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SOUTH CAROLINA STATE REGISTER

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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.

2011 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

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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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REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

In order by General Assembly review expiration date
The history, status, and full text of these regulations are available on the
South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4163			Board of Landscape Architectural Examiners	1/19/12	Board of Landscape Architectural Exam
4161			Water Classifications and Standards	1/24/12	Department of Health and Envir Control
4162			Applications for Certification; Renewal of License and Permit, Continuing Education; and Operator-in-Training Licenses	1/26/12	Environmental Certification Board
4168			Perpetual Care Cemetery Board	1/30/12	SC Perpetual Care Cemetery Board
4174			Hazardous Waste Management Regulations	2/21/12	Department of Health and Envir Control
4175			Hazardous Waste Management Planning	2/21/12	Department of Health and Envir Control
4176			Capital Expenditure Reviews Under Section 1122, Social Security Act	2/21/12	Department of Health and Envir Control
4180			Minimum Standards for Licensing Chiropractic Facilities	2/21/12	Department of Health and Envir Control
4182			Licensure for the Savannah River	3/19/12	Commissioners of Pilotage
4179			Electronic Equipment Collection and Recovery	3/24/12	Department of Health and Envir Control
4181			Certification of Need for Health Facilities and Services	5/07/12	Department of Health and Envir Control
4186			Soil Classifiers	5/09/12	LLR - Soil Classifiers Advisory Council
4187			Jurisdiction of the Administrative Law Court to Review Citations (Enforcement of Violations)	5/09/12	LLR - OSHA
4191			Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	5/09/12	Department of Natural Resources
4198			Accreditation Criteria	5/09/12	Board of Education
4199			Adult Education Program	5/09/12	Board of Education
4200			End-of-Course Tests	5/09/12	Board of Education
4201			Gifted and Talented	5/09/12	Board of Education
4188			Maximum Allowable Payments to Medical Practitioners	5/09/12	Workers' Compensation Commission
4189			Financing Applications	5/09/12	Public Service Commission
Committee Request Assessment Report					
4132			Environmental Protection Fees (Radioactive Material Licenses Fees)	Tolled	Department of Health and Envir Control
4139			Environmental Protection Fees (Drinking Water Fees)	Tolled	Department of Health and Envir Control
Committee Request Withdrawal					
4164			Child Labor	Tolled	Division of Labor
4183			International Residential Code	Tolled	LLR-Building Codes Council
4184			Update of International and National Codes	Tolled	LLR-Building Codes Council
Resolution Introduced to Disapprove					
4126			South Carolina Pesticide Control (R.27-1079 only)	Tolled	Clemson University-State Crop Pest Comm.

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

In order by General Assembly review expiration date
The history, status, and full text of these regulations are available on the
South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4163	Board of Landscape Architectural Examiners	Labor, Commerce and Industry	Labor, Commerce and Industry
4161	Water Classifications and Standards	Agriculture and Natural Resources	Agriculture and Natural Resources
4162	Applications for Certification; Renewal of License and Permit, Continuing Education; and Operator-in-Training Licenses	Agriculture and Natural Resources	Labor, Commerce and Industry
4168	Perpetual Care Cemetery Board	Labor, Commerce and Industry	Labor, Commerce and Industry
4174	Hazardous Waste Management Regulations	Agriculture and Natural Resources	Medical Affairs
4175	Hazardous Waste Management Planning	Agriculture and Natural Resources	Medical Affairs
4176	Capital Expenditure Reviews Under Section 1122, Social Security Act	Ways and Means	Medical Affairs
4180	Minimum Standards for Licensing Chiropractic Facilities	Medical, Military, Pub & Mun Affairs	Medical Affairs
4182	Licensure for the Savannah River	Agriculture and Natural Resources	Labor, Commerce and Industry
4179	Electronic Equipment Collection and Recovery	Agriculture and Natural Resources	Medical Affairs
4181	Certification of Need for Health Facilities and Services	Medical, Military, Pub & Mun Affairs	Medical Affairs
4186	Soil Classifiers		
4187	Jurisdiction of the Administrative Law Court to Review Citations (Enforcement of Violations)		
4191	Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas		
4198	Accreditation Criteria		
4199	Adult Education Program		
4200	End-of-Course Tests		
4201	Gifted and Talented		
4188	Maximum Allowable Payments to Medical Practitioners		
4189	Financing Applications		
Committee Request Assessment Report			
4132	Environmental Protection Fees (Radioactive Material Licenses Fees)	Agriculture and Natural Resources	Agriculture and Natural Resources
4139	Environmental Protection Fees (Drinking Water Fees)	Agriculture and Natural Resources	Agriculture and Natural Resources
Committee Request Withdrawal			
4164	Child Labor	Labor, Commerce and Industry	Labor, Commerce and Industry
4183	International Residential Code	Labor, Commerce and Industry	Labor, Commerce and Industry
4184	Update of International and National Codes	Labor, Commerce and Industry	Labor, Commerce and Industry
Resolution Introduced to Disapprove			
4126	South Carolina Pesticide Control (R.27-1079 only)	Agriculture and Natural Resources	Agriculture and Natural Resources

BUILDING CODES COUNCIL**NOTICE OF GENERAL PUBLIC INTEREST**

Notice is hereby given that, in accordance with Section 6-9-40 of the 1976 Code of Laws of South Carolina, as amended, the South Carolina Building Codes Council intends to adopt the following building codes for use in the State of South Carolina.

Mandatory codes include the:

2012 Edition of the International Building Code;
 2012 Edition of the International Residential Code;
 2012 Edition of the International Fire Code;
 2012 Edition of the International Plumbing Code;
 2012 Edition of the International Mechanical Code;
 2012 Edition of the International Fuel Gas Code;
 2012 Edition of the National Electrical Code.

Permissive codes include the:

2012 Edition of the International Property Maintenance Code;
 2012 Edition of the International Existing Building Code;
 2012 Edition of the International Performance Code for Buildings and Families.

The Council specifically requests comments concerning sections of the proposed editions, which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Gary F. Wiggins, Council Administrator, at P.O. Box 11329, Columbia, SC 29211-1329, on or before March 1, 2012.

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 December 23, 2011, 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 Mrs. Paula J. Bracey, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Allendale County

Establishment of a home health agency restricted to serve Allendale County
 Community Health, Inc.
 Allendale, South Carolina
 Project Cost: \$85,688

Establishment of a home health agency restricted to serve Allendale County
 United Home Care, Inc. d/b/a UniHealth Home Health
 Fairfax, South Carolina
 Project Cost: \$53,185

Affecting Charleston County

Purchase and installation of a 1.5T Magnetic Resonance Imaging (MRI) unit to a newly constructed medical office building located at 1122 Chuck Dawley Boulevard, Mount Pleasant, SC

4 NOTICES

The Southeastern Spine Institute, LLC
Mount Pleasant, South Carolina
Project Cost: \$1,052,441

Affecting Florence County

Replacement of the existing fixed 0.3T Magnetic Resonance Imaging (MRI) unit with a fixed 1.2T Magnetic Resonance Imaging (MRI) unit.
InMed Diagnostic Services of SC, LLC
Florence, South Carolina
Project Cost: \$1,845,775

Affecting Pickens County

Development of a freestanding radiation therapy center with a linear accelerator to be located on the Baptist Easley Hospital Campus
Baptist Easley Hospital Cancer Center
Easley, South Carolina
Project Cost: \$9,042,001

Affecting York County

Renovation and expansion of the existing Emergency Department (ED).
Amisub of South Carolina d/b/a Piedmont Medical Center
Rock Hill, South Carolina
Project Costs: \$19,899,346

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 December 23, 2011. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Les W. Shelton, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 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.

Affecting Calhoun and Orangeburg Counties

Construction for the establishment of a freestanding Dialysis Access Institute on the campus of The Regional Medical Center which will be an expansion of current vascular services.
The Regional Medical Center of Orangeburg & Calhoun Counties
Orangeburg, South Carolina
Project Cost: \$6,776,934

Affecting Charleston County

Purchase and installation of a Computed Tomography (CT) unit to be located within a newly constructed medical office building (MOB).
Medical University of Specialty Care- East
Mount Pleasant, South Carolina
Project Cost: \$913,112

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

(Bureau of Air Quality Notice #11-078-GCM-RE)

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

The South Carolina Department of Health and Environmental Control (DHEC) is proposing to renew the general air pollution operating permits for Hot Mix Asphalt Plants. Interested persons may review the materials drafted and maintained by DHEC for these permits and submit written comments by 5:00 p.m. on January 23, 2012, to Karen Lee at SC DHEC, Engineering Services Division, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201 or by e-mail at leeka@dhec.sc.gov. This public notice is being published in the *State Register* on December 23, 2011, and may also be viewed, along with the draft permit and Statement of Basis, through January 23, 2012, on DHEC's website: <http://www.scdhec.gov/BAQpublicnotices>.

Where there is a significant amount of public interest, DHEC may hold a public hearing to receive additional comments. If a public hearing is scheduled, notice will be given in the *State Register* and local newspapers thirty (30) days in advance. Public hearing requests can be made in writing or by e-mail to Karen Lee at the address or e-mail above. All comments received by January 23, 2012, will be considered when making a decision to approve, disapprove, or modify the draft permits.

If you have questions concerning the draft permit, please contact Kirk Schneider at (803) 898-4123. A final review request may be filed after the permit decision has been made. Information regarding final review procedures is available from DHEC's legal office by calling (803) 898-3350.

Synopsis:

The purpose of a general permit is to cover a large number of facilities that have similar operations. Such permits limit a facility's potential to emit below major source thresholds for the Title V permit program and contain conditions to assure that these facilities are operated as non-major sources.

Once a general permit is issued, any eligible facility may request coverage under that permit. DHEC will maintain a list of those facilities that receive authorization to operate under a general permit.

Hot Mix Asphalt Plants, for purposes of this permit, are comprised as one or any combination of the following: Systems for drying aggregate; systems for screening, handling, storing, and weighing hot aggregate; systems for receiving, storing, and transferring virgin aggregate; systems for receiving, crushing, screening, storing and transferring non-virgin aggregate; systems for receiving, storing, and transferring asphalt cement; systems for mixing aggregate with asphalt cement; systems for the storing and dispensing of hot mix asphalt; asphalt cement and fuel storage tanks, auxiliary heaters (including hot oil heaters) with a heat input rate less than 10 million BTU/hr each; and associated emission control system or other sources as approved by DHEC. Soil remediation activities are not covered under this general permit.

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DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

South Carolina Department of Health and Environmental Control vs. Horton Sales Development Corp., et al.,
Civil Action No. 6:11cv1657-HMH

DHEC-Bureau of Land and Waste Management, File #56198
Horton Sales Development Corporation—Piedmont Site

NOTICE OF SETTLEMENT, CONTRIBUTION PROTECTION, AND COMMENT PERIOD

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (DHEC) intends to enter into a Settlement Agreement (Agreement) among and between Wacker Chemical Corporation (Wacker). The Agreement provides that upon approval by the Court, it shall be entered as a final judgment against Wacker. The Agreement is subject to a thirty-day public comment period, consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9622, and the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. § 44-56-200 (2002, as amended).

The Agreement relates to the release, and threatened release, of hazardous substances, pollutants, or contaminants at the former Horton Sales Development Corporation—Piedmont Site located in Greenville County, at 1870 Piedmont Highway, Piedmont, South Carolina. The Agreement provides for the recovery of \$63,000 in response costs from Wacker. In consideration of the foregoing, the Agreement provides for a release of Wacker from further liability and confers contribution protection upon Wacker pursuant to CERCLA 42 U.S.C. § 9613.

The Agreement will be filed with the Court for approval. Notice of Settlement will be provided to potentially responsible parties. The Agreement is available:

- (1) On-line at http://www.dhec.sc.gov/environment/lwm/public_notice.asp; or
- (2) By contacting Pat Vincent at 803-896-4074 or vincenpl@dhec.sc.gov.

Any comments to the Agreement must be submitted in writing, postmarked no later than January 23, 2012, and addressed to: Pat Vincent, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

UPON APPROVAL AND ENTRY OF THE AGREEMENT BY THE COURT, ANY AND ALL CLAIMS BY ANY AND ALL PERSONS AGAINST WACKER SEEKING CONTRIBUTION PROTECTION FOR MATTERS ENCOMPASSED BY THE AGREEMENT SHALL BE FORECLOSED.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
DIVISION OF LABOR**

ERRATA

This errata corrects a Notice of Drafting that was published in the *State Register* on November 25, 2011. The Notice of Drafting was in reference to amending Regulation 71-8304.2 and deletion of Regulations 71-8300.0(K), 71-8300.2(L) and 71-8300.2(M) pertaining to liquefied petroleum gas.

At this time, the South Carolina Department of Labor, Licensing and Regulation, Office of State Fire Marshal elects to terminate the promulgation process.

8 DRAFTING NOTICES

BOARD OF COSMETOLOGY

CHAPTER 35

Statutory Authority: 1976 Code Sections 40-1-70 and 40-13-80

Notice of Drafting:

The South Carolina Board of Cosmetology proposes to add Regulation 35-6 to establish citation authority. Interested persons may submit comments to Byron Ray, Administrator, State Board of Cosmetology, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Cosmetology proposes to add Regulation 35-6. Legislative review of this amendment is required.

BOARD OF COSMETOLOGY

CHAPTER 35

Statutory Authority: 1976 Code Sections 40-1-70 and 40-13-80

Notice of Drafting:

The South Carolina Board of Cosmetology proposes to amend Regulation 35-5 in conformance with the practice act. Interested persons may submit comments to Byron Ray, Administrator, State Board of Cosmetology, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Cosmetology proposes to amend Regulation 35-5. Legislative review of this amendment is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-70-10 et seq. (2011 Act 18, effective May 11, 2011) and 44-1-140 (2002)

Notice of Drafting:

The Department of Health and Environmental Control proposes to draft a new regulation for licensure of inhome care providers. Interested persons may submit written comments to Gwendolyn Thompson, Director, Division of Health Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201. To be considered, all comments must be received no later than 5:00 p.m., January 23, 2012, the close of the drafting comment period.

Synopsis:

The General Assembly passed the "InHome Care Providers Act" (44-70-10 et seq. (2011 Act 18, effective May 11, 2011)), which requires businesses providing, or making provisions for, inhome care services through its employees or agents or through contractual arrangements to be licensed through the Department of Health and Environmental Control. The act directs the Department of Health and Environmental Control to promulgate regulations for licensure requirements.

The proposed regulation will address definitions and requirements for licensure, and renewal of inhome care providers, including fees; criminal background checks and drug testing of licensure applicants; criminal offenses that preclude licensure; bonding and liability insurance; enforcement provisions; provider policies and procedures; staff and training requirements; reporting requirements; client records; client care and services; client rights and assurances; emergency procedures and disaster preparedness; severability; and a general section.

Legislative review of this amendment is required.

WORKERS' COMPENSATION COMMISSION

CHAPTER 67

Statutory Authority: 1976 Code Sections 42-3-30 and 42-17-50

Notice of Drafting:

The South Carolina Workers' Compensation Commission proposes to amend Regulation 67-706, Oral Argument. Interested persons may submit written comments to Gary Cannon, Executive Director, South Carolina Workers' Compensation Commission, 1333 Main Street, Post Office Box 1715, Columbia, South Carolina 29202-1715. To be considered, all comments must be received no later than 5:00 p.m. January 24, 2012, the close of the drafting comment period.

Synopsis:

The Commission is proposing to amend Regulation 67-706 to include the addition of a subsection "D" which would require parties to be present in the designated waiting area of the Commission no later than 30 minutes prior to the time for which their cases are scheduled to be argued. Any party who fails to comply with this regulation is subject to a \$100 fine, except for good cause shown. The requirements of this regulation must be set forth in bold type on the hearing notice. The proposed amendment will assist the Commission in maintaining an efficient schedule for its docket of appellate hearings.

Legislative review of this amendment is required.

10 PROPOSED REGULATIONS

Document No. 4223
BOARD OF ACCOUNTANCY
CHAPTER 1

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

Preamble:

To satisfy the requirements of licensure in the field of accountancy, Regulations 1-06 and 1-08 must be updated in conformance with the current Board of Accountancy Practice Act.

Section-by-Section Discussion:

1-06. Reinstatement.

(A) Adds “and one hundred and twenty hours of continuing education,” after “at least six months of additional experience”.

(B) No substantive changes.

1-08. Continuing Professional Education.

(A)-(B)(3) No substantive changes.

(B)(4) Deletes sentence about all required CPE may be obtained using self study courses.

(B)(5)-(13) No substantive changes.

(C)-(F) No substantive changes.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 10:00 a.m. on January 25, 2012. Written comments may be directed to Doris Cubitt, Administrator, South Carolina Board of Accountancy, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Accountancy Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-2-70.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Board of Accountancy Practice Act.

Text:

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

Document No. 4224

BOARD OF ARCHITECTURAL EXAMINERS

CHAPTER 11

Statutory Authority: 1976 Code Sections 40-1-70 and 40-3-60

Preamble:

To satisfy the requirements of licensure in the field of architecture, Regulations 11-2 through 11-3, 11-5, and 11-8 through 11-8.1 must be updated in conformance with the current Board of Architectural Examiners Practice Act.

Section-by-Section Discussion:

11-2. Officers.

Adds comma where needed and updates language for clarity.

11-3. Meetings.

12 PROPOSED REGULATIONS

Updates language for clarity.

11-5. Applications and Fees.

A. Adds credit card for application fee payment options.

B. Deletes references to annual licensure; changes “In-state renewal fee” amount to “Renewal Fees – Individuals; deletes “Out-of-state Renewal Fee (annual)” and “Duplicate Wall Certificate” fees in their entirety.

11-8. Renewals.

A.-B. No changes.

C. Changes reinstated and reinstate to renewed and renew; amends time period to comply with statute.

11-8.1. Continuing Education.

A.-B. No changes.

C.(1) Changes language to “health, safety and welfare” to agree with NCARB language.

C.(2)-(4) No changes.

D. No change.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 8:30 a.m. on January 25, 2012. Written comments may be directed to Jan Simpson, Administrator, South Carolina Board of Architectural Examiners, Department of Labor, Licensing, and Regulation, Post Office Box 11419, Columbia, South Carolina 29211-1419, or by email to ARCHELP@llr.sc.gov, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Architects Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-3-60.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Board of Architectural Examiners Practice Act.

Text:

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

Document No. 4262
ATHLETIC COMMISSION
CHAPTER 20

Statutory Authority: 1976 Code Sections 40-1-70 and 40-81-70

Preamble:

To include already established fees in its regulations, Regulations 20-4.8, 20-4.10, 20-23.9, 20-23.11, 20-24.9, and 20-24.10 must be updated in conformance with the current State Athletic Commission Practice Act.

Section-by-Section Discussion:

20-4.8. Permit Application and Fee.

- Deletes "and Fee" from title.
- 1.-2.c. No changes,
- 2.d. Deletes in its entirety.
- 3.-5. No changes.

14 PROPOSED REGULATIONS

20-4.10. License Fees.

Deletes existing text in its entirety and adds text regarding statutory authority for fees.

20-23.9. Permit Application and Fee.

Deletes “and Fee” from title.

1.-2.c. No changes,

2.d. Deletes in its entirety.

3.-5. No changes.

20-23.11. License Fees.

Deletes existing text in its entirety and adds text regarding statutory authority for fees.

20-24.9. Permit Application and Fees.

Deletes “and Fees” from title.

1.-2.a.(1) No changes.

2.a.(2) Deletes in its entirety.

2.b.-4. No changes.

20-24.10. License Fees.

Deletes existing text in its entirety and adds text regarding statutory authority for fees.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Commission at 8:30 a.m. on January 26, 2012. Written comments may be directed to Jay Pitts, Administrator, South Carolina Athletic Commission, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Athletic Commission Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-81-70.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Athletic Commission Practice Act.

Text:

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

Document No. 4264
AUCTIONEERS' COMMISSION
CHAPTER 14

Statutory Authority: 1976 Code Sections 40-1-70 and 40-6-60

Preamble:

To include already established fees in regulation, Regulation 14-14 must be updated in conformance with the current Auctioneers' Commission Practice Act.

Section-by-Section Discussion:

14-14. Duplicate Wall or Pocket Card License; Fees.

Adds fees.

16 PROPOSED REGULATIONS

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 1:00 p.m. on January 24, 2012. Written comments may be directed to Lenora Addison-Miles, Administrator, South Carolina Auctioneers' Commission, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is amended in conformance with the Auctioneers Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulation to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-6-60.

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

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

The proposed regulation will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

This regulation is updated in conformance with the current Auctioneers' Commission Practice Act.

Text:

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

Document No. 4263
AUCTIONEERS' COMMISSION
CHAPTER 14

Statutory Authority: 1976 Code Sections 40-1-70 and 40-6-60

Preamble:

To clarify continuing education requirements, Regulation 14-2 must be updated in conformance with the current Auctioneers' Commission Practice Act.

Section-by-Section Discussion:

14-2. Reporting of Continuing Education.

- A. Adds a CE exemption for licensees who are 65 years old and who have been licensed for 25 years.
- B. No change.

The Notice of Drafting was published in the *State Register* on April 22, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 1:00 p.m. on January 24, 2012. Written comments may be directed to Lenora Addison-Miles, Administrator, South Carolina Auctioneers' Commission, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is amended in conformance with the Auctioneers Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-6-60.

18 PROPOSED REGULATIONS

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

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

The proposed regulation will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

This regulation is updated in conformance with the current Auctioneers' Commission Practice Act.

Text:

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

Document No. 4265

BOARD OF BARBER EXAMINERS

CHAPTER 17

Statutory Authority: 1976 Code Sections 40-1-70 and 40-7-190

Preamble:

To satisfy the requirements of licensure in the field of barbering, Regulation 17-52 must be added to include already established fees in regulation.

Section-by-Section Discussion:

17-52. Fees.

New section; adds fees.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 4:00 p.m. on January 27, 2012. Written comments may be directed to Byron Ray, Administrator, South Carolina Board of Barber Examiners, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is amended in conformance with the Barbers Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulation to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-7-190.

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

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

The proposed regulation will include already established fees in regulation.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

20 PROPOSED REGULATIONS

Statement of Rationale:

This regulation is updated in conformance with the current Board of Barber Examiners Practice Act.

Text:

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

Document No. 4225

BOARD OF BARBER EXAMINERS

CHAPTER 17

Statutory Authority: 1976 Code Sections 40-1-70 and 40-7-190

Preamble:

To satisfy the requirements of licensure in the field of barbering, Regulations 17-1 and 17-8 must be updated in conformance with the current Board of Barber Examiners Practice Act.

Section-by-Section Discussion:

17-1. Barber Schools, Managers, Teachers and Instructors.

a) Changes 40-7-300 to 40-7-350.

17-8. Barber Students, Applications, Permits, Training, Progress Reports, and Examinations.

1. Changes training requirement for barbers from one student to two in conformance with the statute and clarifies surrounding language.

(A)-(D) No substantive changes.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 4:00 p.m. on January 27, 2012. Written comments may be directed to Doris Cubitt, Interim Administrator, South Carolina Board of Barber Examiners, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Barbers Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-7-190.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Board of Barber Examiners Practice Act.

Text:

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

22 PROPOSED REGULATIONS

Document No. 4226
BUILDING CODES COUNCIL
CHAPTER 8

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

Preamble:

To satisfy the requirements of licensure in the field of building codes, Regulations 8-225 and 8-600 through 8-628 must be updated in conformance with the current Building Codes Council Practice Act.

Section-by-Section Discussion:

8-225. Duties and Responsibilities of Department.

- (A)(1)-(4) No changes.
- (B) Deletes in its entirety.
- (C) Renumbers as (B) for clarity.
- (D) Deletes in its entirety.

8-600. The South Carolina Modular Buildings Construction Act.

No changes.

8.601. Purpose.

No changes.

8-602. Definitions.

- (1)-(11) No changes.
- (12) Changes Department to Council.
- (13)-(24) No changes.

8-603. Council Duties and Responsibilities.

- Changes Department to Council in the title of this section.
- (1) Deletes in its entirety.
 - (2)-(4) Renumbers as (1)-(3) for clarity; changes Department to Council.

8-604. Adoption of Model Codes.

No changes.

8-605. Enforcement Authority.

- (1) No changes.
- (2)(a) Changes Department to Council.
- (2)(b)-(5) No changes.
- (6) Changes Department to Council.

8-606. Delegation of Inspection Authority: Approved Inspection Agency's Qualifications, Acceptance Requirements.

- (1)-(2)(g) No changes.
- (2)(h) Changes Department to Council.

8-607. Approved Inspection Agency Authority.

- (1)-(3)(b) Changes Department to Council.
- (4)-(5) No changes.
- (6) Changes Department to Council.
- (7) No changes.
- (8)-(9) Changes Department to Council.
- (10)-(12) No changes.

8-608. Quality Control Procedures.

- (1) Changes Department to Council.
- (2)-(3) No changes.
- (4)-(5) Changes Department to Council.

8-609. Change in Status, Alterations.

- (1)(a) Changes Department to Council.
- (1)(b) No changes.
- (1)(c)-(4) Changes Department to Council.
- (5) No changes.
- (6) Changes Department to Council.
- (7) No changes.

8-610. Alternate Methods and Materials.

Changes Department to Council throughout.

8-611. Approved Inspection Agency: Inspection.

- (1) No changes.
- (2) Changes Department to Council.

8-612. Reciprocity.

- (1)-(2) No changes.
- (3) Changes Department to Council.
- (4)-(5) No changes.

8-613. Multiple Site Manufacturing.

No changes.

8-614. Council Certification Label.

Changes Department to Council throughout.

24 PROPOSED REGULATIONS

8-615. Certification Label Application and Issuance.

Changes Department to Council throughout.

8-616. Certification Label Denial.

Changes Department to Council throughout.

8-617. Removal of Certification Labels.

Changes Department to Council throughout.

8-618. Schedule of Fees.

(1)-(3) No changes.

(4) Changes Department to Council.

(5)-(11) No changes.

8-619. Appeal Procedures.

No changes.

8-620. License Application Requirements.

No changes.

8-621. Sale of Modular Buildings.

No changes.

8-622. License Issued.

No changes.

8-623. Security Requirement.

No changes.

8-624. Duties and Responsibilities of Council.

No changes.

8-625. Denial, Revocation or Suspension of License.

No changes.

8-626. Erection.

No changes.

8-627. Exemption.

No changes.

8-628. Recertifying.

- (1)(a)-(c) No changes.
- (1)(d) Changes department to Council.
- (1)(e)-(g) No changes.
- (1)(h) Changes department to Council.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 8:30 a.m. on January 23, 2012. Written comments may be directed to Gary Wiggins, Administrator, South Carolina Building Codes Council, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Building Codes Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 6-8-20 and 40-1-70.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

26 PROPOSED REGULATIONS

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Building Codes Council Practice Act.

Text:

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

Document No. 4228

BOARD OF CHIROPRACTIC EXAMINERS

CHAPTER 25

Statutory Authority: 1976 Code Sections 40-1-70 and 40-9-30

Preamble:

To satisfy the requirements of licensure for chiropractors, Regulation 25-1 must be updated in conformance with the current Board of Chiropractic Examiners Practice Act.

Section-by-Section Discussion:

25-1. Organization, Administration and Procedure.

Adds "Examiners" after "Board of Chiropractic".

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 1:00 p.m. on January 26, 2012. Written comments may be directed to Veronica Reynolds, Administrator, South Carolina Board of Chiropractic Examiners, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is amended in conformance with the Chiropractic Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulation to conform to the practice act.

Legal Authority: 1976 Code Sections 40-9-30 and 40-1-70.

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

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

The proposed regulation will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

This regulation is updated in conformance with the current Chiropractic Practice Act.

Text:

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

28 PROPOSED REGULATIONS

Document No. 4266

BOARD OF CHIROPRACTIC EXAMINERS

CHAPTER 25

Statutory Authority: 1976 Code Sections 40-1-70 and 40-9-30

Preamble:

To satisfy the requirements of licensure for chiropractors, Regulations 25-1 through 25-9 must be updated in conformance with the current Board of Chiropractic Examiners Practice Act.

Section-by-Section Discussion:

25-1. Organization, Administration and Procedure.

No changes.

25-2. Application for Licensure.

A. Deletes “prior to taking the Board examination” in the last sentence before (1).

(1)-(2) No changes.

(3) Deletes last sentence.

(a) Adds “/or” after “and”; deletes “practical”; adds a comma after 1987.

(b) Adds a comma after 1997.

(c) No changes.

(4) Corrects Board name; adds Ethics and Jurisprudence Examination; clarifies language; deletes last sentence regarding retake limits.

(5) No changes.

(6) Adds hyphen between “passport” and “size”.

(7) Changes “Fees” to “Fee schedule” and adds sentence regarding statutory authority for currently charged fees.

B. No changes

25-3. Licensure by Endorsement.

A. No changes.

B. Adds a comma after 1987.

C. Adds a comma after 1987.

(1)-(2) No changes.

D. No changes.

E. Clarifies language; adds Ethics and Jurisprudence Examination; deletes third and fourth sentences.

25-4. Waiver of Fees and Special Volunteer License.

Changes title from “Waiver of Fees and Special Volunteer License” to “Licensure Under Special Circumstances”.

A. Changes “Waiver of Fees” to “Needy and Indigent Care”.

B. Deletes “special” before “volunteer license”.

(1) Deletes “special” before “volunteer license”.

(2)-(4) No changes.

(5) No changes.

(a)-(c) No changes.

(d) Deletes “special” before “volunteer license”.

(6) Deletes “physically” and “special” before “volunteer license”.

- (7) Deletes “special” before “volunteer license”.
- C. New section regarding emergency licenses; adds (1)-(3) detailing requirements of emergency licenses.
- D. New section regarding special event licenses; adds (1)-(3) detailing requirements of special event licenses.

25-5. Professional Practices.

- A. Deletes in its entirety.
- B. Deletes in its entirety.
 - (1) Deletes in its entirety.
 - (2) Renumbers as A.(1); clarifies language.
 - (3) Renumbers as A.(2); adds that chiropractor with expired license for 3 years or longer must take and pass the SPEC examination or meet requirements in effect at time of the new application.
- C. Renumbers as B.; adds that no more than half the continuing education hours taken may be online and only four hours per licensing cycle may be in rules and regulations of the Board.
 - (1) No changes.
 - (2) New section; adds that continuing education may be granted by administering Part IV of the National Board of Chiropractic Examination, attendance at FCLB/NBCE meetings, teaching a course at an accredited college, or, if an out-of-state licensee, meeting his or her home state’s continuing education requirements.
 - (3) Renumbers from (2) for clarity; adds PACE-approved within the scope of chiropractic practice.
 - (a) Clarifies language.
 - (b)-(c) No changes.
 - (d) New section; adds that no sales promotions may be presented during the continuing education seminar or presentation.
 - (4) Renumbers from (3) for clarity.
 - (5) Renumbers from (4) for clarity.
 - (6) Renumbers from (5) for clarity; corrects typographical error.
 - (7) Renumber from (6) for clarity; spells out numeral.
- D. Renumbers as C.; Changes 3 to 4.
- E. Renumbers as D.; No changes.
- F. Renumbers as E.; Corrects typographical error.
 - (1) No changes.
 - (a)-(e) No changes.
 - (f) Adds cold laser and intense pulse light (IPL) therapy.
 - (g) Renumbers from (f) for clarity; adds “or are in use in accredited chiropractic schools”.
 - (2) No changes.
 - (a)-(f) No changes.
 - (g) New section; adds “manipulation under anesthesia”.
 - (3) No changes.
 - (4) Adds “and/or are taught in accredited chiropractic schools” to the end of the sentence.
 - (5) Deletes text and replaces with text regarding spinal manipulation and musculoskeletal manipulation of animals.
- G. Renumbers as F.; No changes.
 - (1) No changes.
 - (2) Deletes “in any fashion”.
- G. New section; adds provision for licensees who fail to meet continuing education requirements; adds (1) and (2) for sanctions imposed.

25-6. Professional Conduct.

- A. No changes.
- B. No changes.

30 PROPOSED REGULATIONS

(1) Adds “written” before “request” and “and to receive these records within fourteen (14) calendar days of the date of request” to the last sentence.

(2)-(3) No changes.

(4) Adds “not to exceed those found in statute”.

C. Adds “other than those for which they have received certification for that specialty” after “activity”.

(1) No changes.

(2) Changes “college” to “school”.

(3) No changes.

D. Clarifies language.

E. No changes.

25-7. Code of Ethics.

A. No changes.

B. No changes.

C. No changes.

D. No changes.

E. Deletes “on controversial subjects” from the end of the first sentence.

F. No changes.

25-8. Advertising and Solicitation.

No changes.

25-9. Disciplinary Actions and Procedures.

A. Deletes “of misconduct” after “complaint”.

(1) New section regarding initial complaints and temporary suspension orders.

B. No changes.

C. No changes.

D. No changes.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 1:00 p.m. on January 26, 2012. Written comments may be directed to Veronica Reynolds, Administrator, South Carolina Board of Chiropractic Examiners, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Chiropractic Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-9-30.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Chiropractic Practice Act.

Text:

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

32 PROPOSED REGULATIONS

Document No. 4260
DEPARTMENT OF CONSUMER AFFAIRS
CHAPTER 28
Statutory Authority: 1976 Code Sections 32-7-10 et seq.,
particularly Section 32-7-110(A)

28-800. Preneed Funeral Contracts

Preamble:

The Department proposes to promulgate Regulation 28-800 addressing licensed funeral directors who offer to sell preneed funeral contracts. The purposes of the regulation are to give the funeral directors guidance in complying with the law in the sale of preneed funeral contracts. Also addressed are the financial responsibility requirements for the selling of preneed funeral contracts, to include bond and letter of credit amounts. These amounts have been in place since before the Department became the regulators on July 1, 2006.

Section 32-7-110(A) allows the Department to promulgate regulations necessary to effectuate the purposes of the Chapter.

The proposed regulation will require legislative review.

Notice of Drafting for the proposed regulation was published in the *State Register* on August 26, 2011. Comments were solicited for consideration in drafting the proposed regulation.

Section-by-Section Discussion

- | | |
|--------------|---|
| 28-800 | Adds title to R.28-800 |
| 28-800(A) | Adds additional definitions to the preneed funeral contracts law: “at need,” “at preneed,” “funeral services,” “other action by the Department,” and “trust account.” |
| 28-800(B) | Adds explanation for a location must be licensed to sell preneed funeral contracts.. |
| 28-800(C) | Adds further guidance for the transfer of preneed funeral contracts. |
| 28-800(D) | Adds guidance for the financial responsibility showing. |
| 28-800(D)(1) | Adds explanation of the purpose of financial responsibility. |
| 28-800(D)(2) | Adds guidance as to the acceptable forms of financial responsibility. |
| 28-800(D)(3) | Adds guidance as to the amount of the financial responsibility. (This is not a change in the amounts that have been in place since before July 1, 2006). |
| 28-800(E) | Adds guidance for record keeping. |

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons should submit comments to Danny R. Collins, Deputy for Regulatory Enforcement, South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, S.C. 29250-5757, by January 31, 2012. Should a public hearing be requested, the hearing will be held at the Department on February 6, 2012 at 2:00 p.m. in the Conference Room, 2221 Devine Street, Suite 200, Columbia, S.C. 29205.

Preliminary Fiscal Impact Statement:

The Department of Consumer Affairs estimates the costs incurred by the State in complying with the proposed regulation will be approximately \$0.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Preneed Funeral Contracts.

Purpose: R.28-800 is being promulgated to comply with the Supreme Court's preference that agency policies are set forth in regulations and to give guidance to licensed funeral directors who sell preneed funeral contracts.

Legal Authority: 1976 Code Sections 32-7-10 et seq., particularly Section 32-7-110(A).

Plan for Implementation: Administrative.

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

The regulation is intended to clarify certain issues that have come to the attention of the Department staff since the regulation of preneed funeral contracts was moved to the Department on July 1, 2006.

There has been confusion in the preneed funeral contract industry regarding when a location needs to be licensed to sell preneed funeral contracts. The proposed regulation clarifies the requirements for when a license is needed as well as certain other issues that have arisen.

DETERMINATION OF COSTS AND BENEFITS:

Preneed services charges assessed through S.C. Code Section 32-7-50(C) are at levels intended to offset the costs of administering the regulation.

UNCERTAINTIES OF ESTIMATES:

Estimates are based on agency experience in regulating the industry. Should the number of filings vary greatly, estimates could change. However, since costs to the State should be covered by the service charges set in S.C. Code Section 32-7-50(C), impact should be minimal.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

The South Carolina preneed funeral contracts law permits and/or contemplates the drafting of reporting, recordkeeping and financial responsibility requirements. Such additions are necessary to effectuate the consumer protection purpose of the Act and to guide businesses with compliance.

34 PROPOSED REGULATIONS

Text:

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

Document No. 4267
CONTRACTORS' LICENSING BOARD
CHAPTER 29

Statutory Authority: 1976 Code Sections 40-1-70 and 40-11-60

Preamble:

To satisfy the requirements of emergency licensure for contractors, Regulation 29-13 must be added in conformance with the current Contractors' Licensing Board Practice Act.

Section-by-Section Discussion:

29-13. Emergency Licensure.

New section; adds provision for emergency licensure.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 10:00 a.m. on January 23, 2012. Written comments may be directed to Gary Wiggins, Interim Administrator, South Carolina Contractors' Licensing Board, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is added in conformance with the Contractors Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is adding the regulation to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-11-60.

Plan for Implementation: The added regulation will take effect upon approval by the General Assembly and upon publication in the *State Register*. LLR will notify licensees of the added regulation and post the added regulation on the agency's web site.

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

The proposed regulation will establish emergency licensure procedures.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

This regulation is added to establish procedures for licensure during emergencies.

Text:

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

Document No. 4229

CONTRACTORS' LICENSING BOARD

CHAPTER 29

Statutory Authority: 1976 Code Sections 40-1-70 and 40-11-60

Preamble:

To satisfy the requirements of licensure for contractors, Regulations 29-2 through 29-3, 29-6, 29-8, 29-10, 29-11, 29-70, 29-75, 29-80, 29-85, 29-90, 29-100, 29-105, and 29-110 must be updated in conformance with the current Contractors' Licensing Board Practice Act.

Section-by-Section Discussion:

29-2. Group One Licensure Requirements.

Updates language for clarity.

29-3. Financial Statements.

36 PROPOSED REGULATIONS

Adds commas where needed for clarity.

29-6. Residential Construction Licensure Requirements.

(A) Adds “, et seq.” after statutory reference Section 40-59-10.

(B) No substantive changes.

29-8. Administrative Penalties.

(A) Corrects statutory reference from Section 40-11-110 to 40-11-100.

(1)-(9) No substantive changes.

29-10. Mechanical Contractors Licensure Requirements.

Updates language for clarity.

29-11. Owner-Prepared Financial Statement.

Updates language for clarity.

29-70. Definitions.

Updates language for clarity.

29-75. Applications, Fees.

Updates language for clarity.

(A)(1) No substantive change.

(A)(2) Adds “or IV Technician Certification” as qualification for a sprinkler contractor’s license.

(A)(3)-(4) No substantive changes.

(A)(5) Corrects outdated statutory reference from Section 23-45-70 to 40-10-270.

(B) No substantive changes.

29-80. Certificate Holder; Grandfather Qualifier.

Updates language for clarity.

29-85. Transfer of Qualifications.

Updates language for clarity.

29-90. Renewals.

Updates language for clarity.

29-100. Exemptions.

Adds comma for clarity.

29-105. Plan Review Fees.

Updates language for clarity.

29-110. Violations, Complaints.

Updates language for clarity.

(A)(1)-(5)(b) No substantive changes.

(A)(5)(c) Corrects outdated statutory reference from Section 23-45-140 to 40-10-240.

(B)(1)-(3) No substantive changes.

(B)(4) Corrects outdated statutory reference from Section 23-45-140 to 40-10-240.

(B)(5)-(6) No substantive changes.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 10:00 a.m. on January 23, 2012. Written comments may be directed to Gary Wiggins, Interim Administrator, South Carolina Contractors' Licensing Board, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Contractors Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-11-60.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

38 PROPOSED REGULATIONS

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Contractors Practice Act.

Text:

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

Document No. 4230

BOARD OF COSMETOLOGY

CHAPTER 35

Statutory Authority: 1976 Code Sections 40-1-70 and 40-13-80

Preamble:

To satisfy the requirements of licensure for cosmetologists, estheticians, and nail technicians, Regulations 35-1 and 35-23 must be updated in conformance with the current Board of Cosmetology Practice Act.

Section-by-Section Discussion:

35-1. Application for Approval to Operate Schools of Cosmetology, Nail Technology, or Esthetics.

- (A)-(G)(5) No substantive changes.
- (G)(6) Deletes bond amount in conformance with the statute.
- (G)(7)-(H) No substantive changes.

35-23. Continuing Education Requirements; Expired Licenses.

- (A)-(B) No substantive changes.
- (C) Changes four years to three years throughout.
- (D)-(E) No substantive changes.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 1:00 p.m. on January 30, 2012. Written comments may be directed to Byron Ray, Administrator, South Carolina Board of Cosmetology, Department of Labor, Licensing, and

Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Cosmetology Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-13-80.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Cosmetology Practice Act.

40 PROPOSED REGULATIONS

Text:

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

Document No. 4231

**BOARD OF EXAMINERS FOR THE LICENSURE OF PROFESSIONAL COUNSELORS,
MARRIAGE AND FAMILY THERAPISTS, AND PSYCHO-EDUCATIONAL SPECIALISTS
CHAPTER 36**

Statutory Authority: 1976 Code Sections 40-1-40, 40-1-70 and 40-75-60

Preamble:

To satisfy the requirements of licensure for professional counselors, marriage and family therapists, and psycho-educational specialists, Regulations 36-03 through 36-05, 36-08 through 36-08.1, 36-12, and 36-15 must be updated in conformance with the current Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists Practice Act.

Section-by-Section Discussion:

36-03. Meetings.

Updates language for clarity.

36-04. General Licensing Provisions for Professional Counselor Interns.

Updates language for clarity.

36-04.1. Specific Training Required for Interns to Assess and Treat Serious Problems as Categorized in Standard Diagnostic Nomenclature.

- (1) Adds semicolon between paragraphs.
- (2) No changes.

36-05. General Licensing Provisions for Licensed Professional Counselors.

Updates language for clarity.

36-08. General Licensing Provisions for Marriage and Family Therapists.

Updates language for clarity.

36-08.1. Specific Training Required for Persons Licensed as Marriage and Family Therapists to Assess and Treat Serious Problems as Categorized in Standard Diagnostic Nomenclature.

Updates language for clarity.

36-12. Reactivation of Expired Licenses.

Updates language for clarity.

36-15. Fees.

- (A) Adds “(not to exceed the amounts given below)”.
- (A)(1) No changes.
- (A)(2) Deletes “After August 31, 2001”.
- (A)(3)-(6) No changes.
- (A)(7)-(8) Deletes in their entirety.
- (A)(9)-(11) Renumbers as (7)-(9) for clarity.
- (A)(12) Renumbers as (10) for clarity; changes returned check charge from \$25 to \$30.
- (B) No changes.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 8:30 a.m. on January 30, 2012. Written comments may be directed to Patricia Glenn, Administrator, South Carolina Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-Educational Specialists, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Counselors Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-40, 40-1-70 and 40-75-60.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

42 PROPOSED REGULATIONS

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Counselors Practice Act.

Text:

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

Document No. 4232
BOARD OF DENTISTRY
CHAPTER 39

Statutory Authority: 1976 Code Sections 40-1-40, 40-1-70, 40-15-40, 40-15-140, and 40-15-275

Preamble:

To satisfy the requirements of licensure for dentists, dental hygienists and dental technicians, Regulations 39-5 through 39-7 must be updated in conformance with the current Board of Dentistry Practice Act.

Section-by-Section Discussion:

39-5. Registration of Licenses or Certificates.

- A.-C. No substantive changes.
- D. Change "revoked" to "inactive" in the first sentence.
- E.-F. No substantive changes.

39-6. Annual Election of the Board.

No substantive changes in the first paragraph. In the second paragraph, second and six sentences, change "then" to "than".

39-7. Executive Director.

Repealed in its entirety.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 10:00 a.m. on January 27, 2012. Written comments may be directed to Kitty Cox, Administrator, South Carolina Board of Dentistry, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Dentistry Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-40, 40-1-70, 40-15-40, 40-15-140, and 40-15-275.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

44 PROPOSED REGULATIONS

Statement of Rationale:

These regulations are updated in conformance with the current Dentistry Practice Act.

Text:

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

Document No 4258
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004), 59-18-110 (Supp. 2010), 59-29-10 et seq. (2004), 59-29-200 (2004), 59-33-30 (2004), 59-53-1810 (Supp. 2010), 20 U.S.C. 1232(g), and 20 U.S.C. 6301 et seq.

43-234. Defined Program, Grades 9–12

Preamble:

Section 59-5-60 of the Code of Laws of South Carolina delineates the general powers of the State Board of Education which includes the ability to promulgate regulations governing the operation of the public school system in the state. The proposed Regulation 43-234 regarding science end-of-course examination needs clarification. Changes to language referring to the department as the Department of Education will be clarified to reflect the South Carolina Department of Education (SCDE). Global Studies which is no longer in the standards will be removed. Graduation Requirements will be added to the name of the regulation to clarify that all graduation requirements that were eliminated from Regulation 43-259 are included within the proposed Regulation 43-234.

Notice of Drafting for the proposed amendments was published in the *State Register* on October 28, 2011.

Section-by-Section Discussion

Title	Added Graduation Requirements
I.C.	Deletion of language concerning which science end-of-course exam
II.C.	Changes State Department of Education to the South Carolina Department of Education (SCDE) and clarifies the use of proficiency credit.
II.H.3.	Changes State Department of Education's to the SCDE's
V.A.	Deletes Global Studies
VI.E.2.	Adds language to determine when the science end-of-course exam must be given
VI.E.3.	Changes State Department of Education to the SCDE
VII.B.	Changes State Department of Education to the SCDE
VII.C.2.	Changes State Department of Education to the SCDE
VII.C.4.	Changes State Department of Education's to the SCDE's
VIII.	Changes State Department of Education to the SCDE and the Office of School Quality to the Office of Federal and State Accountability

Notice of Public Hearing and Opportunity for Public Comment:

A hearing pursuant to South Carolina Code Ann. Section 1-23-110(A)(3), as amended, will be held on February 9, 2012, at 1:00 p.m. in the Rutledge Conference Center, Rutledge Building, 1429 Senate Street, Columbia, South Carolina 29201. Persons desiring to make oral comments at the hearing are asked to provide

written copies of their presentation for the record. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Written comments, requests for the text of the proposed amendments or any other information, and any requests for a public hearing should be submitted to the Division of Accountability, Attn: Darlene Prevatt, Rutledge Building, Room 501-A, 1429 Senate Street, Columbia, South Carolina 29201, or dprevatt@ed.sc.gov on or before 5:00 p.m. on January 27, 2012. Copies of the text of the proposed amendments for public notice and comment are available at <http://www.ed.sc.gov/agency/stateboard>.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The Department of Education estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions to Regulation 43-234.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Defined Program, Grades 9-12 and Graduation Requirements.

Purpose: The regulation is proposed to clarify the regulation for high school graduation in public schools in the state. It also will clarify the correct end-of-course examination for science.

Legal Authority: 1976 Code Sections 59-5-60 (2004), 59-18-110 (Supp. 2010), 59-29-10 et seq. (2004), 59-29-200 (2004), 59-33-30 (2004), 59-53-1810 (Supp. 2010), 20 U.S.C. 1232(g), and 20 U.S.C. 6301 et seq.

Plan for Implementation: The proposed amendments would be incorporated within 43-234 upon publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner in which the existing regulation is implemented. School and district personnel will be informed of the new procedures through electronic correspondence.

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

As reflected in 1976 Code Sections 59-5-60 (2004), 59-18-110 (Supp. 2010), 59-29-10 et seq. (2004), 59-29-200 (2004), 59-33-30 (2004), 59-53-1810 (Supp. 2010), 20 U.S.C. 1232(g), and 20 U.S.C. 6301 et seq., each school district board of trustees must ensure quality schooling by providing a rigorous, relevant curriculum for all students. Presently, students take an end-of-course examination in physical science. The proposed change will be for students to take an end-of-course examination in biology. Language will be clarified from the State Department of Education to the South Carolina Department of Education. Also, Global Studies will be stricken as a course recommended because the standards are no longer in the new adoption. The name of the regulation will also include Graduation Requirements. Any current graduation requirements eliminated from Regulation 43-259 will be clarified within this regulation, if not already present.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state or its political subdivisions, nor will the proposed amendments result in any increased cost to the business community.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the State or its political subdivisions.

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EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulations have no effect on the environment or on public health.

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

There will be no detrimental effect on the environment or public health if the regulations are not implemented.

Statement of Rationale:

The changes herein related to the science end-of-course examination and striking of the global studies course in the regulation will clarify the new examination the students are to take and eliminate a course, which will help districts make sure that the academic standards and the individual learning needs of the students are addressed. The regulation will also include Graduation Requirements in the name to clarify to all that this is the regulation to refer to when looking for the requirements for high school graduation.

Text:

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

Document No. 4261
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60(1), (3), and (6) (2004); 59-29-100 (2004), and 20 U.S.C. 6301 et seq. (2001)

43-259. Graduation Requirements

Preamble:

The State Board of Education is responsible for the administration, coordination, and management of adult basic and adult secondary (GED and high school diploma) education for the purpose of facilitating and coordinating adult basic and adult secondary (GED and high school diploma) education programs for South Carolina adults whose level of educational attainment is below high school, as prescribed by state and federal laws and regulations.

Notice of Drafting for the proposed amendments was published in the *State Register* on October 28, 2011.

Section-by-Section Discussion

Title of Regulation Section I.	Title has been changed from "Graduation Requirements" to "Adult Education This section has been deleted. The requirements outlined previously in this section have been moved to Regulation 43-234.
Section II. Section II.A.2.b.	This section is now listed as Section I. Revisions to the procedure for GED candidates under the age of eighteen regarding proof of school withdrawal are outlined.
Section II.A.2.c.	The words South Carolina were added.
Section II.C.1.(a)	The Office of Adult and Community Education was changed to Office of Adult Education and reference to SDE changed to SCDE.

Section II.C.1.(b)	Reference to SDE changed to SCDE. Also added reference to the fact that South Carolina now has stand-alone GED test centers in addition to the SCDE's GED testing office.
Section II.C.1.(c)	The word "Official" has been added.
Section II.C.1.(d)	This section has been moved to the GED Testing Office Procedures Policies.
Section II.C.1.(d)(1)	This section has been moved to the GED Testing Office Procedures Policies.
Section II.C.1.(d)(2)	This section has been moved to the GED Testing Office Procedures Policies.
Section II.C.1.(d)(3)	This section has been moved to the GED Testing Office Procedures Policies.
Section II.C.1.(d)(4)	This section has been moved to the GED Testing Office Procedures Policies.
Section II.C.1.(e)	South Carolina now has stand-alone GED test centers other than the State Department of Education. Reference needs to be made to that fact.
Section II.C.1.(f)	The Spanish version of the GED examination is no longer offered.
Section III.	This section is now listed as Section II.
Section III.A.2.	The statement regarding computer literacy has been removed. Procedures for transferring high school units of credit from adult education to regular high school are outlined.
Section III.A.4.	Office of Adult and Community Education was changed to Office of Adult Education. Language regarding the South Carolina Virtual School Program has been revised. Adult education students may no longer earn high school credit via standardized or subject-matter examinations. Language regarding classroom attendance and distance learning have been revised.
Section III.A.5.	This section has been deleted. Adult education students may no longer earn high school credit via standardized or subject-matter examinations.
Section III.A.6.	Now listed as Section III.A.5.
Section III.A.7.	Now listed as Section III.A.6. The number of credits earned per year is addressed.
Section III.A.7(a)	Language regarding state-approved, subject-matter examinations has been removed.
Section III.A.7(b)	Language regarding the earning of credits via the South Carolina Virtual Program is outlined.
Section III.A.7(c)	Language regarding the maximum number of credits earned through distance learning is outlined.
Section III.B.2.	Language regarding the acceptance of credit for distance learning courses has been revised.
Section III.B.3.	This section has been deleted. High school credit for occupational training and experience is no longer allowed.
Section III.B.4.	Now listed as Section III.B.3. High school credit may no longer be awarded via a state-approved, subject-matter examination. Only currently employed, properly certified adult education teachers may award the credit.
Section III.C.	Office of Adult and Community Education was changed to Office of Adult Education. The Office of School Quality was changed to the Office of Federal and State Accountability. Reference to state-approved examination has been removed.
Section III.C.4.	Guidelines for adult education center supervisors or program coordinators have been revised.
Section III.C.5.	Language regarding "highly qualified" teachers as outlined in No Child Left Behind and the list of core academic subjects have been removed.
Section III.C.6.	Language regarding "highly qualified" teachers has been removed.
Section III.C.7.	Language regarding "highly qualified" teachers as outlined in No Child Left Behind has been removed.

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- Section III.C.8. Office of Teacher Quality has been changed to Office of Educator Certification. The ability to waive the requirement that only certified teachers be used in adult education programs has been granted to the State Director of the Office of Adult Education.
- Section III.C.9. The completion of South Carolina Virtual School Program units will satisfy the semester-in-residence requirements.
- Section III.C.11. Office of Adult and Community Education was changed to Office of Adult Education. The Office of School Quality was changed to the Office of Federal and State Accountability.
- Section III.C.13. Adult education students must have access to the Internet if appropriate library facilities are not available.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the S.C. Code, as amended, such hearing will be held on February 9, 2012, at 1:00 p.m. in the Rutledge Conference Center, Rutledge Building, 1429 Senate Street, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to provide written copies of their presentation for the record. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Written comments, requests for the text of the proposed amendments or any other information, and any requests for a public hearing should be submitted to the Office of Adult Education, Attn: David Stout, 1429 Senate Street, Suite 908, Columbia, SC 29201, on or before 5:00 p.m. on January 23, 2012.

Preliminary Fiscal Impact Statement:

It is estimated that there will be no fiscal impact.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-259. Graduation Requirements.

Purpose: These regulations provide guidance to school districts and other eligible adult education providers.

Legal Authority: 1976 Code Sections 59-5-60(1), (3), and (6) (2004), 59-29-100 (2004), and 20 U.S.C. Section 6301 et seq. (2001).

Plan for Implementation: The proposed amendments would be incorporated within R.43-259 upon publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner in which the existing regulation is implemented.

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

None.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the State or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulations have no effect on the environment or on public health. There will be no detrimental effect on the environment or public health if the regulations are not implemented.

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

None.

Statement of Rationale:

The proposed changes are needed in order to correct the office name and revise funding guidelines.

Text:

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

Document No. 4256

DEPARTMENT OF EMPLOYMENT AND WORKFORCE

CHAPTER 47

Statutory Authority: 1976 Code Section 41-29-110

47-23. Offers of Work

Preamble:

The South Carolina Department of Employment and Workforce proposes to amend Regulation 47-23 subsection A to update the reference to the 1976 SC Code of Laws section that deals with disqualification of unemployment compensation benefits. Additionally, it seeks to add a new subsection to Regulation 47-23 that will specify the criteria that may be used to disqualify an individual from unemployment compensation benefits for failing or refusing to submit to drug testing administered as a condition of employment.

Section-by-Section Discussion

47-23. Offers of Work

- A. Deletes "41-35-120(c)"; Adds 41-35-120(5)
- D. Adds new subsection

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments to Derrick McFarland, General Counsel, South Carolina Department of Employment and Workforce, 1550 Gadsden Street, Columbia, South Carolina 29201. To be considered, comments must be received by January 24, 2012 at 5:00 p.m. The Department of Employment and Workforce has scheduled a public hearing on January 24, 2012 at 10:00 a.m. in the Foster Auditorium at the Department of Employment and Workforce, 631 Hampton Street, Columbia, South Carolina 29202.

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Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This Statement of Need and Reasonableness was determine pursuant to S.C. Code Ann. Section 1-23-115(C)(1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION: Regulation 47-23. Offers of Work.

Purpose: The first purpose of amending Regulation 47-23 is to update the reference to the S.C. Code of Laws in subsection A. Subsection A of Regulation 47-23 directs that claimants may be disqualified from receipt of benefits for failure to accept suitable work pursuant to 1976 S.C. Code Section 41-35-120(c). The Department proposes updating the reference to 1976 S.C. Code Section 41-35-120(5) which addresses failure to accept offers of work including suitable work. The second purpose for amending 47-23 is to specify the criteria that may be used to disqualify an individual from unemployment compensation benefits for failing or refusing to submit to drug testing administered as a condition of employment.

Legal Authority: S.C. Code Ann. Section 41-29-110.

Plan for Implementation: The proposed regulation will take effect upon approval by the General Assembly and publication in the *State Register*.

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

The amendment of this regulation will update the statute reference which clarifies the regulation's ability to address other refusals of work. In addition, it will specify the criteria the Department will use to disqualify individuals from unemployment compensation benefits for failing or refusing to submit to drug testing as a condition of employment.

DETERMINATION OF COSTS AND BENEFITS:

Although the costs related to the proposed changes to the Department's regulations are minimal, the benefits include creating regulations that provide uniform standards; provide consistency in implementation; provide guidance for the execution of the Department's regulations; and assist the Department in regaining the solvency of the trust fund by reducing the amount of benefits being paid.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

The regulation will have no detrimental effect on the environment or public health if the regulation is not implemented.

Statement of Rationale:

The purpose of amending Regulation 47-23 is to update references to State statute which promotes uniformity and deletes ambiguity in the Department's regulations. The proposed regulation defines the criteria the Department will use to adjudicate claims that involve pre-employment drug testing. There was no scientific or technical basis relied upon in the development of this regulation.

Text:

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

Document No. 4233

BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS

CHAPTER 49

Statutory Authority: 1976 Code Sections 40-1-70, 40-22-60, and 40-22-130

Preamble:

To satisfy the requirements of licensure for engineers and surveyors, Regulations 49-104 through 49-105, 49-200 through 49-202, 49-304, 49-430, 49-460, and 49-602 must be updated in conformance with the current Board of Engineers and Surveyors Practice Act.

Section-by-Section Discussion:

49-104. Examinations--General.

Updates language for clarity.

49-105. License Expiration, Renewal and Reinstatement--Individuals.

(A) No substantive changes.

(B)(1) Changes one year to three months.

(B)(2)-(3) No substantive changes.

49-200. Professional Engineer Licensure Requirements.

Corrects grammatical error; updates language for clarity.

49-201. Professional Land Surveyor Licensure Requirements.

Updates language for clarity.

49-202. Classifications and Scopes of Authority: Engineers and Surveyors.

(A) Changes statutory references from Section 40-22-22 to 40-22-20.

(B)-(D) No substantive changes.

49-304. Conflicts of Interest.

Corrects spelling error.

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49-430. Nomenclature.

Corrects grammatical errors, updates language for clarity.

49-460. Survey Types and Requirements.

Updates language for clarity.

49-602. Requirements.

No substantive changes.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 9:30 a.m. on January 24, 2012. Written comments may be directed to Jan Simpson, Administrator, South Carolina Board of Registration for Professional Engineers and Surveyors, Department of Labor, Licensing, and Regulation, by email at [to ENGLS@llr.sc.gov](mailto:ENGLS@llr.sc.gov) or by U.S. Mail to Post Office Box 11597, Columbia, South Carolina 29211-1597, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Engineers and Surveyors Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70, 40-22-60, and 40-22-130.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Engineers and Surveyors Practice Act.

Text:

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

Document No. 4257

**STATE BOARD OF FINANCIAL INSTITUTIONS
CONSUMER FINANCE DIVISION**

CHAPTER 15

Statutory Authority: 1976 Code Sections 37-22-110 et seq.,
particularly Section 37-22-260

15-64. Mortgage Lending

Preamble:

The South Carolina State Board of Financial Institutions - Consumer Finance Division seeks to add regulation 15-64 in order to comply with the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (S.A.F.E. Act) and with rules issued by the United States Department of Housing and Urban Development (HUD). Further, state-specific items in the South Carolina Mortgage Lending Act will be clarified or modified to meet the statutory requirements of both the S.A.F.E. Act and HUD rules.

The South Carolina Mortgage Lending Act has terms that need definition as a result of changes to the federal laws and rules noted above. Further, reporting requirements changed as a result of changes in the federal laws and contractual arrangements.

Section 37-22-260 allows the designee of the South Carolina State Board of Financial Institutions to promulgate regulations necessary to effectuate the purposes of this Chapter.

The proposed regulation will require legislative review.

Notice of Drafting for the proposed regulation was published in the *State Register* on October 28, 2011. Comments were solicited for consideration in drafting the proposed regulation.

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Section-by-Section Discussion

15-64(A). This section is being added to provide definition to previously undefined terms found in the South Carolina Mortgage Lending Act.

15-64(B). This section addresses the circumstances under which Nationwide Mortgage Licensing System & Registry (NMLS&R) unique identifiers are used.

15-64(C). This section clarifies the application of state and federal law with regard to mortgage lending in South Carolina.

15-64(D). This section modifies the requirements of the South Carolina Mortgage Lending Act regarding methods used by licensees to file the Mortgage Log and Annual Report.

15-64(E). This section clarifies procedures for filing an application for licensing.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted before the South Carolina State Board of Financial Institutions, 1205 Pendleton Street, Suite 300, Columbia, SC 29201 on February 1, 2012 at 1:00 p.m. Written comments may be directed to Jim Copeland, Assistant Commissioner, or Gayle Fletcher, Assistant Commissioner, South Carolina State Board of Financial Institutions – Consumer Finance Division, 1205 Pendleton Street, Suite 306, Columbia, SC 29201 no later than 5:00 p.m., January 31, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be cancelled.

Preliminary Fiscal Impact Statement:

The Consumer Finance Division estimates that the additional costs incurred by the State in complying with the proposed regulation will be approximately \$0.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Mortgage Lending.

Purpose: In its present form, the South Carolina Mortgage Lending Act (Act) contains a number of terms that are undefined. It also requires certain actions without giving specific procedures or guidance as to how those actions should be completed. The proposed Regulation 15-64 would define those undefined terms and clarify the process by which the Consumer Finance Division requires certain actions to be completed.

Legal Authority: 1976 Code Sections 37-22-110 et seq., particularly Section 37-22-260.

Plan for Implementation: The added regulation will take effect upon approval by the General Assembly and upon publication in the State Register. The Consumer Finance Division will notify licensees of the added regulation and post the added regulation on the agency's web site.

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

The proposed regulation is necessary in order to ensure compliance with state and federal statutes concerning mortgage lending in South Carolina.

DETERMINATION OF COSTS AND BENEFITS:

Licensing fees assessed are at levels intended to offset costs of administering the regulation.

UNCERTAINTIES OF ESTIMATES:

Estimates are based on current market conditions. However, since costs should be covered by the licensing fees set in S.C. Code Section 37-22-110 et seq., there should be no financial impact to the State or its political subdivisions.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

The South Carolina Mortgage Lending Act (Act) specifically provides for the designee of the South Carolina State Board of Financial Institutions to promulgate regulations necessary to effectuate the purposes of the Act. Regulation 15-64 is being added to clarify mortgage licensing requirements imposed by the Act and to ensure conformity between the Act and federal law.

Text:

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

Document No. 4234

BOARD OF REGISTRATION FOR FORESTERS

CHAPTER 53

Statutory Authority: 1976 Code Sections 40-1-70 and 48-27-80

Preamble:

To satisfy the requirements of licensure for foresters, Regulations 53-2, 53-7, 53-9, and 53-13 must be updated in conformance with the current Foresters Practice Act.

Section-by-Section Discussion:

53-2. Officers.

- a.(1)-(4) No substantive changes.
- a.(5) Deletes in its entirety.
- a.(6)-(7) Renumbers as (5)-(6) for clarity
- b.(1)-(2) No substantive changes.
- c.(1)-(4) Deletes in its entirety.
- c.(5) Renumbers as (1) for clarity.

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- c.(6)-(8) Deletes in its entirety.
- c.(9)-(11) Renumbers as (2)-(4) for clarity.

53-7. Application for Registration.

Changes “Secretary” to “Department of Labor, Licensing and Regulation” in the first paragraph. No substantive changes in the second and third paragraphs.

53-9. Expiration and Renewal.

Changes license expiration to June 30th of every two years on the odd numbered year (biennial renewal), changes “Secretary” to “Department”, and clarifies that renewal payment must be made during June biennially.

53-13. Statement of Guiding Definitions.

Deletes “FORESTRY TERMINOLOGY (3rd ed. 1964)” and adds “the most current version of the Dictionary of Forestry”.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 2:30 p.m. on January 25, 2012. Written comments may be directed to Lenora Addison-Miles, Administrator, South Carolina Board of Registration for Foresters, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Foresters Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 48-27-80.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Foresters Practice Act.

Text:

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

Document No. 4268
BOARD OF FUNERAL SERVICE
CHAPTER 57

Statutory Authority: 1976 Code Sections 40-1-70 and 40-19-5 et seq.

Preamble:

To satisfy the requirements of licensure for funeral service providers, Regulation 57-12 must be updated to reflect current fees in regulation.

Section-by-Section Discussion:

57-12. Fees.

- (A)(1)(a)-(b) No changes.
- (A)(1)(c)-(i) Changes fees to match currently charged biennial fees.
- (A)(1)(j) Adds "Funeral Director" before "Student Permit".
- (A)(1)(k) New section; adds "Embalmer Student Permit" for clarity.
- (A)(2)(a)-(b) No changes.
- (A)(2)(c)-(f) Changes fees to match currently charged biennial fees.
- (A)(2)(g) Adds "Funeral Director" before "Student Permit".
- (A)(2)(h) New section; adds "Embalmer Student Permit" for clarity.
- (A)(3)-(5)(b) No changes.
- (A)(5)(c) Deletes fee amount and adds that fee is charged by the examination provider.

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(B) No changes.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 4:00 p.m. on January 24, 2012. Written comments may be directed to Doris Cubitt, Administrator, South Carolina Board of Funeral Service, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is amended to reflect current fees in regulation.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulation to reflect current fees.

Legal Authority: 1976 Code Sections 40-1-70 and 40-19-5 et seq.

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

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

The proposed regulation will reflect current fees in regulation.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

This regulation is updated to reflect current fees in regulation.

Text:

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

Document No. 4235

BOARD OF FUNERAL SERVICE

CHAPTER 57

Statutory Authority: 1976 Code Sections 40-1-70 and 40-19-5 et seq.

Preamble:

To satisfy the requirements of licensure for funeral service providers, Regulations 57-04 through 57-05 and 57-09 must be updated in conformance with the current Board of Funeral Service Practice Act.

Section-by-Section Discussion:

57-04. General Licensing Provisions for Embalmers.

(A)-(E) No changes.

(F) New section; adds that applicant must not have prior convictions.

57-05. General Licensing Provisions for Funeral Directors.

(A)-(E) No changes.

(F) New section; adds that applicant must not have prior convictions.

57-09. Provisions for Annual Renewal of Licenses and Reactivation of Expired Licenses.

(A) Changes one year to two years.

(B)-(E) No changes.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 4:00 p.m. on January 24, 2012. Written comments may be directed to Doris Cubitt, Administrator, South Carolina Board of Funeral Service, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

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Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Funeral Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-19-5 et seq.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Funeral Practice Act.

Text:

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

Document No. 4269
BOARD OF FUNERAL SERVICE
CHAPTER 57

Statutory Authority: 1976 Code Sections 40-1-70 and 40-19-5 et seq.

Preamble:

To satisfy the requirements of licensure for funeral service providers, Regulations 57-01, 57-06.1, 57-11, 57-14.3 through 57-14.4 must be amended in conformance with the current Board of Funeral Service Practice Act.

Section-by-Section Discussion:

57-01. Definitions.

- (A) Adds “on the premises and readily available” to the end of the second sentence.
- (B)-(H) No changes.

57-06.1. Apprenticeship Requirements.

- (1)-(2) No changes.
- (3) Changes ten days to thirty days, and deadline to quarter’s end.
- (4)-(9) No changes.

57-11. Continuing Education Requirements for Embalmers and Funeral Directors.

- (A)-(B) No changes.
- (C) Deletes first sentence; updates language in last sentence for clarity.

57-14.3. Training of Crematory Operators.

- (A) No change.
- (B) Deletes in its entirety.
- (C) Renumbers as (B) for clarity; no substantive change.

57-14.4. Training of Certified Crematory Trainer/preceptors.

- (A)-(B) No changes.
- (C) Deletes in its entirety.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 4:00 p.m. on January 24, 2012. Written comments may be directed to Doris Cubitt, Administrator, South Carolina Board of Funeral Service, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

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Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Funeral Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-19-5 et seq.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Funeral Practice Act.

Text:

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

Document No. 4236

BOARD OF REGISTRATION FOR GEOLOGISTS

CHAPTER 131

Statutory Authority: 1976 Code Sections 40-1-70 and 40-77-05 et seq.

Preamble:

To satisfy the requirements of licensure for geologists, Regulation 131-04 must be updated in conformance with the current Geologists Practice Act.

Section-by-Section Discussion:

131-04. General Registration Provisions for Geologists-in-Training.

(A) Adds (1) after (A) and “or geophysics” after “geology”;

(A)(2) New section, which provides an experience and testing requirement to the graduation requirement—five years or more experience in geological work or passing written examinations in geologic subjects.

(B)-(D) No substantive changes.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 11:00 a.m. on January 25, 2012. Written comments may be directed to Lenora Addison-Miles, Administrator, South Carolina Board of Registration for Geologists, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is amended in conformance with the Geologists Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulation to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-77-05 et seq.

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

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

The proposed regulation will prevent conflict between existing regulations and the practice act.

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DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

This regulation is updated in conformance with the current Geologists Practice Act.

Text:

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

Document No. 4259
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: 1976 Code Section 44-29-40

61-___. South Carolina Immunization Registry

Preamble:

The South Carolina General Assembly amended S.C. Code Ann. Section 44-29-40 by 2010 Act No. 210. This Act created a South Carolina immunization registry into which immunizations shall be entered by health care providers.

The Department is proposing to promulgate a new regulation to implement this statutory provision. The regulation will address the required entry of all immunizations given by health care providers into the South Carolina Immunization Information System (Registry). It is intended to facilitate health care workers giving the right vaccine to each child on time, preventing duplicate administration of the same vaccine, reduce costs of vaccine and immunization delivery, and thereby, reduce vaccine-preventable infections. Specific areas to be addressed in the regulation include definitions of terms, registration and reporting requirements, the schedule of implementation by providers, permitted uses and disclosures, compliance and enforcement, exceptions to the requirements, and severability.

A Notice of Drafting for this proposed regulation was published in the *State Register* on October 28, 2011.

Discussion of Proposed Regulation:

Section A provides a purpose and scope of the regulation.

Section B provides the definitions of key terms in the regulation.

Section C discusses registration and reporting requirements of the regulation.

Section D presents the schedule of implementation of the regulation. Providers are not expected to have to enter all immunizations given to all patients, in the beginning, but instead to phase them in over five years.

Section E presents the permitted uses and disclosures of registry information and the requirements for protecting confidentiality.

Section F presents provisions for promoting compliance and enforcement.

Section G provides for certain exceptions to the requirements when these are reasonable and do not compromise health and safety of patients.

Section H addresses the severability of portions of the regulation.

Notice of Staff Informational Forum and Public Comment Period:

Staff of the Department of Health and Environmental Control invites interested members of the public and regulated community to attend a staff-conducted informational forum to be held 10:00 a.m. to 12:00 noon on January 23, 2012, at the Peebles Auditorium, DHEC, Sims-Aycock Building, 2600 Bull Street, Columbia, South Carolina. The purpose of the forum is to answer questions, clarify issues, and receive public comments from interested parties on the proposed regulation. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street Entrance and register at the front desk.

Interested parties are also provided an opportunity to submit written comments on the proposed regulation in writing to Leanne Bailey at the South Carolina Department of Health and Environmental Control, Mills/Jarrett Complex, Box 101106, Columbia, South Carolina, 29201, Fax number (803) 898-0326. To be considered, written comments submitted must be received by 5:00 p.m. on January 23, 2012, the close of the public comment period.

Copies of the Notice of Proposed Regulation and text of the proposed regulations for public notice and comment may be obtained by contacting the Immunization Division at the Mills-Jarrett Complex, 1751 Calhoun St, Columbia SC, telephone number (803) 898-0460, or from the Department's Regulatory Information website at <http://www.scdhec.gov/administration/regs/reg-update.htm> (Scroll down, click on the Disease Control category, and then scan down for this proposed regulation.)

Comments received at the forum and/or submitted in writing by the close of the public comment period as noticed above shall be considered by staff in formulating the final text of the proposed regulation and shall be submitted in a Summary of Public Comments and Department Responses for consideration by the Board of Health and Environmental Control at the public hearing scheduled for February 9, 2012, as noticed below.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral and written comments on the proposed regulations at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on February 9, 2012. The public hearing will be held in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and

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Environmental Control, 2600 Bull Street, Columbia, South Carolina. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noticed in the Board's agenda to be published by the Department 24 hours in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentation for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street Entrance and register at the front desk.

Preliminary Fiscal Impact Statement:

The Department estimates no additional costs will be incurred by the State or its political subdivisions by the implementation of the South Carolina Immunization Registry regulation.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION:

Proposed Regulation 61-____. SOUTH CAROLINA IMMUNIZATION REGISTRY.

Purpose: The purpose of this regulation is to provide rules, implementing S.C. Code Section 44-29-40 as amended, regarding the South Carolina Immunization Registry requirements for reporting immunizations occurring in South Carolina, implementation and operation of the registry, data elements to be collected, content of electronic forms and reports, and the procedures for disclosure of confidential registry information.

Legal authority: S.C. Code Ann. Section 44-29-40 as amended in 2010.

Plan for Implementation: Upon approval by the Board of Health and Environmental Control, General Assembly and publication in the State Register, this regulation will provide the detailed specifications for this immunization data collection and submission to the South Carolina Immunization Registry. The Department will also distribute detailed information on the regulation's requirements via its Health Alert Network to all providers on that network.

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

This regulation is needed and reasonable because its development will satisfy a legislative mandate pursuant to S.C. Code Ann. Section 44-29-40. This regulation is necessary to provide detailed specifications of all immunizations administered by South Carolina health care providers to assure complete information is available for patient care throughout the state.

An immunization registry (immunization information system) is an electronic database which contains all immunizations received by citizens of a jurisdiction, and which can be used exclusively by healthcare providers caring for a specific patient(s) to learn which immunizations that patient has received and is protected for, and which immunizations that child or adult needs at that provider visit to maintain protection. It will also tell the provider which immunizations a specific patient is missing so that the patient can be reminded to seek them. It will also tell state public health in which areas protection against a specific immunizable disease is low so that public health can be prepared for outbreaks and can promote higher immunization levels there.

Clearly such an immunization information system will only be useful if most health providers enter the great majority of immunizations into the system. Otherwise, if a child is missing a vaccine according to the registry, it will not be known if the vaccine was truly not given, or was simply not entered in the system when given. This situation leads to duplication of immunizations since the provider wants to be sure the patient is protected; given the high cost of many vaccines this wastes substantial healthcare dollars, and in certain cases subjects the patient to risk of side effects from excess immunization. Thus there are clear and substantial benefits to health and economics of having a well-used immunization information system (registry). Scientific studies that have demonstrated this include the *Journal of Public Health Management* 2007, vol. 13 page 559; *Public Health Reports* 2002, vol. 117 page 386; and *Pediatrics* 2006, vol. 118, page 1293.

Most states in the United States have had functioning immunization information systems for 5-10 years that include the great majority of immunizations given within the state, but South Carolina's system is currently less than 20 percent used. This level of completeness is too low to provide the benefits described above for patients and the health care providers. The Department has improved the system's usability and provided substantial education and training efforts to increase usage, with incomplete success, even though pediatricians and family physicians agree that such a system is very beneficial to patient care. At least 16 states (as of August 2010) have solved this problem by requiring that providers use an immunization registry.

DETERMINATION OF COSTS AND BENEFITS:

External Costs: There will be a potential cost to vaccine providers depending on how they submit data for the registry. If the provider is using an electronic system for maintaining their medical information and their current system allows for electronic (HL7) data transmission, the cost should be minimal. If they are using an electronic system that does not include electronic (HL7) data transmission, there will be a onetime cost equal to the amount of converting their system to allow for this information uploading. Estimates for this one time cost indicate the amount could be as much as \$5,000 with the average anticipated to be less. Systems could be set up at that time to automatically upload the data without additional cost. If the vaccine provider does not use an electronic system, the other option is to key the data into the registry through the internet. In this case, the only cost they would incur would be the staff time necessary to key the data. All other costs would be minimal. It is estimated that the providers would need an average of two to two and one-half minutes to key an individual vaccine administered to a single patient. The amount of the cost then would depend on the number of vaccinations provided.

External Benefits: The ability to know the vaccinations that have been given to a patient is a significant benefit to the state, the communities in South Carolina, insurance companies, the vaccination providers, and the patients. At the state and community level, coverage levels of vaccines can make a significant difference in public health decisions related to disease outbreak management which has the potential to save lives. The vaccine preventable disease burden would be greatly reduced with increased vaccine coverage rates. For the providers, there will be a reduction in duplicate doses of vaccine administered as well as being able to provide more effective interventions for individual patients. For the patients, fewer duplicated vaccines mean less cost, for both out of pocket and deductibles for their insurance coverage plus they would be able to more easily find out what vaccinations they had received.

UNCERTAINTIES OF ESTIMATES:

The actual amount of computer system upgrade costs are not known as there are many different electronic medical record vendors which sell products in South Carolina and the choice of electronic medical record is at the discretion of the medical provider. The agency is surveying the providers to better estimate these costs. In addition, the total number of vaccine providers in South Carolina has not been known up to this point in time.

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EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There will be no effect on the environment. The regulation will promote public health by improving knowledge and information regarding immunization coverage of vaccine preventable diseases, including rates and trends, in South Carolina. This will enable research on the causes, distribution, and prevention of vaccine preventable diseases and assist in the development of effective public health strategies.

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

If the regulation is not implemented, the Department and the state of South Carolina would lose the opportunity to gain critically needed information about immunization coverage in South Carolina and to improve the health and quality of life of its citizens. Potential opportunities to understand and reduce the economic burden of vaccine preventable diseases to the state would also be lost.

Statement of Rationale:

The Department is promulgating this regulation to implement the provisions of the S.C. Statewide Immunization Registry Law (SC ST SEC 44-29-40.B).

Text:

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

Document No. 4237
DEPARTMENT OF LABOR, LICENSING AND REGULATION
PANEL FOR DIETETICS
CHAPTER 40
Statutory Authority: 1976 Code Section 40-20-50

Preamble:

To satisfy the requirements of licensure for dietitians, Regulation 40-1 must be updated in conformance with the current Dietetics Practice Act.

Section-by-Section Discussion:

40-1. Definitions.

Changes the statute reference of Section 40-20-5 to 40-20-20 in the introductory sentence before the definitions.

(A)-(N) No changes.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 11:30 a.m. on January 27, 2012. Written comments may be directed to Angie Combs, Administrator, South Carolina Panel for Dietetics, Department of Labor, Licensing, and

Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is amended in conformance with the Dietetics Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulation to conform to the practice act.

Legal Authority: 1976 Code Section 40-20-50.

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

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

The proposed regulation will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

This regulation is updated in conformance with the current Dietetics Practice Act.

70 PROPOSED REGULATIONS

Text:

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

Document No. 4270
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF ELEVATORS AND AMUSEMENT RIDES
CHAPTER 71

Statutory Authority: 1976 Code Section 41-16-40, 41-16-70, 41-18-70, 41-18-80, and 41-18-120

Preamble:

The South Carolina Office of Elevators and Amusement Rides Safety is amending Regulations 71-4800 and 71-5400 to require special inspectors to make reports on forms prescribed by the Department.

Section-by-Section Discussion:

71-4800. Qualifications of Approved Special Inspectors.

1.-6. No changes.

7. New section; adds requirement for special inspectors to make reports on forms prescribed by the Department.

71-5400. Qualification of Special Inspectors.

1.-4. No changes.

5. New section; adds requirement for special inspectors to make reports on forms prescribed by the Department.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on January 27, 2012. Written comments may be directed to Duane Scott, Administrator, South Carolina Office of Elevators and Amusement Rides, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended to require special inspectors to make reports on forms prescribed by the Department.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to require special inspectors to make reports on forms prescribed by the Department.

Legal Authority: 1976 Code Sections 41-16-40, 41-16-70, 41-18-70, 41-18-80, and 41-18-120.

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

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

The proposed regulations will require special inspectors to make reports on forms prescribed by the Department.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the Department's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated to require special inspectors to make reports on forms prescribed by the Department.

Text:

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

72 PROPOSED REGULATIONS

Document No. 4238
DEPARTMENT OF LABOR, LICENSING AND REGULATION
DIVISION OF LABOR
CHAPTER 71
Statutory Authority: 1976 Code Section 40-82-70

Preamble:

To satisfy the requirements of licensure, Regulations 71-8304.3 and 71-8304.4 must be updated in conformance with the current LP Gas Board Practice Act.

Section-by-Section Discussion:

71-8304.3. Licensing and Permitting Fees.

Changes Office of State Fire Marshal to SC Department of Labor, Licensing and Regulation.

71-8304.4. Licensing Requirements.

Changes Office of State Fire Marshal to SC Department of Labor, Licensing and Regulation.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 10:00 a.m. on January 24, 2012. Written comments may be directed to Bill Galloway, Administrator, South Carolina LP Gas Board, Department of Labor, Licensing, and Regulation, 141 Monticello Trail, Columbia, South Carolina 29203, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the LP Gas Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Section 40-82-70.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current LP Gas Practice Act.

Text:

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

Document No. 4239
DEPARTMENT OF LABOR, LICENSING AND REGULATION
MESSAGE/BODYWORK THERAPY PANEL
CHAPTER 77
Statutory Authority: 1976 Code Section 40-30-60

Preamble:

To satisfy the requirements of licensure for massage therapists, Regulation 77-100 must be updated in conformance with the current Massage Therapy Practice Act.

Section-by-Section Discussion:

77-100. Qualification for Licensure.

- 1.(a) No change.
- 1.(b) Adds "classroom" before "hours" for clarity.
- 1.(c) No change.
- 1.(d) New section; adds age requirement of at least 18 for licensure.
2. Deletes "national"; adds "the Massage & Bodywork Licensing Examination (MBLEx)" as an examination required for licensure; amends language for clarity.
3. No changes.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

74 PROPOSED REGULATIONS

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Department at 2:30 p.m. on January 27, 2012. Written comments may be directed to Byron Ray, Administrator, South Carolina Massage/Bodywork Therapy Panel, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is amended in conformance with the Massage Therapy Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulation to conform to the practice act.

Legal Authority: 1976 Code Section 40-30-60.

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

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

The proposed regulations will prevent conflict between existing regulation and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

This regulation is updated in conformance with the current Massage Therapy Practice Act.

Text:

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

Document No. 4240
DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOIL CLASSIFIERS ADVISORY COUNCIL
CHAPTER 116
Statutory Authority: 1976 Code Section 40-65-10

Preamble:

To satisfy the requirements of licensure for soil classifiers, Regulations 116-1 through 116-10 be repealed.

Section-by-Section Discussion:

116-1. Duties and Responsibilities of Professional Soil Classifiers Advisory Council.

Repeal in its entirety.

116-2. Practice of Soil Classifying.

Repeal in its entirety.

116-3. Registration.

Repeal in its entirety.

116-4. Examinations.

Repeal in its entirety.

116-5. Fees.

Repeal in its entirety.

116-6. Exemptions.

Repeal in its entirety.

116-7. Code of Ethics.

Repeal in its entirety.

116-8. Declaratory Ruling.

Repeal in its entirety.

76 PROPOSED REGULATIONS

116-9. Petition for Promulgation, Amendment, or Repeal of Rules.

Repeal in its entirety.

116-10. Handling of Complaints.

Repeal in its entirety.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Council at 11:30 a.m. on January 26, 2012. Written comments may be directed to Sherri Moorer, Program Assistant, Soil Classifiers Advisory Council, Department of Labor, Licensing, and Regulation, by email at sherri.moorer@llr.sc.gov or by U.S. Mail Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are repealed in conformance with the Soil Classifiers Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The council is repealing the regulations to conform to the practice act.

Legal Authority: 1976 Code Section 40-65-10.

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

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

The repealed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the council's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are repealed in conformance with the current Soil Classifiers Practice Act.

Text:

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

Document No. 4241

BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS

CHAPTER 74

Statutory Authority: 1976 Code Section 40-28-80

Preamble:

To satisfy the requirements of licensure for landscape architects, Regulations 74-1 through 74-12 must be repealed.

Section-by-Section Discussion:

74-1. Duties and Responsibilities of Landscape Architects Registration Council.

Repeal in its entirety.

74-2. Registration.

Repeal in its entirety.

74-3. Examination.

Repeal in its entirety.

74-4. Temporary Registration.

Repeal in its entirety.

74-5. Certificates--Types and Fees.

Repeal in its entirety.

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74-7. Records of Proceedings and Applications.

Repeal in its entirety.

74-8. Code of Ethics.

Repeal in its entirety.

74-9. Hearing Procedure.

Repeal in its entirety.

74-10. Declaratory Ruling.

Repeal in its entirety.

74-11. Petition for Promulgation, Amendment, or Repeal of Rules.

Repeal in its entirety.

74-12. Handling of Complaints.

Repeal in its entirety.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 11:30 a.m. on January 25, 2012. Written comments may be directed to Sherri Moorner, Program Assistant, Board of Landscape Architectural Examiners, Department of Labor, Licensing, and Regulation, by email at sherri.moorner@llr.sc.gov or by U.S. Mail at Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are repealed in conformance with the Landscape Architects Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is repealing the regulations to conform to the practice act.

Legal Authority: 1976 Code Section 40-28-80.

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

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

The repealed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are repealed in conformance with the current Landscape Architects Practice Act.

Text:

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

Document No. 4242

BOARD OF LONG TERM HEALTH CARE ADMINISTRATORS

CHAPTER 93

Statutory Authority: 1976 Code Sections 40-1-70, 40-35-5 through 40-35-136, 40-35-230

Preamble:

To satisfy the requirements of licensure for long term health care administrators, Regulations 93-50, 93-65, 93-110, and 93-210 must be updated in conformance with the current Long Term Health Care Administrators Practice Act.

Section-by-Section Discussion:

93-50. General Definitions.

A.-G. No substantive changes.

H. Changes mentally retarded to persons with intellectual disabilities and mental retardation to intellectual disability.

I.-J. No substantive changes.

80 PROPOSED REGULATIONS

- K. Changes mentally retarded to persons with intellectual disabilities
- L.-Q. No substantive changes.
- R. Changes mental retardation to intellectual disability.
- S.-U. No substantive changes.

93-65. Operating a Facility Without a License.

- A.-B.(2) No substantive changes.
- B.(3) Updates language for clarity.
- B.(4) No substantive change.

93-110. Examination; Scheduling and Grading.

Corrects typographical errors.

93-210. Reinstatement of Lapsed License.

Corrects typographical error.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 2:30 p.m. on January 23, 2012. Written comments may be directed to Lee Ann Bundrick, Administrator, South Carolina Board of Long Term Health Care Administrators, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Long Term Health Care Administrators Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70, 40-35-5 through 40-35-136, 40-35-230.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Long Term Health Care Administrators Practice Act.

Text:

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

Document No. 4243

MANUFACTURED HOUSING BOARD

CHAPTER 79

Statutory Authority: 1976 Code Sections 40-1-70 and 40-29-10

Preamble:

To satisfy the requirements of licensure for manufactured home builders and salespersons, Regulation 79-9 must be updated in conformance with the current Manufactured Housing Board Practice Act.

Section-by-Section Discussion:

79-9. Board Authorized to Make Investigations and Deny, Suspend or Revoke Licenses.

A. No substantive change.

B. Changes Board to Department before "shall investigate", deletes "on its own initiative", and adds that the Board shall have authority to take appropriate action as provided in the practice act.

C. No substantive change.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

82 PROPOSED REGULATIONS

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 11:30 a.m. on January 23, 2012. Written comments may be directed to Gary Wiggins, Administrator, South Carolina Manufactured Housing Board, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is amended in conformance with the Manufactured Housing Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulation to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-29-10.

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

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

The proposed regulation will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

This regulation is updated in conformance with the current Manufactured Housing Practice Act.

Text:

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

Document No. 4271

BOARD OF MEDICAL EXAMINERS

CHAPTER 81

Statutory Authority: 1976 Code Sections 40-1-70, 40-47-20, and 40-47-80

Preamble:

To establish fees in regulation, Regulation 81-300 must be added to establish fees in regulation.

Section-by-Section Discussion:

81-300. Fees.

New section; adds fees.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 2:30 p.m. on January 24, 2012. Written comments may be directed to Bruce Duke, Administrator, South Carolina Board of Medical Examiners, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is added to establish fees in regulation.

DESCRIPTION OF REGULATION:

Purpose: The board is adding the regulation to include already established fees in regulation.

Legal Authority: 1976 Code Sections 40-1-70, 40-47-20, and 40-47-80.

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

84 PROPOSED REGULATIONS

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

The proposed regulation will establish fees in regulation.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

This regulation is added to establish fees in regulation.

Text:

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

Document No. 4244

BOARD OF MEDICAL EXAMINERS

CHAPTER 81

Statutory Authority: 1976 Code Sections 40-1-70, 40-47-20, and 40-47-80

Preamble:

To satisfy the requirements of licensure for medical professionals, Regulations 81-1 through 81-11, 81-12.5 through 81-20, 81-22, 81-24, 81-26, 81-28, 81-75, 81-95 and 81-206 must be repealed; and Regulations 81-12, 81-33, 81-40, 81-70, 81-90, 81-110 must be amended in conformance with the current Board of Medical Examiners Practice Act. Regulations 81-21, 81-23, 81-25, 81-27, 81-31 through 81-32, 81-50, 81-60, 81-80, 81-81, 81-91, 81-96, and 81-200 through 81-205 will remain in their entirety.

Section-by-Section Discussion:

81-1. Responsibilities of the State Board of Medical Examiners.

Repeal in its entirety.

81-2. Regulation Exclusive.

Repeal in its entirety.

81-10. Misconduct Defined.

Repeal in its entirety.

81-11. Manner of Discipline.

Repeal in its entirety.

81-12. Effect of Discipline.

Repeal certain provisions.

81-12.5. Initial Complaint.

Repeal in its entirety.

81-13. Formal Complaint.

Repeal in its entirety.

81-14. [Superseded.]

Repeal in its entirety.

81-15. Hearing by Panel of Three Commission Members.

Repeal in its entirety.

81-16. Duty of the Panel.

Repeal in its entirety.

81-17. Review by the Board.

Repeal in its entirety.

81-18. Duty of Board after Review.

Repeal in its entirety.

81-19. Appeal of Decision.

Repeal in its entirety.

81-20. Proceedings Private Until Filed.

Repeal in its entirety.

86 PROPOSED REGULATIONS

81-21. Quorum of Board or Hearing Panel.

No changes.

81-22. Service of Notices, etc.

Repeal in its entirety.

81-23. Administrator is Agent for Service of Notices on Non-resident Physicians.

No changes.

81-24. Investigations and Injunctions.

Repeal in its entirety.

81-25. Docket of Complaints.

No changes.

81-26. Confidentiality of Disciplinary Proceedings.

Repeal in its entirety.

81-27. Final Orders of the Board.

No changes.

81-28. Contact with Patients before Prescribing.

Repeal in its entirety.

81-31. Contents of Petition for Reinstatement.

No changes.

81-32. Action by Board.

No changes.

81-33. Board's Report to be Filed; Procedure Thereupon.

Deletes reference to regulation being repealed.

81-40. Investigation at Instance of Board or Commission Members; Procedure Thereunder.

Deletes reference to regulation being repealed.

81-50. Regulation to be Liberally Construed.

No changes.

81-60. Principles of Medical Ethics.

No changes.

81-70. Requirements for Limited License.

Repeal certain provisions.

81-75. Waiver of Fees and Special Volunteer License.

Repeal in its entirety.

81-80. Requirements to Take Step 3 of the United States Medical Licensing Examination.

No changes.

81-81. Oral and/or Written Examinations for Graduates of Medical Schools Located Outside the United States or Canada.

No changes.

81-90. Requirements For Permanent License.

Repeal A.-J.

K. Renumbers as A. for clarity; changes \$500 to \$580.

81-91. Election Procedures for the State Board of Medical Examiners and the Medical Disciplinary Commission.

No changes.

81-95. Continued Competency.

Repeal in its entirety.

81-96. Office Based Surgery.

No substantive changes.

81-110. Criteria for Physician Supervision of Nurses in Extended Role.

Change statutory reference to appropriate cite.

81-200. Definitions.

No changes.

81-201. Provisional Licensing Requirements.

No changes.

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81-202. Continuing Education Requirements.

No changes.

81-203. Competency Requirements for the Provision of Respiratory Care by Non-RCPs.

No changes.

81-204. Principles of Medical Ethics.

No changes.

81-205. Reporting of Misconduct.

No changes.

81-206. Respiratory Care Practitioner Fees and Renewal.

Repeal in its entirety.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 2:30 p.m. on January 24, 2012. Written comments may be directed to Bruce Duke, Administrator, South Carolina Board of Medical Examiners, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Medical Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70, 40-47-20, and 40-47-80.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Medical Practice Act.

Text:

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

Document No. 4272
BOARD OF NURSING
CHAPTER 91

Statutory Authority: 1976 Code Sections 40-1-70 and 40-33-10(E)&(I)

Preamble:

To reflect current fees in regulation and regulate APRNs, Regulations 91-19 and 91-31 must be updated.

Section-by-Section Discussion:

91-19. Procedure for Disciplinary Hearings (Section 40-33-930).
(Statutory Authority: 1976 Code Sections 40-33-10 et seq.)

- a. Updates statute references from Section 40-33-270 to 40-33-10, and Section 40-33-930 to 40-33-110; adds advanced practice registered nurse.
- b. Adds Section 40-33-10 et. seq. before "and this Regulation."
- c.-d. Deletes in their entirety.
- e. Renumbers as c. for clarity; changes Executive Director of the Board to Department of Labor, Licensing and Regulation ("Department") in the first sentence); and deletes the second and fourth sentences.
- f. Renumbers as d. for clarity; changes Executive Director of the Board to Department throughout; deletes "pursuant to Rule 19.e or 19.q"; and adds "to" for clarification.
- g. Renumbers as e. for clarity; changes Executive Director of the Board to Department throughout; changes Attorney General's Office to Office of General Counsel; and adds "days" after 30 for clarification.

90 PROPOSED REGULATIONS

h. Renumbers as f. for clarity; deletes “or Designated Examiner”; adds “hearing panel appointed by the Board”; deletes most of first and all of second sentence.

i. Renumbers as g. for clarity.

j. Renumbers as h. for clarity; deletes “or examiner” throughout; deletes outdated reference to the Executive Director and adds the Board; and deletes last sentence.

k. Renumbers as i. for clarity; deletes “or examiner”, “Executive Director”, and Attorney General’s Office references throughout and replaces with “Office of General Counsel” and “Department” as appropriate; and updates outdated statutory reference from Section 40-33-930 to 40-33-110.

l. Renumbers as j. for clarity; rewords for clarity; and deletes “Executive Director”.

m.-n. Deletes in their entirety.

o. Renumbers as k. for clarity.

p. Renumbers as l. for clarity.

q. Deletes in its entirety.

r. Renumbers as m. for clarity; updates outdated statutory reference from Section 40-33-935 to 40-33-110.

91-31. Fees.

Deletes outdated statutory references.

Delete ending Article headers of “ARTICLE 5. LICENSES; REVOCATION AND SUSPENSION; RENEWAL”, “ARTICLE 6. NURSING EDUCATION PROGRAMS”, and “ARTICLE 7. FEES.”

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 11:00 a.m. on January 27, 2012. Written comments may be directed to Nancy Murphy, Administrator, South Carolina Board of Nursing, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Nurse Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-33-10(E)&(I).

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Nurse Practice Act.

Text:

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

Document No. 4245

BOARD OF NURSING

CHAPTER 91

Statutory Authority: 1976 Code Sections 40-1-70 and 40-33-10(E)&(I)

Preamble:

To satisfy the requirements of licensure for nurses, Regulations 91-19 and 91-31 must be updated in conformance with the current Board of Nursing Practice Act.

Section-by-Section Discussion:

91-19. Procedure for Disciplinary Hearings (Section 40-33-930).
(Statutory Authority: 1976 Code Sections 40-33-10 et seq.)

- a. Updates statute references from Section 40-33-270 to 40-33-10, and Section 40-33-930 to 40-33-110.
- b. Adds Section 40-33-10 et. seq. before "and this Regulation."
- c.-d. Deletes in their entirety.

92 PROPOSED REGULATIONS

e. Renumbers as c. for clarity; changes Executive Director of the Board to Department of Labor, Licensing and Regulation (“Department”) in the first sentence); and deletes the second and fourth sentences.

f. Renumbers as d. for clarity; changes Executive Director of the Board to Department throughout; deletes “pursuant to Rule 19.e or 19.q”; and adds “to” for clarification.

g. Renumbers as e. for clarity; changes Executive Director of the Board to Department throughout; changes Attorney General’s Office to Office of General Counsel; and adds “days” after 30 for clarification.

h. Renumbers as f. for clarity; deletes “or Designated Examiner”; adds “hearing panel appointed by the Board”; deletes most of first and all of second sentence.

i. Renumbers as g. for clarity.

j. Renumbers as h. for clarity; deletes “or examiner” throughout; deletes outdated reference to the Executive Director and adds the Board; and deletes last sentence.

k. Renumbers as i. for clarity; deletes “or examiner”, “Executive Director”, and Attorney General’s Office references throughout and replaces with “Office of General Counsel” and “Department” as appropriate; and updates outdated statutory reference from Section 40-33-930 to 40-33-110.

l. Renumbers as j. for clarity; rewords for clarity; and deletes “Executive Director”.

m.-n. Deletes in their entirety.

o. Renumbers as k. for clarity.

p. Renumbers as l. for clarity.

q. Deletes in its entirety.

r. Renumbers as m. for clarity; updates outdated statutory reference from Section 40-33-935 to 40-33-110.

91-31. Fees.

Deletes outdated statutory references.

Delete ending Article headers of “ARTICLE 5. LICENSES; REVOCATION AND SUSPENSION; RENEWAL”, “ARTICLE 6. NURSING EDUCATION PROGRAMS”, and “ARTICLE 7. FEES.”

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 11:00 a.m. on January 27, 2012. Written comments may be directed to Nancy Murphy, Administrator, South Carolina Board of Nursing, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Nurse Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-33-10(E)&(I).

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Nurse Practice Act.

Text:

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

94 PROPOSED REGULATIONS

Document No. 4246
OCCUPATIONAL THERAPY BOARD
CHAPTER 94

Statutory Authority: 1976 Code Sections 40-1-70 and 40-36-10 et seq.

Preamble:

To satisfy the requirements of licensure for occupational therapists, Regulations 94-06 and 94-09 must be updated, and Regulation 94-01 must be repealed, in conformance with the current Occupational Therapy Practice Act.

Section-by-Section Discussion:

94-01. Definitions.

Deletes in its entirety.

94-06. Licensure by Endorsement.

- (1) Adds “substantially” before “equivalent”.
- (2)-(3) No substantive changes.
- (4) Adds requirement for applicant to submit verification of all current permanent licenses in others states.

94-09. Fees.

- (1)-(5) No substantive changes.
- (6) Changes license verification to another state fee from \$15.00 to \$5.00
- (7)-(8) No substantive changes.
- (9) Adds “wall certificate” to duplicate certificate
- (10) Changes returned check charge from \$20.00 to \$30.00
- (11)-(12) No substantive changes.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 1:00 p.m. on January 27, 2012. Written comments may be directed to Veronica Reynolds, Administrator, South Carolina Board of Occupational Therapy, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Occupational Therapy Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-36-10 et seq.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Occupational Therapy Practice Act.

Text:

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

96 PROPOSED REGULATIONS

Document No. 4247
BOARD OF EXAMINERS IN OPTICIANRY
CHAPTER 96
Statutory Authority: 1976 Code Section 40-1-70

Preamble:

To satisfy the requirements of licensure for opticians, Regulations 96-104 through 96-106, and 96-110 must be updated in conformance with the current Opticianry Practice Act.

Section-by-Section Discussion:

96-104. General Licensing Provisions.

- (A)(1)-(2) No changes.
- (A)(3) Updates language for clarity.
- (A)(4)-(B) No changes.

96-105. Examinations.

- (A) Corrects grammatical error.
- (A)(1)-(B) No changes.

96-106. Apprenticeship Registration and Program Provisions.

- (A)(1) No change.
- (A)(2) Updates language for clarity.
- (A)(3)-(F) No changes.

96-110. Standards of Practice.

- (A)-(B) No changes.
- (C) Deletes in its entirety.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 10:00 a.m. on January 24, 2012. Written comments may be directed to Angie Combs, Administrator, South Carolina Board of Examiners in Opticianry, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Opticianry Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Section 40-1-70.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Opticianry Practice Act.

Text:

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

98 PROPOSED REGULATIONS

Document No. 4227
PERPETUAL CARE CEMETERY BOARD
CHAPTER 21
Statutory Authority: 1976 Code Section 40-8-20

Preamble:

To satisfy the requirements of licensure for perpetual care cemeteries, Regulations 21-1, 21-3, 21-5, 21-10, 21-21, 21-32, 21-33, 21-41, 21-50 through 21-53, 21-62, and 21-63 must be updated in conformance with the current Cemetery Board Practice Act.

Section-by-Section Discussion:

21-1. Board Location.

Changes outdated Secretary of State reference to Department of Labor, Licensing and Regulation, and updates address accordingly.

21-3. Areas of Responsibility.

Updates statutory reference from Title 39 Chapter 55 to Title 40 Chapter 8.

21-5. Examinations.

Updates statutory reference from Title 39 Chapter 55 to Title 40 Chapter 8.

21-10. Cemetery Board Members.

Updates Department authority reference, statutory references, and changes Board members from 6 to 7.

21-21. Location of Fund.

Updates statutory references.

21-32. Deposits to Maintenance Trust Fund.

Updates statutory references.

21-33. Withdrawals from Merchandise Trust Fund.

Updates statutory reference.

21-41. Deposits to Fund.

Updates statutory reference.

21-50. Application and Filing Fee.

Updates statutory reference, updates fees, and changes filing fee to license fee.

21-51. Cemetery Company License.

Updates statutory reference.

21-52. Change of Control.

Changes filing fee to from \$100 to \$250.

21-53. Cemetery Rules and Regulations.

Changes “Rules and Regulations” to “Policies and Procedures” in the title and throughout. Adds sentence that “Policies and Procedures” are commonly referred to in the industry as “Rules and Regulations”.

21-62. Hearings.

Updates Department authority reference.

21-63. Emergency Rules.

Changes “Rules” to “Regulations” in the title and throughout, adds that emergency regulations are in accordance with Section 1-23-130 and the time periods prescribed thereof, deletes duration of emergency or specified time not to exceed 120 days.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 11:30 a.m. on January 24, 2012. Written comments may be directed to Doris Cubitt, Administrator, South Carolina Cemetery Board, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Cemetery Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Section 40-8-20.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

100 PROPOSED REGULATIONS

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Cemetery Board Practice Act.

Text:

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

Document No. 4248

BOARD OF PHYSICAL THERAPY EXAMINERS

CHAPTER 101

Statutory Authority: 1976 Code Sections 40-1-70 and 40-45-10 et seq.

Preamble:

To satisfy the requirements of licensure for physical therapists, Regulations 101-04 through 101-05, and 101-07 through 101-10 must be updated in conformance with the current Physical Therapy Practice Act.

Section-by-Section Discussion:

101-04. General Licensing Provisions for Physical Therapists.

- (1)-(2) No substantive changes.
- (3) New section; adds requirement for proficiency in speaking the English language.
- (3)-(4) renumbers as (4)-(5) for clarity.

101-05. General Licensing Provisions for Physical Therapist Assistants.

- (1)-(3) No substantive changes.
- (4) New section; adds requirement for proficiency in speaking the English language.

101-07. Continuing Education.

Adds Article header "ARTICLE 4. CONTINUING EDUCATION" above section title. No substantive changes to the text.

101-08. Fees.

Deletes Article header "ARTICLE 4. CONTINUING EDUCATION" above section title and adds "ARTICLE 5. FEES". No substantive changes to the text.

101-09. Supervision Guidelines.

Deletes Article header "ARTICLE 5. FEES" above section title and adds "ARTICLE 6. STANDARDS OF PRACTICE". No substantive changes to the text.

101-10. Use of Aides in the Practice of Physical Therapy.

Deletes Article header "ARTICLE 6. STANDARDS OF PRACTICE". No substantive changes to the text.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 11:30 a.m. on January 25, 2012. Written comments may be directed to Veronica Reynolds, Administrator, South Carolina Board of Physical Therapy, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Physical Therapy Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-45-10 et seq.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

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DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Physical Therapy Practice Act.

Text:

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

Document No. 4249

COMMISSIONERS OF PILOTAGE

CHAPTER 136

Statutory Authority: 1976 Code Sections 40-1-70 and 54-15-140

Preamble:

To satisfy the requirements of licensure for pilots, Regulations 136-501 through 136-599 must be repealed and Regulations 136-710, 136-717 and 136-730 must be amended in conformance with the current Pilotage Practice Act.

Section-by-Section Discussion:

136-501. Purpose.

Repeal in its entirety.

136-503. Definitions.

Repeal in its entirety.

136-505. Area of Jurisdiction.

Repeal in its entirety.

136-507. Policies and Procedures Manual.

Repeal in its entirety.

136-510. Requirement for Licensure.

Repeal in its entirety.

136-511. Apprentice Training and Qualification Program.

Repeal in its entirety.

136-512. Apprentice Selection Process.

Repeal in its entirety.

136-514. Apprentice Citizenship and Physical Requirements.

Repeal in its entirety.

136-515. Previous Maritime Experience, Apprentice Applicants.

Repeal in its entirety.

136-516. Apprentice Training Course Curriculum.

Repeal in its entirety.

136-517. Completion of Apprenticeship.

Repeal in its entirety.

136-520. Short Branch Qualification.

Repeal in its entirety.

136-530. Pilot Registration.

Repeal in its entirety.

136-532. Board of Examiners.

Repeal in its entirety.

136-535. Fees.

Repeal in its entirety.

136-540. Pilot Vessel Operation.

Repeal in its entirety.

136-541. Pilot Communication Center.

104 PROPOSED REGULATIONS

Repeal in its entirety.

136-545. Pilot Charges and Fees.

Repeal in its entirety.

136-550. Federal Pilot Licensure.

Repeal in its entirety.

136-551. Commissioner Authority over Federal Pilotage.

Repeal in its entirety.

136-560. Marine Casualties, Accidents and Other Reports.

Repeal in its entirety.

136-561. Reports of Coast Guard Investigations.

Repeal in its entirety.

136-570. Pilot Functions and Responsibilities.

Repeal in its entirety.

136-571. Vessel Traffic Movement Restrictions.

Repeal in its entirety.

136-572. Docking and Undocking.

Repeal in its entirety.

136-590. Pilot Coordination.

Repeal in its entirety.

136-599. Penalties.

Repeal in its entirety.

ARTICLE 3. UPPER COASTAL AREA.

Changes Article header from “ARTICLE 3. UPPER COASTAL AREA” to “ARTICLE 2. UPPER COASTAL AREA”.

136-710. Requirement for Licensure.

Deletes reference to subpart 136-711E.

136-717. Completion of Apprenticeship.

A. Changes one year to two for apprenticeship training and qualification program for the Upper Coastal Area.

B.-C. No changes.

136-730. Pilot Registration.

A. Clarifies language by deleting references no longer needed.

B.-C. No changes.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Maritime Association Office, 899 Morrison Drive, Charleston, South Carolina 29403 at 5:00 p.m. on January 24, 2012. Written comments may be directed to Kitty Cox, Administrator, South Carolina Commissioners of Pilotage, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Pilotage Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 54-15-140.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

106 PROPOSED REGULATIONS

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Pilotage Practice Act.

Text:

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

Document No. 4250

BOARD OF PODIATRY EXAMINERS

CHAPTER 134

Statutory Authority: 1976 Code Section 40-1-70

Preamble:

To satisfy the requirements of licensure for podiatrists, Regulations 134-10 and 134-50 must be updated in conformance with the current Podiatry Practice Act.

Section-by-Section Discussion:

134-10. License to Practice Podiatry.

(1)-(2)(a)-(b) No substantive changes.

(2)(c) adds that diploma or certificate of graduation must be from a college accredited by the Council on Podiatric Medical Education.

Adds (3) for paragraph between (2)(c) and (a) for clarity.

(3)-(5) Renumbers as (4)- (6) for clarity.

134-50. Procedure for Re-examination and Review of Examination.

(1) Adds "with payment of original exam fee" after formal request to the Board for re-examination.

(2) Deletes in its entirety.

(3)-(5) Renumbers as (2)-(4) for clarity.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 4:00 p.m. on January 25, 2012. Written comments may be directed to

Bruce Duke, Administrator, South Carolina Board of Podiatry Examiners, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Podiatry Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Section 40-1-70.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Podiatry Practice Act.

108 PROPOSED REGULATIONS

Text:

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

Document No. 4251
BOARD OF EXAMINERS IN PSYCHOLOGY
CHAPTER 100
Statutory Authority 1976 Code Section 40-1-70

Preamble:

To satisfy the requirements of licensure for psychologists, Regulation 100-10 must be updated in conformance with the current Psychology Practice Act.

Section-by-Section Discussion:

100-10. Continuing Education Credits.

A.-B. No substantive changes.

C.-F. Changes 12 month to 24 month before “licensure period”, and deletes “annual” and “annually” to reflect biennial renewal.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 11:30 a.m. on January 30, 2012. Written comments may be directed to Patricia Glenn, Administrator, South Carolina Board of Examiners in Psychology, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is amended in conformance with the Psychology Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulation to conform to the practice act.

Legal Authority: 1976 Code Section 40-1-70.

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

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

The proposed regulation will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

This regulation is updated in conformance with the current Psychology Practice Act.

Text:

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

Document No. 4273

REAL ESTATE COMMISSION

CHAPTER 105

Statutory Authority: 1976 Code Sections 40-1-70 and 40-57-05 et seq.

Preamble:

To satisfy the requirements of licensure for real estate professionals, Regulation 105-1 must be repealed in conformance with the current Real Estate Commission Practice Act.

Section-by-Section Discussion:

105-1. Insurance Required for Time Sharing Facilities and Accommodations.

Delete in its entirety.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

110 PROPOSED REGULATIONS

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 9:30 a.m. on January 25, 2012. Written comments may be directed to Jay Pitts, Administrator, South Carolina Real Estate Commission, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is amended in conformance with the Real Estate Commission Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulation to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-57-05 et seq.

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

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

The proposed regulation will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

This regulation is updated in conformance with the current Real Estate Commission Practice Act.

Text:

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

Document No. 4274
REAL ESTATE COMMISSION
CHAPTER 105

Statutory Authority: 1976 Code Sections 40-1-70 and 40-57-05 et seq.

Preamble:

The South Carolina Real Estate Commission proposes to amend Regulation 105-12 and add Regulation 105-13 to include already established fees in its regulations.

Section-by-Section Discussion:

105-12. Provider, Course, and Instructor Fees.

A.-C. No changes.

D. Adds "(after August 31st)".

New sentence after D.; adds renewal dates.

105-13. Fees.

New section; adds fees.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 9:30 a.m. on January 25, 2012. Written comments may be directed to Jay Pitts, Administrator, South Carolina Real Estate Commission, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Real Estate Commission Practice Act.

112 PROPOSED REGULATIONS

DESCRIPTION OF REGULATION:

Purpose: The board is amending the regulations to include established fees.

Legal Authority: 1976 Code Sections 40-1-70 and 40-57-05 et seq.

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

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

The proposed regulations will include already established fees.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated to include already established fees in regulation.

Text:

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

Document No. 4275
RESIDENTIAL BUILDERS COMMISSION
CHAPTER 106

Statutory Authority: 1976 Code Sections 40-1-70, 40-59-70, 40-59-220, and 40-59-610

Preamble:

To satisfy the requirements of emergency licensure for residential builders, Regulation 106-5 must be added in conformance with the current Residential Builders Practice Act.

Section-by-Section Discussion:

106-5. Emergency License and Registration.

New section; adds provision for emergency licensure.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 8:30 a.m. on January 27, 2012. Written comments may be directed to Janet Baumberger, Administrator, South Carolina Residential Builders Commission, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is added in conformance with the Residential Builders Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is adding the regulation to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70, 40-59-70, 40-59-220, and 40-59-610.

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

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

The proposed regulation will add provision for emergency licensure.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

114 PROPOSED REGULATIONS

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

This regulation is added in conformance with the current Residential Builders Practice Act.

Text:

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

Document No. 4252

RESIDENTIAL BUILDERS COMMISSION

CHAPTER 106

Statutory Authority: 1976 Code Sections 40-1-70, 40-59-70, 40-59-220, and 40-59-610

Preamble:

To satisfy the requirements of licensure for residential builders, Regulation 106-2 must be updated in conformance with the current Residential Builders Practice Act.

Section-by-Section Discussion:

106-2. Residential Specialty Contractors License.

Adds "an [amount] approved by the commission" after "executed surety bond"

a.-c. No substantive changes.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 8:30 a.m. on January 27, 2012. Written comments may be directed to Janet Baumberger, Administrator, South Carolina Residential Builders Commission, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is amended in conformance with the Residential Builders Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulation to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70, 40-59-70, 40-59-220, and 40-59-610.

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

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

The proposed regulation will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

This regulation is updated in conformance with the current Residential Builders Practice Act.

Text:

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

116 PROPOSED REGULATIONS

Document No. 4222

DEPARTMENT OF REVENUE

CHAPTER 117

Statutory Authority: 1976 Code Section 12-4-320

117-329. Communications Services

Preamble:

The South Carolina Department of Revenue is considering amending SC Regulation 117-329 concerning the application of the sales and use tax to communication services. This regulation summarizes the taxability of various communications services and attempts to list examples of communication services that the Department has held in the past as subject to the tax. For example, under the provisions of Code Sections 12-36-910(B)(3) and 12-36-1310(B)(3) that impose the sales and use tax on “charges for the ways or means for the transmission of the voice or messages,” the Department has taxed communication services such as telephone services, paging services, cable television services, satellite programming services (including, but is not limited to, emergency communication services and television, radio, music or other programming services), fax transmission services, voice mail messaging services, e-mail services, and database access transmission services (on-line information services), such as legal research services, credit reporting/research services, and charges to access an individual website.

The purpose of this amendment to SC Regulation 117-329 is to clarify that a non-automated answering service is not subject to the sales and use tax under Code Sections 12-36-910(B)(3) and 12-36-1310(B)(3).

Section-by-Section Discussion

Therefore, the Department is proposing to amend SC Regulation 117-329 to delete “answering services” and “voice mail messaging services” from the list of examples of taxable communications services in subsection 117-329.4 of the regulation and to add “non-automated voice mail messaging services, including non-automated answering and messaging services” to the list of examples of non-taxable communications services in subsection 117-329.5 of the regulation. Therefore, this amendment, if approved, will clarify that charges for “non-automated answering and messaging services” are not subject to the sales and use tax as “charges for the ways or means for the transmission of the voice or messages.”

The Notice of Drafting was published in the *State Register* on September 23, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

All comments concerning this proposal should be mailed to the following address by 5:00 p.m. on January 25, 2012: S.C. Department of Revenue, Legislative Services - Mr. Meredith Cleland, P.O. Box 125, Columbia, South Carolina 29214.

The S.C. Department of Revenue has scheduled a public hearing before the Administrative Law Court in the Edgar Brown Building (Suite 224) on the Capitol Complex (1205 Pendleton Street) in Columbia, South Carolina for Thursday, February 23, 2012 at 10:00 a.m., if the requests for a hearing meet the requirements of Code Section 1-23-110(A)(3). The public hearing, if held, will address a proposal by the Department to clarify that a non-automated answering service is not subject to the sales and use tax under Code Sections 12-36-910(B)(3) and 12-36-1310(B)(3). The department will be asking the Administrative Law Court, in accordance with S.C. Code Ann. Section 1-23-111 (2005), to issue a report that the proposal to amend the regulation is needed and reasonable.

Preliminary Fiscal Impact Statement:

There will be no impact on state or local political subdivisions expenditures in complying with this proposed legislation.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 117-329. Communications Services.

Purpose: To amend SC Regulation 117-329 to delete “answering services” and “voice mail messaging services” from the list of examples of taxable communications services in subsection 117-329.4 of the regulation and to add “non-automated voice mail messaging services, including non-automated answering and messaging services” to the list of examples of non-taxable communications services in subsection 117-329.5 of the regulation. Therefore, this amendment, if approved, will clarify that charges for “non-automated answering and messaging services” are not subject to the sales and use tax as “charges for the ways or means for the transmission of the voice or messages.”

Legal Authority: 1976 Code Section 12-4-320.

Plan for Implementation: After approval by the General Assembly and publication in the *State Register*, the regulation would be effective upon publication in the *State Register*.

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

The proposal amends SC Regulation 117-329 is needed to ensure that the public has information concerning the application of the sales and use tax to communication services. The proposal to amend this regulation is also reasonable in that it is consistent with the statutes imposing the sales and use tax on charges for the ways or means for the transmission of the voice or messages.

DETERMINATION OF COSTS AND BENEFITS:

Promulgation of this regulation will not have an impact on state or local political subdivisions expenditures. Promulgation of this regulation will also benefit the State and taxpayers by ensuring that the public has information concerning the application of the sales and use tax to communication services.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

118 PROPOSED REGULATIONS

Statement of Rationale:

The purpose of this amendment to SC Regulation 117-329 is to clarify that a non-automated answering service is not subject to the sales and use tax under Code Sections 12-36-910(B)(3) and 12-36-1310(B)(3). Therefore, the Department is proposing to amend SC Regulation 117-329 to delete “answering services” and “voice mail messaging services” from the list of examples of taxable communications services in subsection 117-329.4 of the regulation and to add “non-automated voice mail messaging services, including non-automated answering and messaging services” to the list of examples of non-taxable communications services in subsection 117-329.5 of the regulation. Therefore, this amendment, if approved, will clarify that charges for “non-automated answering and messaging services” are not subject to the sales and use tax as “charges for the ways or means for the transmission of the voice or messages.”

The proposal to amend this regulation is also reasonable in that it is consistent with the statutes imposing the sales and use tax on charges for the ways or means for the transmission of the voice or messages.

Text:

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

Document No. 4253

BOARD OF SOCIAL WORK EXAMINERS

CHAPTER 110

Statutory Authority: 1976 Code Sections 40-1-70 and 40-63-10

Preamble:

To satisfy the requirements of licensure for social workers, Regulations 110-1, and 110-10 through 110-20 must be updated in conformance with the current Social Work Practice Act.

Section-by-Section Discussion:

110-1. Continuing Education Requirements.

- A. No substantive changes.
- B. Changes “annual” to “biennial”, deletes “annually”, and changes “20 clock” to “40 contact” hours.
- C. Changes “20 clock” to “40 contact” hours.
- D. No changes.

110-10. Fees.

No changes to the first paragraph; deletes the second and third paragraphs in their entirety.

110-20. Principles of Professional Ethics

- 1.-3. No changes.
- 4. Changes twelve months to three years in conformance with the statute.
- 5.-17. No changes.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 10:00 a.m. on January 30, 2012. Written comments may be directed to Patricia Glenn, Administrator, South Carolina Board of Social Work Examiners, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Social Work Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-63-10.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

120 PROPOSED REGULATIONS

Statement of Rationale:

These regulations are updated in conformance with the current Social Work Practice Act.

Text:

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

Document No. 4254

BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

CHAPTER 115

Statutory Authority: 1976 Code Sections 40-1-70 and 40-67-90

Preamble:

To satisfy the requirements of licensure for speech-language pathologists and audiologists, Regulations 115-2 through 115-4 and 115-7 must be updated in conformance with the current Speech-Language Pathology and Audiology Practice Act.

Section-by-Section Discussion:

115-2. General Licensing Provisions.

- (A) Corrects typographical error.
- (B) Changes “and” in the second sentence to “or” and adds “, or both” at the end of the sentence.

115-3. Speech-Language Pathology Assistants.

- (1)-(3) No changes.
- (A)-(B)(4) No changes.
- (B)(5) Changes statutory reference from Section 40-67-70 to 40-67-50.
- (B)(6)-(I) No changes.

115-4. Supervised Professional Employment.

Updates language for clarity.

115-7. Code of Ethics.

Corrects typographical error.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 1:00 p.m. on January 25, 2012. Written comments may be directed to Veronica Reynolds, Administrator, South Carolina Board of Examiners in Speech-Language Pathology and Audiology, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Speech-Language Pathology and Audiology Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-67-90.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Speech-Language Pathology and Audiology Practice Act.

Text:

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

122 PROPOSED REGULATIONS

Document No. 4276

BOARD OF VETERINARY MEDICAL EXAMINERS

CHAPTER 120

Statutory Authority: 1976 Code Sections 40-1-70 and 40-69-70 et seq.

Preamble:

To satisfy the requirements of licensure for veterinary medical professionals, Regulation 120-14 must be added to include already established fees in regulation.

Section-by-Section Discussion

120-14. Fees.

New section; adds fees.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 10:00 a.m. on January 26, 2012. Written comments may be directed to Kitty Cox, Administrator, South Carolina Board of Veterinary Medical Examiners, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This regulation is added to establish fees in regulation.

DESCRIPTION OF REGULATION:

Purpose: The board is adding the regulation to include already established fees in regulation.

Legal Authority: 1976 Code Sections 40-1-70 and 40-69-70 et seq.

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

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

The proposed regulation will include already established fees in regulation.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

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

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

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

Statement of Rationale:

This regulation is added to include already established fees in regulation.

Text:

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

Document No. 4255

BOARD OF VETERINARY MEDICAL EXAMINERS

CHAPTER 120

Statutory Authority: 1976 Code Sections 40-1-70 and 40-69-70 et seq.

Preamble:

To satisfy the requirements of licensure for veterinary medical professionals, Regulations 120-11 through 120-12 must be updated in conformance with the current Veterinary Practice Act.

Section-by-Section Discussion

120-11. Limited Veterinary Services Facilities; Multiple Practice Facilities; Mobile Veterinary Facilities.

(A)-(C)(2) No substantive changes.

(C)(3) Adds "address" to contact information accessible and available to clients.

120-12. Veterinary Medicine and Animal Shelters.

A.-B. No substantive changes.

C. Adds "-30" to complete statutory reference.

The Notice of Drafting was published in the *State Register* on November 25, 2011.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Board at 10:00 a.m. on January 26, 2012. Written comments may be directed

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to Kitty Cox, Administrator, South Carolina Board of Veterinary Medical Examiners, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 23, 2012. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Veterinary Practice Act.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-69-70 et seq.

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

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Veterinary Practice Act.

Text:

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

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Filed: November 29, 2011 9:20am

Document No. 4219
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-11-430, 50-11-435, 50-11-440, 50-11-2200 and 50-11-2210

123-53. Bear Hunting Rules and Seasons

Emergency Situation:

These emergency regulations add South Carolina Department of Natural Resources Regulation Number 123-53. These regulations set open and closed seasons, bag limits and methods of taking black bear outside of Game Zone 1, private and WMA lands. Because this is a new hunting season that begins on December 1, 2011 it is necessary to file these regulations as emergency.

Text:

123-53. Bear Hunting Rules and Seasons.

1. The open season for taking bear by special draw hunt in Georgetown County, Horry County and Williamsburg County on private and WMA land is December 1 – 15, 2011.
2. Legal weapons include archery equipment (arrows or bolts must have expandable broadheads), muzzleloaders, centerfire rifles (.270 caliber and greater), handguns (.44 caliber and greater) and shotguns with slugs or buckshot.
3. The orange permit must be displayed in a visible location on the dash of the vehicle while the person is actively bear hunting.
4. Harvested bear must be reported to SCDNR by telephone within 12 hours of the kill.
5. All persons drawn for the hunt must submit a harvest report, regardless if a bear was harvested or not, no later than December 22, 2011 and return the unused tag.

Statement of Need and Reasonableness:

Periodically, additional hunts are made available to the public. Regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife for new hunts not currently in regulation. Because this is a new hunting season that begins on December 1, 2011, it is necessary to file these regulations as emergency.

Fiscal Impact Statement:

The establishment of Regulation 123-53 will allow a new bear hunt in three counties previously closed to bear hunting. It will result in increased public hunting opportunities that should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Filed: November 29, 2011 9:20am

Document No. 4220
DEPARTMENT OF NATURAL RESOURCES
 CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, and 50-11-2200

Emergency Situation:

These emergency regulations establish the dove seasons and dove limits statewide and establish seasons, limits and special restrictions for dove hunting on Dove Management Areas. Because the dove season extends to January 15, it is necessary to re-file these regulations as emergency.

Text:

WILDLIFE MANAGEMENT AREA PUBLIC DOVE FIELDS 2011-12

Dove Management Area Regulations: The following fields are open on a first-come basis, unless otherwise stated below. The number of hunters may be restricted on some fields. A Wildlife Management Area permit is required for all fields. Fields are open only as shown below. Please consider the other hunters as well as the landowners whose cooperation makes these fields possible. Signs will be placed along roads directing hunters to the fields. All federal and state laws apply. Fields are open only on days and times indicated. Fields denoted by an asterisk (*) require hunters to sign in (not before 12:00 noon) and sign out on ALL hunts. No species other than mourning doves and Eurasian collared doves may be hunted during scheduled dove hunts. Please remove all litter, including spent shell hulls, from fields when leaving! Migratory Bird Permit Required.

Statewide Season Dates:

September 3 - October 8 (Sept 3-5 Afternoons only); November 19 - November 26; December 21 - January 15
 Bag Limit: Mourning Doves: 15 doves per day. No limit on Eurasian collared doves.

The following special regulations apply to all Wildlife Management Area Public Dove Fields: Hunters are limited to 50 shells per hunt. No entry onto fields before 12:00 noon. No shooting after 6:00 p.m. during the first segment of the season (September 3 – October 8)

ABBEVILLE

U.S. Forest Service - Bass Road Field - 5 mi. east of Abbeville on SC-72, ¼ mile south on Bass Rd., 60 acres.
 1st season – Saturdays Only beginning Sept. 17. Sept. 3 is Youth Hunt Only – Pre-registration required. 2nd and 3rd season – Open Mon. – Sat.

AIKEN

US Dept of Energy, Crackerneck WMA
 40 acres. 1st season – Sept. 7 & 21; 2nd & 3rd season – Fridays, Saturdays & Thanksgiving Day ONLY.

ANDERSON

Clemson University - Fant's Grove WMA
 45 acres. 1st season, Saturdays – FIELD CLOSED OCT. 1st. Open 2nd & 3rd seasons – Saturdays Only

***BERKELEY**

U.S. Army Corps of Engineers - Canal WMA (Above Powerhouse)
 60 acres. Sept. 3, 17; Oct. 1; Nov. 19

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U.S. Army Corps of Engineers - Canal WMA (Below Powerhouse)
40 acres. Dove Hunting Only - Sept. 3, 17; Oct. 1; Nov. 19.

CHARLESTON

Botany Bay Plantation WMA
70 acres. All hunts are Youth Only.

CHEROKEE

Gaffney Board of Public Works
20 acres. Saturdays Only. Dove Hunting Only

CHESTER

U.S. Forest Service - Worthy Bottoms
30 acres. 1st season - Saturdays Only, Afternoons Only.
2nd & 3rd seasons - Open Mon. – Sat. Afternoons Only

CHESTERFIELD

SC Forestry Commission – Sand Hills State Forest
Wilkes Chapel Field. 54 acres. 1st season – Saturdays Only, 2nd & 3rd seasons - Open Mon. - Sat.

SC Forestry Commission – Sand Hills State Forest

Davis Field. 30 acres. 1st season – Sept. 3 and Wednesdays Only, beginning Sept. 14
2nd & 3rd seasons – Open Mon. – Sat.

***CLARENDON**

Santee Cooper – Santee Dam WMA
60 acres. Sept. 3, 17; Oct. 1; Nov. 26, Jan. 7.

SC Forestry Commission Oak Lea WMA. 102 ac.

Sept. 3, 17, Oct. 1; Jan. 7 & 14. Opening day participants selected by drawing.

***COLLETON**

DNR - Bear Island WMA Closed

DNR - Donnelley WMA

80 acres. Sept. 17, Sept. 24; Oct. 8; Nov. 23

DARLINGTON

DeWitt Property 50 acres.

1st, 2nd, and 3rd Seasons – Saturdays Only, Dove Hunting Only

FLORENCE

Santee Cooper – Pee Dee Station Site WMA

60 acres. 1st, 2nd, and 3rd Seasons Saturdays Only – Dove Hunting Only Opening day participants selected by drawing.

GEORGETOWN

DNR Samworth WMA Closed

***HAMPTON**

DNR - Webb Wildlife Center

30 acres - Sept. 17, 28; Oct. 8; Nov. 23.

LEXINGTON

Hallman Field

45 acres. 1st, 2nd, and 3rd seasons -Saturdays Only, Dove Hunting Only

MARLBORO

DNR - Lake Wallace WMA

50 acres. 1st, 2nd, and 3rd seasons Saturdays Only - Dove Hunting Only

MCCORMICK

U.S. Army Corps of Engineers - Bordeaux Work Center Field

40 acres. Sept.3 & 14; Oct 5; Nov. 23, Jan. 4 & 14 only, Dove Hunting Only.

U.S. Army Corps of Engineers – Parksville Field

22 acres. 1st season – Saturdays Only, 2nd & 3rd seasons – Open Mon. - Sat.

U.S. Forest Service- Cunningham Fields

40 acres. 1st season –Saturdays Only, 2nd & 3rd seasons - Open Mon. -Sat.

US Army Corp of Engineers - Plum Branch Saddle Club Fields

30 acres. 1st season – Saturdays Only, 2nd & 3rd seasons – Open Mon. - Sat.

U.S Forest Service - McCombs Tract Field

60 acres. 1st season – Saturdays Only, 2nd and 3rd season – Open Mon. - Sat.

U.S. Forest Service - Price Mill Field

60 acres. 1st season – Saturdays Only, 2nd and 3rd season – Open Mon. - Sat.

NEWBERRY

SCDOT McCullough Field

30 acres. Saturdays Only Beginning Sept. 10, Dove Hunting Only. Sept. 3 is Youth Hunt Only – Pre-registration required.

OCONEE

S.C. Forestry Commission - Piedmont Forestry Center

18 acres. Beginning Sept. 3 - Saturdays Only, Dove hunting only. 3rd season – Closed.

U.S. Forest Service – Long Creek Tract

In order to hunt, adults must have 1 or 2 youth age 17 or younger. Disability hunters must contact the U.S. Forest Service Andrew Pickens office 864-638-9568 for permit requirements and access.

20 acres. Sept. 3 is Youth Hunt Only – Pre-registration required. 1st season – Saturdays only beginning Sept. 17, 2nd season – Open November 19 Only – 3rd season – Closed.

U.S. Forest Service - Ross Mtn. Field

35 acres. Open 1st, 2nd & 3rd seasons Saturdays Only Beginning Sept. 3

*ORANGEBURG

Santee Cooper - Santee Cooper WMA

45 acres. Entire WMA under Dove Area Regulations. Sept. 3 is Youth Hunt Only – Pre-registration required. Sept. 17; Oct. 1; Nov. 23; Jan. 7.

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PICKENS

DNR Property

40 acres. Open 1st, 2nd & 3rd seasons Saturdays Only Beginning Sept. 3. Dove Hunting Only

Clemson University - Gravely WMA - Causey Tract

25 acres. Open 1st, 2nd & 3rd seasons Saturdays Only Beginning Sept 3.

DNR Property – Jocassee Gorges – Cane Creek Field

15 acres. Wednesday Only, Beginning Sept. 21

SPARTANBURG

Santee Cooper

15 acres. 1st season – Saturdays only, 2nd & 3rd seasons – Open Mon. – Sat.

Spartanburg Co Parks & Rec. Dept. – Inman Tract

20 acres. Saturdays Only, Dove Hunting Only.

SUMTER

S.C. Forestry Commission - Manchester State Forest

Bland Field 1 50 ac. Sept. 3 is Youth Hunt Only – Pre-registration required. 1st season – Sat (Designated Fields)

2nd & 3rd seasons - Open Mon. - Sat. (Designated Fields and the general forest).

Bland Field 2 50 acres 1st season – Sat (Designated Fields) 2nd & 3rd seasons - Open Mon. - Sat. (Designated Fields and the general forest).

Bird Haven Field 25 acres. 1st season – Sat (Designated Fields) 2nd & 3rd seasons - Open Mon. - Sat. (Designated Fields and the general forest).

Tuomey Field A 50 acres. Opening day participants selected by drawing. 1st season – Sat (Designated Fields)

2nd & 3rd seasons - Open Mon. - Sat. (Designated Fields and the general forest).

Tuomey Field B 20 acres. Opening day participants selected by drawing. 1st season – Sat (Designated Fields).

2nd & 3rd seasons - Open Mon. - Sat. (Designated Fields and the general forest).

UNION

DNR Thurmond Tract

15 acres. 1st season – Saturdays Only 2nd & 3rd seasons open Mon. – Sat.

Sedalia (U.S. Forest Service)

15 acres. 1st season – Saturdays – Beginning Sept. 10. Sept. 3 is Youth Hunt Only – Pre-registration required.

2nd & 3rd seasons - Open Mon. - Sat.

YORK

DNR - Draper Tract

45 acres (two fields). 1st season –Saturdays Only, 2nd & 3rd seasons Open Mon. - Sat. Opening day participants selected by drawing.

York County – Worth Mountain WMA

40 acres planted. 1st season – Saturdays only, 2nd & 3rd seasons Open Mon. - Sat.

SPECIAL YOUTH DOVE HUNTS:

Eligibility for these hunts requires adults 21 years or older to bring 1 or 2 youths 17 years of age and younger. The following regulations also apply on Special Youth Dove Hunts: (1) Adults accompanying youth are NOT allowed to shoot at any time during Special Youth Dove Hunts. (2) Adults must remain in the field and closely supervise participating youth at all times. (3) In parties of one adult and 2 youths, only one youth hunter may be handling a loaded firearm at any given time. (4) Bag limit is 15 birds per youth participant. Birds harvested by individual hunters must be kept separate and in no instance may an individual hunter harvest more than 15 birds.

ABBEVILLE COUNTY YOUTH HUNT

U.S. Forest Service – Bass Road Field

September 3 - Participants selected by drawing.

ANDERSON COUNTY YOUTH HUNT

Simpson Agriculture Station

September 3 - Participants selected by drawing.

CHARLESTON COUNTY YOUTH HUNT

Botany Bay Plantation WMA

Sept. 3, 17; Nov. 19; Dec. 28; Jan. 14

No pre-registration required.

NEWBERRY COUNTY YOUTH HUNT

SCDOT – McCullough Field

September 3 - Participants selected by drawing.

OCONEE COUNTY YOUTH HUNT

U.S. Forest Service – Long Creek Tract

September 3 - Participants selected by drawing.

ORANGEBURG COUNTY YOUTH HUNT

Santee Cooper – Santee Cooper WMA

September 3 - Participants selected by drawing.

SUMTER COUNTY YOUTH HUNT

Manchester State Forest near Wedgefield Bland Tract – Field 1.

September 3 - Participants selected by drawing.

UNION COUNTY YOUTH HUNT

U.S. Forest Service near Sedalia

September 3 - Participants selected by drawing.

YORK COUNTY YOUTH HUNT

DNR Draper WMA

September 3 - Participants selected by drawing.

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Statement of Need and Reasonableness:

Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on new WMAs as well as expanding use opportunities on existing WMAs. Since the availability of specific fields changes each year and season dates change as allowed by Federal Regulation it is necessary to file Dove Field regulations annually. Because these hunts extend to January 15, it is necessary to re-file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

This amendment of Regulation 123-40 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Filed: November 29, 2011 9:20am

Document No. 4221

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-96, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-520, 50-11-530, 50-11-854, 50-11-2200 and 50-11-2210

123-40. Wildlife Management Area Regulations

Emergency Situation:

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Number 123-40. These regulations set open and closed seasons, bag limits and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife on Wildlife Management Areas. Because the hunting seasons on many of these areas extend through January 1, it is necessary to re-file these regulations as emergency.

Text:

123-40. Wildlife Management Area Regulations.

1.1 The following regulations amend South Carolina Department of Natural Resources regulation Numbers 123-40.

1.2. 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

Chauga, Franklin L. Gravely, Caesar's Head

Still Gun Hunts For Deer Only (No dogs)	Oct. 11 through Oct. 16 Oct. 31 – Jan. 1	Total of 7 deer for all gun hunts. 2 deer buck ONLY, except either-sex on days specified in Reg. 4.2. Archers allowed to take either-sex during entire period.
Special Party Dog Hunt For Bear Only	Oct. 24 through Oct. 30	5 bears per party, no bears 100 lbs.or less, no sow with cubs at her side. Groups hunting together are considered 1 party. Hogs no limit.

Hogs and Coyotes

On each WMA property, feral hogs and coyotes may be taken during the open season for any game. No hog hunting with dogs except during special designated hog hunts with dogs and the during the party dog hunts for bear. Hog hunters must use small game weapons during small game-only season. Hog hunters are required to wear hat, coat or vest of solid international orange color while hunting. No hogs may be taken alive from WMA.

Hog Hunts with Dogs (handguns only) Four dog limit per party.	Jan. 2 – Mar. 1. Daylight hours only	No limit.
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(B) Game Zone 2

Hogs and Coyotes: On WMA lands in Game Zone 2, feral hogs and coyotes may be taken during the open season for any game. No hog hunting with dogs except during special designated hog hunts with dogs. Hog hunters must use small game weapons during small game-only season. Hog hunters are required to wear hat, coat or vest of solid international orange color while hunting. No hogs may be taken alive from WMA.

Hog Hunts with Dogs (pistols only) Four dog limit per party.	Feb. 1 – Feb. 15	No limit.
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Keowee WMA

Hogs and Coyotes: On Keowee WMA property, feral hogs and coyotes may be taken during the open season for any game. No hog hunting with dogs. Hog hunters must use small game weapons during small game-only season. Hog hunters are required to wear hat, coat or vest of solid international orange color while hunting. No hogs may be taken alive from WMA.

Fants Grove WMA

Hogs and Coyotes: On Fants Grove WMA, feral hogs and coyotes may be taken during the open season for any game. No hog hunting with dogs. Hog hunters must use small game weapons during small game-only season. Hog hunters are required to wear hat, coat or vest of solid international orange color while hunting. No hogs may be taken alive from WMA.

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(G) Francis Marion National Forest

During still gun hunts for deer there shall be no hunting or shooting from, on or across any road open to vehicle traffic. No buckshot on still gun hunts. During deer hunts when dogs are used buckshot only is permitted. On either-sex deer hunts with dogs, all deer must be checked in by one hour after legal sunset. On all still gun and muzzleloader either-sex hunts for all units, all does must be tagged with an individual antlerless deer tag except when harvested on county-wide either-sex days. Individual antlerless deer tags are valid on days not designated as either-sex on or after Oct. 1 for still hunting only. 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. Hogs may be harvested during any scheduled hunt. No fox or coyote hunting with dogs on the Francis Marion.

Total of 4 deer for all gun and muzzleloader hunts on the Francis Marion.

Still Hog Hunts (no dogs) Mar. 2 – Mar. 20
Archery, crossbows,
centerfire rifles, muzzleloading
rifles, centerfire handguns and
shotguns with slugs only.

Hogs only, no limit.

Hellhole WMA

Small Game No hunting before Sept. 1 or after
No open season Mar. 1; otherwise Game Zone 6
for fox hunting seasons apply. Dogs allowed during
small game gun season only. Closed
during scheduled periods using dogs to
hunt deer or hogs.

Game Zone 6 bag limits
except Quail- 8 per day.

(H) Moultrie

Porcher WMA

Small Game Jan. 2 through Mar.1
(No open season on
fox squirrels) Shotguns
only.

Game Zone 6 bag limits.
Except quail 8 per day.

(J) Webb WMA

Data cards are required for hunter access. Completed data cards must be returned daily upon leaving Webb WMA.

Quail Hunts

2nd and 4th Wed. in Jan.
2nd and 4th Sat. in Jan.
1st and 3rd Sat. in Feb.
1st and 3rd Wed. in Feb.

8 quail per day
Shooting hours end 30
minutes prior to official
sunset.

Still Hog Hunts (no dogs)	4 th Thurs. – Sat. in Feb.	No limit.
Archery, crossbows,	2 nd Thurs. – Sat. in May	
centerfire rifles, muzzleloading	1 st Thurs. – Sat. in Sept.	
rifles, centerfire handguns and		
shotguns with slugs only.		

(N) Bear Island WMA

All hunters must sign in and out at the Bear Island Office. Hunting in designated areas only. Hogs may be harvested during any scheduled hunt.

Quail	Quail hunting Tue. only beginning the Tue. after Federal youth waterfowl day - Mar. 1.	Game Zone 6 bag limits.
Other Small Game No open season on fox squirrels.	Beginning the Wed. after Federal youth waterfowl day – Mar. 1. Wed. and Sat. Only	Game Zone 6 bag limits.
Raccoon/Opossum	Beginning the Wed. after Federal youth waterfowl day – Mar. 15. Wed. and Fri. Nights Only	Game Zone 6 bag limits.
Alligator Hunts Bear Island East and West Units only.	Hunters selected by drawing only. Limited season with restricted access.	1 alligator per selected hunter.

(R) Santee Coastal Reserve WMA

Deer hunters must sign in and sign out and complete a data card on harvested animals. Hogs may be harvested during any scheduled hunt.

Alligator Hunts Cape Unit only.	Hunters selected by drawing only. Limited season with restricted access.	1 alligator per selected hunter.
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(T) Woodbury WMA

Special Hog Still Hunt (No dogs)	Mar. 1 – 3 rd Sat. in Mar. May 2 – last Sat. in June	Hogs <u>only</u> , no limit.
Archery, crossbows, centerfire rifles, muzzleloading rifles,	(Thurs. - Sat. only). 1 st Mon. in Aug. – last Sat. in	
centerfire handguns and shotguns with slugs only.	Aug. (Thurs. – Sat. only).	
Special Hog Hunt With dogs	1 st Mon. in Jan. - 4 th Sat. in Jan. 1 st Mon. in July – last Sat. in July (Thurs. – Sat. only).	Hogs only, no limit. Limit of 4 bay or catch dogs per party, no live hogs removed from WMA. Handguns only.

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(U) Manchester State Forest WMA

Deer

Total of 5 deer per season for all hunts.

Still Gun Hunts
(No Dogs, no buckshot)

5th Mon. in Sept. – following Sat.
1st Mon. in Oct. – following Sat.
2nd Mon. in Oct. – following Sat.
3rd Tues. in Oct. – following Fri.
4th Tues. in Oct. – following Fri.
5th Tues. in Oct. – following Thurs.

1st Tues. in Nov. – following Fri.
2nd Tues. in Nov. – following Sat.
3rd Tues. in Nov. – following Fri.
Mon. – Sat. the week of Thanksgiving.
4th Mon. in Nov. – following Fri.

1 per day, buck only
except on either-sex hunts
published annually.

In years when there is a fifth
Tuesday in Oct., additional
deer hunts may be scheduled on
Fridays and Saturdays during
October and November.

1st Tues. in Dec. – following Fri.
First full week following the 1st
Tues. in Dec. – following Fri.
Second full week following the 1st
Tues. in Dec. – following Fri.
Third full week following 1st Tues.
in Dec. – following Sat.

In years when there is a fifth
Monday in Dec. additional
hunts may be scheduled that
week.

(V) Sand Hills State Forest WMA

Special Coyote Still Hunt
Archery, crossbows, centerfire
rifles, muzzleloading rifles,
centerfire handguns and
shotguns. No dogs.

Mar. 1 – 3rd Sat. in Mar.

Coyotes only, no limit.

(W) Marsh WMA

Special Hog
Still Hunt (No dogs)
Archery, crossbows, centerfire
rifles, muzzleloading rifles,
centerfire handguns and
shotguns with slugs only.

Mar. 1 – 3rd Sat. in Mar.
May 2 – last Sat. in June
(Thurs. - Sat. only).
1st Mon. in Aug. – last Sat. in
Aug. (Thurs. – Sat. only).

Hogs only, no limit.

Special Hog Hunt
With dogs

1st Mon. in Jan. -
4th Sat. in Jan.

1st Mon. in July – last Sat.
in July (Thurs. – Sat. only).

Hogs only, no limit. Limit of 4
bay or catch dogs per party,
no live hogs removed from
WMA. Handguns only.

(X) Hamilton Ridge WMA

Quality Deer Management Area – Antlered deer must have at least 4 points on 1 side or a minimum 12-inch antler spread. A point must be at least 1 inch long measured from the nearest edge of main beam to the top of the point. No more than 3 bucks total may be taken during all seasons combined regardless of method. Firearms must be unloaded and cased when not hunting. No hunting or shooting from, on, or across any roads open to vehicular traffic. Scouting and stand placement allowed 1 day prior to hunts. No buckshot. Hogs may be taken only during deer hunts or scheduled hog hunts. All taken must be killed where taken. Horseback riding by permit only. No ATVs allowed. Data cards are required for hunter access. Completed data cards must be returned daily upon leaving Hamilton Ridge WMA.

Deer

Muzzleloader and Archery (No dogs)	1st full week in Nov.	2 deer per hunt period, either-sex, only 1 buck. Hogs no limit.
Archery Only (No dogs)	3 rd Mon- Sat. in Sept. 4 th Mon. – Sat. in Oct. 1 st week in Nov. 2 nd Mon. – Sat. in Nov. 2 nd Thur. – Sat. in Dec.	2 deer per hunt period, either-sex, only 1 buck. Hogs no limit.

Quail Hunts

	2 nd and 4 th Wed. in Jan. 2 nd and 4 th Sat. in Jan. 1 st and 3 rd Sat. in Feb. 1 st and 3 rd Wed. in Feb.	8 quail per day Shooting hours end 30 minutes prior to official sunset.
Still Hog Hunts (no dogs) Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.	4 th Thurs. – Sat. in Feb. 2 nd Thurs. – Sat. in May 1 st Thurs. – Sat. in Sept.	No limit.

Hog hunters are required to wear hat, coat or vest of solid international orange color while hunting.

(Z) Donnelley WMA**Deer**

All hunters must sign in and out at the check station. Hunting in designated areas only. Scouting season for archery only on the day before season opens. Hogs can be harvested during any scheduled hunt only with weapons allowed for the current open season.

Small Game No open season for fox squirrels.	Wed. and Sat. Dec. 6 - Mar. 1	Game Zone 6 Bag Limits.
Raccoon and Opossum	Tues. and Fri. Nights Dec. 6 - Mar. 15.	Raccoon - Game Zone 6 Bag Limits, opossum - no limit.

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(AA) Little Pee Dee River Complex WMA

Includes Little Pee Dee River HP, Tilghman HP, Dargan HP, and Ward HP in Horry and Marion counties. This also includes the Upper Gunter's Island and Huggins tracts in Horry Co. which are part of Dargan HP. Still hunting only, no deer dogs, no buckshot, no hunting from vehicles or watercraft, or from or on any roads open to vehicular traffic. Hogs may be harvested during any scheduled hunt only with weapons allowed for the current open season.

Special Hog Still Hunt (no dogs) Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.	Mar. 1 – 20.	Hogs only, no limit, no bay or catch dogs.
Special Hog Hunt With Dogs Buckshot and rimfire Firearms not permitted.	Mar. 26 – 31.	No limit, handguns only, no more than 4 bay or catch dogs per party. No live hogs removed from WMA.
Raccoon	Sept. 15 – Mar. 1.	3 per party per night.

(DD) Palachucola WMA

Deer Hunts

Deer hunting or shooting will not be allowed from or on roads open to vehicle traffic. Data cards are required for hunter access. Completed data cards must be returned daily upon leaving Palachucola WMA.

Archery (No dogs)	3 rd Thurs. – Sat. in Dec.	3 deer, either-sex except only 1 buck with a minimum 4 points on one side or a minimum 12-inch antler spread.
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Quail Hunts

	2 nd and 4 th Wed. in Jan. 2 nd and 4 th Sat. in Jan. 1 st and 3 rd Sat. in Feb. 1 st and 3 rd Wed. in Feb.	8 quail per day Shooting hours end 30 minutes prior to official sunset.
Still Hog Hunts (no dogs) Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.	4 th Thurs. – Sat. in Feb. 2 nd Thurs. – Sat. in May 1 st Thurs. – Sat. in Sept.	No limit.

Hog hunters are required to wear a hat, coat or vest of solid international orange color while hunting. Hunters must sign register at Webb WMA upon entering and leaving the Palachucola WMA. No hogs may be taken alive from Palachucola WMA.

(FF) Waccamaw River Heritage Preserve WMA

Special Hog Still Mar. 1 – 20.

Hunt (no dogs)

Archery, crossbows, centerfire
rifles, muzzleloading rifles,
centerfire handguns and shotguns
with slugs only.Hogs only, no limit,
no bay or catch dogs.

Hog hunt with dogs

Mar. 21 – 25.

No limit, sidearms only, no
More than 4 bay or catch dogs
per party, no live hogs removed
from WMA.**(II) Cartwheel Bay HP**

Deer Hunts

Total 3 deer for all hunts combined.
Hogs no limit.**~~(LL) Sandy Island WMA:~~**~~Hunting from vehicles prohibited.~~~~Deer~~~~Total 3 deer per season not
to include more than 1 buck.~~~~Archery Only~~~~Oct. 1 – Nov. 30~~~~1 deer per day, either sex.
Hogs and coyotes no limit.~~**(NN) Dungannon WMA**

Deer Hunts

(No dogs)

Total 8 deer per season.

Archery

(No dogs)

Oct. 15 through Dec. 1

2 deer per day, either-sex.
Hogs no limit.**(QQ) Oak Lea WMA**

Deer

Total 10 deer per season.

Archery

Sept. 15 through Sept. 22

2 deer per day, either-sex.

Archery & Muzzleloader

Sept. 23 through Sept. 30

2 deer per day, either-sex.

(SS) Edisto River WMA

Hogs may be harvested during any scheduled hunt.

Still Gun Hunts

Monday following the closing
of muzzleloader season
through Dec. 31.1 per day, either-sex
each Fri. & Sat. in Nov.
Hogs, no limit.

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(UU) Wee Tee WMA

Special Hog Still Hunt (No dogs)	Mar. 1 – 3 rd Sat. in Mar. May 2 – last Sat. in June (Thurs. - Sat. only).	Hogs only, no limit.
Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.	1 st Mon. in Aug. – last Sat. in Aug. (Thurs. – Sat. only).	
Special Hog Hunt With dogs	1 st Mon. in Jan. - 4 th Sat. in Jan. 1 st Mon. in July – last Sat. in July (Thurs. – Sat. only).	Hogs only, no limit. Limit of 4 bay or catch dogs per party, no live hogs removed from WMA. Handguns only.

(VV) Bonneau Ferry WMA

~~Hog hunters are required to wear hat, coat or vest of solid international orange color while hunting. Hunters must sign in and sign out and record harvested hogs at the kiosk at the main entrance. Hunts from legal sunrise to legal sunset. Both Sides (A & B) are open to hog hunting with no youth restrictions.~~

Special Hog Hunt	March 5, 6, 20	Hogs only, no limit. Limit of 4
With dogs	May 7,8	bay or catch dogs per party,
One shotgun per party		hogs may not be transported
(buckshot only) and		alive.
centerfire handguns		

(YY) Botany Bay Plantation WMA

Raccoons and Opossum	Jan. 2 – Mar. 15 (Wed. - Fri. only)	Game Zone 6 bag limits.
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WILDLIFE MANAGEMENT AREA REGULATIONS

General

2.14 On WMA lands, hunting armadillos, coyotes and hogs at night is prohibited. Armadillos and coyotes may be hunted during any open season for game during daylight hours. Weapon(s) used to hunt armadillos and coyotes are limited to the weapon(s) that are allowed for the current open season on WMA.

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.

5.6 On WMA lands, dogs may be used to hunt hogs only during special designated hog hunts with dogs.

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, except hunters for dove, turkey, ducks, geese and other hunted migratory birds including crows are exempt from this requirement while hunting for those species.

10.14 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 bird seasons only on days when small game hunting is allowed.

10.15 Category I Designated Waterfowl Areas include Beaverdam, Bonneau Ferry, Broad River, Clemson, Sandy Beach, Samworth, Santee Coastal Reserve, Santee-Delta, Tibwin, Bear Island, and Donnelley Wildlife Management Areas. Hunting in Category I Designated Waterfowl Areas is by special permit obtained through annual computer drawing.

10.16 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, Santee Cooper and 40 Acre Rock Waterfowl Management Areas. Hunting on Category II Designated Waterfowl Areas is in accordance with scheduled dates and times.

DESIGNATED WATERFOWL AREAS

Area	Open dates inclusive	Bag Limits
Santee Cooper	Sat. AM only during regular season.	Federal Limits

Statement of Need and Reasonableness:

Periodically, additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs. Amendments are needed to allow additional opportunity. Because some hunts extend through January 1, it is necessary to re-file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

This amendment of Regulation 123-40 will result in increased public hunting opportunities that should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Document No. 4203
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27
Statutory authority: 1976 Code Sections 47-4-30 and 47-17-130

27-1023. State Meat Inspection Regulations

Synopsis:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce. These updated regulations are necessary to comply with the Federal Meat Inspection Act (21 USCA 661, Section 301) which established Federal-State Cooperative Meat Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations “at least equal to” those adopted by the federal government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 26, 2011.

Instructions:

Replace R.27-1023 with the following amendment.

Text:

27-1023. State Meat Inspection Regulations.

A. Definitions.

1. Commission means the State Livestock-Poultry Health Commission, Clemson University.
2. Director means the Director, Livestock-Poultry Health Programs, Clemson University.
3. Custom Processor means the custom preparation by any person of carcasses, parts thereof, meat or meat food products derived from the slaughter by any individual of cattle, sheep, swine or goats of his own raising or from game animals, delivered by the owner thereof for such custom preparation and transportation in commerce of such custom prepared article, exclusively for the use in the household by the owner and members of the owners household and the owners non-paying guests and employees in an establishment permitted by the State Meat Inspection Department for that purpose.

B. Permit Required; Fee; Application; Refusal, Revocation or Suspension.

1. Custom processors shall secure a permit from the Commission.
2. The permit fee is twenty-five dollars (\$25.00) annually or for part of a year. The permit year is July 1 to June 30. The fee must be retained by the Commission. The Commission by regulation may increase the fee to not more than fifty dollars (\$50.00).
3. The Commission, for cause, may refuse to grant a permit, may revoke or modify a permit, or assess a civil penalty in accordance with Section 47-4-130, South Carolina Code of Laws (1976) as amended.

C. Adoption of Federal Meat Inspection Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Meat Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 300-321, 325, 329, 332, 335, 352 and 354, and Subchapter E, Parts 416-417, 424, 430, 441, 442 and 500 and all changes thereto in effect as of January 1, 2012 are hereby adopted as the State Meat Inspection Regulations, with exceptions as noted below.

D. Exceptions to the Federal Meat Inspection Regulations.

1. Subchapter A, Part 303 – Exemptions, Section 303.1(a)(2). The provisions of this section related to custom slaughter of livestock do not apply. Custom slaughtering is not a specified exemption in the State Meat and Meat Foods Regulations and Inspection Law of 1967.

2. Subchapter A, Part 307, Section 307.5(a) – Overtime Inspection Service. Fees and charges for overtime inspection service will be established, as required, by the Commission.

3. Subchapter A, Part 307, Section 307.5(b) – Holiday Inspection Service. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.

4. Subchapter A, Part 312 – Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

5. Subchapter A, Part 352, Section 352.5 – Holiday and Overtime Inspection Services. Fees and charges for overtime and state holiday inspection services will be established, as required by the Commission.

6. Subchapter A, Part 352, Section 352.7 – Marking Inspected Products. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

E. In addition to temporary suspension in whole or in part of inspection services, as provided for in this regulation, the Director may, when he determines that the operator of any official establishment or any subsidiary therein, acting within the scope of his office, employment or agency, has threatened to forcible assault or has forcibly assaulted, intimidated, harassed or interfered with any program employees in or on account of his official duties under the law, assess a civil penalty in accordance with Section 47-4-130(b), S.C. Code of Laws, (1976) as amended.

F. The complete text of these regulations is available for review at the Meat-Poultry Inspection Department, Livestock-Poultry Health Program, Clemson University.

Document No. 4204

CLEMSON UNIVERSITY

STATE LIVESTOCK-POULTRY HEALTH COMMISSION

CHAPTER 27

Statutory Authority: 1976 Code Sections 47-4-30, 47-19-30, and 47-19-170

27-1022. State Poultry Products Inspection Regulations

Synopsis:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act (21 USCA 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations “at least equal to” those adopted by the federal government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 26, 2011.

Instructions:

Replace R.27-1022 with the following amendment.

144 FINAL REGULATIONS

Text:

27-1022. State Poultry Products Inspection Regulations.

A. Definitions.

1. Commission means the State Livestock-Poultry Health Commission, Clemson University.
2. Director means the Director, Livestock-Poultry Health Commission, Clemson University.

B. Adoption of Federal Poultry Products Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Poultry Products Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 362 and 381 and Subchapter E. Parts 416-417, 424, 430, 441, 442 and 500 and all changes thereto in effect as of January 1, 2012 are hereby adopted as the State Poultry Inspection Regulations, with exception as noted below.

C. Exceptions to the Federal Poultry Products Inspection Regulations.

(1) Subchapter A, Part 362, Voluntary Poultry Inspection Regulations, Section 362.5. Fees and charges for voluntary inspection services will be established, as required, by the Commission.

(2) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.38. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.

(3) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.39. Fees and charges for overtime and holiday inspection services will be established, as required, by the Commission.

(4) Subchapter A, Part 381, Subpart M, Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

D. The complete text of these regulations is available for review at the Meat-Poultry Inspection Department, Livestock-Poultry Health Programs, Clemson University.

Document No. 4209

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004) and 59-40-10 et seq. (2004 and Supp. 2010); Public Law 111-117, December 16, 2001, Consolidated Appropriations Act, 2010

43-601. Procedures and Standards for Review of Charter School Applications

Synopsis:

This regulation sets forth the standards for the review of charter school applications. To qualify for federal charter school funds, certain assurances need to be met. One of those assurances is that student academic achievement for all groups of students must be the primary factor when determining to renew or revoke a school's charter. We are proposing to amend R.43-601 to require that for charter schools that receive federal charter school grant funds, student academic performance be the most important factor in the renewal or revocation of a charter.

The Notice of Drafting was published in the *State Register* on August 26, 2011.

Instructions:

The following section of Regulation 43-601 is modified as provided below. All other items and sections remain unchanged.

Text:

43-601. Procedures and Standards for Review of Charter School Applications.

VII. FEDERAL CHARTER SCHOOL GRANT SCHOOLS

A. Annual Audits

Charter schools that receive federal charter school grant funds must have an annual independent audit conducted by a qualified auditing or accounting firm and must file the audit annually with the school's authorized public chartering agency.

B. Academic Achievement

1. Charter schools must be proposed with the intent of improving student academic achievement. The charter school must demonstrate that student academic achievement is improving.

2. Charter schools must provide evidence of increased student academic achievement for all groups of students described in Section 1111(b)(2)(C)(v) of the ESEA. Authorizers must use increases in student academic achievement for all students described in ESEA as the most important factor when determining to renew or revoke a school's charter. Authorizers and charters must enter a contractual agreement that student performance of all students described in ESEA is the most important factor when determining to renew or revoke a school's charter.

VIII. GUIDELINES

The South Carolina Department of Education may issue guidelines to assist charter schools in complying with federal legislation, including, but not limited to, No Child Left Behind and the Individuals with Disabilities

Fiscal Impact Statement:

There will be no increased costs to the state or its political subdivisions.

Statement of Rationale:

The purpose of the proposed amendments is to add language to clarify certain requirements related to charter schools that receive the federal charter schools grant funds and to ensure that charter schools are in compliance with federal requirements related to the federal charter schools grant program.