Archery Hunts for Deer
 - (i) Sept. 15 - Sept. 30
 - (d) Still Gun Hunts for Deer
 - (i) Hunters selected by drawing
 - (e) Small Game (no fox squirrels)
 - (i) Thanksgiving Day – Mar. 1
 - (ii) Game Zone 2 bag limits
- 7. Broad River Waterfowl Management Area
 - (a) Archery Deer Hunts
 - (i) Sept. 15 – Oct. 31
 - (b) Small Game
 - (i) Feb. 8 – Mar. 1
 - (ii) Game Zone 2 bag limits
- 8. McCalla WMA
 - (a) Designated as a Quality Deer Management Area.
 - (b) Deer Hunts
 - (i) Game Zone 2 seasons
 - (c) Small Game
 - (i) Game Zone 2 seasons and bag limits apply
 - (d) Hog Hunts with Dogs
 - (i) Jan. 2 - 10, Mar. 20 - 28
 - (e) Special Hunt Area for Youth and Mobility Impaired Hunters
 - (i) No open season except for hunters selected by drawing
 - (ii) 1 deer per day, either sex
- 9. Worth Mountain WMA
 - (a) Designated as a Quality Deer Management Area
 - (b) Deer Hunts
 - (i) Game Zone 2 seasons
 - (c) Small Game
 - (i) Game Zone 2 seasons and bag limits apply.
- 10. Liberty Hill WMA
 - (a) Designated as a Quality Deer Management Area.
 - (b) Archery Hunts for Deer

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- (i) Sept. 15 - Sept. 30
 - (c) Primitive Weapons for Deer
 - (i) Oct. 1 - Oct. 10
 - (d) Still Gun Hunts for Deer
 - (i) Oct. 11 - Jan. 1
 - (e) Small Game (no fox squirrels)
 - (i) Zone 2 seasons and bag limits apply.
 - 11. Delta North WMA
 - (a) Deer Hunts
 - (i) Game Zone 2 seasons
 - (b) Small Game (no fox squirrels)
 - (i) Game Zone 2 seasons and bag limits apply
 - 12. Delta South WMA
 - (a) Archery Hunts for Deer
 - (i) Sept. 15 - Sept. 30
 - (b) Still Gun Hunts for Deer
 - (i) Nov. 1 - Nov. 21, Wednesdays and Saturdays Only.
 - (ii) Special hunts for youth or mobility impaired hunters as published by SCDNR.
 - (c) Small Game (no fox squirrels)
 - (i) Thanksgiving Day – Mar. 1
 - (ii) Game Zone 2 bag limits
 - 13. Forty Acre Rock HP WMA
 - (a) Archery Hunts for Deer
 - (i) Sept. 15 - Sept. 30
 - (b) Primitive Weapons for Deer
 - (i) Oct. 1 - Oct. 10
 - (c) Still Gun Hunts for Deer
 - (i) Oct. 11 - Jan. 1
 - (d) Small Game (no fox squirrels)
 - (i) Game Zone 2 seasons and bag limits apply
 - 14. Indian Creek Quail Focal Area
 - (a) The area is defined as that area of the Sumter National Forest Enoree Ranger District in Newberry County, bounded on the south by Old Whitmire Highway, private lands, and SC Highway 176; on the east by Brazzelmans Bridge Road, and private lands; on the northeast by the Enoree River; on the north by Wallace Road and private lands; on the west by SC Highway 121 and private lands; and on the southeast by Indian Creek to its intersection with SC Highway 121.
 - (b) Small Game (except quail)
 - (i) Game Zone 2 seasons and bag limits apply
 - (c) Quail Hunts
 - (i) 1st Sat. following Thanksgiving, 1st, 3rd, and 4th Wed. in Dec., 3rd Sat. in Dec., 1st and 4th Sat. in Jan., 3rd Wed. in Jan., 2nd Wed. in Feb., 3rd Sat. in Feb.
 - (ii) Daily bag limit for quail is 6 quail per person per day
 - (d) Woodcock hunting is permitted only on designated quail hunting days within the statewide woodcock hunting season.
 - (e) All quail and woodcock hunters must sign in and out at the designated check station.
- C. Game Zone 3
- 1. Other WMAs
 - (a) Archery Deer Hunts
 - (i) Sept. 15 - Sept. 30
 - (b) Still Gun Hunts for Deer
 - (i) Oct. 1 - Jan. 1
 - (c) Small Game

- (i) Game Zone 3 seasons and bag limits apply
- 2. Crackerneck WMA and Ecological Reserve
 - (a) All individuals must sign in and out at main gate. Designated as a Quality Deer Management Area. Scouting seasons (no weapons), will be Saturdays only during September, March, and May. The gate opens at 6:00am and closes at 8:00pm. On deer hunt days, gates will open as follows: Oct., 4:30am - 8:30pm; Nov. - Dec., 4:30am 7:30pm. For special hog hunts in Jan. and Feb., gate will be open from 5:30am - 7:00pm. On all raccoon hunts, raccoon hunters must cease hunting by midnight and exit the gate by 1:00am. All reptiles and amphibians are protected. No turtles, snakes, frogs, toads, salamanders etc. can be captured, removed, killed or harassed.
 - (b) Archery Deer Hunts
 - (i) 1st Fri. and Sat. in Oct
 - (c) Primitive Weapons Deer Hunts (no buckshot).
 - (i) 2nd Fri. and Sat. in Oct.
 - (d) Still Gun Hunts for Deer
 - (i) 3rd Fri. in Oct. – Jan. 1, Fri., Sat. and Thanksgiving Day only except closed Dec. 25.
 - (e) Raccoon and Opossum
 - (i) 3rd Sat. night in Oct. – Jan. 1, Sat. nights only, except closed Dec. 25, 1st Fri. night in Jan. to last Fri. or Sat. night in Feb., Fri. and Sat. nights only.
 - (ii) 3 raccoons per party per night
 - (f) Hog Hunts with Dogs (handguns only)
 - (i) 1st Fri. after Jan. 1 – last Fri. in Feb. Fridays only
 - (ii) No limit.
 - (g) Other Small Game (except no open season on bobcats, foxes, otters or fox squirrels).
 - (i) 3rd Fri. in Oct. – last Fri. or Sat. in Feb. Fri., Sat. and Thanksgiving Day only except closed Dec. 25.
 - (ii) Game Zone 3 bag limits
- 3. Aiken Gopher Tortoise Heritage Preserve WMA
 - (a) Archery Deer Hunts
 - (i) Sept. 15 - Sept. 30
 - (b) Still Gun Hunts for Deer
 - (i) Oct. 1 – Jan. 1.
 - (c) Small Game (no fox squirrels).
 - (i) Thanksgiving day – Mar. 1.
 - (ii) Game Zone 3 bag limits.
- 4. Ditch Pond Heritage Preserve WMA
 - (a) Archery Deer Hunts.
 - (i) Sept. 15 – Jan. 1
 - (b) Small Game (no fox squirrels).
 - (i) Thanksgiving Day – Mar. 1
 - (ii) Game Zone 3 bag limits
- 5. Henderson Heritage Preserve WMA
 - (a) Archery Deer Hunts.
 - (i) Sept. 15 – Jan. 1
 - (b) No small game hunting allowed
- 6. Francis Marion National Forest
 - (a) During deer hunts when dogs are used, buckshot only is permitted. On hunts with dogs, all deer must be checked in by one hour after legal sunset. Individual antlerless deer tags are not valid during dog hunts for deer unless otherwise specified. Tibwin Special Use Area (in Wambaw) is closed to hunting except for Special hunts. On youth deer hunts, only youths 17 and younger may carry a gun and must be accompanied by an adult 21 years old or older. No fox or coyote hunting with dogs on the Francis Marion.
 - (b) Hog Hunts with Dogs
 - (i) 3rd full week in Mar., 3rd full week in May
 - (c) Still Hog Hunts
 - (i) First full week in Mar.

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(d) Hellhole WMA

(i) Archery Deer Hunts

(1) Sept. 15 - Oct. 10

(ii) Still Gun Hunts for Deer

(1) Oct. 11 – Jan. 1 except during scheduled dog drive hunts

(iii) Deer Hunts with Dogs (shotguns only)

(1) 1st Sat. in Nov., 1st Sat. in Dec.

(a) 2 deer per day, buck only

(iv) Youth Only Deer Hunt with Dogs

(1) 2nd Sat. in Nov.

(2) Requirements and bag limits for youth are the same as the statewide youth deer hunt day except no antlerless deer may be taken.

(v) Small Game (no open season for fox hunting)

(1) Game Zone 3 seasons and bag limits apply.

(2) Dogs allowed during small game gun season only. Closed during scheduled periods using dogs to hunt deer.

(e) Waterhorn WMA

(i) Archery Deer Hunts

(1) Sept. 15 - Oct. 10

(ii) Muzzleloader Hunts for Deer

(1) Oct. 11 - Oct. 20

(iii) Still Gun Hunts for Deer

(1) Every Friday and Saturday beginning Nov. 1.

(iv) Small Game (no open season for fox hunting)

(1) Game Zone 3 seasons and bag limits apply.

(2) Dogs allowed during small game gun season only. Closed to small game and waterfowl hunting during scheduled deer hunt periods.

(f) Wambaw WMA

(i) Archery Deer Hunts

(1) Sept. 15 - Oct. 10

(ii) Still Gun Hunts for Deer

(1) Oct. 11 – Jan. 1 except during scheduled dog drive hunts west of Hwy 17.

(2) Still gun hunts only East of Hwy 17. No buckshot.

(iii) Deer Hunts with Dogs (shotguns only)

(1) Fri. in Sept. before the last Sat. Northampton dog hunt, Wed. and Thurs. before the 3rd Sat. in Nov. and 2nd Sat. in Oct., first 2 days excluding Sunday after Dec. 25

(a) 2 deer per day, buck only

(2) 2nd Sat. in Dec.

(a) 1 deer per day

(b) All deer must be checked in at designated check stations.

(iv) Youth Only Deer Hunt with Dogs

(1) 3rd Saturday in November.

(2) Requirements and bag limits for youth are the same as the statewide youth deer hunt day except no antlerless deer may be taken.

(v) Seewee Special Use Area

(1) Archery Deer Hunts

(2) Sept. 15 – Jan. 1

(vi) Small Game (no open season for fox hunting)

(1) Game Zone 3 seasons and bag limits apply.

(2) Dogs allowed during small game gun season only. Closed during scheduled periods using dogs to hunt deer.

(g) Northampton WMA

(i) Archery Deer Hunts

- (1) Sept. 15 - Oct. 10
- (ii) Still Gun Hunts for Deer
 - (1) Oct. 11 – Jan. 1 except during scheduled dog drive hunts.
- (iii) Deer Hunts with Dogs (shotguns only)
 - (1) Last Sat. in Sept., Wed. and Thurs. before the 2nd Sat. in Oct., Fri. before the 4th Sat. in Nov., 3rd day excluding Sunday after Dec. 25
 - (a) 2 deer per day, buck only
 - (2) 2nd Sat. in Dec.
 - (a) 1 deer per day
 - (b) All deer must be checked in at designated check stations.
- (iv) Youth Only Deer Hunt with Dogs
 - (1) Last Saturday in Nov.
 - (2) Requirements and bag limits for youth are the same as the statewide youth deer hunt day except no antlerless deer may be taken.
- (v) Small Game (no open season for fox hunting)
 - (1) Game Zone 3 seasons and bag limits apply.
 - (2) Dogs allowed during small game gun season only. Closed during scheduled periods using dogs to hunt deer.
- (h) Santee WMA
 - (i) Archery Deer Hunts
 - (1) Sept. 15 - Oct. 10
 - (ii) Still Gun Hunts for Deer
 - (1) Oct. 11 – Jan. 1 except during scheduled dog drive hunts
 - (iii) Deer Hunts with Dogs (shotguns only)
 - (1) 2nd Fri. and Sat. in Sept., Wed. and Thurs. before the 4th Sat. in Oct., 1st Fri. in Dec.
 - (a) 2 deer per day, buck only
 - (2) 2nd Sat. in Dec.
 - (a) 1 deer per day
 - (b) All deer must be checked in at designated check stations.
 - (iv) Youth Only Deer Hunt with Dogs
 - (1) 3rd Sat. in Oct.
 - (2) Requirements and bag limits for youth are the same as the statewide youth deer hunt day except no antlerless deer may be taken.
 - (v) Small Game (no open season for fox hunting)
 - (1) Game Zone 3 seasons and bag limits apply.
 - (2) Dogs allowed during small game gun season only. Closed during scheduled periods using dogs to hunt deer.
- 7. Moultrie
 - (a) No hunting or shooting within fifty feet of the center of any road during gun hunts for deer except for SCDNR draw youth hunts.
 - (b) Bluefield WMA
 - (i) Open only to youth 17 years of age or younger who must be accompanied by an adult at least 21 years of age. Youth hunters must carry a firearm and hunt. Adults with youth are allowed to carry a weapon and hunt.
 - (ii) Still Gun Hunts for Deer
 - (1) Sept. 15 – Jan. 1, Wed. and Sat. only
 - (iii) Small Game (no fox squirrels)
 - (1) Game Zone 3 seasons and bag limits apply.
 - (2) No small game hunting during scheduled deer hunts.
 - (c) Greenfield WMA
 - (i) Still Gun Hunts for Deer
 - (1) Sept. 15 – Jan. 1
 - (ii) Small Game (no fox squirrels)

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- (1) Thanksgiving Day – Mar. 1
- (2) Game Zone 3 bag limits
- (d) North Dike WMA
 - (i) Still Gun Hunts for Deer
 - (1) Sept. 15 - Oct. 15.
 - (ii) Special Gun Hunts for youth and women
 - (1) Hunters selected by drawing.
 - (2) 1 deer per day
 - (iii) Small Game (no fox squirrels)
 - (1) Jan. 2 - Mar. 1
 - (2) Game Zone 3 bag limits.
 - (3) Sandy Beach Waterfowl Area open for raccoon hunting Feb. 1 – Mar. 1
- (e) Porcher and Hall WMAs
 - (i) Archery Deer Hunts
 - (1) Sept. 15 – Jan. 1
 - (ii) Small Game (no fox squirrels) shotguns only
 - (1) Jan. 2 – Mar. 1
 - (2) Game Zone 3 bag limits
- (f) Cross Station Site
 - (i) Special Gun Hunts for youth and women
 - (1) No open season except hunters selected by drawing
 - (2) 1 deer per day

8. Santee Cooper WMA

(a) Data cards required for hunter access. Completed data cards must be returned daily upon leaving. Hunters limited to two deer/tree stands which must contain a label with the hunter's name and address. No stands may be placed on Santee Cooper WMA prior to Sept. 1. Campground is open during scheduled deer hunts only. All impoundments and posted buffers are closed to all public access Nov. 1 – Feb. 8 except during hunts as prescribed by the Department.

(b) Designated as a Quality Deer Management Area

(c) Archery Deer Hunts

(i) Sept. 15 - Oct. 31

(d) Primitive Weapons Deer Hunts

(i) Nov. 1 - Monday before Thanksgiving Day

(e) Special Gun Hunts for youth

(i) Hunters selected by drawing.

(ii) 1 deer per day

(f) Small Game (no fox squirrels)

(i) Thanksgiving Day – Mar. 1

(ii) Game Zone 3 bag limits

9. Webb WMA

(a) Data cards are required for hunter access. Completed data cards must be returned daily upon leaving. Designated as a Quality Deer Management Area.

(b) Still Hunts for Deer

(i) Hunters selected by drawing

(ii) 2 deer, either sex but only 1 buck

(c) Hog Hunts with Dogs

(i) 1st Thurs. – Sat. in Mar., 2nd Thurs. – Sat. in May, 4th Thurs. – Sat. in June, 4th Thurs. – Sat. in July, and last Thurs. - Sat. in August

(d) Quail Hunts

(i) 1st Sat. following Thanksgiving, 1st, 3rd, and 4th Wed. in Dec., 3rd Sat. in Dec., 1st and 4th Sat. in Jan., 3rd Wed. in Jan., 2nd Wed. in Feb., 3rd Sat. in Feb.

(ii) Game Zone 3 bag limit

(iii) Shooting hours end 30 minutes prior to official sunset

(e) Raccoon and Opossum

- (i) Tues. nights and Sat. nights between Oct. 11 – Sat. before Thanksgiving; The full week of Thanksgiving; Tues. nights and Sat. nights from the Tues. after Thanksgiving until Dec. 15.; Dec. 15 - Mar. 1
- (ii) On Saturdays prior to Dec. 15, no entry onto WMA until 1 hour after official sunset.
- (iii) Game Zone 3 bag limits

(f) Other Small Game (no fox squirrels)

- (i) Thanksgiving Day through the following Saturday, Dec. 15 - Mar. 1
- (ii) Game Zone 3 bag limits

(g) Dove Hunting

- (i) Designated public dove field only on specified days.

10. Bear Island WMA

- (a) All hunters must sign in and out at the Bear Island Office. Hunting in designated areas only.

(b) Archery Deer Hunts

- (i) Oct. 1 - Oct. 10

(c) Still Gun Hunts for Deer

- (i) Hunters selected by drawing
- (ii) 3 deer, either sex but only 1 buck

(d) Hog Hunts with Dogs

- (i) 1st Thurs. – Sat. in March

(e) Alligator Hunts (Bear Island East and West Units only)

- (i) Hunters selected by drawing only. Limited season with restricted access.
- (ii) Limit and size restrictions as prescribed.

(f) Small Game

- (i) Feb. 8 - Mar. 1
- (ii) Game Zone 3 bag limits

11. Donnelley WMA

- (a) All hunters must sign in and out at the check station. Hunting in designated areas only.

(b) Archery Deer Hunts

- (i) Sept. 15 - Sept. 30

(c) Still Gun Hunts for Deer

- (i) Hunters selected by drawing
- (ii) 3 deer, either sex but only 1 buck

(d) Hog Hunts with Dogs

- (i) 1st Thurs. – Sat. in March

(e) Small Game (no fox squirrels)

- (i) Thanksgiving Day – Mar. 1
- (ii) Game Zone 3 bag limits

12. Hatchery WMA

(a) Archery Deer Hunts

- (i) Sept. 15 - Jan. 1

(b) No small game hunting

13. Bonneau Ferry WMA

(a) All terrain vehicles prohibited. Hunting access by boat is prohibited. For hunting, the Adult/youth side is open only to youth 17 years old or younger who must be accompanied by only one adult 21 years of age or older. Youth hunters must carry a firearm and hunt. Adults with youth hunters may also carry a firearm and hunt. For deer and small game, regulations for the adult/youth and general use sides of the property will alternate each year as prescribed by the Department. All hunters must sign in and sign out upon entering or leaving. All deer must be checked out at the main entrance. Closed to public access one hour after sunset until one hour before sunrise except for special hunts regulated by DNR. Hunters may not enter WMA prior to 5:00 AM on designated hunts. All impoundments and adjacent posted buffers are closed to all public access Nov. 1 – Feb. 8 except for special draw deer hunts and waterfowl hunts regulated by DNR during the regular waterfowl season. Hunted areas are closed to general public access during scheduled deer, turkey and waterfowl hunts. No fox hunting.

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- (b) Adult/Youth Side
 - (i) Still Gun Hunts for Deer
 - (1) Sept. 15 – Jan. 1
- (c) General Use Side
 - (i) Archery Deer Hunts
 - (1) Sept. 15 - Sept. 30
 - (ii) Still Gun Hunts for Deer
 - (1) Hunters selected by drawing
 - (2) Total 3 deer, either sex except only 1 buck.
 - (3) Hunters are required to have permit in possession and must sign in and out (Name, permit # and deer killed each day).
- (d) Small Game (no fox squirrels or fox)
 - (i) Jan. 2 – Mar. 1
 - (ii) Game Zone 3 bag limits
 - (iii) Dogs allowed during gun seasons only
- (e) Bonneau Ferry Fishing Regulations
 - (i) Open to fishing from Mar. 2 – Oct. 31 during daylight hours only
 - (ii) Adult/youth fishing only. Each youth (17 years and under) must be accompanied by no more than two adults 18 years of age or older.
 - (iii) The youth must actively fish.
 - (iv) Fishing is not allowed during scheduled deer and turkey hunts.
 - (v) Only electric motors may be used.
 - (vi) Creel limits per person per day are: largemouth bass – 2, panfish (bluegill, redear, crappie, pumpkinseed, redbreast) – 10, catfish – 5, species not listed – no limit. Grass carp must be released alive immediately.
- 14. Santee Coastal Reserve WMA
 - (a) Archery Deer Hunts
 - (i) Sept. 15 - Jan. 1
 - (ii) Hunting on mainland only
 - (b) Hog Hunts with Dogs
 - (i) 2nd full week in March
 - (c) Alligator Hunts
 - (i) Hunters selected by drawing only. Limited season with restricted access.
 - (ii) Limit and size restrictions as prescribed
 - (d) Small Game (no fox squirrels)
 - (i) Thanksgiving Day – Mar. 1
 - (ii) Game Zone 3 bag limits
- 15. Dungannon Heritage Preserve WMA
 - (a) Archery Deer Hunts
 - (i) Sept. 15 - Jan. 1
 - (b) Small Game (no fox squirrels)
 - (i) Thanksgiving Day - Jan. 31
 - (ii) Game Zone 3 bag limits
- 16. Edisto River WMA
 - (a) Archery Deer Hunts
 - (i) Sept. 15 – Oct. 10
 - (b) Still Gun Hunts for Deer
 - (i) Oct. 11 – Jan. 1
 - (c) Raccoon and Opossum
 - (i) Game Zone 3 seasons and bag limits
 - (d) Other Small Game
 - (i) Thanksgiving Day – Mar. 1
 - (ii) Game Zone 3 bag limits

17. Canal WMA
 - (a) Quail Hunts
 - (i) Game Zone 3 season and bag limit
18. Palachucola WMA
 - (a) Data cards are required for hunter access. Completed data cards must be returned daily upon leaving WMA. Designated as a Quality Deer Management Area.
 - (b) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 10
 - (c) Still Gun Hunts for Deer
 - (i) Hunters selected by drawing
 - (ii) 3 deer, either sex but only 1 buck
 - (d) Hog Hunts with Dogs
 - (i) 1st Thurs. – Sat. in Mar., 2nd Thurs. – Sat. in May, 4th Thurs. – Sat. in June, 4th Thurs. – Sat. in July, and last Thurs. - Sat. in August
 - (e) Quail Hunts
 - (i) 1st Sat. following Thanksgiving, 1st, 3rd, and 4th Wed. in Dec., 3rd Sat. in Dec., 1st and 4th Sat. in Jan., 3rd Wed. in Jan., 2nd Wed. in Feb., 3rd Sat. in Feb.
 - (ii) Game Zone 3 bag limit
 - (iii) Shooting hours end 30 minutes prior to official sunset.
 - (f) Raccoon and Opossum
 - (i) Tues. nights and Sat. nights between Oct. 11 – Sat. before Thanksgiving; The full week of Thanksgiving; Tues. nights and Sat. nights from the Tues. after Thanksgiving until Dec. 15.; Dec. 15 - Mar. 1
 - (ii) On Saturdays prior to Dec. 15, no entry onto WMA until 1 hour after official sunset.
 - (iii) Game Zone 3 bag limits
 - (g) Other Small Game (no fox squirrels)
 - (i) Thanksgiving Day through the following Saturday, Dec. 15 - Mar. 1
 - (ii) Game Zone 3 bag limits
19. St. Helena Sound Heritage Preserve WMA
 - (a) Deer hunting by permit only obtained at McKenzie Field Station. Camping by special permit only and on Otter Island only.
 - (b) Ashe, Beet, Warren, Otter, Big, South Williman, North Williman and Buzzard Islands Archery Deer Hunts
 - (i) Sept. 15 – Jan. 1
 - (c) No small game hunting
20. Tillman Sand Ridge Heritage Preserve WMA
 - (a) Archery Deer Hunts
 - (i) Sept. 15 - Jan. 1
 - (b) Small Game (no fox squirrels)
 - (i) Thanksgiving Day – Mar. 1
 - (ii) Game Zone 3 bag limits
21. Victoria Bluff Heritage Preserve WMA
 - (a) Archery Deer Hunts
 - (i) Sept. 15 - Jan. 1
 - (b) Small Game (no fox squirrels)
 - (i) Jan. 2 - Mar. 1
 - (ii) Game Zone 3 bag limits
 - (iii) Shotguns only
22. Hamilton Ridge WMA
 - (a) Designated as a Quality Deer Management Area. Horseback riding by permit only. No ATVs allowed. Data cards are required for hunter access. Completed data cards must be returned daily upon leaving the WMA.
 - (b) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 10

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- (c) Still Gun Hunts for Deer
 - (i) Hunters selected by drawing
 - (ii) 3 deer, either sex but only 1 buck
 - (d) Hog Hunts with Dogs
 - (i) 1st Thurs. – Sat. in Mar., 2nd Thurs. – Sat. in May, 4th Thurs. – Sat. in June, 4th Thurs. – Sat. in July, and last Thurs. - Sat. in August.
 - (e) Quail Hunts
 - (i) 1st Sat. following Thanksgiving, 1st, 3rd, and 4th Wed. in Dec., 3rd Sat. in Dec., 1st and 4th Sat. in Jan., 3rd Wed. in Jan., 2nd Wed. in Feb., 3rd Sat. in Feb.
 - (ii) Game Zone 3 bag limit
 - (iii) Shooting hours end 30 minutes prior to official sunset.
 - (f) Raccoon and Opossum
 - (i) Tues. nights and Sat. nights between Oct. 11 – Sat. before Thanksgiving; The full week of Thanksgiving; Tues. nights and Sat. nights from the Tues. after Thanksgiving until Dec. 15.; Dec. 15 - Mar. 1
 - (ii) On Saturdays prior to Dec. 15, no entry onto WMA until 1 hour after official sunset.
 - (iii) Game Zone 3 bag limits
 - (g) Other Small Game (no fox squirrels)
 - (i) Thanksgiving Day through the following Saturday, Dec. 15 - Mar. 1
 - (ii) Game Zone 3 bag limits
 - (iii) Dove hunting on designated public dove field only
23. Old Island Heritage Preserve WMA
- (a) Archery Deer Hunts
 - (i) Sept. 15 – Jan. 1
 - (b) No small game hunting
24. Botany Bay Plantation Heritage Preserve WMA
- (a) Designated as a Quality Deer Management Area. All hunters, fishermen and visitors must obtain and complete a day use pass upon entering the area and follow all instructions on the pass. Botany Bay Plantation WMA is open to public access during daylight hours (1/2 hour before sunrise to 1/2 hour after sunset) except during special hunts and events regulated by DNR. Area is closed to general public access during special scheduled hunts. Hunting in designated areas only. Hunting access by boat is prohibited. Fishing in the Jason's Lake complex and all other ponds is adult/youth catch and release only on designated days. For adult/youth fishing, youth must be accompanied by no more than two adults 18 years old or older. Adult may also fish.
 - (b) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 10, Mon. – Sat. during the week of Thanksgiving, Mon. – Sat. during the week of Christmas.
 - (c) Still Gun Hunts for Deer
 - (i) Hunters selected by drawing
 - (ii) Total 3 deer, either sex but only 1 buck
 - (iii) Hunters are required to have permit in possession and must sign in and sign out (Name, permit # and deer killed each day) at the designated check station. All harvested deer must be checked in at the designated check station.
 - (d) Small Game (no fox squirrels or foxes)
 - (i) Jan. 2 – Mar. 1 (Wed. through Sat. only)
 - (ii) Game Zone 3 bag limits
 - (iii) Dogs allowed during gun seasons only
25. Congaree Bluffs Heritage Preserve WMA
- (a) Still Gun Hunts for Deer
 - (i) Hunters selected by drawing.
 - (ii) Total 1 deer per day, either sex
 - (b) No small game hunting
26. Wateree River Heritage Preserve WMA
- (a) Data cards are required for hunter and fisherman access. Completed data cards must be returned daily upon leaving WMA. All harvested deer and turkeys must be checked in at the Wateree River check station.

Hunters may not enter the WMA prior to 5:00 AM on designated hunts. Hunted areas are closed to general public access during scheduled deer, turkey and waterfowl hunts. Designated as a Quality Deer Management Area.

- (b) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 10
- (c) Still Gun Hunts for Deer
 - (i) Hunters selected by drawing
 - (ii) 3 deer, either sex but only 1 buck
- (d) Small Game (no fox squirrels)
 - (i) Jan. 2 - Mar. 1
 - (ii) Game Zone 3 bag limits.

27. South Fenwick Island

(a) Deer hunting by permit only. Primitive camping is allowed by permit within designated areas. Permits available from DNR through the McKenzie Field Station. Property is closed to other users during scheduled deer hunts.

- (b) Archery Deer Hunts
 - (i) October 1 - 10
- (c) No small game hunting

28. Turtle Island

- (a) No hunting except waterfowl and marsh hens

D. Game Zone 4

1. Other WMAs

- (a) Archery Deer Hunts.
 - (i) Sept. 15 - Oct. 10
- (b) Still Gun Hunts for Deer
 - (i) Oct. 11 – Jan. 1
- (c) Small Game
 - (i) Game Zone 4 seasons and bag limits apply

2. Marsh WMA

(a) All visitors to Marsh WMA are required to sign in upon entry to the WMA and sign out upon exit from the WMA and provide any additional information requested. No ATVs allowed.

- (b) Special Hunt Area for Youth and Mobility Impaired Hunters
 - (i) No open season except for hunters selected by drawing
 - (ii) 1 deer per day, either sex
- (c) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 31
- (d) Still Gun Hunts for Deer
 - (i) Nov. 1 - Nov. 30
- (e) Still Hog Hunts
 - (i) First full week in Mar.
- (f) Hog Hunts with Dogs
 - (i) 3rd full week in Mar. and 3rd full week in May
- (g) Raccoon and Opossum Hunts
 - (i) Game Zone 4 seasons and bag limits
- (h) Other Small Game (no fox squirrels)
 - (i) Thanksgiving – Mar. 1
 - (ii) Game Zone 4 bag limits

(i) Quail Hunts

(i) 1st Sat. following Thanksgiving, 1st, 3rd, and 4th Wed. in Dec., 3rd Sat. in Dec., 1st and 4th Sat. in Jan., 3rd Wed. in Jan., 2nd Wed. in Feb., 3rd Sat. in Feb.

- (ii) Game Zone 4 bag limit.

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(iii) Shooting hours end 30 minutes prior to official sunset.

3. Sand Hills State Forest WMA

(a) Hunting by the general public closed during scheduled field trials on the Sand Hills State Forest Special Field Trial Area. Hunting allowed during permitted field trials on the Sand Hills State Forest Special Field Trial Area in compliance with R.123-96. No man drives allowed.

(b) Archery Deer Hunts

(i) Sept. 15 – Oct. 10

(c) Still Gun Hunts for Deer

(i) Oct. 11 – Jan. 1

(d) Small Game

(i) Game Zones 4 seasons and bag limits apply. No daytime fox hunting from Sept. 15 – Jan. 1

4. McBee WMA

(a) All visitors are required to sign in upon entry to the WMA and sign out upon exit and provide any additional information requested on sign in sheets at the kiosk. No ATVs allowed.

(b) Archery Deer Hunts

(i) Sept. 15 – Oct. 10

(c) Still Gun Hunts for Deer.

(i) Oct. 11 - Saturday before Thanksgiving

(d) Quail

(i) no open season except hunters selected by drawing. Bag limit 10 birds per hunt party.

(e) Other Small Game (no fox squirrels)

(i) Jan. 15 - Mar. 1

(ii) Game Zone 4 bag limits

5. Pee Dee Station Site WMA

(a) All visitors are required to sign in upon entry to the WMA and sign out upon exit and provide any additional information requested on sign in sheets at the kiosk. No ATVs allowed.

(b) Archery Deer Hunts

(i) Sept. 15 - Oct. 31

(c) Primitive Weapons Deer Hunts

(i) Nov. 1 - Nov. 30

(d) Small Game (no fox squirrels)

(i) Thanksgiving Day – Mar. 1

(ii) Game Zone 4 bag limits

6. Woodbury WMA

(a) All visitors are required to sign in upon entry and sign out upon exit and provide any additional information requested on sign in sheets at the kiosk. No ATVs allowed.

(b) Designated as a Quality Deer Management Area

(c) Archery Deer Hunts

(i) Sept. 15 – Oct. 10

(d) Primitive Weapons Deer Hunts

(i) Oct. 11 - Oct. 20

(e) Still Gun Hunts for Deer

(i) Oct. 21 - Jan. 1

(f) Still Hog Hunts

(i) First full week in Mar.

(g) Hog Hunts with Dogs

(i) 3rd full week in Mar. and 3rd full week in May

(h) Raccoon and opossum

(i) Game Zone 4 seasons and bag limits

(i) Other Small Game (no fox squirrels)

(i) Thanksgiving Day – Mar. 1

(ii) Game Zone 4 bag limits

7. Little Pee Dee Complex WMA

(a) Includes Little Pee Dee River HP, Tilghman HP, Dargan HP and Ward HP in Horry and Marion Counties. This also includes the Upper Gunters Island and Huggins tracts in Horry Co. which are part of Dargan HP.

- (b) Archery Deer Hunts
 - (i) Sept. 15 – Oct. 10
- (c) Primitive Weapons Deer Hunts
 - (i) Oct. 11 – Oct. 20.
- (d) Still Gun Hunts for Deer
 - (i) Oct. 21 - Jan. 1.
- (e) Still Hog Hunts
 - (i) First full week in Mar.
- (f) Hog Hunts with Dogs
 - (i) 2nd full week in Mar.
- (g) Raccoon and opossum
 - (i) Game Zone 4 seasons and bag limits
- (h) Other Small Game (no fox squirrels)
 - (i) Thanksgiving Day – Mar. 1
 - (ii) Game Zone 4 bag limits
- (i) Bear Season
 - (i) October 17 – October 30

8. Great Pee Dee Heritage Preserve WMA

(a) All visitors are required to sign in upon entry and sign out upon exit and provide any additional information requested on sign in sheets at the kiosk. No ATVs allowed.

(b) For big game hunting, access is restricted from two hours before sunrise to two hours after official sunset.

- (c) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 31
- (d) Still Gun Hunts for Deer
 - (i) Nov. 1 - Nov. 30
- (e) Still Hog Hunts
 - (i) First full week in March
- (f) Hog Hunts with Dogs
 - (i) 3rd full week in Mar. and 3rd full week in May
- (g) Raccoon and opossum
 - (i) Game Zone 4 seasons and bag limits
- (h) Other Small Game (no fox squirrels)
 - (i) Thanksgiving Day – Mar. 1
 - (ii) Game Zone 4 bag limits

9. Longleaf Pine Heritage Preserve WMA

- (a) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 10
- (b) Still Gun Hunts for Deer
 - (i) Oct. 11 - Jan. 1
- (c) Small Game (no fox squirrels)
 - (i) Thanksgiving Day – Mar. 1
 - (ii) Game Zone 4 bag limits

10. Manchester State Forest WMA

- (a) Archery Deer Hunts
 - (i) September 15 - 30
- (b) Still Gun Hunts for Deer
 - (i) October 1 January 1 except during scheduled dog drive hunts
 - (ii) No man drives

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- (c) Deer Hunts with Dogs
 - (i) Clubs selected by drawing.
 - (ii) Last Saturday in October, 3rd Friday and Saturday in November, 3rd Friday and Saturday in December.
- (d) Small Game
 - (i) Thanksgiving Day – Mar. 1
 - (ii) Game Zone 4 bag limits
- (e) Still Gun Hunts for Hogs
 - (i) First full week of March
- (f) Hog Hunts with Dogs
 - (i) 2nd full week in Mar.
- 11. Lynchburg Savanna Heritage Preserve WMA
 - (a) Small Game Only (no fox squirrels)
 - (i) Game Zone 4 seasons and bag limits
- 12. Hickory Top WMA
 - (a) Data cards required for hunter access. Completed data cards must be returned daily upon leaving. The Greentree Reservoir is open to hunting during the regular Hickory Top seasons during years when the Greentree Reservoir remains unflooded.
 - (b) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 31
 - (c) Primitive Weapons Deer Hunts
 - (i) Nov. 1 – Jan. 1
 - (d) Hog Hunts with Dogs
 - (i) 2nd full week in Mar.
 - (e) Small Game (no fox squirrels)
 - (i) Game Zone 4 seasons and bag limits apply.
- 13. Oak Lea WMA
 - (a) Archery Deer Hunts
 - (i) Sept. 15 - 30
 - (b) Still Gun Hunts for Deer
 - (i) October 1 - January 1 except no deer hunting during scheduled quail hunts
 - (ii) No man drives
 - (c) Small Game (except quail)
 - (i) Thanksgiving Day – Mar. 1 except no other small game hunting during scheduled quail hunts
 - (ii) Game Zone 4 bag limits
 - (d) Quail
 - (i) Saturdays 1st Sat. following Thanksgiving, 1st, 3rd, and 4th Wed. in Dec., 3rd Sat. in Dec., 1st and 4th Sat. in Jan., 3rd Wed. in Jan., 2nd Wed. in Feb., 3rd Sat. in Feb.
 - (ii) Game Zone 4 bag limits
 - (iii) Shooting hours end 30 minutes prior to official sunset
- 14. Santee Dam WMA
 - (a) Archery Deer Hunts
 - (i) Sept. 15 – Oct. 31
 - (b) Primitive Weapons Deer Hunts
 - (i) Nov. 1 – Jan. 1
 - (c) Hog Hunts with Dogs
 - (i) 2nd full week in March
 - (d) Small Game (no fox squirrels)
 - (i) Jan. 2 – Mar. 1
 - (ii) Game Zone 4 bag limits
- 15. Wee Tee WMA
 - (a) Archery Deer Hunts
 - (i) Sept. 15 – Sept. 30

- (b) Still Gun Hunts for Deer
 - (i) Oct. 1 – Jan. 1
- (c) Still Hog Hunts
 - (i) First full week in March
- (d) Hog Hunts with Dogs
 - (i) 2nd full week in March
- (e) Small Game (no fox squirrels, no fox hunting)
 - (i) Thanksgiving Day – Mar. 1
 - (ii) Game Zone 4 bag limits
 - (iii) Dogs allowed during small game gun season only
- (f) Bear Season
 - (i) October 17 – October 30
- 16. Santee Delta WMA
 - (a) Archery Deer Hunts (impoundments only)
 - (i) Sept. 15 - Oct. 10
 - (b) Hog Hunts with Dogs
 - (i) 2nd full week in Mar. (impoundments only)
 - (c) No small game hunting
- 17. Samworth WMA
 - (a) Archery Deer Hunts (impoundments only)
 - (i) Sept. 15 - Oct. 10
 - (b) Hog Hunts with Dogs
 - (i) 2nd full week of Mar. (impoundments only)
 - (c) No small game hunting except dove hunting during scheduled dove hunts
- 18. Cartwheel Bay Heritage Preserve WMA
 - (a) Archery Deer Hunts
 - (i) Sept. 15 – Jan. 1
 - (b) Small Game (no fox squirrels)
 - (i) Thanksgiving Day – Mar. 1
 - (ii) Game Zone 4 bag limits
 - (c) Bear Season
 - (i) October 17 – October 30
- 19. Lewis Ocean Bay Heritage Preserve WMA
 - (a) All deer hunters must sign in and sign out daily and record harvest at the kiosk.
 - (b) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 10
 - (c) Primitive Weapons Deer Hunts
 - (i) Oct. 11 - Oct. 20
 - (d) Still Gun Hunts for Deer
 - (i) Oct. 21 - Jan. 1.
 - (e) Small Game (no fox squirrels).
 - (i) Thanksgiving Day – Mar. 1
 - (ii) Game Zone 4 bag limits
 - (f) Bear Season
 - (i) October 17 – October 30
- 20. Waccamaw River Heritage Preserve WMA
 - (a) Archery Deer Hunts
 - (i) Sept. 15 - Oct. 10
 - (b) Primitive Weapons Deer Hunts
 - (i) Oct. 11 - Oct. 20
 - (c) Still Gun Hunts for Deer
 - (i) Oct. 21 - Jan. 1

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- (d) Still Hog Hunts
 - (i) First full week in March
 - (e) Hog Hunts with Dogs
 - (i) 2nd full week in Mar.
 - (f) Small Game (no fox squirrels)
 - (i) Thanksgiving Day – Mar. 1
 - (ii) Game Zone 4 bag limits
 - (g) Bear Season
 - (i) October 17 – October 30
21. Liberty Hill WMA
- (a) Designated as a Quality Deer Management Area
 - (b) Archery Hunts for Deer
 - (i) Sept. 15 - Sept. 30
 - (c) Primitive Weapons for Deer
 - (i) Oct. 1 - Oct. 10
 - (d) Still Gun Hunts for Deer
 - (i) Oct. 11 - Jan. 1
 - (e) Small Game (No fox squirrels)
 - (i) Zone 4 seasons and bag limits apply.

GENERAL REGULATIONS

2.1 Except as provided in these regulations, no person may hunt or take wildlife on areas designated by the South Carolina Department of Natural Resources (SCDNR) as Wildlife Management Area (WMA) lands.

2.2 Entry onto WMA land is done wholly and completely at the risk of the individual. Neither the landowners nor the State of South Carolina nor the South Carolina Department of Natural Resources accepts any responsibility for acts, omissions, or activities or conditions on these lands which cause personal injury or property damage.

2.3 Entry onto WMA land constitutes consent to an inspection and search of the person, game bag or creel.

2.4 No person may hunt or take wildlife on WMA land unless an individual is in possession of a valid South Carolina license, a valid WMA permit, and other applicable federal or state permits, stamps or licenses.

2.5 No Sunday hunting is permitted on any WMA lands.

2.6 On all WMA lands, baiting or hunting over a baited area is prohibited. As used in this section, “bait” or “baiting” means the placing, depositing, exposing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat, or other grain or other food stuffs to constitute an attraction, lure, or enticement to, on, or over any area. “Baited area” means an area where bait is directly or indirectly placed, deposited, exposed, distributed, or scattered and the area remains a baited area for ten (10) days following the complete removal of all bait. Salt/minerals are not considered bait.

2.7 On WMA lands, construction or use of tree stands is prohibited if the tree stand is constructed by driving nails or other devices into trees or if wire is wrapped around trees. Other tree stands are permitted provided they are not permanently affixed or embedded in the tree. Excluding deer stands erected by the Department on WMA lands for the purpose of special hunts, no deer stands or temporary climbing devices may be placed on WMA lands prior to August 10 in any given year and must be removed by January 15 of the succeeding calendar year. All deer stands and temporary climbing devices must be labeled with the DNR Customer ID number of the person responsible for the stand or climbing device in a conspicuous location using an identification tag, etching, or permanent marker.

2.8 On WMA lands, any hunter younger than sixteen (16) years of age must be accompanied by an adult (21 years or older). Sight and voice contact must be maintained.

2.9 Notwithstanding any other provision of these regulations, the Department may permit special hunts on any day during the regular hunting season.

2.10 No person may release or attempt to release any animal onto WMA lands without approval from the Department. This regulation does not apply on designated Public Bird Dog Training Areas where pen raised quail and pigeons may be released.

2.11 While participating in a hunt on WMAs, no person may possess, consume or be under the influence of intoxicants, including beer, wine, liquor or drugs.

2.12 On WMA lands, during the designated statewide youth deer hunt day, only still hunting is allowed. The limit is two deer total, either sex. Tags are not required

2.13 Taking or destroying timber, other forest products or cutting firewood on WMA lands without written permission from the landowner or his agent is prohibited. Users of WMA lands are prohibited from planting, attempting to plant, burning or otherwise attempting to manipulate crops, natural vegetation or openings without written permission from the landowner or his agent.

2.14 On WMA lands, hunting armadillos and coyotes at night is prohibited. Armadillos and coyotes may be hunted during any open season for game during daylight hours with no bag limit. Weapon(s) used to hunt armadillos and coyotes are limited to the weapon(s) that are allowed for the current open season on WMA.

2.15 On WMA lands during special designated hunts, a WMA may be closed to other public access.

2.16 Still hunting for hogs is permitted on WMAs during any open season for game during daylight hours with only the weapons allowed during the hunting season in progress unless otherwise prohibited. No hog may be transported alive from a WMA. Hogs may not be hunted at night. There is no bag limit on hogs. Hunters must wear a hat, coat, or vest of solid international orange while hog hunting. Buckshot is prohibited. During hog hunts with dogs, no still or stalk hunting is allowed and only handguns are permitted. No hog hunting with dogs is allowed except during special designated seasons. During firearms seasons for deer, hog hunters possessing big game weapons must possess licenses, permits, and tags applicable to deer hunting. Big game weapons include centerfire weapons, archery equipment with broad heads, shot larger than No. 2, and muzzle loading shotguns (larger than 20 gauge) and rifles/muskets (.36 caliber or greater).

2.17 Unless otherwise specified, small game hunting seasons and bag limits on WMA lands are the same as Game Zone seasons and bag limits except no hunting before Sept. 1 or after Mar. 1. The season for hunting beavers on WMA lands shall be October 1 through March 1.

WEAPONS

3.1 On WMA lands hunters may use any shotgun, rifle, bow and arrow, crossbow or hand gun except that specific weapons may be prohibited on certain hunts. Blow guns, dart guns, drugged arrows or arrows with exploding tips are not permitted. Small game hunters may possess or use shotguns with shot no larger than No. 2 or .22 rimfire or smaller rifles/handguns or primitive muzzle loading rifles/muskets of .40 caliber or smaller. Small game hunters may not possess or use buckshot, slugs or shot larger than No. 2. Small game hunters using archery equipment must use small game tips on the arrows (judo points, bludgeon points, etc.).

3.2 For Special Primitive Weapons Seasons, primitive weapons include bow and arrow, crossbow and muzzle loading shotguns (20 gauge or larger) and rifles/muskets (.36 caliber or larger) with open or peep sights or scopes, which use black powder or a black powder substitute that does not contain nitro cellulose or nitro glycerin components as the propellant charge. There are no restrictions on ignition systems (e.g. flintstone, percussion cap, shotgun primer, disk, electronic, etc.). During primitive weapons season, no revolving rifles are permitted.

3.3 On WMA lands big game hunters are not allowed to use armor piercing, tracer, incendiary, or full metal jacket bullets or .22 or smaller rimfire. Buckshot is prohibited during still gun hunts for deer on WMA lands in Game Zones 3 & 4.

3.4 On WMAs all firearms transported in vehicles must be unloaded and secured in a weapons case, or in the trunk of a vehicle or in a locked toolbox. On the Francis Marion Hunt Unit during deer hunts with dogs, loaded shotguns may be transported in vehicles. Any shotgun, centerfire rifle, rimfire rifle or pistol with a shell in the chamber or magazine, or a muzzleloader with a cap on the nipple or a flintlock with powder in the flash pan is considered loaded.

3.5 No target practice is permitted on WMA lands except in specifically designated areas.

3.6 On WMA lands during gun hunts for deer or hogs there shall be no hunting or shooting from, on or across any road open to vehicle traffic. During any deer or hog hunt there shall be no open season for hunting on any designated recreational trail on U.S Forest Service or S.C. Public Service Authority property.

DEER

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4.1 On WMA lands with designated check stations, all deer bagged must be checked at a check station. Deer bagged too late for reporting one day must be reported the following day.

4.2 Unless otherwise specified by the Department, only antlered deer may be taken on all WMA lands. Deer with visible antlers of less than two (2) inches above the hairline are considered antlerless deer and must be tagged with an antlerless deer tag issued by the Department. A point is any projection at least one inch long and longer than wide at some location at least one inch from the tip of the projection.

4.3 On WMA lands, man drives for deer are permitted between 10:00 a.m. and 2:00 p.m. only. A man drive is defined as an organized hunting technique involving two (2) or more individuals whereby an attempt is made to drive game animals from cover or habitat for the purpose of shooting, killing, or moving such animals toward other hunters. On WMA lands, drivers participating in man drives are prohibited from carrying or using weapons.

4.4 For all WMAs combined statewide, the limit for all seasons and methods combined is two deer per day, 5 deer total, no more than two antlered bucks, unless otherwise specified. For WMAs in Game Zone 1, the limit for antlerless deer for all seasons and methods combined is 3. Antlerless deer limit is two deer per day, unless otherwise specified. On special mobility impaired and youth deer hunts sanctioned by the Department and during the statewide youth deer hunt day prescribed by the Department, participants may take two deer total, either sex.

4.5 Individual Antlerless Deer Tags are valid in Game Zone 1 beginning Oct. 1 and in Game Zones 2, 3 & 4 beginning Sept. 15. For all WMAs combined, a maximum of 5 individual antlerless deer tags may be used during primitive weapons or still gun deer seasons in all Game Zones except three individual antlerless deer tags may be used in Game Zone 1. Tags do not alter the daily (2 per day) or seasonal limit or change the type of weapons that can be used during special weapons seasons.

4.6 All deer must be tagged immediately after harvest as prescribed by the Department and before being moved from the point of kill and the tag must be validated as prescribed by the Department. A valid tag must remain attached until the deer or carcass is quartered or received by a processor.

4.7 For WMAs designated as Quality Deer Management Areas, all antlered bucks must have a minimum 4 points on one side or a minimum 12 inch inside antler spread except during designated special youth hunts. Inside antler spread is measured at a right angle to centerline of the skull at its widest point between the main beams.

4.8 On WMA lands, deer, hogs, or bear may not be hunted with a firearm within 300 yards of a residence.

DOGS

5.1 On all WMA lands, dogs may be used for small game hunting unless otherwise specified.

5.2 Dogs may be trained for quail, rabbit and squirrel hunting from Sept. 1 14 (no guns), except on designated Public Bird Dog Training Areas where bird dog training is allowed from September 15 to March 15 (Sundays excluded).

5.3 On WMA lands, dogs may be used for hunting foxes, raccoons, bobcats or opossums only between thirty (30) minutes after official sunset and 30 minutes before official sunrise.

5.4 Unless otherwise specified, deer hunting with dogs on WMA lands is prohibited. The Department may permit deer hunting with dogs on WMA lands not located in Game Zones 1 and 2. For the purposes of tracking a wounded deer, a hunter may use one dog which is kept on a leash.

5.5 Dogs may be used to hunt bear on WMA lands in Game Zone 1 during the special party dog bear season.

5.6 On WMA lands, dogs may be used to hunt hogs only during special designated hog hunts with dogs.

VEHICLES

6.1 On all WMA lands, no hunter may shoot from a vehicle unless permitted by the Department.

6.2 On WMA lands, motor driven land conveyances must be operated only on designated roads or trails. Unless otherwise specified, roads or trails which are closed by barricades and/or signs, either permanently or temporarily, are off limits to motor driven land conveyances.

6.3 A person may not obstruct or cause to be obstructed travel routes on WMA lands.

VISIBLE COLOR CLOTHING

7.1 On all WMA lands during any gun and muzzleloader hunting seasons for deer, bear and hogs, all hunters including small game hunters must wear either a hat, coat, or vest of solid visible international orange. Archery hunters during archery only deer seasons and hunters for dove, turkey, ducks, geese and other hunted migratory birds including crows are exempt from this requirement while hunting for those species.

CAMPING

8.1 Camping is not permitted on WMA lands except in designated camp sites.

TRAPPING

9.1 Trapping on WMA lands is not permitted.

WATERFOWL & DOVE REGULATIONS

10.1 Unless specially designated by the Department as a Wildlife Management Area for Waterfowl or a Wildlife Management Area for Dove, all Wildlife Management Areas are open during the regular season for hunting and taking of migratory birds except where restricted.

10.2 The Department may designate sections of Wildlife Management Areas and other lands and waters under the control of the Department as Designated Waterfowl Management Areas or Designated Dove Management Areas. All laws and regulations governing Wildlife Management Areas apply to these special areas. In addition, the Department may set special shooting hours, bag limits, and methods of hunting and taking waterfowl and doves on those areas. All State and Federal migratory bird laws and regulations apply. Regulations pertaining to the use of Dove Management Areas will be filed annually.

10.3 On areas where blinds are not provided, only portable blinds which are removed at the conclusion of the hunt or temporary blinds of native vegetation may be used. Temporary blinds once vacated may be used by other hunters.

10.4 On Designated Waterfowl Areas, no species other than waterfowl may be taken during waterfowl hunts. On Designated Dove Management Areas no species other than doves may be taken during dove hunts. Only dove hunting is allowed at Lake Wallace.

10.5 No fishing is permitted in any Category I Designated Waterfowl Area during scheduled waterfowl hunts.

10.6 The Bordeaux Work Center Area is closed to hunting except for special hunts as designated by the SCDNR.

10.7 Impoundments on Bear Island, Beaverdam Creek, Bonneau Ferry, Broad River, Clemson, Donnelley, Samworth, Sandy Beach, Santee Coastal Reserve, Santee Cooper, Wateree River, and Santee Delta WMAs are closed to all public access during the period Nov. 1 - Feb. 8 except during special hunts designated by the Department. All public access during the period Feb. 9 - Oct. 31 is limited to designated areas. On Bear Island WMA, Mathews' Canal is closed to all hunting from Nov. 1 – Feb. 15 beyond a point 0.8 mile from the confluence of Mathews' Canal with the South Edisto River.

10.8 Potato Creek Hatchery Waterfowl Area is closed to hunting access and fishing during the period one week prior to and two weeks after the Federal waterfowl season except for scheduled waterfowl hunts. All hunters must enter and leave the Potato Creek Hatchery Waterfowl Area through the designated public landing on secondary road 260 and complete a data card and deposit card in receptacle prior to leaving the area. No airboats are allowed for hunting or fishing and no hunting from secondary road 260.

10.9 On Hatchery WMA, hunters must leave the area by 1 PM, except on the last Saturday of the waterfowl season when hunters may hunt until sunset. Each hunter is limited to twenty five Federally approved nontoxic shot shells per hunt. No airboats are allowed in the Hatchery WMA for hunting or fishing during the period Nov. 15 - Jan. 31. No fishing allowed during scheduled waterfowl hunts.

10.10 On Crackerneck WMA, waterfowl may be hunted only on Fri., Sat. and Thanksgiving Day within the regular migratory bird seasons and no hunting on Dec. 25; Fant's Grove WMA is open AM only on Wednesdays and Saturdays during the regular migratory bird seasons; Palachucola WMA, Tillman Sand Ridge WMA, Hamilton Ridge WMA and Webb WMA are open AM only for waterfowl hunting during the regular migratory

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bird seasons only on days when small game hunting is allowed and the entire week of Thanksgiving, Sundays excluded.

10.11 Category I Designated Waterfowl Areas include Beaverdam, Bonneau Ferry, Broad River, Clemson, Sandy Beach, Samworth, Santee Coastal Reserve, Santee Delta, Tibwin, Bear Island, Wateree River Heritage Preserve and portions of Donnelley Wildlife Management Areas. Hunting in Category I Designated Waterfowl Areas is by special permit obtained through annual computer drawing.

10.12 Category II Designated Waterfowl Areas include Biedler Impoundment, Carr Creek (bounded by Samworth WMA), Little Carr Creek (bounded by Samworth WMA), Lake Cunningham, Russell Creek, Monticello Reservoir, Parr Reservoir, Duncan Creek, Dunaway, Dungannon, Enoree River, Moultrie, Hatchery, Hickory Top, Hickory Top Greentree Reservoir, Lancaster Reservoir, Turtle Island, Little Pee Dee River Complex (including Ervin Dargan, Horace Tilghman), Great Pee Dee River, Potato Creek Hatchery, Sampson Island Unit (Bear Island), Tyger River, Marsh, Wee Tee, Woodbury, Ditch Pond, Waccamaw River Heritage Preserve, Francis Marion National Forest, Sumter National Forest, Santee Cooper, portions of Donnelley, and 40 Acre Rock Waterfowl Management Areas. Hunting on Category II Designated Waterfowl Areas is in accordance with scheduled dates and times.

1. Biedler Impoundment
 - (a) Sat. AM only during regular season
 - (b) State bag limits
2. Bear Island
 - (a) Hunters selected by drawing during regular season
 - (b) State bag limits
3. Beaverdam
 - (a) Hunters selected by drawing during regular season
 - (b) State bag limits
4. Bonneau Ferry
 - (a) Hunters selected by drawing during regular season
 - (b) State bag limits
5. Broad River
 - (a) Hunters selected by drawing during regular season
 - (b) State bag limits
- 6 Carr Creek (bounded by Samworth WMA, no hunting in impoundments)
 - (a) Wed. and Sat. AM only during regular season
 - (b) State bag limits
7. Little Carr Creek (bounded by Samworth WMA, no hunting in impoundments)
 - (a) Wed. and Sat. AM only during regular season
 - (b) State bag limits
8. Clemson
 - (a) Hunters selected by drawing during regular season
 - (b) State bag limits
9. Ditch Pond
 - (a) Wed. AM only during regular season
 - (b) State bag limits
10. Donnelley
 - (a) Category I Area – Hunters selected by drawing during regular season
 - (b) Category II Area – Wed. AM only during specified dates.
 - (c) State bag limits
11. Dunaway
 - (a) Sat. AM only during regular season
 - (b) State bag limits
12. Duncan Creek
 - (a) Sat. AM only during regular season
 - (b) State bag limits
13. Dungannon

- (a) Wed. AM only during regular season
- (b) State bag limits
- (c) No hunting from the Boardwalk
- 14. Enoree River
 - (a) Sat. AM only during regular season
 - (b) State bag limits
- 15. Hatchery
 - (a) Sat. AM only and until sunset on the last Sat. of the regular waterfowl season
 - (b) State bag limits
- 16. Hickory Top
 - (a) Mon. through Sat. during regular season
 - (b) State bag limits
- 17. Hickory Top Greentree Reservoir
 - (a) Sat. AM only during regular season
 - (b) State bag limits
 - (c) No hunting from roads and dikes
- 18. Lake Cunningham
 - (a) Wed. AM only during the regular season
 - (b) State bag limits
- 19. Lancaster Reservoir
 - (a) Mon. and Fri. AM only during the regular season
 - (b) State bag limits
- 20. Marsh
 - (a) Fri. and Sat. AM only during regular season
 - (b) State bag limits
- 21. Monticello Reservoir
 - (a) Mon. through Sat. AM only during regular season
 - (b) State bag limits
- 22. Moultrie
 - (a) Mon. through Sat. during regular season.
 - (b) State bag limits
- 23. Parr Reservoir
 - (a) Mon. through Sat. during regular season.
 - (b) State bag limits
- 24. Potato Creek Hatchery
 - (a) Fri. and Sat. only during regular season
 - (b) State bag limits
- 25. Russell Creek
 - (a) Wed. and Sat. AM only during regular season
 - (b) State bag limits
- 26. Sampson Island Unit (Bear Island)
 - (a) Thurs. and Sat. AM only during the regular season
 - (b) State bag limits
- 27. Samworth
 - (a) Hunters selected by drawing during regular season
 - (b) State bag limits
- 28. Sandy Beach
 - (a) Hunters selected by drawing during regular season
 - (b) State bag limits
- 29. Santee Coastal Reserve
 - (a) Hunters selected by drawing during regular season
 - (b) State bag limits

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30. Santee Cooper
 - (a) Sat. AM only during regular season
 - (b) State bag limits
31. Santee Delta
 - (a) Hunters selected by drawing during regular season
 - (b) State bag limits
32. Tibwin
 - (a) Special hunts by drawing during regular season
 - (b) State bag limits
33. Turtle Island
 - (a) Fri. and Sat. AM only during regular season
 - (b) State bag limits
34. Tyger River
 - (a) Sat. AM only during regular season
 - (b) State bag limits
35. Wee Tee
 - (a) Fri. and Sat. AM only during regular season
 - (b) State bag limits
36. Woodbury
 - (a) Fri. and Sat. AM only during regular season
 - (b) State bag limits
37. Great Pee Dee
 - (a) Sat. AM only during regular season
 - (b) State bag limits
38. Little Pee Dee River Complex
 - (a) Fri. and Sat. AM only during regular season
 - (b) State bag limits
39. Waccamaw River HP
 - (a) Fri. and Sat. AM only during regular season
 - (b) State bag limits
40. 40 acre Rock
 - (a) Sat. AM only during regular season
 - (b) State bag limits
41. Wateree River HP
 - (a) Hunters selected by drawing during regular season
 - (b) State bag limits
42. Francis Marion National Forest
 - (a) Wednesday and Saturday mornings only during regular season.
 - (b) State bag limits
43. Sumter National Forest
 - (a) Wednesday and Saturday mornings only during regular season.
 - (b) State bag limits

10.13 On Hickory Top WMA public waterfowl hunting without a Wildlife Management Area (WMA) permit is allowed on all land and water below 76.8'. Waterfowl hunting at or above elevation 76.8' requires a WMA permit. A WMA permit is required for waterfowl hunting in the Hickory Top Greentree Reservoir.

10.14 Designated Dove Management Areas include all dove management areas as published by the Department in the annual listing of WMA public dove fields and are subject to regulations filed annually.

10.15 Hickory Top Greentree Reservoir is closed to hunting access November 1 until March 1, except for special hunts designated by SCDNR. All hunters must accurately complete a data card and deposit card in receptacle prior to leaving the area. Hunting hours are from 30 minutes before legal sunrise until 11:00 am. Hunters may not enter the area prior to 5:00 am on hunt days. No open season on roads and dikes. Hunters may only use electric motors on boats.

10.16 On all State owned, US Forest Service and other Federally owned Category I and II Waterfowl Management Areas each hunter is limited to 25 Federally approved non toxic shells per hunt.

10.17 On Enoree River, Dunaway, Duncan Creek, Russell Creek and Tyger River Waterfowl Areas data cards are required for hunter access during scheduled waterfowl hunts. Completed data cards must be returned daily upon leaving each of these areas.

10.18 Woodbury Waterfowl Management Area includes all SCDNR owned property south of US Hwy 378 and bounded on the west by the Great Pee Dee River and Bluff Road and to the east by the Little Pee Dee River except no waterfowl hunting allowed in the area known as Hass Pond that is bounded on all sides by Hass Pond Road.

10.19 Donnelley Wildlife Management Area Category II Waterfowl Area is open Wednesday mornings only during the November thru January regular waterfowl season. The Category II area is defined as all wetlands east of Donnelley Drive and Blocker Run Road except those areas south of Blocker Run Road between Stocks Creek Road and the intersection of Mary's Island Road and the property boundary. No trailered boats and no electric or gas motors allowed. No entry before 5:00 AM and all users must sign in and sign out at designated check stations. No hunting is allowed from the dikes.

AMPHIBIANS AND REPTILES

11.1 Taking of any amphibian or reptile, except the bullfrog, is prohibited on any Department owned Wildlife Management Areas without written permission of the Department.

PUBLIC BIRD DOG TRAINING AREAS

12.1 The Department may establish Public Bird Dog Training Areas on designated portions of the Cliff Pitts WMA in Laurens County, the Campbell's Crossroads and Angelus Tract WMAs in Chesterfield County, the Landsford Canal WMA in Chester County, and the Edisto River WMA in Dorchester County. A valid hunting license and WMA permit is required to train bird dogs on these lands.

12.2 It shall be unlawful to take game by any means while training bird dogs, except during the lawful open seasons for such game; provided, however, that pen raised quail or pigeons may be taken at any time for training bird dogs.

12.3 It shall be unlawful for any person to have in his or her possession any firearms or other equipment for taking game while training bird dogs, provided that handguns with blank ammunition or shot cartridges may be used for training bird dogs, and shotguns with number eight shot or smaller shot may be used while training bird dogs using pen raised quail and pigeons.

12.4 All participants in bird dog training must wear either a hat, coat, or vest of solid visible international orange.

Fiscal Impact Statement:

The amendment of Regulations 123-40 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, local economies should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Statement of Rationale:

Rationale for the formulation of these regulations is based on over 70 years of experience by SCDNR in managing wildlife populations and establishing public hunting areas. Management objectives for specific properties are continually evaluated for needed changes. Contractual agreements with the landowners provide guidelines for the use and management of the property. Wildlife Management Area agreements are on file with the Wildlife Management Section of the Department of Natural Resources, Room 267, Dennis Building, 1000 Assembly Street, Columbia.

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Document No. 5078

DEPARTMENT OF PUBLIC SAFETY

CHAPTER 38

Statutory Authority: 1976 Code Section 23-6-30(6)

38-424. Safety Rules and Regulations.

Synopsis:

Pursuant to Section 1-23-120(J), the South Carolina Department of Public Safety proposes to amend Regulation 38-424 Safety Rules and Regulations. The proposed amendment will mandate compliance with the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration registration requirement codified in 49 CFR 107.608 General Registration Requirements.

Section-by-Section Discussion:

38-424. Add 49 CFR Part 107

The Notice of Drafting was published in the *State Register* on August 27, 2021.

Instructions:

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

Text:

38-424. Safety Rules and Regulations.

The rules and regulations adopted by the United States Department of Transportation relating to safety of operation and to equipment (49 CFR Parts 382, 383, 385, 387, and 390-399 and amendments thereto), and the rules and regulations adopted by the United States Department of Transportation relating to hazardous materials (49 CFR Parts 107 and 171-180 and amendments thereto) shall apply to all motor carrier vehicles engaged in interstate commerce and intrastate commerce over the highways within the State of South Carolina, whether common carriers, contract carriers, exempt carriers, or private carriers, except where these aforementioned rules and regulations may conflict with South Carolina Law, provided that any rule or regulation which fixes the minimum age of vehicle drivers at 21 years is hereby changed insofar as South Carolina intrastate carriers are concerned to establish a minimum age of 18 years for vehicle drivers.

Fiscal Impact Statement:

The South Carolina Department of Public Safety anticipates no financial impact on the State or any of its political subdivisions as a result of the proposed amendment.

Statement of Rationale:

The proposed amendment is made pursuant to Section 1-23-120(J). The proposed amendment will mandate compliance with the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration registration requirement codified in 49 CFR 107.608 General Registration Requirements.

Document No. 5077
DEPARTMENT OF PUBLIC SAFETY
 CHAPTER 38
 Statutory Authority: 1976 Code Section 23-6-30(6)

38-240. Vehicles Required to Stop at Railroad Crossings.

Synopsis:

Pursuant to Section 1-23-120(J), the South Carolina Department of Public Safety proposes to amend Regulation 38-240 Vehicles Required to Stop at Railroad Crossings. The amendment will replace the categories of markings and placards listed under Regulation 38-240(A)(3)(i) through (xi) with the classifications provided for in 49 CFR 392.10, Railroad Grade Crossings; Stopping Required.

Section-by-Section Discussion:

38-240. Vehicles Required to Stop at Railroad Crossings.

Heading: Update statutory authority.

(A)(3) Rename identifying markings as "classifications".

(A)(3)(i) through (xi) delete and replace with classifications provided for in 49 CFR 392.10, Railroad Grade Crossings; Stopping Required.

(B) Delete.

(C) Delete.

The Notice of Drafting was published in the *State Register* on August 27, 2021.

Instructions:

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

Text:

38-240. Vehicles Required to Stop at Railroad Crossings.

(Statutory Authority: 1976 Code Section 23-6-30(6), as amended)

A. The driver or operator of every vehicle listed in 49 C.F.R. Section 392.10, (a) shall stop such vehicle at all railroad crossings as required by Section 56-5-2720. The covered vehicles shall include:

(1) Every bus transporting passengers;

(2) Every motor vehicle transporting any quantity of chlorine;

(3) Every motor vehicle which, in accordance with the regulations of the United States Department of Transportation, is required to be marked or placarded with one of the following classifications:

(i) Division 1.1

(ii) Division 1.2, or Division 1.3

(iii) Division 2.3 Poison gas

(iv) Division 4.3

(v) Class 7

(vi) Class 3 Flammable

(vii) Division 5.1

(viii) Division 2.2

(ix) Division 2.3 Chlorine

(x) Division 6.1 Poison

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- (xi) Division 2.2 Oxygen
- (xii) Division 2.1
- (xiii) Class 3 Combustible liquid
- (xiv) Division 4.1
- (xv) Division 5.1
- (xvi) Division 5.2
- (xvii) Class 8
- (xviii) Division 1.4

(4) Every cargo tank motor vehicle, whether loaded or empty, used for the transportation of any hazardous material as defined in the Hazardous Materials Regulations of the United States Department of Transportation;

(5) Every cargo tank motor vehicle transporting a commodity which at the time of loading has a temperature above its flash point; and

(6) Every cargo tank motor vehicle, whether loaded or empty, transporting any commodity under special permit.

Fiscal Impact Statement:

The South Carolina Department of Public Safety anticipates no financial impact on the State or any of its political subdivisions as a result of the proposed amendment.

Statement of Rationale:

The proposed amendment is made pursuant to Section 1-23-120(J). The proposed amendment will replace the categories of markings and placards listed under Regulation 38-240(A)(3)(i) through (xi) with the classifications provided for in 49 CFR 392.10 Railroad Grade Crossings; Stopping Required. In addition, subsections (B) and (C) of Regulation 38-240 will be deleted in their entirety.