

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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of the
GENERAL ASSEMBLY

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2021 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	1/8	2/12	3/12	4/9	5/14	6/11	7/9	8/13	9/10	10/8	11/12	12/10
Publishing Date	1/22	2/26	3/26	4/23	5/28	6/25	7/23	8/27	9/24	10/22	11/26	12/24

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 212-4500.

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

SUBSCRIPTIONS

The *South Carolina State Register* is available electronically through the South Carolina Legislature Online website at www.scstatehouse.gov, or in a printed format. Subscriptions run concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for the printed format is \$90.00 plus applicable sales tax. Payment must be made by check payable to the Legislative Council. To subscribe, complete the form below and mail with payment.

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 South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regsrch.php>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY	HOUSE COMMITTEE	SENATE COMMITTEE
4952			Procedure to Employ, through Contract or Otherwise, Qualified, Independent Third-Party Consultants or Experts	01/21/2022	Public Service Commission	Regs and Admin Procedures	Judiciary
5028			Term and Universal Life Insurance Reserve Financing	01/31/2022	Department of Insurance	Regs and Admin Procedures	Banking and Insurance
5029			Credit for Reinsurance	01/31/2022	Department of Insurance	Regs and Admin Procedures	Banking and Insurance
5033			Raw Milk for Human Consumption; and Pasteurized Milk and Milk Products	03/14/2022	Department of Health and Envir Control	Regs and Admin Procedures	Ag and Nat Resources
5032			Seed Certification	03/16/2022	Clemson University	Regs and Admin Procedures	Ag and Nat Resources
5034			Emergency Temporary Work Permits	03/28/2022	LLR-Board of Cosmetology	Regs and Admin Procedures	Labor, Commerce and Industry
5037			Licensing Provisions; and Continuing Education	05/08/2022	LLR-Board of Funeral Service	Regs and Admin Procedures	Labor, Commerce and Industry
5043			Price Changes for Forest Tree Seedlings	05/11/2022	Commission of Forestry		
5044			General Regulations on South Carolina Forestry Commission Lands	05/11/2022	Commission of Forestry		
5045			Hunting and Fishing Regulations on State Forest Lands Established as Wildlife Management Areas	05/11/2022	Commission of Forestry		
5046			Allocation of Forest Tree Seedlings in Short Supply	05/11/2022	Commission of Forestry		
Committee Request Withdrawal							
4977			Standards for Licensing Day Care Facilities for Adults	Tolled	Department of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
4993			South Carolina Jobs-Economic Development Authority	Tolled	SC Jobs-Economic Development Auth	Regs and Admin Procedures	Labor, Commerce and Industry

2 EXECUTIVE ORDERS

Executive Order No. 2021-28

WHEREAS, on July 12, 2021, a Grand Jury convened in Lexington County returned two Indictments charging Jerald E. Sanders, Mayor of the Town of Swansea, with one count of Misconduct in Office, in violation of the Common Law of South Carolina, and one count of Embezzlement of Public Funds (less than \$10,000), in violation of section 16-13-210 of the South Carolina Code of Laws, as amended; and

WHEREAS, Jerald E. Sanders, as Mayor of the Town of Swansea, is an officer of the State or its political subdivisions; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, *inter alia*, that upon indictment by a grand jury of any officer of the State or its political subdivisions who has the custody of public or trust funds with embezzlement or the appropriation of public or trust funds to private use, “the Governor shall suspend such officer and appoint one in his stead, until he shall have been acquitted,” and “[i]n case of conviction, the position shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, article VI, section 8 of the South Carolina Constitution further provides, in relevant part, that “[a]ny officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . may be suspended by the Governor until he shall have been acquitted” and “[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, under South Carolina law, moral turpitude “implies something immoral in itself,” *State v. Horton*, 271 S.C. 413, 414, 248 S.E.2d 263, 263 (1978), and “involves an act of baseness, vileness, or depravity in the social duties which a man owes to his fellow man or society in general, contrary to the accepted and customary rule of right and duty between man and man,” *State v. Major*, 301 S.C. 181, 186, 391 S.E.2d 235, 238 (1990); and

WHEREAS, in addition to the foregoing authorities, section 8-1-110 of the South Carolina Code of Laws, as amended, requires that upon indictment of any officer who has the custody of public or trust funds on charges of embezzlement or the appropriation of public or trust funds to private use, “the Governor shall suspend such officer and appoint one in his stead until he shall have been acquitted by the verdict of a jury” and “[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, the aforementioned Indictments include one or more counts charging Jerald E. Sanders with “embezzlement or the appropriation of public or trust funds to private use,” “a crime involving moral turpitude,” or both, for purposes of article VI, section 8 of the South Carolina Constitution, *see Baddourah v. McMaster*, 433 S.C. 89, 114, 856 S.E.2d 561, 574 (2021); *State v. Gregory*, 191 S.C. 212, 4 S.E.2d 1, 3 (1939); *In re Lee*, 313 S.C. 142, 143–44, 437 S.E.2d 85, 86 (1993); and

WHEREAS, in accordance with article VI, section 8 of the South Carolina Constitution and section 8-1-110 of the South Carolina Code of Laws, the undersigned is authorized to suspend Jerald E. Sanders from office as Mayor of the Town of Swansea and designate or appoint an individual to serve in his stead until such time as he shall be acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first; and

WHEREAS, pursuant to section 5-7-190 of the South Carolina Code of Laws, as amended, “[t]he mayor pro tempore shall act as mayor during the absence or disability of the mayor.”

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby suspend Jerald E. Sanders from office as Mayor of the Town of Swansea until such time as he shall be formally acquitted or convicted or until a successor is appointed or elected and qualifies as provided by law, whichever event occurs first. Accordingly, pursuant to article VI, section 8 of the South Carolina Constitution

EXECUTIVE ORDERS 3

and section 8-1-110 of the South Carolina Code of Laws, I hereby designate the Mayor Pro Tempore of the Town of Swansea to serve as Mayor of the Town of Swansea until such time as Jerald E. Sanders shall be formally acquitted or convicted or until a successor is appointed or elected and qualifies as provided by law, whichever event occurs first. This action in no manner addresses the guilt or innocence of Jerald E. Sanders and shall not be construed as an expression of any opinion on such question. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 12th DAY OF JULY, 2021.**

**HENRY MCMASTER
Governor**

4 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **August 27, 2021**, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201, at (803) 545-4200, or by email at coninfo@dhec.sc.gov.

Affecting Berkeley County

PPCP Endoscopy, LLC d/b/a PPCP Endoscopy Center

Construction for the establishment of a 6,580 sf ambulatory surgery facility including 3 operating rooms restricted to gastrointestinal endoscopy procedures at a total project cost of \$4,610,810.

Affecting Florence County

McLeod Regional Medical Center of the Pee Dee, Inc.

Purchase of a da Vinci XI robotic surgical system at a total project cost of \$2,296,000.

Affecting Horry County

Pathway Treatment Center, LLC

Renovation of a 5,601sf facility for the establishment of an opioid treatment program (OTP) in Horry county at a total project cost of \$967,764.

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 **August 27, 2021**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200 or email coninfo@dhec.sc.gov.

Affecting Beaufort County

ENT and Allergy Partners, LLC d/b/a The Surgery Center of Bluffton

Construction of an ambulatory surgery facility with 1 operating room specializing in ENT procedures at a total project cost of \$8,048,671.

Affecting Georgetown County

Georgetown Hospital System d/b/a Tidelands Health d/b/a Tidelands Health Waccamaw Community Hospital

Purchase of a da Vinci Xi Robotic Surgical System at a total project cost of \$2,132,000.

Affecting Lancaster County

Carolina Surgery Center, LLC d/b/a The Surgery Center at Edgewater

Renovation of existing space for the establishment of a 2,670 sf ambulatory surgery center to include 2 operating rooms at a total project cost of \$4,629,919.

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

Proviso 34.63 (DHEC: Permit Extension) of the 2021-2022 General Appropriations Bill, H.4100, requires that the Department of Health and Environmental Control (“Department”) provide notice of the extension of expiration dates for certain Department-issued permits.

Synopsis:

Proviso 34.63, effective July 1, 2021, extends the expiration and any associated vested right of a critical area permit or navigable water permit issued by the Department for the construction of a dock until June 30, 2022, provided the permit is valid on July 1, 2021, or at any time during the previous eighteen months.

This proviso does not affect Department permits issued pursuant to R.30-12(N), Access to Coastal Lands.

For questions concerning this notice, please contact Ms. Barbara Neale at nealeb@dhec.sc.gov or by phone at (843) 953-0245 for OCRM permits; or Mr. Chuck Hightower at hightocw@dhec.sc.gov or by phone at (803) 898-0369 for Navigable Waters permits. The official text of Proviso 34.63 is available at https://www.scstatehouse.gov/sess124_2021-2022/appropriations2021/tap1b.htm#s34.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BUILDING CODES COUNCIL****NOTICE OF GENERAL PUBLIC INTEREST**

Notice is hereby given that, in accordance with Section 6-9-40 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:

2021 Edition of the International Building Code;
2021 Edition of the International Residential Code;
2021 Edition of the International Fire Code;
2021 Edition of the International Plumbing Code;
2021 Edition of the International Mechanical Code;
2021 Edition of the International Fuel Gas Code;
2020 Edition of the National Electrical Code.

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 Molly F. Price, Council Administrator, at PO Box 11329 Columbia, SC 29211-1329, or to contact.bcc@llr.sc.gov on or before September 22, 2021. Additional information may be found on the Council’s website at www.llr.sc.gov/bcc.

6 NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION BUILDING CODES COUNCIL

NOTICE OF GENERAL PUBLIC INTEREST

NOTICE OF PUBLIC HEARING

The South Carolina Department of Labor, Licensing and Regulation and the Building Codes Council do hereby give notice under Section 6-9-40(A)(3) and (4), of the South Carolina Code of Laws, as amended, that a public hearing will be held on September 28, 2021, at the South Carolina Fire Academy in the Denny Auditorium, 141 Monticello Trail, Columbia, SC 29203, at 10:30 A.M., at which time interested persons will be given the opportunity to appear and present views to the Council's appointed Study Committee on the following building codes for use in the State of South Carolina.

Mandatory codes include the:

2021 Edition of the International Building Code;
2021 Edition of the International Residential Code;
2021 Edition of the International Fire Code;
2021 Edition of the International Plumbing Code;
2021 Edition of the International Mechanical Code;
2021 Edition of the International Fuel Gas Code;
2020 Edition of the National Electrical Code.

Any person who wishes to appear before or provide evidence or comments to the committee, or both, must submit a written notice of his or her intention to appear before the Study Committee to Molly F. Price, Administrator of the Building Codes Council, at the physical address stated below, or to the email address also provided below, by or before September 22, 2021, at 5:00 p.m.

Molly F. Price
S.C. Building Codes Council
SC Department of Labor, Licensing and Regulation
PO Box 11329
Columbia, SC 29211-1329
Molly.Price@lir.sc.gov

If any person chooses not to attend the hearing but wishes to submit evidence or comments for the Committee's consideration, the evidence or comments should be sent to the same addresses provided above by or before September 22, 2021, at 5:00 p.m.

CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27
Statutory Authority: 1976 Code Sections 47-4-30 and 47-17-130

Notice of Drafting:

The Livestock-Poultry Health Commission is considering modernizing, clarifying and updating 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.

Interested parties should submit written comments to Dr. James H. Hollis, Director, South Carolina Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, S. C. 29224-2406. To be considered, comments should be received no later than September 24, 2021, the close of the drafting comment period.

Synopsis:

This regulation is being promulgated to comply with the Federal Meat Inspection Act (21 USDA 661, Section 301) which establishes 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 as stringent as those adopted by the United States Government. This regulation will in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements, such as utilizing state marks of inspection, designating use of state holidays and other similar requirements.

This regulation will not require legislative action.

CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27
Statutory Authority: 1976 Code Sections 47-4-30, 47-19-30, and 47-19-170

Notice of Drafting:

The Livestock-Poultry Health Commission is considering modernizing, clarifying and updating 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.

Interested parties should submit written comments to Dr. James H. Hollis, Director, South Carolina Meat-Poultry Inspection Department, P.O. Box 102406, Columbia, S.C. 29224-2406. To be considered, comments should be received no later than September 24, 2021, the close of the drafting comment period.

Synopsis:

This regulation is being promulgated to comply with the 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 as stringent as those adopted by the United States Government. This regulation will in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements, such as utilizing state marks of inspection, designating use of state holidays, and other similar requirements.

This regulation will not require legislative action.

8 DRAFTING NOTICES

DEPARTMENT OF EMPLOYMENT AND WORKFORCE CHAPTER 47

Statutory Authority: 1976 Code Section 41-29-110

Notice of Drafting:

The South Carolina Department of Employment and Workforce proposes to amend R.47-19 to address the procedures and methods for employer responses to claim inquiries from the Department. Interested persons may submit comments to Mark Hendrick, Office of Governmental Affairs, South Carolina Department of Employment and Workforce, Post Office Box 995, Columbia, SC 29202. To be considered, comments must be received no later than 5:00 p.m. on September 27, 2021, the close of the drafting comment period.

Synopsis:

R.47-19 currently requires employers to manually fill in the back of the initial claim form mailed to them as part of the initial unemployment claims process and return that completed form through the mail. The Department proposes to amend R.47-19 to permit the same filing methods and procedures as are allowed for the filing of quarterly contribution reports.

Legislative review of this proposal will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-1-140(11), 44-1-150, 44-55-825, 44-55-827,
and 48-1-10 et seq.

Notice of Drafting:

The South Carolina Department of Health and Environmental Control (“Department”) proposes amending R.61-56, Onsite Wastewater Systems. Interested persons may submit comment(s) on the proposed amendments and repeals to David R. Vaughan, Director, Division of Onsite Wastewater Management, Rabies Prevention, Vector Surveillance, and Enforcement, Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201 or via email at vaughadr@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on September 27, 2021, the close of the drafting comment period.

Synopsis:

Pursuant to R.61-56, the Department helps to ensure the safe treatment and disposal of domestic wastewater to protect the health of families and communities. The Department issues onsite wastewater contractor licenses, permits to construct, and approvals to operate for individual onsite wastewater treatment systems (septic systems).

The Department proposes amending R.61-56, Onsite Wastewater Systems, to clarify definitions, update procedures for subdivisions, revise application fees, and amend OSWW system requirements. The amendments will modernize the regulation and streamline permitting procedures to address needed updates in administering the Onsite Wastewater program.

The Department may also include corrections for clarity and readability, grammar, punctuation, codification, and regulation text improvement. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments and repeals.

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

Statutory Authority: 1976 Code Sections 49-4-10 et seq.

Notice of Drafting:

The South Carolina Department of Health and Environmental Control (“Department”) proposes amending R.61-119, Surface Water Withdrawal, Permitting, Use and Reporting. Interested persons may submit comment(s) on the proposed amendments to Robert J. Devlin, Director, Division of Water Monitoring, Protection and Assessment, Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201 or via email at devlinrj@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on September 27, 2021, the close of the drafting comment period.

Synopsis:

Pursuant to R.61-119, the Department issues permits and registrations for withdrawal and use of surface water from within the state of South Carolina and those surface water shared with adjacent states. This regulation applies to any person withdrawing surface water in excess of three million (3,000,000) gallons during any one (1) month.

The Department proposes amending R.61-119, Surface Water Withdrawal, Permitting, Use and Reporting, to amend definitions and requirements related to permitting and registration of surface water withdrawals. The amendments will clarify anticipated withdrawal amounts and the Department’s administration of its regulatory role in water resource management.

The Department may also include corrections for clarity and readability, grammar, punctuation, codification, and regulation text improvement. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments and repeals.

**DEPARTMENT OF INSURANCE
CHAPTER 69**

Statutory Authority: 1976 Code Sections 1-23-110, 38-3-110, and 38-69-330

Notice of Drafting:

The Department of Insurance proposes to amend Regulation 69-29, Suitability in Annuity Transactions. Interested persons may submit written comments to Melissa Manning, Associate General Counsel, South Carolina Department of Insurance, 1201 Main Street, Suite 1000, Columbia, SC 29201. For questions, call 803-737-6200 or email mmanning@doi.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. September 9, 2021, the close of the drafting comment period.

Synopsis:

The Department is proposing to amend Regulation 69-29 to enhance protections for consumers seeking lifetime income through annuities. The requirements it imposes on insurance producers ensures that they will act in the best interest of the consumers they serve. This amendment is based on the National Association of Insurance Commissioners Model Regulation.

Proposed revisions will require legislative review.

10 DRAFTING NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF ARCHITECTURAL EXAMINERS
CHAPTER 11

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

Notice of Drafting:

The South Carolina Board of Architectural Examiners proposes to amend its regulations to: rename the Intern Development Program as the Architectural Experience Program in R.11-1 and R.11-6; update information regarding submission of applications and payment of fees in R.11-5; amend references to licensure periods for purposes of continuing education in R.11-8.1 to establish biennial as opposed to annual licensure periods; modify and delete language regarding seals in R.11-11; delete provisions in the code of ethics in R.11-12; and clarify additional language in R.11-1, R.11-6, R.11-8.1 and throughout the chapter. Interested persons may submit comments to Lenora Addison-Miles, Administrator, Board of Architectural Examiners, Post Office Box 11329, Columbia, S.C. 29211-1139.

Synopsis:

The South Carolina Board of Architectural Examiners proposes to amend its regulations to: rename the Intern Development Program as the Architectural Experience Program in R.11-1 and R.11-6; update information regarding submission of applications and payment of fees in R.11-5; amend references to licensure periods for purposes of continuing education in R.11-8.1 to establish biennial as opposed to annual licensure periods; modify and delete language regarding seals in R.11-11; delete provisions in the code of ethics in R.11-12; and clarify additional language in R.11-1, R.11-6, R.11-8.1 and throughout the chapter.

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF BARBER EXAMINERS
CHAPTER 17

Statutory Authority: 1976 Code Sections 40-7-50, 40-7-60, and 40-7-355

Notice of Drafting:

The South Carolina Board of Barber Examiners proposes to amend various sections in Chapter 17 of the Code of Regulations. Additionally, the Board proposes to add regulations for mobile barbers as required by Act No. 65 of 2021. Finally, the Board proposes to amend R.17-50, the sanitary rules governing barbers, barber shops and barber colleges, to prohibit animals, other than service animals, in barber shops. Interested persons may submit comments to Theresa Brown, Administrator, Board of Barber Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The South Carolina Board of Barber Examiners proposes to amend various sections of Chapter 17 of the Code of Regulations, providing general clean ups and clarifying existing language. The Board will also add regulations for mobile barbers and will amend the existing sanitary rules for barbers, barber shops and barber colleges to prohibit animals, other than service animals, in barber shops.

Legislative review of this amendment is required.

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

CHAPTER 8

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

Notice of Drafting:

The South Carolina Building Codes Council proposes to repeal the following regulations on the basis they are no longer necessary: R.8-100, R.8-260, R.8-261, R.8-270, R.8-275, R.8-616, and R.8-617. The Council further proposes to repeal the following regulations as they conflict with statute: R.8-140 and R.8-185. Additionally, the Council proposes to amend the following regulations to remove duplicative or unnecessary language, comply with statutory provisions, update or combine and clarify language, and correct scrivener's errors: R.8-110, R.8-170, R.8-175, R.8-185, R.8-240, R.8-245, R.8-246, R.8-608, R.8-609, R.8-610, R.8-612, R.8-613, R.8-614, R.8-619, R.8-624 and R.8-625. Finally, the Council proposes to amend R.8-602 to add mechanical trade professional members to the Study Committee. Interested persons may submit comments to the administrator for the Council, Molly F. Price, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Building Codes Council plans to propose regulations that will amend certain sections of Chapter 8 and will repeal others, in accordance with Council's findings when conducting a review of regulations pursuant to Executive Order 2017-09. The specific sections to be amended and repealed are set forth hereinabove.

Legislative review of this amendment is required.

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

CHAPTER 71

Statutory Authority: 1976 Code Sections 41-10-80(D) and 41-13-20

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation – Division of Labor proposes to amend R.71-3102, R.71-3103, R.71-3106, and R.71-3111 related to child labor, and R.71-6000 related to procedures for hearing payment of wages administrative appeals. Interested persons may submit comments to Kristina Baker, Deputy Director, Immigration/Child Labor/Wages, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

Following a comprehensive review of its regulations in accordance with Executive Order 2017-09, the South Carolina Department of Labor, Licensing and Regulation – Division of Labor proposes to amend R.71-3102, R.71-3103, R.71-3106, and R.71-3111 related to child labor, and R.71-6000 related to procedures for hearing payment of wages administrative appeals.

Legislative review of this amendment is required.

12 DRAFTING NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION MANUFACTURED HOUSING BOARD

CHAPTER 79

Statutory Authority: 1976 Code Section 40-29-10(D)

Notice of Drafting:

The South Carolina Manufactured Housing Board is considering proposing amendments to Chapter 79 to update and clarify R.79-6(D) regarding the continuing education requirements for the two-year licensing period, the carry-over of credits to the next licensing period, and allowing apprentice retail salespersons to accumulate continuing education credit towards requirements before the actual license begins. Furthermore, the South Carolina Manufactured Housing Board is considering amending Regulation 79-15B to remove the requirement of all costs totaling the sales price from the contract for sale and amending Regulations 79-21(B), 79-22(B) and 79-23(B) to remove the requirement of a certificate of completion for installers, repairers, and contractors. Interested persons may submit written comments to Molly F. Price, Administrator, Manufactured Housing Board, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211-1329.

Synopsis:

The purpose of these amendments is to clarify and update the continuing education requirements and to remove cost totaling from the itemized list in the contract for sale and remove the certificate of completion for installers, repairers and contractors.

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF OCCUPATIONAL SAFETY AND HEALTH

CHAPTER 71

Statutory Authority: 1976 Code Section 41-15-210

Notice of Drafting:

SC OSHA intends to adopt a standard addressing all infectious diseases including COVID-19 in response to the emergency temporary standard filed in the Office of the Federal Register on June 17, 2021, and effective upon publication on June 21, 2021. This approach acknowledges the issues previously seen during the pandemic, recognizes the progress made during this time, and anticipates the growing need for stability among employers, employees, and the public when dealing with similar situations. This alternative approach will place significant focus on employer assessment and allow flexibility as the pandemic has proven to be both fluid and unpredictable. Once adopted, the standard will be shared with federal counterparts. The standard will be added to Chapter 71, Article 1, Subarticle 6, South Carolina Occupational Safety and Health Standards for General Industry and Public Sector Marine Terminals; Subpart U, Sections 502-509. Interested persons may submit comments to Kristina Baker, Deputy Director, SC OSHA, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The U.S. Department of Labor's Occupational Safety and Health Administration issued an emergency temporary standard to protect health care workers from contracting coronavirus in June of 2021. The standard focuses on healthcare workers most likely to have contact with someone infected with the virus. On July 20th of this year, SC OSHA announced its plan to adopt a standard that will address all infectious diseases, including COVID-19, as an alternative to Federal OSHA's COVID standard. The standard will be added to Chapter 71,

Article 1, Subarticle 6, South Carolina Occupational Safety and Health Standards for General Industry and Public Sector Marine Terminals; Subpart U, Sections 502-509.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
REAL ESTATE APPRAISERS BOARD**

CHAPTER 137

Statutory Authority: 1976 Code Sections 40-1-70, 40-60-10(I), and 40-60-38

Notice of Drafting:

The South Carolina Real Estate Appraisers Board proposes to amend Chapter 137 as follows: to add definitions for “desk review” and “field review”, with necessary renumbering, in R.137-100; to remove the word “Residential” from course names in R.137-100.02(C)(1); to change the current experience requirement for the Licensed category to meet the Appraiser Qualifications Board (AQB) minimum requirements in R.137-100.02(C)(3) and (4); to remove the word “Residential” from the course names in R.137-100.02(D)(1); to change the current experience requirement for the Licensed category to meet the AQB minimum requirements in R.137-100.02(D)(3) and (4); to change the current experience requirement for the General category to meet the AQB minimum requirements in R.137-100.02(E)(3) and (4); to remove definitions for “desk review” and “field review” from R.137-100.03; to add a column for co-appraiser hours assigned in R.137-100.04 and R.137-100.05; to restate the language in R.137-100.06; to add a column for co-appraiser hours assigned in R.137-200.02(A) and R.137-200.03(A) and to delete R.137-200.02(B) and R.137-200.03(B); to change “permit” to “license” in 137-300.01(A) and (6); to delete R.137-400.01; to clarify and restate certain language in R.137-500.01(F); to delete R.137-800.01; to restate and clarify certain language in R.137-800.04(A) regarding appraiser renewals and R.137.800.04(B) regarding AMC renewals; to delete certain language in R.137-800.05(B); to delete certain language in R.137-900.05(B) and to remove the word “Residential” from the course names in R.137-900.05(C) and (D); and to delete and clarify certain language in R.137-900.06. Interested persons may submit written comments to Laura Smith, Administrator, Board of Real Estate Appraisers Board, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The South Carolina Board of Real Estate Appraisers Board proposes to amend Chapter 137 to comply with changes required by Federal law. Under the provisions of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), the Appraiser Qualifications Board (AQB) establishes the Real Property Appraiser Qualification Criteria, or the minimum education, experience and examination requirements for real property appraisers to obtain a state certification. The Board regulations must be amended to achieve consistency with the aforementioned Federal law. In addition to the changes above, the Board is seeking permission to delete, restate and clarify certain language in the regulations as set forth hereinabove.

Legislative review of this amendment is required.

14 DRAFTING NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
CHAPTER 115

Statutory Authority: 1976 Code Sections 40-1-70 and 40-67-70

Notice of Drafting:

The South Carolina Board of Examiners in Speech-Language Pathology and Audiology proposes to: amend R.115-1, 115-2, and 115-3. Interested persons may submit comments to Mack Williams, Administrator, Board of Examiners in Speech-Language Pathology and Audiology, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Examiners in Speech-Language Pathology and Audiology proposes to: amend R.115-1, 115-2, and 115-3.

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF VETERINARY MEDICAL EXAMINERS
CHAPTER 120

Statutory Authority: 1976 Code Section 40-69-60

Notice of Drafting:

The South Carolina Board of Veterinary Medical Examiners is considering proposing amendments to Chapter 120: to define “emergency patient” and “radiography” in Regulation 120-1; to update and clarify Regulation 120-9 regarding the practice standards for licensed veterinary technicians and unlicensed veterinary aides; and to clarify Regulation 120-3 in accordance with the statutes for licensure and examinations for veterinarians. Interested persons may submit written comments to Meredith Buttler, Administrator, Board of Veterinary Medical Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The purpose of the amendments is to clarify and update the definitions and scope of practice for the licensed veterinary technicians and unlicensed veterinary aides as they relate to the animal health care tasks and supervision levels and to clarify the regulations with regard to the statutes for licensure and examinations for veterinarians.

Legislative review of this amendment is required.

DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-11-2200 and 50-11-2210

Notice of Drafting:

The Department of Natural Resources proposes to amend Regulation 123-204 “Additional Regulations Applicable to Specific Properties.” The subject of the proposed action is to amend the regulations to prescribe

authorized uses of SCDNR beaches in order to protect important turtle nesting, bird nesting, and wildlife areas. Regulations specify use at the Sassafras Overlook Site. Any person interested may submit written comments to Emily Cope, Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

These amended regulations address disturbance of important turtle nesting, bird nesting, and wildlife areas on DNR beaches. Amended regulations address timing and location of camping at several coastal DNR properties as well as restriction of dogs at sensitive sites and specifies use of bicycles and non-motorized conveyances at Sassafras Overlook Site. Additionally, amended regulation allows critical areas for wildlife to be designated on Santee Coastal Reserve's Cedar and Murphy Islands to prevent access and disturbance by the public. These regulations set specific uses allowed on DNR-owned lands and Wildlife Management Areas. Since 50-11-2200 prohibits many uses of DNR lands, regulations are required to allow use and set restrictions and conditions.

Legislative review is required.

DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Section 50-21-610

Notice of Drafting:

The South Carolina Department of Natural Resources (SCDNR) proposes to amend Regulation 123-9, relating to watercraft and outboard motor title decals. Interested persons should submit their comments in writing to Kevin Ryan, SCDNR Executive Office, P.O. Box 167, Columbia, SC, 29201, no later than 5:00 p.m. on October 1, 2021, the end of the drafting comment period.

Synopsis:

Regulation 123-9 contains an outdated reference to the former Wildlife and Marine Resources Department and requires minor, technical updates. Therefore, SCDNR proposes to amend Regulation 123-9.

The proposed revisions will require legislative review.

DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Sections 50-11-2100, 50-11-2200, and 50-11-2210

Notice of Drafting:

The Department of Natural Resources proposes to amend Regulations 123-96 Field Trial Regulations. The subject of the proposed action is to amend statutory reference to reflect appropriate authority and to update name of specific field trial area referenced in regulation. Any person interested may submit written comments to Emily Cope, Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

16 DRAFTING NOTICES

Synopsis:

The amended regulations will reflect corrected statutory authority and update the reference to the Sandy Hills State Forest special field trail area with corrected name, H. Cooper Black Jr. Memorial Field Trial and Recreation Area.

Legislative review is required.

DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Section 50-21-610

Notice of Drafting:

The South Carolina Department of Natural Resources (SCDNR) proposes to amend Regulation 123-4, relating to Boating - U.S. Army Corps of Engineers Regulatory Markers and Aids to Navigation. Interested persons should submit their comments in writing to Kevin Ryan, SCDNR Executive Office, P.O. Box 167, Columbia, SC, 29201, no later than 5:00 p.m. on October 1, 2021, the end of the drafting comment period.

Synopsis:

Regulation 123-4 contains an outdated reference to the former Wildlife and Marine Resources Department and requires minor, technical updates. Therefore, SCDNR proposes to amend Regulation 123-4.

The proposed revisions will require legislative review.

DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Section 50-3-395

Notice of Drafting:

The South Carolina Department of Natural Resources (SCDNR) proposes to repeal Regulation 123-601, relating to South Carolina Wildlife and Marine Resources Department Warning Tickets. Interested persons should submit their comments in writing to Kevin Ryan, SCDNR Executive Office, P.O. Box 167, Columbia, SC, 29201, no later than 5:00 p.m. on October 1, 2021, the end of the drafting comment period.

Synopsis:

Regulation 123-601 contains outdated language and is no longer necessary. Therefore, SCDNR proposes to repeal Regulation 123-601 in its entirety.

The proposed revisions will require legislative review.

DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-60, 50-1-200, 50-1-220, 50-9-650, 50-11-10, 50-11-105, 50-11-310, 50-11-315, 50-11-320, 50-11-365, 50-11-390, 50-11-410, 50-11-430, 50-11-500, 50-11-520, 50-11-525, 50-11-530, 50-11-580, 50-11-2200, and 50-11-2210

Notice of Drafting:

The Department of Natural Resources proposes to amend Regulations 123-40 Wildlife Management Area Regulations. The subject of the proposed action is to amend seasons, bag limits, and methods of hunting and taking of wildlife on existing Wildlife Management Areas. Additionally, regulations will access requirements and harvest reporting at established Wildlife Management Areas. Any person interested may submit written comments to Emily Cope, Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

These amended regulations will establish seasons, bag limits, and methods of take on Wildlife Management Areas. This includes clarification of limits for deer on youth only deer hunts with dogs, specifying buck only. Clarifies requirement for data cards at Wateree Heritage Preserve WMA for fisherman, provides access requirements for designated hunts, closes hunt areas to the general public for scheduled hunts, and requires harvested deer and turkey to be checked at Wateree River Check Station.

Legislative review is required.

DEPARTMENT OF PUBLIC SAFETY
CHAPTER 38

Statutory Authority: 1976 Code Section 23-6-30(6)

Notice of Drafting:

The South Carolina Department of Public Safety proposes to amend Regulation 38-424, Safety Rules and Regulations. Interested persons may submit comments to Teckla S. Henderson, Office of Executive Affairs, South Carolina Department of Public Safety, Post Office Box 1993, Blythewood, South Carolina 29016. To be considered, all comments must be received no later than 5:00 p.m. on September 27, 2021.

Synopsis:

The regulation will be amended to require compliance with the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration registration requirement codified in 49 CFR 107.608, General Registration Requirements.

Legislative review of this amendment is required.

18 DRAFTING NOTICES

DEPARTMENT OF PUBLIC SAFETY CHAPTER 38

Statutory Authority: 1976 Code Section 23-6-30(6)

Notice of Drafting:

The South Carolina Department of Public Safety proposes to amend Regulation 38-240, Vehicles Required to Stop at Railroad Crossings. Interested persons may submit comments to Teckla S. Henderson, Office of Executive Affairs, South Carolina Department of Public Safety, Post Office Box 1993, Blythewood, South Carolina 29016. To be considered, all comments must be received no later than 5:00 p.m. on September 27, 2021.

Synopsis:

The amendment will replace the categories of markings and placards listed under Regulation 38-240(A)(3)(i) through (xi) with the classifications provided for in 49 CFR 392.10, Railroad Grade Crossings; Stopping Required.

In addition, subsections (B) and (C) of Regulation 38-240 will be removed in their entirety.

Legislative review of this amendment is required.

Document No. 5047
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60(1), 59-18-110, 59-18-710, 59-18-1110, 59-20-60, 59-25-110, and 59-26-10 et seq.

43-300. Accreditation Criteria.

Preamble:

The State Board of Education proposes to amend Regulation 43-300, Accreditation Criteria, to outline the process by which public school districts and schools are accredited and monitored for compliance. The proposed amendments are to provide a more streamlined approach, while ensuring proper attention is given to both compliance and continuous improvement.

Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on May 28, 2021.

Section-by-Section Discussion

Introduction	Added new introduction.
Section I	Deleted former Section I and provided new language for clarification purposes.
Section II	Removed Option 1; removed specific names of external accreditation entities; added requirement for external accrediting entities to be vetted and approved by the South Carolina Department of Education (SCDE); added that districts/schools must meet the requirements and timelines set forth by external accrediting entity; added that in order to issue South Carolina High School diplomas, non-accredited high schools must have a corrective action plan approved by the State Board of Education (SBE)
Section III	Deleted; removed Option 1 accreditation procedures
Section IV	Deleted section due to duplicative language and requirements
Section V	Detailed procedures for compliance monitoring by the SCDE and steps to correct noncompliance

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on October 12, 2021, at 1:00 p.m. in the Rutledge Conference Center, 1429 Senate Street, Columbia, SC 29201. The proposed amendments to the regulation will be posted on the State Board of Education (SBE) website for review and comment. To review the regulation click on the attached link [2021–22 Regulations Under Review By The State Board of Education](#).

Written comments should be submitted to Dr. Sarah Longshore, Director, Office of Federal and State Accountability, Division of Federal Programs, Accountability, and School Improvement, 1429 Senate Street, Columbia, SC 29201 or by e-mail to sclongshore@ed.sc.gov on or before 5:00 p.m. on September 27, 2021.

Preliminary Fiscal Impact Statement:

No additional funding is requested. The South Carolina Department of Education (SCDE) estimates that no additional costs will be incurred by the state and its political subdivisions in complying with the proposed revisions to Regulation 43-300.

20 PROPOSED REGULATIONS

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-300. Accreditation Criteria.

Purpose: Regulation 43-300 outlines the process by which public school districts and schools are accredited and monitored for compliance.

Legal Authority: 1976 Code Sections 59-5-60(1), 59-18-110, 59-18-710, 59-18-1110, 59-20-60, 59-25-110, and 59-26-10 et seq.

Plan for Implementation: The proposed amendments will be incorporated in 43-300 upon publication in the State Register as a final regulation. All public school districts and schools will comply with the requirements no later than the start of the 2023-24 school year.

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

The purpose of these amendments is to institute a more streamlined approach and ensure proper attention is given to both compliance and continuous improvement. Amendments to Regulation 43-300 will 1) require that public school districts and schools seek accreditation through an external accrediting entity approved by the SCDE to engage in a rigorous and relevant self-evaluation and peer review process that focuses on student learning; 2) outline consequences and corrective action when accreditation of a public school district or school is denied; 3) establish that the SCDE will monitor each public school district and the schools within its jurisdiction to ensure compliance with State laws, regulations, and policies; 4) require that noncompliance be corrected as soon as possible, but in no case more than one year from identification; and 5) include a provision for the SCDE to take action or impose special requirements or specific conditions, or seek remedies when identified noncompliance has not been corrected within a timely manner.

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.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed revisions 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 on public health if the proposed revisions are not implemented.

Statement of Rationale:

Regulation 43-300 outlines the process by which public school districts and schools are accredited and monitored for compliance. The proposed amendments are to provide a more streamlined approach, while ensuring proper attention is given to both compliance and continuous improvement.

Text:

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

Document No. 5056
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
 Statutory Authority: 1976 Code Sections 48-1-10 et seq.

61-62. Air Pollution Control Regulations and Standards.

Preamble:

Pursuant to the Pollution Control Act and the federal Clean Air Act, 42 U.S.C. Sections 7410, 7413, and 7416, the Department of Health and Environmental Control (Department) must ensure national primary and secondary ambient air quality standards are achieved and maintained in South Carolina. No state may adopt or enforce an emission standard or limitation less stringent than these federal standards or limitations pursuant to 42 U.S.C. Section 7416.

The United States Environmental Protection Agency (EPA) promulgates amendments to the Code of Federal Regulations (CFR) throughout each calendar year. Recent federal amendments at 40 CFR Parts 60 and 63 include revisions to New Source Performance Standards (NSPS) and Emission Guidelines, and National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories. The Department proposes amending R.61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, and R.61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, to incorporate by reference federal amendments promulgated from January 1, 2020, through December 31, 2020.

The Department also proposes amending R.61-62.5, Standard No. 7, Prevention of Significant Deterioration (PSD), and R.61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR), and the State Implementation Plan (SIP), to incorporate EPA’s clarification of Project Emissions Accounting, as published in the *Federal Register* on November 24, 2020 (85 FR 74890), to incorporate EPA’s corrections to NSR regulations, as published in the *Federal Register* on July 19, 2021 (86 FR 37918), and to make other amendments, as necessary, to maintain compliance with federal law.

The Department further proposes amending R.61-62.70, Title V Operating Permit Program, to codify relevant federal amendments to Title V provisions, as published in the *Federal Register* on February 5, 2020 (85 FR 6431), to ensure compliance with federal law.

The Department also proposes additional changes to R.61-62, Air Pollution Control Regulations and Standards, for overall quality of regulatory text as deemed necessary to maintain compliance with federal law. These changes may include corrections or other changes for internal consistency, clarification, reference, punctuation, codification, formatting, spelling, and overall improvement to the text of R.61-62.

The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as the Department proposes these amendments for compliance with federal law.

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

22 PROPOSED REGULATIONS

Section-by-Section Discussion of Proposed Amendments:

Regulation 61-62.5, Standard 7, Prevention of Significant Deterioration

Regulation 61-62.5, Standard No. 7, Section (A)(1), Reserved:

Paragraph (A)(1) is amended to strike the period and add brackets to read “[Reserved]” for consistency.

Regulation 61-62.5, Standard No. 7, Section (A)(2), Applicability procedures:

Paragraph (A)(2)(d)(vi) is amended to strike the phrase “emissions increases for each emissions unit” and replace with the phrase “difference for all emissions units” to comply with the federal regulation, and amended to strike the phrase “for each type of emissions unit” to comply with the federal regulation, and amended to strike the comma in the phrase “equals or exceeds,” to correct punctuation for consistency with federal regulation.

Regulation 61-62.5, Standard No. 7, Section (A)(2), Applicability procedures:

Paragraph (A)(2)(d)(vii) is added in alpha-numeric order to comply with the federal regulation.

Regulation 61-62.5, Standard No. 7, Section (A)(2), Applicability procedures:

Paragraph (A)(2)(e) is amended to strike the word “for” and replace with the word “with” to comply with the federal regulation.

Regulation 61-62.5, Standard No. 7, Section (B), Definitions:

Paragraph (B)(8) is amended to correct the CFR citations to read “40 CFR Part 60, 61, or 63” to comply with the federal regulation.

Regulation 61-62.5, Standard No. 7, Section (B), Definitions:

Paragraph (B)(30)(c)(v)(1) is amended to add a comma to read “established after January 6, 1975,” for consistency with the federal regulation, and amended to strike the phrase “or 40 CFR 51.166” to comply with the federal regulation.

Regulation 61-62.5, Standard No. 7, Section (B), Definitions:

Paragraph (B)(30)(c)(vi) is amended to strike the phrase “or 40 CFR 51.166” to comply with the federal regulation.

Regulation 61-62.5, Standard No. 7, Section (B), Definitions:

Paragraph (B)(32)(a)(i) is amended to strike the number “250” and replace with the phrase “fifty (50)” to read, “municipal incinerators capable of charging more than fifty (50) tons of refuse per day” for internal consistency and to comply with the federal regulation.

Regulation 61-62.5, Standard No. 7, Section (B), Definitions:

Paragraph (B)(32)(c)(viii) is amended to strike the number “250” and replace with the phrase “fifty (50)” for internal consistency and to comply with the federal regulation.

Regulation 61-62.5, Standard No. 7, Section (B), Definitions:

Paragraphs (B)(45)(a) through (B)(45)(b) are amended to strike the period at the end of the sentence and replace with a semicolon for consistency with the federal regulation. Paragraph (B)(45)(c) is amended to strike the period at the end of the sentence and replace with a semicolon and the word “and” for consistency with the federal regulation.

Regulation 61-62.5, Standard No. 7, Section (B), Definitions:

Paragraph (B)(49)(b) is amended to strike the comma after the citation “(B)(49)(a)” for consistency with the federal regulation.

Regulation 61-62.5, Standard No. 7, Section (B), Definitions:

Paragraph (B)(52) is amended to add the definition “Subject to regulation” in alpha-numeric order to comply with the federal regulation. Former paragraphs (B)(52) and (B)(53) are recodified respectively as (B)(53) and (B)(54).

Regulation 61-62.5, Standard No. 7, Section (I), Exemptions:

Paragraphs (I)(1)(a) through (I)(1)(e) and all subparagraphs are amended to strike all language except the paragraph codification, and add “[Reserved]” to each paragraph for consistency with the federal regulation.

Regulation 61-62.5, Standard No. 7, Section (I), Exemptions:

Paragraph (I)(1)(g)(viii) is amended to strike the number “250” and replace with the phrase “fifty (50)” for internal consistency and to comply with the federal regulation.

Regulation 61-62.5, Standard No. 7, Section (I), Exemptions:

Paragraphs (I)(1)(i) through (I)(1)(j) are stricken in entirety for consistency with the federal regulation.

Regulation 61-62.5, Standard No. 7, Section (I), Exemptions:

Paragraphs (I)(6) through (I)(11) and all subparagraphs are amended to strike all language except the paragraph codification, and add “[Reserved]” to each paragraph for compliance with the federal regulation. Paragraph (I)(12) and the word “[Reserved]” is inserted in alpha-numeric order for consistency with the federal regulation.

Regulation 61-62.5, Standard No. 7, Section (J), Control technology review:

Paragraph (J)(1) is amended to correct the CFR citations to read “40 CFR Part 60, 61, or 63” to comply with the federal regulation.

Regulation 61-62.5, Standard No. 7, Section (M), Air quality analysis:

Paragraph (M)(1)(e) is amended to strike all language except the codification, and add “[Reserved]” for consistency with the federal regulation. Subparagraphs (M)(1)(e)(i) through (M)(1)(e)(iii) are also stricken for consistency with the federal regulation.

Regulation 61-62.5, Standard No. 7, Section (M), Air quality analysis:

Paragraphs (M)(1)(g) through (M)(1)(h) are amended to strike all language except the codification, and add “[Reserved]” to each paragraph for consistency with the federal regulation.

Regulation 61-62.5, Standard No. 7, Section (N), Source information:

Paragraph (N)(1) is amended to correct three citations for internal consistency and compliance with the federal regulation.

Regulation 61-62.5, Standard No. 7, Section (P), Sources impacting Federal Class I areas - additional requirements:

Paragraph (P)(6) is amended to change the citations “(Q)(4)” and (Q)(7)” to “(P)(5)” and “(P)(8)” respectively for consistency with the federal regulation.

Regulation 61-62.5, Standard No. 7, Section (P), Sources impacting Federal Class I areas - additional requirements:

Paragraph (P)(7) is amended to strike the word “in” and replace with the word “with” for consistency with federal regulations, and amended to change the citation “(Q)(7)” to “(P)(8)” for consistency with the federal regulation.

Regulation 61-62.5, Standard No. 7, Section (P), Sources impacting Federal Class I areas - additional requirements:

Paragraph (P)(8) is amended to change the citations “(Q)(5)” and “(Q)(6)” to “(P)(6)” and “(P)(7)” respectively for consistency with the federal regulation.

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Regulation 61-62.5, Standard No. 7, Section (R), Source obligation:

Paragraph (R)(4) is amended to strike “or” and replace with the word “of” for consistency with the federal regulation.

Regulation 61-62.5, Standard No. 7, Section (R), Source obligation:

Paragraph (R)(5) is amended to add brackets to read “[Reserved]” for consistency.

Regulation 61-62.5, Standard No. 7, Sections (S) through (U)(3), [Reserved]:

Section (S) through (U)(3) is amended to strike “3” and replace with “2” for clarity. Paragraph (U)(4) is recodified (U)(3) for consistency with the federal regulation.

Regulation 61-62.5, Standard No. 7, Section (W), Permit rescission:

Paragraph (W)(1) is amended to add the phrase “under paragraph (R)(2)” for consistency with the federal regulation.

Regulation 61-62.5, Standard 7.1, Nonattainment New Source Review (NSR)

Regulation 61-62.5, Standard No. 7.1, Section (A), Applicability:

Paragraph (A)(8) is amended to strike the phrase “emissions increases for each emissions unit” and replace with the phrase “difference for all emissions units” to comply with the federal regulation, and amended to strike the phrase “for each type of emissions unit” to comply with the federal regulation.

Regulation 61-62.5, Standard No. 7.1, Section (A), Applicability:

Paragraph (A)(9) is added in alpha-numeric order to comply with the federal regulation. Former paragraph (A)(9) is recodified as (A)(10) for consistent codification, and amended to strike the word “for” and replace with the word “with” for consistency with the federal regulation.

Regulation 61-62.5, Standard No. 7.1, Section (A), Applicability:

Paragraph (A)(10) is recodified as (A)(11) for consistent codification. Newly codified subparagraph (A)(11)(h) is amended to strike the number “250” and replace with the phrase “fifty (50)” for internal consistency and to comply with the federal regulation.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Paragraph (B)(5) is amended to correct the CFR citations to read “40 CFR Part 60, 61, or 63” to comply with the federal regulation.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Paragraph (B)(21)(c)(v)(1) is amended to strike the phrase “or Section 51.166” for consistency with the federal regulation.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Paragraph (B)(21)(c)(vi) is amended to add a comma to read “established after December 21, 1976,” to comply with the federal regulation, and amended to strike the phrase “or 40 CFR 51.166” for consistency with the federal regulation.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Paragraph (B)(22)(a)(ii) is amended to add the word “otherwise” to read “not otherwise qualifying” for consistency with the federal regulation.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Paragraph (B)(22)(c)(viii) is amended to strike the number “250” and replace with the phrase “fifty (50)” for internal consistency and to comply with the federal regulation.

Regulation 61-62.5, Standard No. 7.1, Section (B), Definitions:

Paragraph (B)(35) is amended to strike the word “and” and replace with “or” to read “40 CFR 51.165 or 40 CFR 51.166” for consistency with the federal regulation.

Regulation 61-62.5, Standard No. 7.1, Section (D), Offset standards:

Paragraph (D)(6) is amended to read “No emissions credit may be allowed for replacing one hydrocarbon compound with another of lesser reactivity, except that emissions credit may be allowed for the replacement with those compounds listed as having negligible photochemical reactivity in 40 CFR 51.100(s).” to comply with the federal regulation.

Regulation 61-62.5, Standard No. 7.1, Section (H), Interpollutant offsetting:

Paragraph (H)(1) is amended to strike subparagraph (H)(1)(a) in entirety, and amended to strike codification of subparagraph (H)(1)(b) and reposition language formerly codified at (H)(1)(b) to second sentence of paragraph (H)(1), for consistency with federal regulation.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards

Regulation 61-62.60, Subpart A, “General Provisions”:

The table is amended to incorporate federal revisions at 85 FR 63394, October 7, 2020, by reference.

Regulation 61-62.60, Subpart Cf, “Performance Standards and Compliance Times for Existing Municipal Solid Waste Landfills”:

The table is amended to delete the revision at 84 FR 44547, August 26, 2019, in its entirety for clarity, and amended to incorporate federal revisions at 85 FR 17244, March 26, 2020, by reference, and to add the phrase “and as subsequently amended upon publication in the Federal Register” for clarity.

Regulation 61-62.60, Subpart BBa, “Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013”:

The table is amended to incorporate federal revisions at 85 FR 70487, November 5, 2020, by reference, and to add the phrase “and as subsequently amended upon publication in the Federal Register” for clarity.

Regulation 61-62.60, Subpart AAA, “Standards of Performance for New Residential Wood Heaters”:

The table is amended to incorporate federal revisions at 85 FR 18448, April 2, 2020; and 85 FR 63394, October 7, 2020, by reference.

Regulation 61-62.60, Subpart WWW, “Standards of Performance for Municipal Solid Waste Landfills”:

The table is amended to incorporate federal revisions at 85 FR 17244, March 26, 2020, by reference.

Regulation 61-62.60, Subpart XXX, “Standards of Performance for Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification After July 17, 2014”:

The table is amended to incorporate federal revisions at 85 FR 17244, March 26, 2020; and 85 FR 63394, October 7, 2020, by reference, and to add the phrase “and as subsequently amended upon publication in the Federal Register” for clarity.

Regulation 61-62.60, Subpart CCCC, “Standards of Performance for Commercial and Industrial Solid Waste Incineration Units”:

The table is amended to incorporate federal revisions at 85 FR 63394, October 7, 2020, by reference.

Regulation 61-62.60, Subpart DDDD, “Performance Standards and Compliance Times for Existing Commercial and Industrial Solid Waste Incineration Units”:

The table is amended to incorporate federal revisions at 85 FR 63394, October 7, 2020, by reference.

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Regulation 61-62.60, Subpart IIII, “Standards of Performance for Stationary Compression Ignition Internal Combustion Engines”:

The table is amended to incorporate federal revisions at 85 FR 78412, December 4, 2020, by reference.

Regulation 61-62.60, Subpart JJJJ, “Standards of Performance for Stationary Spark Ignition Internal Combustion Engines”:

The table is amended to incorporate federal revisions at 85 FR 63394, October 7, 2020; and 85 FR 78412, December 4, 2020, by reference.

Regulation 61-62.60, Subpart KKKK, “Standards of Performance for Stationary Combustion Turbines”:

The table is amended to incorporate federal revisions at 85 FR 63394, October 7, 2020, by reference.

Regulation 61-62.60, Subpart OOOO, “Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced after August 23, 2011, and on or before September 18, 2015”:

The table is amended to incorporate federal revisions at 85 FR 57018, September 14, 2020, by reference.

Regulation 61-62.60, Subpart OOOOa, “Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced After September 18, 2015”:

The table is amended to incorporate federal revisions at 85 FR 57018, September 14, 2020; and 85 FR 57398, September 15, 2020, by reference, and to add the phrase “and as subsequently amended upon publication in the Federal Register” for clarity.

Regulation 61-62.60, Subpart QQQQ, “Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces”:

The table is amended to incorporate federal revisions at 85 FR 18448, April 2, 2020; and 85 FR 63394, October 7, 2020, by reference, and to add the phrase, and to add the phrase “and as subsequently amended upon publication in the Federal Register” for clarity.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories

Regulation 61-62.63, Subpart A, “General Provisions”:

The table is amended to incorporate federal revisions at 85 FR 10828, February 25, 2020; 85 FR 13524, March 9, 2020; 85 FR 14526, March 12, 2020; 85 FR 17244, March 26, 2020; 85 FR 39980, July 2, 2020; 85 FR 40386, July 6, 2020; 85 FR 40594, July 7, 2020; 85 FR 40740, July 7, 2020; 85 FR 41100, July 8, 2020; 85 FR 41276, July 9, 2020; 85 FR 41411, July 10, 2020; 85 FR 41680, July 10, 2020; 85 FR 42074, July 13, 2020; 85 FR 44216, July 22, 2020; 85 FR 44960, July 24, 2020; 85 FR 45476, July 28, 2020; 85 FR 49084, August 12, 2020; 85 FR 49434, August 13, 2020; 85 FR 49724, August 14, 2020; 85 FR 63394, October 7, 2020; and 85 FR 73854, November 19, 2020, by reference.

Tables in the following subparts in Regulation 61-62.63 are amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference:

Subpart F, “National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry”

Subpart G, “National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater”

Subpart H, “National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks”

Regulation 61-62.63, Subpart J, “National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production”:

The table is amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference, and to add the phrase “and as subsequently amended upon publication in the Federal Register” for clarity.

Tables in the following subparts in Regulation 61-62.63 are amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference:

Subpart L, “National Emission Standards for Coke Oven Batteries”

Subpart M, “National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities”

Subpart N, “National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks”

Subpart O, “Ethylene Oxide Emission Standards for Sterilization Facilities”

Subpart Q, “National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers”

Regulation 61-62.63, Subpart R, “National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)”:

The table is amended to incorporate federal revisions at 85 FR 73854, November 19, 2020; and 85 FR 78412, December 4, 2020, by reference.

Tables in the following subparts in Regulation 61-62.63 are amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference:

Subpart S, “National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry”

Subpart T, “National Emission Standards for Halogenated Solvent Cleaning”

Subpart U, “National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins”

Subpart W, “National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production”

Subpart X, “National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting”

Subpart Y, “National Emission Standards for Marine Tank Vessel Loading Operations”

Regulation 61-62.63, Subpart AA, “National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants”:

The table is amended to incorporate federal revisions at 85 FR 69508, November 3, 2020; and 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart BB, “National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizer Production Plants”:

The table is amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart CC, “National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries”:

The table is amended to incorporate federal revisions at 85 FR 6064, February 4, 2020; and 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart DD, “National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations”:

The table is amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart EE, “National Emission Standards for Magnetic Tape Manufacturing Operations”:

The table is amended to incorporate federal revisions at 85 FR 73854, November 19, 2020; and 85 FR 84261, December 28, 2020, by reference.

Tables in the following subparts in Regulation 61-62.63 are amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference:

Subpart GG, “National Emission Standards for Aerospace Manufacturing and Rework Facilities”

Subpart HH, “National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities”

Subpart II, “National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)”

Subpart JJ, “National Emission Standards for Wood Furniture Manufacturing Operations”

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Subpart KK, “National Emission Standards for the Printing and Publishing Industry”

Subpart LL, “National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants”

Regulation 61-62.63, Subpart MM, “National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mills”:

The table is amended to incorporate federal revisions at 85 FR 70487, November 5, 2020; and 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart SS, “National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process”:

The table is amended to incorporate federal revisions at 85 FR 40386, July 6, 2020, by reference.

Regulation 61-62.63, Subpart XX, “National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations”:

The table is amended to incorporate federal revisions at 85 FR 40386, July 6, 2020, by reference.

Regulation 61-62.63, Subpart YY, “National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards”:

The table is amended to incorporate federal revisions at 85 FR 40386, July 6, 2020; and 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart CCC, “National Emission Standards for Hazardous Air Pollutants for Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants”:

The table is amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart DDD, “National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production”:

The table is amended to incorporate federal revisions at 85 FR 73854, November 19, 2020; and 85 FR 84261, December 28, 2020, by reference.

Tables in the following subparts in Regulation 61-62.63 are amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference:

Subpart EEE, “National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors”

Subpart GGG, “National Emission Standards for Pharmaceuticals Production”

Subpart HHH, “National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities”

Subpart III, “National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production”

Subpart JJJ, “National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins”

Regulation 61-62.63, Subpart LLL, “National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry”:

The table is amended to incorporate federal revisions at 85 FR 63394, October 7, 2020; and 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart MMM, “National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production”:

The table is amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart NNN, “National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing”:

The table is amended to incorporate federal revisions at 85 FR 73854, November 19, 2020; and 85 FR 84261, December 28, 2020, by reference.

Tables in the following subparts in Regulation 61-62.63 are amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference:

Subpart OOO, “National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins”

Subpart PPP, “National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production”

Subpart QQQ, “National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting”

Subpart RRR, “National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production”

Subpart TTT, “National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting”

Regulation 61-62.63, Subpart UUU, “National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units”:

The table is amended to incorporate federal revisions at 85 FR 6064, February 4, 2020; and 85 FR 73854, November 19, 2020, by reference.

Tables in the following subparts in Regulation 61-62.63 are amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference:

Subpart VVV, “National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works”:

Subpart XXX, “National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese”:

Regulation 61-62.63, Subpart AAAA, “National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills”:

The table is amended to incorporate federal revisions at 85 FR 17244, March 26, 2020; and 85 FR 64398, October 13, 2020, by reference.

Regulation 61-62.63, Subpart DDDD, “National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products”:

The table is amended to incorporate federal revisions at 85 FR 49434, August 13, 2020; 85 FR 51668, August 21, 2020; and 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart EEEE, “National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)”:

The table is amended to incorporate federal revisions at 85 FR 40740, July 7, 2020; 85 FR 44216, July 22, 2020; and 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart FFFF, “National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing”:

The table is amended to incorporate federal revisions at 85 FR 49084, August 12, 2020; and 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart GGGG, “National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production”:

The table is amended to incorporate federal revisions at 85 FR 15608, March 18, 2020; and 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart HHHH, “National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production”:

The table is amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference.

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Regulation 61-62.63, Subpart IIII, “National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks”:

The table is amended to incorporate federal revisions at 85 FR 41100, July 8, 2020; and 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart JJJJ, “National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating”:

The table is amended to incorporate federal revisions at 85 FR 41276, July 9, 2020; and 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart KKKK, “National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans”:

The table is amended to incorporate federal revisions at 85 FR 10828, February 25, 2020; and 85 FR 73854, November 19, 2020, by reference.

Tables in the following subparts in Regulation 61-62.63 are amended to incorporate federal revisions at 85 FR 41100, July 8, 2020; and 85 FR 73854, November 19, 2020, by reference:

Subpart MMMM, “National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products”

Subpart NNNN, “National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances”

Subpart OOOO, “National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles”

Subpart PPPP, “National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products”

Regulation 61-62.63, Subpart QQQQ, “National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products”:

The table is amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart RRRR, “National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture”:

The table is amended to incorporate federal revisions at 85 FR 41100, July 8, 2020; and 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart SSSS, “National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil”:

The table is amended to incorporate federal revisions at 85 FR 10828, February 25, 2020; and 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart TTTT, “National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations”:

The table is amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart UUUU, “National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing”:

The table is amended to incorporate federal revisions at 85 FR 39980, July 2, 2020; and 85 FR 73854, November 19, 2020, by reference.

Tables in the following subparts in Regulation 61-62.63 are amended to incorporate federal revisions at 85 FR 15960, March 20, 2020; and 85 FR 73854, November 19, 2020, by reference:

Subpart VVVV, “National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing”

Subpart WWWW, “National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production”

Regulation 61-62.63, Subpart XXXX, “National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing”:

The table is amended to incorporate federal revisions at 85 FR 44752, July 24, 2020; and 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart YYYY, “National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines”:

The table is amended to incorporate federal revisions at 85 FR 13524, March 9, 2020; and 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart ZZZZ, “National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines”:

The table is amended to incorporate federal revisions at 85 FR 73854, November 19, 2020; and 85 FR 78412, December 4, 2020, by reference.

Regulation 61-62.63, Subpart AAAAA, “National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants”:

The table is amended to incorporate federal revisions at 85 FR 44960, July 24, 2020; 85 FR 73854, November 19, 2020; and 85 FR 84261, December 28, 2020, by reference.

Tables in the following subparts in Regulation 61-62.63 are amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference:

Subpart BBBB, “National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing”

Subpart CCCC, “National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks”

Regulation 61-62.63, Subpart DDDD, “National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Industrial Boilers and Process Heaters”:

The table is amended to incorporate federal revisions at 85 FR 73854, November 19, 2020; and 85 FR 84261, December 28, 2020, by reference.

Regulation 61-62.63, Subpart EEEE, “National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries”:

The table is amended to incorporate federal revisions at 85 FR 56080, September 10, 2020; and 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart FFFF, “National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities”:

The table is amended to incorporate federal revisions at 85 FR 42074, July 13, 2020; and 85 FR 44960, July 24, 2020, by reference.

Regulation 61-62.63, Subpart GGGG, “National Emission Standards for Hazardous Air Pollutants: Site Remediation”:

The table is amended to incorporate federal revisions at 85 FR 41680, July 10, 2020; and 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart HHHH, “National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing”:

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The table is amended to incorporate federal revisions at 85 FR 49724, August 14, 2020; 85 FR 73854, November 19, 2020; and 85 FR 75235, November 25, 2020, by reference.

Regulation 61-62.63, Subpart IIII, “National Emission Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants”:

The table is amended to incorporate federal revisions at 85 FR 73854, November 19, 2020; and 85 FR 84261, December 28, 2020, by reference.

Tables in the following subparts in Regulation 61-62.63 are amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference:

Subpart JJJJ, “National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing”

Subpart KKKK, “National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing”

Regulation 61-62.63, Subpart LLLL, “National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing”:

The table is amended to incorporate federal revisions at 85 FR 14526, March 12, 2020; and 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart MMMM, “National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations”:

The table is amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart NNNN, “National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production”:

The table is amended to incorporate federal revisions at 85 FR 20855, April 15, 2020; and 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart PPPP, “National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands”:

The table is amended to incorporate federal revisions at 85 FR 34326, June 3, 2020; and 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart QQQQ, “National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities”:

The table is amended to incorporate federal revisions at 85 FR 41100, July 8, 2020; and 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart RRRR, “National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing”:

The table is amended to incorporate federal revisions at 85 FR 45476, July 28, 2020; and 85 FR 73854, November 19, 2020, by reference.

Tables in the following subparts in Regulation 61-62.63 are amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference:

Subpart SSSS, “National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing”

Subpart TTTT, “National Emissions Standards for Hazardous Air Pollutants for Primary Magnesium Refining”

Regulation 61-62.63, Subpart UUUU, “National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units”:

The table is amended to incorporate federal revisions at 85 FR 20838, April 15, 2020; and 85 FR 55744, September 9, 2020, by reference.

Regulation 61-62.63, Subpart WWWW, “National Emission Standards for Hospital Ethylene Oxide Sterilizers”:

The table is amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference, and to add the phrase “and as subsequently amended upon publication in the Federal Register” for clarity.

Regulation 61-62.63, Subpart ZZZZ, “National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources”:

The table is amended to incorporate federal revisions at 85 FR 56080, September 10, 2020, by reference, and to add the phrase “and as subsequently amended upon publication in the Federal Register” for clarity.

Tables in the following subparts in Regulation 61-62.63 are amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference:

Subpart BBBB, “National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities”

Subpart CCCCC, “National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities”

Subpart HHHHH, “National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources”

Subpart PPPPP, “National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources”

Subpart QQQQQ, “National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources”

Tables in the following subparts in Regulation 61-62.63 are amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference, and to add the phrase “and as subsequently amended upon publication in the Federal Register” for clarity:

Subpart RRRRR, “National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources”

Subpart TTTTT, “National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources”

Regulation 61-62.63, Subpart WWWW, “National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations”:

The table is amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference.

Tables in the following subparts in Regulation 61-62.63 are amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference, and to add the phrase “and as subsequently amended upon publication in the Federal Register” for clarity:

Subpart XXXXX, “National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories”

Subpart YYYYY, “National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities”

Regulation 61-62.63, Subpart AAAAA, “National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing”:

The table is amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart BBBB, “National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry”:

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The table is amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference, and to add the phrase “and as subsequently amended upon publication in the Federal Register” for clarity.

Regulation 61-62.63, Subpart CCCCCC, “National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing”:

The table is amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference.

Regulation 61-62.63, Subpart HHHHHH, “National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl Chloride and Copolymers Production”:

The table is amended to incorporate federal revisions at 85 FR 73854, November 19, 2020, by reference, and to add the phrase “and as subsequently amended upon publication in the Federal Register” for clarity.

Regulation 61-62.70, Title V Operating Permit Program

Regulation 61-62.70, Section 70.3, Applicability:

Paragraph (a) is amended at subparagraph (a)(4) to add the word “and”, and amended at subparagraph (a)(5) to strike the word “and”, for consistency with federal regulation.

Regulation 61-62.70, Section 70.6, Permit content:

Paragraph (e) is amended at subparagraph (e)(2) to strike the word “and”, and amended at subparagraph (e)(3) to strike the period at the end of the sentence and replace with a semicolon and the word “and”, to ensure internal consistency.

Regulation 61-62.70, Section 70.7, Permit issuance, renewal, reopening, and revisions:

Paragraph (h)(2) is amended to add the phrases, “the statement required by Section 70.7(a)(5) (sometimes referred to as the ‘statement of basis’),” and “statement of basis,” to incorporate federal regulation revisions.

Regulation 61-62.70, Section 70.7, Permit issuance, renewal, reopening, and revisions:

Paragraph (h)(3) is amended to strike the word “and” for consistency with federal regulation.

Regulation 61-62.70, Section 70.7, Permit issuance, renewal, reopening, and revisions:

Paragraph (h)(5) is amended to add the phrase, “as well as records of the written comments submitted during that process,” to incorporate federal regulation revisions.

Regulation 61-62.70, Section 70.7, Permit issuance, renewal, reopening, and revisions:

Paragraph (h)(6) is added to incorporate federal regulation revisions.

Regulation 61-62.70, Section 70.8, Permit review by EPA and affected States:

Paragraph (a)(1) is amended to incorporate federal regulation revisions. Subparagraphs (a)(1)(i) and (a)(1)(ii) are added to incorporate federal regulation revisions.

Regulation 61-62.70, Section 70.8, Permit review by EPA and affected States:

Paragraph (c)(1) is amended to add the phrase, “required under Section 70.8(a)(1), including under Section 70.8(a)(1)(i) or (ii) where applicable”, to incorporate federal regulation revisions.

Regulation 61-62.70, Section 70.8, Permit review by EPA and affected States:

Paragraph (d) is amended to add the phrase, “Public petitions to the Administrator” and amended to add the phrase, “The petitioner shall provide a copy of such petition to the Department and the applicant”, to incorporate federal regulation revisions to public petition provisions.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to Marie F. Brown of the Air Regulation and SIP Management Section, Bureau of Air Quality; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; brownmf@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. September 27, 2021, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendments during its November 10, 2021, 11:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: <http://www.scdhec.gov/Agenda>. Public hearing procedures are subject to change in response to COVID-19 protocols. If applicable, the Department will provide notice of these changes twenty-four (24) hours in advance of the public hearing.

The Department publishes a Monthly Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>.

Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: Amendment of R.61-62, Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan (SIP)

Purpose: The EPA promulgated amendments to federal air quality regulations in 2020. The recent federal amendments include clarification, guidance, and technical revisions to the SIP requirements promulgated pursuant to 42 U.S.C. Sections 7410 and 7413; New Source Performance Standards (NSPS) and Emission Guidelines mandated by 42 U.S.C. Section 7411; and federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories mandated by 42 U.S.C. Section 7412. The Department, therefore, proposes amending R.61-62 and the SIP to incorporate these amendments to federal standards promulgated from January 1, 2020, through December 31, 2020. The Department further proposes amending R.61-62.70, Title V Operating Permit Program, to codify relevant federal amendments to Title V provisions to comply with federal law. Additionally, the Department proposes amending R.61-62.5, Standard No. 7, Prevention of Significant Deterioration (PSD), and R.61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR), to incorporate EPA's clarification of Project Emissions Accounting, to incorporate EPA's corrections to NSR regulations, and to make other amendments, as necessary, to maintain compliance with federal law. The Department proposes to make corrections for internal consistency, clarification, and codification, to improve the overall text as necessary for compliance with federal law.

Legal Authority: 1976 Code Sections 48-1-10 et seq., and the Clean Air Act, 42 U.S.C. Sections 7410, 7413, and 7416.

Plan for Implementation: The amendments will take legal effect upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments. Additionally, a copy of the regulation will be posted on the Department's website, accessible at www.scdhec.gov/regulations-table. Printed copies may also be requested, for a fee, from the Department's Freedom of Information Office.

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

The EPA promulgates amendments to its air quality regulations throughout each calendar year. Federal amendments in 2020 included revised NSPS and Emission Guideline rules and NESHAPs for Source Categories, and amendments to PSD, NSR, and Title V permitting provisions. The Department is adopting these federal amendments to maintain compliance with federal law, as the EPA has delegated South Carolina authority for implementation and enforcement of these federal regulations. These amendments are reasonable, as they promote consistency and ensure compliance with both state and federal regulations. The proposed amendments also include corrections for internal consistency, clarification, chemical nomenclature, codification, and spelling to improve the overall text as necessary to ensure compliance with federal law.

DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated increase in costs to the state or its political subdivisions resulting from these proposed revisions. The standards to be adopted are already in effect and applicable to the regulated community as a matter of federal law, thus the amendments do not present a new cost to the regulated community. The proposed amendments incorporate the revisions to the EPA regulations, which the Department implements pursuant to federal delegation and the authority granted by Section 48-1-50 of the Pollution Control Act. The proposed amendments will benefit the regulated community by clarifying and updating the regulations and increasing their ease of use.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

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

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

The state's authority to implement federal requirements, which are beneficial to the public health and environment, would be compromised if these amendments were not adopted in South Carolina.

Text:

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

Document No. 5055

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

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

61-7. Emergency Medical Services.

Preamble:

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

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

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

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

Section-by-Section Discussion of Proposed Amendments:

Amended the Table of Contents to reflect the proposed changes.

Former **SECTION 100. SCOPE AND PURPOSE** - Removed section title for consistency with other Departmental regulations.

Former **Section 101. Scope of Act 1118 of 1974 as amended.** Removed section title and content for consistency with other Departmental regulations.

Former **SECTION 200. DEFINITIONS** - Removed section title for consistency with other Departmental regulations.

SECTION 100 – DEFINITIONS, LICENSURE, AND CERTIFICATION - Added section for consistency with other Departmental Regulations

101. Definitions. Added title for consistency with other Departmental regulations and amended order and number of subsections for consistency in organization.

101.A Abandoned. definition added for clarity.

101.B Abuse. definition added for clarity.

101.C Advanced Emergency Medical Technician (AEMT) – recodified from former 200.N.3 and amended for clarity.

101.D Advanced Life Support (ALS) – recodified from former 200.A and amended to align with statute.

Former 200.B Advanced Life Support Service – removed as term no longer used in the regulation.

101.E Adverse Incident – added for clarity and consistency with other Departmental regulations.

101.F Air Ambulance – recodified prior 200.C.

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- 101.G Ambulance – recodified prior 200.R and amended for clarity.
- 101.H Attendant – added for clarity.
- 101.I Attendant-driver – added for clarity.
- 101.J Former 200.D Basic Life Support Service – recodified and amended for clarity.
- Former 200.E Commission on Accreditation of Allied Health Education Programs – removed as term no longer used in the regulation.
- Former 200.F Committee on Accreditation of Educational Program for the Emergency Medical Service Professionals – removed as term no longer used in the regulation.
- 101.K Certificate. added for clarity and to align with current statute.
- 101.L Condition Requiring an Emergency Response – recodified prior 200.G.
- 101.M Continuing Education Program – recodified prior 200.H amended for clarity.
- Former 200.I Credentialing Information System (CIS) – removed due to change in software system.
- 101.N Department – recodified from 101.II.
- 101.O Do Not Resuscitate Bracelet (“Bracelet”) – added to provide clarity.
- 101.P Do Not Resuscitate Order for Emergency Services (“DNR Order”) – added to provide clarity.
- 101.Q Driver – recodified former 200.J. and amended for clarity.
- 101.R Electronic Patient Care Reports (ePCR) – recodified prior 200.K amended to remove specifically named software.
- 101.S Elopement – definition added for clarity.
- 101.T Emergency – recodified prior 200.L.
- 101.U Emergency Medical Responder Agency – definition added for clarity and to align with statute.
- 101.V Emergency Medical Service Agency (EMS Agency) – definition added for clarity and to align with statute.
- 101.W Emergency Medical Service Personnel – definition added for clarity.
- 101.S Emergency Medical Technician (EMT) – recodified from 101.N.1 and amended for clarity.
- 101.Y Emergency Transport – recodified prior 200.M.
- 101.Z EMT-basic – definition added for clarity.
- Former 101.N – recodified to separate the definitions perspective levels of certification.
- Former 101.O EMT Rapid Responder Agency –deleted and replaced with the statutory language in 101.S.
- 101.AA Endorsement – definition added for clarity.
- 101.BB Exploitation. definition added for clarity.
- 101.CC Federal Aviation Administration – recodified prior 200.P.
- 101.DD Flight Nurse – recodified from 200.Q and amended for clarity.
- Former 200.R –recodified to 101.E.
- Former 200.S. HIPAA – removed as term no longer used in the regulation.
- Former 200.T Intermediate Life Support Service – removed as term no longer used in the regulation.
- 101.EE Investigative Review Committee – definition added for clarity.
- Former 200.U Joint Policy Statement on Equipment for Ground Ambulance – removed as term no longer used in the regulation.
- 101.FF License. definition added for clarity
- 101.GG Licensee. definition added for clarity
- 101.HH Medical Control – recodified prior 200.V. and amended for clarity.
- 101.II Medical Control Physician – added for clarity.
- 101.JJ Moral Turpitude – recodified prior 200.W.
- 101.KK National Emergency Medical Services Information System – recodified prior 200.X.
- 101.LL National Registry of Emergency Medical Technicians – recodified prior 200.Y.
- 101.MM Neglect. Definition added for clarity.
- 101.NN Nonemergency Transport – recodified prior 200.Z and amended for clarity.
- 101.OO Palliative Treatment – added for clarity and to reflect statute.
- 101.PP Paramedic – recodified from former 101.N.4 and amended for clarity.
- 101.QQ Patient – recodified prior 200.AA and amended for clarity.
- 101.RR Permit – definition added for clarity and to align with statute.
- 101.SS Physician Orders for Scope of Treatment (POST) Form – added for clarity and to reflect statute.

101.TT recodified prior 200.BB
 Former 200.CC removed as term no longer used in the regulation.
 101.UU Protocols – added for clarity.
 101.VV Public Safety Answering Point – added for clarity.
 101.WW Resuscitative Treatment – added for clarity.
 101.XX Revocation – recodified prior 200.DD.
 101.YY Special Purpose EMT – recodified prior 200.EE.
 Former 200.FF removed as term is no longer used in the regulation.
 101.ZZ Star of Life – recodified prior 200.GG.
 101.AAA Suspension – recodified prior 200.HH.
 Former 200.II – removed as term no longer used in the regulation.
 101.BBB Variance – added for clarity.
 Former 200.JJ. Vocational School – removed as term no longer used in the regulation.
 101.CCC– recodified prior 200.KK.

102. Licensure – added title and content and partly recodified from former Section 401 for consistency with other Departmental regulations.

103. EMS Agency License Application – added title for consistency with other Departmental regulations. Recodified content from former Section 401 and amended for consistency with other Departmental regulations.

104. Emergency Medical Technicians – added title for recodification of prior Section 900

104.A Recodified content from former section 901 and amended for clarity.

104.B Recodified content from former sections 901 and 902 and amended for clarity.

105. Initial EMT-basic, AEMT, and Paramedic Certification – added title due to recodification. Recodified content from former section 902 and amended for clarity and consistency with other Departmental regulations.

106. Issuance and Terms of Certification – added title for reorganizational purposes. Recodified content from former section 902 and added content for clarity and consistency with other Departmental regulations and statutory requirements.

107. EMT-basic, AEMT, or Paramedic Certification Renewal – added title for reorganizational purposes. Recodified content from former section 903 and amended for clarity and consistency with other Departmental regulations.

108. Special Purpose EMT – added title for reorganizational purposes. Recodified content from former section 904 and amended for clarity to grandfather certification of Special Purpose EMT.

109. Reciprocity – added title for reorganizational purposes. Recodified content from former section 905 and amended for clarity.

110. Certification Examinations – recodified content from former section 906 and amended for clarity.

111. Training Programs – recodified content from former section 906 and amended for clarity.

112. Certified EMT-basic, AEMT, and Paramedic Instructors – recodified content from former Section 907 and amended for clarity.

113. Continuing Education (CE) Program. (II) – recodified content from former section 907 and amended for clarity.

114. Continuing Education Units (CEUs) – recodified content from former section 907 and amended for clarity.

115. Pilot Study Programs – recodified content from former Section 907 and amended for clarity.

116. Endorsement of Specialty Credentials – recodified content from former Section 908 amended for clarity

117. Variance – added for clarity and consistency with other Departmental regulations

SECTION 200 – ENFORCEMENT OF REGULATIONS – added section title for consistency with other Departmental regulations.

201. Inspections and Investigations – added title for consistency with other Departmental regulations. Recodified content from former section 301 and 302 and amended for clarity and consistency with other Departmental regulations.

202. Plan of Correction – added title and content for consistency with other Departmental regulations.

203. Consultations – added title and content for consistency with other Departmental regulations.

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Former SECTION 300. ENFORCING REGULATIONS – removed section title for consistency with other Departmental regulations.

SECTION 300 – ENFORCEMENT ACTIONS – added section title for consistency with other regulations.

Former **Section 301. General** – removed and recodified to proposed Section 201.

Former **Section 302. Inspections and Investigations** – removed and recodified to proposed Section 201

Former **Section 303. Enforcement Actions** – removed and recodified to proposed Sections 301 and 302.

Section 301. Violation Classifications. former Section 304 recodified.

Former 304.G – removed due to no longer being relevant.

Former 304.H – removed due to no longer being necessary in the regulation.

Section 302. Monetary Penalties – added title. Recodified content from 1501 and amended. Added content to create clarity and consistency with other Departmental regulations.

Section 303. Enforcement Actions against Emergency Medical Technicians – added title for organizational purposes. Recodified content from 1100 and amended for clarity.

Section 304. Investigative Review Committee – added for clarity and to reflect statute

Former SECTION 400. LICENSING PROCEDURES – removed title for organizational purposes.

SECTION 400 – POLICIES AND PROCEDURES – added title for organizational purposes and consistency with other Departmental regulations.

Former **Section 401. Application** – recodified to proposed section 103.

Former **Section 402. Medical Control Physician. (I)** – removed and recodified to proposed section 502.

Former **Section 403. Non-Credentialed Ambulance Operator or Driver. (II)** – removed and recodified to proposed section 503. Driver.

Former **Section 404. Criteria for License Category Basic Life Support (Ambulance). (II)** – removed and incorporated into Sections 504 and 505.

Former **Section 405. Criteria for License Category – Intermediate Life Support: (Ambulance). (II)** – was removed as this no longer defined or used in the regulation.

Former **Section 406. Criteria for License Category – Advanced Life Support: (Ambulance). (II)** – removed and incorporated into Sections 504 and 505.

Former **Section 407. Criteria for License Category – Special Purpose Ambulance Provider: (Ambulance). (II)** - removed as it is no longer defined or used in the regulation.

Former **Section 408. Advanced Life Support Information. (II)** – removed and recodified to proposed Sections 504 and 505.

Former **Section 409. Advertising Level of Care. (II)** – removed as this is addressed in Section 102.

Former **Section 410. Criteria for License Category – EMT Rapid Responder. (II)** - removed and recodified to proposed Section 506.

Former **Section 411. Special Exemptions for Volunteer EMS Providers Squads** – removed and (insert brief description of changes).

400.A – added for clarity regarding policies and procedures

400.B – added for clarity regarding policies and procedures

400.C – added for clarity regarding policies and procedures

Former SECTION 500. PERMITS, AMBULANCE (I) – removed title for organizational purposes.

SECTION 500 – PERSONNEL REQUIREMENTS – added title for organizational purposes and consistency with other regulations.

Former **Section 501. Vehicle and Equipment** – removed title and content and recodified to proposed Section 1800

- Former **Section 502. Temporary Assets** – removed title and content and recodified to proposed Section 1800
- 501. General** – recodified prior Section 1000 and amended for clarity.
- 502. Medical Control Physician** – added title for reorganizational purposes. Recodified content from former section 402 and amended to provide clarity and record keeping.
- 503. Driver** – added title for reorganizational purposes. Recodified content from former section 403 and 404.D. Amended content to align with South Carolina Statute and amended to provide clarity.
- 504. Emergency Medical Responder Agency** – added for clarity and to reflect statute
- 505. Ambulance Service Agency** – Recodified content from former sections 404, 405, 406, 407, 408, 409, 410, 411 and 501 and amended for clarity.
- 506. Special Response Vehicle** – added for clarity
- 507. Tiered Response System** – recodified from 405.A and amended for clarity and to align with statute.
- 508. Volunteer EMS Agencies** – former Section 411 recodified and amended for clarity.

Former SECTION 600. STANDARDS FOR AMBULANCE PERMIT – removed title for organizational purposes.

SECTION 600 – REPORTING – added title for organizational purposes and consistency with other Departmental regulations.

Former **Section 601. Ambulance Design and Equipment** – removed and recodified to proposed section 1902 and 2100.

- 601. Adverse Incident Reporting (I)** – added title and content to create consistency with other Departmental regulations and to clarify reporting requirements.
- 602. Collisions** – and title and recodified content from former 501.F; amended for clarity.
- 603. Administration Changes** – added title and recodified content from former sections 401 and 402; amended for clarity and to create consistency with other Departmental regulations.
- 604. Accounting of Controlled Substances (I)** – added title and content to create consistency with other Departmental regulations and to provide clarity on reporting.
- 605. Agency Closure** – added title and content to create consistency with other Departmental regulations and to provide clarity on reporting.

Former SECTION 700. EQUIPMENT (II) – removed title for organizational purposes.

SECTION 700 – PATIENT CARE – added title for organizational purposes and to create consistency with other Departmental regulations.

Former **Section 701. Minimum Ambulance Medical Equipment.** – removed title for organizational purposes and recodified content to proposed Section 2100.

Former **Section 702. Intermediate and Advanced Equipment** – removed title for organizational purposes and recodified content to proposed Section 2100.

Former **Section 703. EMT Rapid Responder Equipment** – removed title for organizational purposes and recodified content to proposed Section 2100.

Former **Section 704. Special Purpose Ambulance Equipment** – removed title for organizational purposes and recodified content to proposed Section 2100.

- 701. General** – recodified from former Section 1301 and amended for clarity.
- 702. Data Manager** – recodified from former Section 1302 and amended for clarity.
- 703. Content** – recodified from former Section 1303 and amended for clarity.
- 704. Report Maintenance** – recodified from former Section 1304 and amended for clarity.
- 705. Do Not Resuscitate (DNR) Order** – recodified from former Section 1400 and amended for clarity.
- 706. Physician Orders for Scope of Treatment (POST)** – added for clarity and reflect statute.

Former SECTION 800. SANITATION STANDARDS FOR LICENSED PROVIDERS – removed title for organizational purposes and consistency with other Departmental regulations.

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Former **Section 801. Exterior Surfaces** – removed and recodified content to proposed Section 1701 for consistency with other Departmental regulations.

Former **Section 802. Interior Surfaces Patient Compartment-Ambulance** – removed and recodified content to proposed Section 1702 for consistency with other Departmental regulations.

Former **Section 803. Linen** – removed and recodified content to proposed Section 1703 for consistency with other Departmental regulations.

Former **Section 804. Oxygen Administration Apparatus. (II)** – removed and recodified content to proposed Section 1704 for consistency with other Departmental regulations.

Former **Section 805. Resuscitation Equipment. (II)** – removed and recodified content to proposed Section 1705 for consistency with other Departmental regulations.

Former **Section 806. Suction Unit** – removed and recodified content to proposed Section 1706 for consistency with other Departmental regulations.

Former **Section 807. Splints** – removed and recodified content to proposed Section 1707 for consistency with other Departmental regulations.

Former **Section 808. Stretchers and Spine Boards** – removed and recodified content to proposed Section 1708 for consistency with other Departmental regulations.

Former **Section 809. Bandages and Dressings. (II)** – removed and recodified content to proposed Section 1709 for consistency with other Departmental regulations.

Former **Section 810. Obstetrical (OB) Kits. (II)** – removed and recodified content to proposed Section 1710 for consistency with other Departmental regulations.

Former **Section 811. Oropharyngeal Appliances. (II)** – removed and recodified content to proposed Section 1711 for consistency with other Departmental regulations.

Former **Section 812. Communicable Diseases. (II)** – removed and recodified content to proposed Section 1712 for consistency with other Departmental regulations.

Former **Section 813. Miscellaneous Equipment** – removed and recodified content to proposed Section 1713 for consistency with other Departmental regulations.

Former **Section 814. Equipment and Materials Storage Areas** – removed and recodified content to proposed Section 1714 for consistency with other Departmental regulations.

Former **Section 815. Personnel** – removed and recodified content to proposed Section 1715 for consistency with other Departmental regulations.

Former SECTION 900. EMERGENCY MEDICAL TECHNICIANS – removed title for organizational purposes and consistency with other Departmental regulations.

Former **Section 901. General.** – removed and recodified content to proposed Section 104 for consistency with other Departmental regulations.

Former **Section 902. Initial EMT, AEMT, and Paramedic Certification. (I)** – removed and recodified content to proposed Section 105 for consistency with other Departmental regulations.

Former **Section 903. Recertification of EMT, AEMT, and Paramedic Certification.** – removed and recodified content to proposed Section 107 for consistency with other Departmental regulations.

Former **Section 904. Special Purpose EMT.** – removed and recodified content to proposed Section 108 for consistency with other Departmental regulations.

Former **Section 905. Reciprocity.** – removed and recodified content to proposed Section 109 for consistency with other Departmental regulations.

Former **Section 906. Certification Examinations.** – removed and recodified content to proposed Section 110 for consistency with other Departmental regulations.

Former **Section 907. Emergency Medical Technician Training Programs. (II)** – removed and recodified content to proposed Section 111 or consistency with other Departmental regulations.

Former **Section 908. Endorsement of Credentials.** – removed and recodified content to proposed Section 116

Former **Section 909. Certification Patches.** – removed as no longer relevant

Former SECTION 1000. PERSONNEL REQUIREMENTS (I) – removed title for organizational purposes and consistency with other Departmental regulations. Recodified content to proposed Section 500.

Former SECTION 1100. REVOCATION OR SUSPENSION OF CERTIFICATES OF EMERGENCY MEDICAL TECHNICIANS (I) – removed title for organizational purposes and consistency with other Departmental regulations. Recodified content to proposed Section 114.

Sections 800 through 1100 – reserved to create consistency with other Departmental regulations.

Former SECTION 1200. AIR AMBULANCES – removed title for organizational purposes and consistency with other Departmental regulations. Recodified content to proposed Section 2200.

Former **Section 1201. Licensing. (I)** – removed for organizational purposes and consistency with other Departmental regulations. Recodified content to proposed Section 2201.

Former **Section 1202. Medical Supplies and Equipment. (II)** – removed for organizational purposes and consistency with other Departmental regulations. Recodified content to proposed Sections 2201 and 2202.

Former **Section 1203. Special Purpose Air Ambulances. (II)** – removed for organizational purposes and consistency with other Departmental regulations. Recodified content to proposed Section 2203.

Former **Section 1204. Medication and Fluids for Advanced Life Support Air Ambulances. (II)** – removed for organizational purposes and consistency with other Departmental regulations. Recodified content to proposed Section 2204.

Former **Section 1205. Rescue Exception. (II)** – removed for organizational purposes and consistency with other Departmental regulations. Recodified content to proposed Section 2205.

1201. General – added for clarity and for consistency and alignment with other Departmental regulations.

1202. Medication Orders – added for clarity and for consistency and alignment with other Departmental regulations.

1203. Administering Medication and/or Treatments – added for clarity and for consistency and alignment with other Departmental regulations.

1204. Medication Storage – added for clarity and for consistency and alignment with other Departmental regulations.

1205. Disposition of Controlled Substances – added for clarity and for consistency and alignment with other Departmental regulations.

Former SECTION 1300. PATIENT CARE REPORTS (III) – removed title for organizational purposes and consistency with other Departmental regulations. Recodified content to proposed Section 700.

Former **Section 1301. Patient Care Reports.** – removed for organizational purposes and consistency with other Departmental regulations. Recodified content to proposed Section 701.

Former **Section 1302. Data Manager.** – removed for organizational purposes and consistency with other Departmental regulations. Recodified content to proposed Section 702.

Former **Section 1303. Content.** – removed for organizational purposes and consistency with other Departmental regulations. Recodified content to proposed Section 703.

Former **Section 1304. Report Maintenance.** – removed for organizational purposes and consistency with other Departmental regulations. Recodified content to proposed Section 704.

Former **SECTION 1400. DO NOT RESUSCITATE ORDER** – removed title for organizational purposes and consistency with other Departmental regulations. Recodified content to proposed Section 705.

Former **1401. Purpose and Authority of Emergency Medical Services Do Not Resuscitate Order** – removed due to not being necessary in regulation.

Former **Section 1402. Definitions** – removed due to not being necessary in regulation.

Former **Section 1403. General Provisions** – removed due to not being necessary in regulation.

Former **Section 1404. Revocation of EMS DNR Order** – recodified to proposed Section 705 and amended for clarity.

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Former **Section 1405. Patient's Assessment and Intervention. (II)** – recodified to proposed Section 705 and amended for clarity.

Former **Section 1406. Resuscitative Measures to be Withheld or Withdrawn. (II)** – recodified to proposed Section 705 and amended for clarity.

Former **Section 1407. Procedures to Provide Palliative Treatment. (II)** – recodified to proposed Section 705 and amended for clarity.

Former **Section 1408. DNR Information for the Patient, the Patient's Family, the Health Care Provider and EMS Personnel. (II)** – removed due to not being necessary in regulation.

Former SECTION 1500. FINES AND MONETARY PENALTIES – removed title for organizational purposes and consistency with other Departmental regulations. Recodified content to proposed Section 300.

Former **Section 1501. Fines and Monetary Penalties** – recodified to proposed Section 300.

Former SECTION 1600. SEVERABILITY – removed title for organizational purposes and consistency with other Departmental regulations. Recodified content to proposed Section 2700.

Former SECTION 1700. GENERAL – removed title for organizational purposes and consistency with other Departmental regulations. Recodified content to proposed Section 2800.

Sections 1300 through 1600 – reserved to create consistency with other Departmental regulations.

1700 – SANITATION AND INFECTION CONTROL – added title for organizational purposes and consistency with other Departmental regulations.

1701. General – Added for clarity and consistency with other Departmental regulations.

1702. Exterior Ambulance Surfaces – recodified from former Section 801 and amended for clarity.

1703. Interior Ambulance Surfaces – Patient Compartment. – recodified from former Section 802 and amended for clarity.

1704. Linen. – recodified from former Section 803 and amended for clarity.

1705. Oxygen Administration Apparatus. (II) – recodified from former Section 804 and amended for clarity.

1706. Resuscitation Equipment. (II) – recodified from former Section 805 and amended for clarity.

1707. Suction Unit. – recodified from former Section 806 and amended for clarity.

1708. Splints. – recodified from former Section 807 and amended for clarity.

1709. Spinal Motion Restriction Devices. – recodified from former Section 808 and amended for clarity.

1710. Bandages and Dressings. (II) – recodified from former Section 809 and amended for clarity.

1711. Obstetrical (OB) Kits. (II) – recodified from former Section 810 and amended for clarity.

1712. Oropharyngeal Appliances. (II) – recodified from former Section 811 and amended for clarity.

1713. Communicable Diseases. (II) – recodified from former Section 812 and amended for clarity.

1714. Equipment. – recodified from former Section 813 and amended for clarity.

1715. Equipment and Materials Storage Areas. – recodified from former Section 814 and amended for clarity.

1716. Personnel. – recodified from former Section 815 and amended for clarity.

SECTION 1800 – AMBULANCE PERMITS – added title for organizational purposes.

1801. General – recodified from former Section 501 and amended for clarity.

1802. Temporary Ambulance Permit – recodified from former Section 502 and amended for clarity.

SECTION 1900 – AMBULANCES – added title for organizational purposes.

Section 1901. – Ambulance Design – recodified from former Section 601 and amended for clarity and current practice.

Section 1902. Ambulance Re-mount Design and Equipment – added to create consistency with national standards.

SECTION 2000 – [RESERVED] – added to create consistency with other Departmental regulations.

SECTION 2100 – MEDICAL EQUIPMENT – added title for organizational purposes and consistency with other regulations; recodified and amended content from former Section 700.

SECTION 2200 – AIR AMBULANCE

2201. Permitting. (I) – recodified from former Sections 1201.A., B., and C. and amended for clarity

2202. Aircraft. – recodified from former Section 1201.D and amended for clarity and to represent current Air Ambulance standards.

2203. Aircraft Flight Crew. recodified from former Sections 1201 E. through H. and amended for clarity and to represent current Air Ambulance standards.

2204. Medical Supplies and Equipment. (II) – recodified from former Section 1202 and amended for clarity.

2205. Medication and Fluids for Advanced Life Support Air Ambulances. (II) – recodified from former Section 1204 and amended for clarity.

2206. Rescue Exception. (II) – recodified from former Section 1205 and amended for clarity.

Sections 2300 through 2600 – reserved to create consistency with other Departmental regulations.

SECTION 2700 – SEVERABILITY – added to create consistency with other Departmental regulations.

SECTION 2800 – GENERAL – added to create consistency with other Departmental regulations.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to Healthcare Quality; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; HQRegs@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on September 27, 2021, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendments during its November 10, 2021, 11:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: <http://www.scdhec.gov/Agenda>. Public hearing procedures are subject to change in response to COVID-19 protocols. If applicable, the Department will provide notice of these changes twenty-four (24) hours in advance of the public hearing.

The Department publishes a Monthly Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>.

Preliminary Fiscal Impact Statement:

Implementation of this regulation will not require additional resources. There is no anticipated additional cost by the Department or state government due to any requirements of this regulation.

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Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: 61-7, Emergency Medical Services.

Purpose: The Department proposes amending R.61-7 to update provisions in accordance with current practices and standards. Proposed amendments incorporate and revise provisions and definitions to conform to statutory mandates and terminology widely used and understood within the provider community. The Department further proposes revisions for clarity and readability, grammar, references, codification, and overall improvement to the text of the regulation.

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

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments. Additionally, a copy of the regulation will be posted on the Department's website, accessible at www.scdhec.gov/regulations-table. Printed copies may also be requested, for a fee, from the Department's Freedom of Information Office.

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

The proposed amendments are necessary to update provisions in accordance with current practices and standards. The amendments include updated language for EMS agencies applying for licensure and certification of EMS personnel, and incorporate provisions delineating requirements for protocols, ambulance permitting, Emergency Medical Responder agencies, training programs, ambulance design and equipment, and medical equipment. The proposed amendments revise and incorporate requirements regarding maintenance of policies and procedures, Department inspections and investigations, maintenance of accurate and current patient reports, and other requirements for licensure. The proposed amendments also update the structure of the regulation throughout for consistency with other Department regulations.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of these proposed amendments will not require additional resources. There is no anticipated additional cost to the Department or state government due to any inherent requirements of these proposed amendments. There are no anticipated additional costs to the regulated community.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments to R.61-7 seek to support the Department's goals relating to the protection of public health through implementing updated requirements and current best practices for the emergency medical agencies and personnel. There are no anticipated effects on the environment.

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

There is no anticipated detrimental effect on the environment. If the proposed revision is not implemented, the regulation will be maintained in its current form the benefits of the proposed amendments herein will not be realized.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(h):

The Department proposes amending R.61-7 to update provisions in accordance with current practices and standards. Proposed amendments incorporate and revise provisions and definitions to conform to statutory mandates and terminology widely used and understood within the provider community. The Department proposes revising requirements for Emergency Medical Technician (EMT) training programs, ambulance design and equipment, incident reporting, sanitation and infection control, monetary penalties, and other requirements for EMS agency licensure, ambulance permitting, and EMT certification.

Text:

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

Document No. 5058
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
 CHAPTER 61
 Statutory Authority: 1976 Code Sections 44-56-10 et seq.

61-79. Hazardous Waste Management Regulations.

Preamble:

Pursuant to R.61-79, Hazardous Waste Management Regulations, the Department of Health and Environmental Control (“Department”) promulgates regulations establishing and enforcing procedures, standards, and other requirements for the proper management of hazardous waste in South Carolina. The Department proposes amending R.61-79 to adopt the Environmental Protection Agency (“EPA”) final rule, “Modernizing Ignitable Liquids Determinations,” published in the Federal Register on July 7, 2020, at 85 FR 40594-40608. This rule updates flash point test methods used to determine if a liquid waste is hazardous. It allows the use of non-mercury thermometers in approved analytical methods that currently require mercury thermometers. This rule also provides greater clarity to determinations of hazardous waste, provides more flexibility in testing requirements, and improves environmental compliance, thereby enhancing the protection of human health and the environment. Because this rule is no more or less stringent than current Federal requirements, the EPA has made state adoption optional. The Administrative Procedures Act, S.C. Code Ann. Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the April 23, 2021, *South Carolina State Register*.

Section-by-Section Discussion of Proposed Amendments:

260.10 “Contained”. Revise the definition to remove the reference to 40 CFR.

260.10 “Designated facility”. Revise the definition to add a reference to 40 CFR.

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260.10 “Facility”. Revise the definition to remove the reference to 267.101.

260.10 “Hazardous secondary material generator”. Revise the definition to remove the reference to 261.2(a)(2)(ii).

260.11. Delete existing text and add new text with references to the current flash point test methods approved by the EPA.

260.33(c) and (d). Change instances of “Administrator” to “Department.”

260.42(b). Change “Regional Administrator” to “Department.”

260.43(a)(4). Delete existing text (insert justification).

260.43(b)(1)(ii). Revise “R.61-79.264” to “R.61-79.261.”

261.2(a). Add missing sentence in 261.2(a)(1). Delete existing text in 261.2(a)(2). Insert text in (2)(i) that defines “discarded material” and reserve (2)(ii).

261.2(c)(4). Table 1, Column Heading. Correct heading in Column 4 from “261.4(a)(25)” to “261.4(a)(27).”

261.4(a)(9)(iii)(E). Delete the word “appropriate.”

261.4(a)(24)(v)(B). Remove the parenthetical describing a RCRA part B permit.

261.4(a)(24)(v)(B)(3). Remove instances of “the South Carolina Hazardous Waste Management” and “with the Department” from the paragraph and adding “RCRA hazardous waste.”

261.4(a)(27)(vi)(A). Delete the reference to the EPA and “if the state is authorized for the program.”

261.21(a)(1). Remove references to old testing methods for liquid waste and add new approved methods as added in 260.11. Also correct spelling and grammatical errors.

261.21(a)(3)(ii). Remove references to old testing methods for compressed gases in items (A) and (B) and add the new approved methods as added in 260.11. Remove items (C) and (D).

261.21(a)(4). Remove references to Note 3 and Note 4. Change reference to “Class A explosive or a Class B” explosive to a “Division 1.1, 1.2, or 1.3” explosive.

261.21 Notes. Remove Notes 1-4.

261.31(b)(4)(ii). Remove “or the state regulatory authority.”

261.41(a). Correct “persons” to “CRT exporters,” “the Regional Administrator” to “the EPA,” and “The” to “This.”

261.41(a)(2). Update the instructions for those sending notifications of intent to export CRTs with the correct address.

261.147(g)(2)(i)(B). Correct the punctuation error at the end of (B).

261.151(d). Revise the reference from 261.143(e) to 261.143(d).

261.151 Appendix E, Financial Test, paragraph 4. Add reference to the EPA.

261.197. Remove reference to Section 271.

261.420(g). Add text that requires employees to be familiar with relevant proper methods of handling waste and emergency procedures.

- 261 Appendix IX Table 1. Remove Michigan’s wastes excluded from Non-specific sources and replace with the listing of South Carolina’s excluded wastes.
- 262.12. Change all instances of “Notification Form” to “Site Identification Form.”
- 262.15(a). Remove reference to 267.
- 262.17. Remove reference to 267.
- 262.17(a)(8)(iii)(A)(3). Correct the label of RCRA Subtitle C hazardous waste permitted facilities.
- 262.17(c). Remove reference to 267.
- 262.18(d)(1) and (d)(2). Remove language and reserve.
- 262.20(a)(2). Add reference to 262.34.
- 262.21(f)(4). Update the text regarding the color ink marginal words indicating copy distribution on a manifest and continuation sheet are to be printed in.
- 262.21(h)(2). Correct grammatical errors by adding “the” before registrant and “either” before “approve.”
- 262.41(a). Clarify the text by referencing “large quantity generators” rather than their specifications.
- 262.81 “Exporter”. Remove “, or equivalent State provision,” from the definition.
- 262.83(a)(6)(i)(B)(2). Strike the reference to 40 CFR.
- 262.203(b). Correct “Notification and Reporting Form” to read “Site Identification Form.”
- 262.204(b). Correct “Notification and Reporting Form” to read “Site Identification Form.”
- 262.214. Add text regarding Laboratory Management plans.
- 263.11(b). Correct all instances of “Notification Form” to “Site Identification Form.”
- 263.13. Correct all instances of “Notification Form” to “Site Identification Form.”
- 264.1(g)(1). Correct “R.61-79.261.14” to “R.61-79.262.14.”
- 264.5(a-d). Correct all instances of “Notification Form” to “Site Identification Form.”
- 264.11(b). Correct all instances of “Notification Form” to “Site Identification Form.”
- 264.13(a)(2). Correct “R. part .261” to “R.61-79.261.”
- 264.314(e). Remove the comma after “determines.”
- 264.340(b)(1). Add text (insert justification).
- 264.552(e)(4)(iv)(F). Remove “(c)(3)(v)” and add a missing parenthesis.
- 264.1312(a). Correct the formula by replacing the subscript “t” with a subscript “i” after Marginal Cost.
- 265.1(c)(7). Correct “R.61-79.262” to “R.61-79.265.”
- 265.1(c)(11). Remove header text.
- 265.5. Correct all instances of “Notification Form” to “Site Identification Form.”
- 265.71(a)(2)(i). Specify that each copy of the manifest must be signed and dated by hand.

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265.71(f)(1). Remove the reference to 40 CFR.

265.71(f)(3). Add “hazardous” before “waste shipment.”

265.71(h)(3). Move the parenthesis to encompass the “30.”

265.193(i)(2). Remove the single bracket.

265.1035(c)(4)(i). Change the period after 760 °C to a comma.

266.80(a) Table 1. Correct Table by adding text and removing references to 40 CFR.

266.80(b)(1)(iv). Correct by adding a space between “265” and “of.”

266.80(b)(2)(iv) and (v). Correct by adding a space between “264” and “of.” Add “except” between “of this chapter” and “264.71 or 264.72”. Delete “(but not” before “264.71 or 264.72”.

266.100(b)(3). Remove references to 40 CFR.

266.100(b)(4). Remove references to 40 CFR.

268.7(a)(5)(i-iii). Add text regarding waste analysis plans.

268.7(a)(7). Change “in” to “is.” Remove extra parenthesis.

268.9(a). Remove all references to 40 CFR.

Table 268.40. Under the waste code, “K088,” remove the comma in “Indeno(1,2,3,-cd)pyrene” in the Table and remove duplicated text in footnotes.

268.50(a). Remove the reference to RCRA.

270.1(a)(3). Remove the reference to 267.

270.6(a). Correct the capitalization error in the second sentence and change “these Regulations” to “this chapter.”

270.6(b). Insert the missing acronym “NTIS”, strike an incorrect phone number, and add “U.S. Government Printing Office” to the address.

270.14(b)(11)(iv)(c)(2). Remove the reference to 271.

270.19(e). Correct by adding in the appropriate references for each section.

270.22. Correct by adding in the appropriate references for each section.

270.25(e)(3). Correct “ATPA” to “APTI.”

270.29. Add “may.”

270.31(c). Remove the reference to 267.

270.32(b)(3). Correct by adding in the appropriate references for each section.

270.42(j)(1). Correct “was” to “were.”

270.62. Correct by moving the parenthesis.

270.65(a). Add appropriate dashes to the regulation references.

270.65(b). Add appropriate dashes to the regulation references.

273.4(b)(2). Remove an underlined space.

273.13(c)(2). Correct by clarifying the referenced requirements.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to Joe Bowers of the Bureau of Land and Waste Management; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; bowersjb@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on September 27, 2021, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendments during its November 10, 2021, 11:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: <http://www.scdhec.gov/Agenda>. Public hearing procedures are subject to change in response to COVID-19 protocols. If applicable, the Department will provide notice of these changes twenty-four (24) hours in advance of the public hearing.

The Department publishes a Monthly Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated *State Register* documents at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>.

Preliminary Fiscal Impact Statement:

The proposed amendments have no substantial fiscal or economic impact on the state or its political subdivisions. There is no anticipated additional cost by the Department or state government due to any requirements of this regulation.

Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: 61-79, Hazardous Waste Management Regulations.

Purpose: The purpose of this amendment is to realize the benefits of and maintain state consistency with the EPA by adopting the final “Modernizing Ignitable Liquids Determinations,” rule published in the Federal Register on July 7, 2020, at 85 FR 40594-40608.

Legal Authority: 1976 Code Sections 44-56-10 et seq.

Plan for Implementation: These amendments will take legal effect upon General Assembly approval and upon publication in the *State Register*. Department personnel will then take appropriate steps to inform the regulated community of the new amendments. Additionally, a copy of the regulation will be posted on the Department’s website, accessible at www.scdhec.gov/regulations-table. Printed copies may also be requested, for a fee, from the Department’s Freedom of Information Office.

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

The Department proposes amending R.61-79 to adopt the final EPA “Modernizing Ignitable Liquids Determinations,” rule published in the Federal Register on July 7, 2020, at 85 FR 40594-40608. The rule updates flash point test methods used to determine if a liquid waste is hazardous. It allows the use of non-mercury thermometers in approved analytical methods that currently require mercury thermometers. This rule also provides greater clarity to determinations of hazardous waste, provides more flexibility in testing requirements, and improves environmental compliance, thereby enhancing the protection of human health and the environment.

DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated increased cost to the state or its political subdivisions resulting from these revisions. This final rule will modify Test Methods for Evaluating Solid Waste: Physical/Chemical Methods (SW-846) test methods while also retaining the current procedures to provide entities increased flexibility. EPA analysis estimates that this rule will result in nationwide annualized cost savings of \$78,500 to \$477,000 to 235 commercial laboratories, and that human and environmental health will benefit from the reduced use of mercury thermometers (Federal Register, Vol 85, No. 130, page 40595).

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The proposed revisions to R.61-79 will enhance current protections of human and environmental health through implementation of updated testing methods for determining whether liquid waste is hazardous, reducing use of mercury thermometers, and a more flexible testing regime.

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

If the regulation is not implemented, there will be detrimental effects on the environment and public health because South Carolina would not be implementing or realizing the benefits of the EPA’s “Modernizing Ignitable Liquids Determinations” rule, among them updated test methods for determining hazardous liquid wastes, reduced use of mercury thermometers, and more flexibility in testing requirements.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

The Department proposes amending R.61-79, Hazardous Waste Management Regulations, to adopt the EPA’s final “Modernizing Ignitable Liquids Determinations” rule published in the Federal Register on July 7, 2020, at 85 FR 40594-40608, and correct typographical errors, citation errors, and other errors and omissions. The EPA has given authorized states, including South Carolina, the discretion to adopt this rule as it will make existing standards less stringent and provide more flexibility to the regulated community. This rule will update test methods for determining liquid waste, allow for the use of non-mercury thermometers in several methods that previously required mercury thermometers, and will provide more flexibility in testing requirements. Adoption of this rule will increase flexibility for the regulated community and thereby enhance the protection of human health and the environment.

Text:

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

Document No. 5057
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
 Statutory Authority: 1976 Code Sections 44-69-10 et seq.

61-77. Standards for Licensing Home Health Agencies.

Preamble:

Pursuant to S.C. Code Sections 44-69-10 et seq., the Department of Health and Environmental Control (“Department”) sets standards for the care, treatment, health, safety, welfare, and comfort of patients served by home health agencies, and for the maintenance and operation of home health agencies. The Department proposes amending R.61-77, Standards for Licensing Home Health Agencies, to ensure alignment with current federal and state laws, and revise definitions and requirements for obtaining licensure, inspections, personnel, enforcement, patient care, record maintenance and retention, and licensure standards.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the April 23, 2021, *South Carolina State Register*.

Section-by-Section Discussion of Proposed Amendments:

Statutory Authority added for clarity.

Table of Contents amended to reflect proposed changes in text.

SECTION 100 – DEFINITIONS AND LICENSURE – title for prior PART I was amended for consistency with other Departmental regulations.

The word **Section** in the titles was removed from the current text throughout the regulation for consistency with other Departmental regulations.

101.Definitions.

- 101.A Abuse – definition added to provide clarity.
- 101.B Administrator – definition added to provide clarity.
- 101.C Authorized Healthcare Provider – definition added to align with statute.
- 101.D Branch Office – prior Section 101.C recodified and amended to (insert justification).
- 101.E Comprehensive Assessment – definition added to provide clarity.
- 101.F Consultation – prior Section 101.B recodified and amended to (insert justification).
- 101.G Contracted Party – definition added for clarity.
- Former Section 101.C Continuing Care Retirement Community – definition removed as the term is no longer used in the regulation.
- 101.H Department – prior Section 101.D recodified.
- 101.I Direct Care Staff – definition added to provide clarity and align with statutory requirements.
- 101.J Discharge – definition added for clarity.
- 101.K. Exploitation – definition added for clarity.

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- 101.L Health Assessment – prior Section 101.E recodified and amended for clarity.
 - 101.M Home Health Agency – prior Section 101.F recodified.
 - 101.N Home Health Aide Services – prior Section 101.G recodified and amended for clarity.
 - 101.O Home Health Services – prior Section 101.H recodified and amended for clarity and to align with statute.
 - 101.P Incident – definition added for clarity.
 - 101.Q Inspection – prior Section 101.I recodified and amended to (insert justification).
 - 101.R Intermittent – prior Section 101.J recodified.
 - 101.S Investigation – prior Section 101.K recodified.
 - 101.T Joint Annual Report – definition added to provide clarity.
 - 101.U License – prior Section 101.L recodified.
 - 101.V Licensed Practical Nurse – prior Section 101.M recodified.
 - 101.W Licensee – prior Section 101.N recodified.
 - 101.X Medical Social Worker – prior Section 101.O recodified and amended for clarity.
 - 101.Y Medical Social Worker Assistant – prior Section 101.P recodified.
 - 101.Z Neglect – definition added for clarity
 - 101.AA Occupational Therapist – prior Section 101.Q recodified.
 - 101.BB Occupational Therapist Assistant – prior Section 101.R recodified.
 - 101.CC Parent Home Health Agency – prior Section 101.S recodified.
 - 101.DD Part-time – prior Section 101.T recodified.
 - 101.EE Patient – prior Section 101.U recodified.
 - 101.FF Physician – prior Section 101.V recodified.
 - 101.GG Physical Therapist – prior Section 101.W recodified.
 - 101.HH Physical Therapist Assistant – prior Section 101.X recodified.
 - Former Section 101.Y Podiatrist – removed and included in 101.CC.
 - 101.II Quality Improvement – prior Section 101.Z recodified and amended to (insert justification).
 - 101.JJ Registered Nurse – prior Section 101.AA recodified.
 - 101.KK Representative – definition added for clarity.
 - Former 101.BB Repeat Violation – removed as it is not used in the regulation.
 - 101.LL Revocation – prior Section 101.CC recodified and amended for consistency with other Departmental regulations.
 - 101.MM Skilled Nursing – prior Section 101.DD recodified and amended to (insert justification).
 - 101.NN Speech Therapist – prior Section 101.EE recodified.
 - 101.OO Staff – prior Section 101.FF recodified and amended to (insert justification).
 - 101.PP Start of Care Date – definition added for clarity.
 - Former 101.GG Subunit – removed as it is not used in the regulation.
 - 101.QQ Suspension of License – prior Section 101.HH recodified and amended for clarity.
 - 101.RR Therapeutic Service – prior Section 101.II recodified and amended for clarity.
 - 101.SS Treatment Plan – definition added for clarity.
102. License Requirements – amended for consistency with other Departmental regulations and to align with statute.

SECTION 200 – ENFORCEMENT OF REGULATIONS – title for prior PART 2 was amended for consistency with other Departmental regulations.

- 201. General – added for consistency with other Departmental regulations.
- 202. Inspections and Investigations – prior 201 recodified and amended for consistency with other Departmental regulations.
- 203. Consultations – prior 202 amended for consistency with other Departmental regulations.

SECTION 300 – ENFORCEMENT ACTIONS – title for prior PART 3 was amended for consistency with other Departmental regulations.

- 301. General – amended for consistency with other Departmental regulations.
- 302. Violation Classifications – amended for consistency with other Departmental regulations.

Prior **Part 4 Management** was recodified to Section 500 for consistency with other Departmental regulations.

SECTION 400 – POLICIES AND PROCEDURES – title for prior PART 5 was amended for consistency with other Departmental regulations and for clarity.

SECTION 500 – STAFF AND TRAINING was added for consistency with other Departmental regulations
501. General – added for consistency with other Departmental regulations and to align with statutory requirement for criminal background checks.

502. Administrator – prior 401 recodified for consistency with other Departmental regulations and amended for clarity.

503. Clinical Manager – prior 402 recodified for consistency with other Departmental regulations and amended for clarity.

504. Health Status – prior 1002 recodified for consistency with other Departmental regulations and amended for clarity.

SECTION 600 – REPORTING – prior Part 11 title recodified for consistency with other Departmental regulations.

601. Incidents – added for consistency with other Departmental regulations.

602. Administrator Changes – prior 1102 recodified and amended for consistency with other Departmental regulations.

603. Agency Closure – added for consistency with other Departmental regulations.

604. Joint Annual Report – prior 1104 recodified and amended for clarity.

SECTION 700 – PATIENT RECORDS – prior Part 9 title recodified for consistency with other Departmental regulations.

701. Content – prior 901 recodified and amended for clarity and consistency with other Departmental regulations.

702. Record Maintenance – prior 902 recodified and amended for clarity and consistency with other Departmental regulations.

703. Authentication – section added for clarity and consistency with other Departmental regulations.

704. Record Retention – section added for clarity and consistency with other Departmental regulations.

SECTION 800 – ADMISSIONS, DISCHARGES, AND TRANSFERS – prior Part 6 recodified and amended for consistency with other Departmental regulations.

801. Admission – prior Section 601 recodified and amended for clarity and consistency with other Departmental regulations.

802. Discharge – added for clarity and consistency with other Departmental regulations.

803. Transfer – prior 901.E recodified and amended for clarity.

SECTION 900 – PATIENT CARE, TREATMENT, AND SERVICES – prior title Part 7 recodified and amended for consistency with other Departmental regulations.

901. General – prior 701.B recodified and amended for clarity and consistency with other Departmental regulations.

902. Comprehensive Assessment – prior 901.B recodified and amended for clarity.

903. Treatment Plan – prior 701.A recodified and amended for clarity.

SECTION 1000 – PATIENT RIGHTS – prior title Part 8 recodified and amended for consistency with other Departmental regulations.

1001. General – recodified Section 801 and amended for clarity.

1002. Informed Consent – added for clarity.

1003. Patient Protections – added to align with statutory requirements.

SECTION 1100 – [RESERVED] – section title added for consistency with other Departmental regulations.

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SECTION 1200 – MEDICATION AND TREATMENT ORDERS – prior Part 12 recodified and amended for clarity and consistency with other Departmental regulations.

SECTION 1300 – AGREEMENTS WITH CONTRACTED PARTIES – section title added for consistency with other Departmental regulations and amended for clarity.

SECTION 1400 – EMERGENCY PROCEDURES AND DISASTER PREPAREDNESS – added for clarity and consistency with other Departmental regulations.

1401. Disaster Preparedness – section added for clarity and consistency with other Departmental regulations.

1402. Continuity of Care, Treatment, and Services – section added for clarity and consistency with other Departmental regulations.

SECTION 1500 – 1600 [RESERVED] – section titles added for consistency with other Departmental regulations.

SECTION 1700 – INFECTION CONTROL – prior Part 10 title recodified and amended for consistency with other Departmental regulations.

1701. Staff Practices – prior 1001.B recodified and amended for clarity and consistency with other Departmental regulations.

1702. Tuberculosis Risk Assessment and Screening – prior 1002 recodified and amended for clarity and consistency with other Departmental regulations.

SECTION 1800 – QUALITY IMPROVEMENT PROGRAM – prior Part 14 recodified and amended for consistency with other Departmental regulations.

Former PART 15 removed as it is not relevant to this regulation.

SECTION 1900 – 2600 [RESERVED] – section titles added for consistency with other Departmental regulations.

SECTION 2700 – SEVERABILITY – prior Part 16 recodified for consistency with other Departmental regulations.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendments to Healthcare Quality; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; HQRegs@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on September 27, 2021, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendments during its November 10, 2021, 11:00 a.m. Board meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: <http://www.scdhec.gov/Agenda>. Public hearing procedures are subject to change in response to COVID-19 protocols. If applicable, the Department will provide notice of these changes twenty-four (24) hours in advance of the public hearing.

The Department publishes a Monthly Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>.

Preliminary Fiscal Impact Statement:

Implementation of this regulation will not require additional resources. There is no anticipated additional cost by the Department or state government due to any requirements of this regulation.

Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: 61-77, *Standards for Licensing Home Health Agencies*.

Purpose: The Department proposes amending R.61-77, Standards for Licensing Home Health Agencies, to ensure alignment with current federal and state laws, and revise definitions and requirements for obtaining licensure, inspections, personnel, enforcement, patient care, record maintenance and retention, and licensure standards. The proposed amendments also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

Legal Authority: S.C. Code Sections 44-69-10 *et seq.*

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments. Additionally, a copy of the regulation will be posted on the Department’s website, accessible at www.scdhec.gov/regulations-table. Printed copies may also be requested, for a fee, from the Department’s Freedom of Information Office.

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

The Proposed amendments are necessary to update provisions with current practices and standards. The amendments include language to ensure alignment with current federal and state laws, revise definitions and requirements for obtaining licensure, inspections, personnel, enforcement, patient care, record maintenance and retention, and licensure standards. The proposed amendments also update the structure of the regulation throughout for consistency with other Department regulations.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of these amendments will not require additional resources. There is no anticipated additional cost to the Department or state government due to any requirements of these amendments. There are no anticipated additional costs to the regulated community.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments to R.61-77 seek to support the Department’s goals relating to the protection of public health through implementing updated requirements for home health agencies. There are no anticipated effects on the environment.

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

There is no anticipated detrimental effect on the environment. If the proposed amendments are not implemented, the regulation will be maintained in its current form without realizing the benefits of the amendments herein.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

The Department proposes amending R.61-77, Standards for Licensing Home Health Agencies, to ensure alignment with current federal and state laws, and revise definitions and requirements for obtaining licensure, inspections, personnel, enforcement, patient care, record maintenance and retention, and licensure standards. The proposed amendments also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

Text:

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

Document No. 5051
COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-112-100

62-600 - 62-612. Determination of Rates of Tuition and Fees.

Preamble:

R.62-600 through 62-612 of Chapter 62 is being amended and replaced in its entirety. Revisions to the existing regulation for the SC Residency Regulation are being considered to clarify the policies and procedures for administering the program. In the proposed amendment, the regulation is being updated to reflect recently passed Act 29 of 2021, relating to the allowance of veterans and covered individuals using specific education benefits to be charged at a tuition rate equivalent to the institution's in-state rate. The revisions seek to promote consistency among the State institutions and their residency classification processes.

A Notice of Drafting was published in the *South Carolina State Register* on April 23, 2021.

Section-by-Section Discussion

- Section 62-602: C. Language added to clarify dependent definition.
- Section 62.606: A. Language added to clarify maintenance section.
- Section 62-609: A. Language added to clarify the exceptions that require intent and may lead to scholarship eligibility if all requirements are met.
- A.(4). "Retired Persons and their Dependents" Language added to allow institutions to accept additional retirement instruments, along with pensions, to be used to qualify under this exception.

A.(5). Language removed from this exception to eliminate the three-year stipulation and make the regulation consistent with Act No. 29 of 2021.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina Commission on Higher Education on November 4, 2021, to be held in the Main Conference Room at 1122 Lady Street, Suite 400, Columbia, SC. The meeting will commence at 1:00 p.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Commission's agenda to be published by the Commission ten days in advance of the meeting.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1122 Lady Street, Suite 400, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on October 29, 2021. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on November 4, 2021, as noticed above. Comments received by the deadline shall be submitted to the Commission in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

R.62-600 through 62-612 of Chapter 62 is being amended and replaced in its entirety. Revisions to the existing regulation for the SC Residency Regulation are being considered to clarify the policies and procedures for administering the program. In the proposed amendment, the regulation is being updated to reflect recently passed Act 29 of 2021, relating to the allowance of veterans and covered individuals using specific education benefits to be charged at a tuition rate equivalent to the institution's in-state rate. The revisions seek to promote consistency among the State institutions and their residency classification processes.

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating the regulation to reflect changes in state law.

Legal Authority: SC Commission on Higher Education has general authority to promulgate regulations pursuant to 59-112-100.

Plan for Implementation: the revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. CHE will notify the public of the revised regulations and post the revised regulations on the agency's website.

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

The agency is updating the regulations to reflect changes in the S.C. Code and to assist institutions with determinations of tuition and fee classifications.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

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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 or 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 and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated to be consistent with changes in law and to clarify the policies and procedures for administering the program

Text:

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

Document No. 5052
COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-149-10 et seq.

62-1200.1 - 62-1200.75. Legislative Incentives for Future Excellence (LIFE) Scholarship Program and Legislative Incentives for Future Excellence (LIFE) Scholarship Enhancement.

Preamble:

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-1200.1 through 62-1200.75, LIFE Scholarship Program. Revisions to the existing regulation for the LIFE Scholarship & LIFE Scholarship Enhancement Program are being considered to clarify the policies and procedures for administering the program. In the proposed amendments, regulation is being update to reflect the passage of Act 36 of 2021, allowing for the awarding of LIFE Scholarship to students in approved Associate's Degree programs. In addition, language is being added to ensure that students are allowed the same amount of time in high school to earn the scholarship, but allows for certain exceptions. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency

The proposed regulation will require legislative review.

A Notice of Drafting was published in the *State Register* on April 23, 2021.

Section-by-Section Discussion

Section 62-1200.5: M. "Degree-seeking student" Language added to include students in approved associate's degree programs that require a minimum of 68 credit hours.

O. “Eligible program of study” Language added to allow students in approved associate’s degree programs that require a minimum of 68 credit hours to receive a maximum of six consecutive terms of LIFE funding.

VV. “approved associate’s degree program that requires a minimum of 68 credit hours” definition added to provide that students in eligible programs may receive a maximum of six terms of funding

Section 62-1200.10: A.(3)(a). Language added to clarify high school GPA’s should be based on eligible units earned in high school, and applicable years of high school coursework. Allows CHE to review on case-by-case basis.

A.(3)(b). Language added to bring ACT score to new equivalent of SAT. Language added to allow CHE flexibility in accepting later test examinations.

A.(3)(c). Language also added to fix omitted word.

Section 62-1200.20: B. & C. Language added to allow students in approved associate’s degree programs that exceed 68 credit hours to receive a maximum of six consecutive terms of LIFE funding.

D. Language added to allow students in approved associate’s degree programs that require a minimum of 68 credit hours to receive a maximum of six consecutive terms of LIFE funding.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina Commission on Higher Education on November 4, 2021, to be held in the Main Conference Room at 1122 Lady Street, Suite 400, Columbia, SC. The meeting will commence at 1:00 p.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Commission’s agenda to be published by the Commission ten days in advance of the meeting.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1122 Lady Street, Suite 400, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on October 29, 2021. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on November 4, 2021, as noticed above. Comments received by the deadline shall be submitted to the Commission in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-1200.1 through 62-1200.75, LIFE Scholarship Program. Revisions to the existing regulation for the LIFE Scholarship & LIFE Scholarship Enhancement Program are being considered to clarify the policies and procedures for administrating the program. In the proposed amendments, regulation is being update to reflect the passage of Act 36 of 2021, allowing for the awarding of LIFE Scholarship to students in approved Associate’s Degree programs. In addition, language is being added to ensure that students are allowed the same amount of

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time in high school to earn the scholarship, but allows for certain exceptions. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating the regulation to provide institutions with flexibility within the program, and allow for clarity with awarding.

Legal Authority: SC Commission on Higher Education has general authority to promulgate regulations pursuant to 59-149-10 et seq.

Plan for Implementation: the revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. CHE will notify the public of the revised regulations and post the revised regulations on the agency's website.

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

The agency is updating the regulations to assist institutions with determining eligibility, and provide clarity with awarding.

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 or 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 and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated to be consistent with changes in law and to clarify the policies and procedures for administering the program.

Text:

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

Document No. 5053
COMMISSION ON HIGHER EDUCATION
 CHAPTER 62
 Statutory Authority: 1976 Code Section 59-104-20

62-300 - 62-375. Palmetto Fellows Scholarship Program.

Preamble

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-300 through 62-375, Palmetto Fellows Scholarship Program and Palmetto Fellows Scholarship Enhancement. Revisions to the existing regulation for the Palmetto Fellows Scholarship are being considered to include the administration of the Palmetto Fellows Scholarship at two-year public and independent institutions. In addition, language was modified to reflect the Palmetto Fellows Scholarship Enhancement is only eligible for students enrolled at a four-year institution. There are also additional changes being proposed to clarify that coursework completed after the uniform calculation deadline each year cannot be included in the final GPA for that year and to also update the ACT qualifying score to the SAT equivalent via the College Board Concordance table. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency.

The proposed regulation will require legislative review.

A Notice of Drafting was published in the *State Register* on April 23, 2021.

Section-by-Section Discussion

- Section 62-310: Q. “Eligible institution” Language added to include two-year public or independent postsecondary, degree-granting institution.
- W. “Full-time student” Language added to allow students in first one-year certificate program, first two-year diploma program, first associate degree to receive the Palmetto Fellows Scholarship.
- Z. “Independent institutions” Language added to include two-year institutions.
- II. “Public institutions” Language added to include two-year institutions.
- Section 62-315: A.(5). Language added to allow students to enroll at two-year institutions.
- Section 62-320: C. & D. (1-2). Language added to bring ACT score to new equivalent of SAT.
- F. Language added to clarify high school GPAs should be based on eligible units earned in high school, and four years of coursework.
- Section 62-325: B. & C. Language added to allow students to attend a two-year institution.
- Section 62-330: A.(2). Language added to clarify that the Palmetto Fellows Enhancement is only eligible to students enrolled at a four-year institution.
- G. Language added to include two-year institutions.
- Section 62-335: B. Language added to allow students to attend a two-year institution.

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C. Language added to allow students to annually renew the Palmetto Fellows Scholarship for two terms towards a one-year certificate or diploma program, or four terms towards a first associate degree or two-year diploma program.

F. Language added to include two-year institutions.

Section 62-340: A. & B. Language added to allow students to attend a two-year institution.

E. & F. Language added to include two-year institutions.

Section 62-360: A.(2). Language added to clarify that the Palmetto Fellows Enhancement is only eligible to students enrolled at a four-year institution.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina Commission on Higher Education on November 4, 2021, to be held in the Main Conference Room at 1122 Lady Street, Suite 400, Columbia, SC. The meeting will commence at 1:00 p.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Commission's agenda to be published by the Commission ten days in advance of the meeting.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1122 Lady Street, Suite 400, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on October 29, 2021. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on November 4, 2021, as noticed above. Comments received by the deadline shall be submitted to the Commission in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-300 through 62-375, Palmetto Fellows Scholarship Program and Palmetto Fellows Scholarship Enhancement. Revisions to the existing regulation for the Palmetto Fellows Scholarship are being considered to include the administration of the Palmetto Fellows Scholarship at two-year public and independent institutions. In addition, language was modified to reflect the Palmetto Fellows Scholarship Enhancement is only eligible for students enrolled at a four-year institution. There are also additional changes being proposed to clarify that coursework completed after the uniform calculation deadline each year cannot be included in the final GPA for that year and to also update the ACT qualifying score to the SAT equivalent via the College Board Concordance table. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency.

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating the regulation to provide institutions with flexibility within the program, and allow for clarity with awarding.

Legal Authority: SC Commission on Higher Education has general authority to promulgate regulations pursuant to 59-104-20.

Plan for Implementation: the revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. CHE will notify the public of the revised regulations and post the revised regulations on the agency's website.

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

The agency is updating the regulations to assist institutions with determining eligibility, and provide clarity with awarding.

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 or 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 and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated to be consistent with changes in law and to clarify the policies and procedures for administering the program.

Text:

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

Document No. 5054
COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-142-20

62-450 - 62-505. South Carolina Need-based Grants Program.

Preamble:

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-450 through 62-505, South Carolina Need-based Grants Program. The proposed regulation provides the maximum funding amount that students may receive in a South Carolina Need-based Grant. In addition, the proposed regulation provides the institutions the ability to award and disburse SC Need-based Grant for up to three terms a year, within the maximum annual funding amount to eligible students.

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A Notice of Drafting was published in the *State Register* on April 23, 2021.

Section-by-Section Discussion

- Section 62-465: A.(6). Scrivener’s correction (typo).
- B. Language added to increase the maximum Need-based Grant amount while removing the eight full-time equivalent semesters and increasing disbursements up to three terms a year.
- Section 62-470: B. Language added to increase the annual Need-based Grant amounts for full-time and part-time students and to increase disbursements up to three terms per academic year. Language was also added to prevent front-loading awards.
- F. Language added to increase the annual Need-based Grant amounts for full-time and part-time students.
- Section 62-475: A. Language added to allow Need-based Grants to be disbursed up to three terms a year.
- B. Language added to increase Need-based Grant disbursements up to three terms a year, while removing the language for eight full-time equivalent semesters.
- Section 62-490: A. Language added to increase the annual Need-based Grant amounts for full-time and part-time students and to increase disbursements up to three terms per academic year. Language was also added to clarify students must be meeting satisfactory academic progress.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina Commission on Higher Education on November 4, 2021, to be held in the Main Conference Room at 1122 Lady Street, Suite 400, Columbia, SC. The meeting will commence at 1:00 p.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Commission’s agenda to be published by the Commission ten days in advance of the meeting.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1122 Lady Street, Suite 400, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on October 29, 2021. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on November 4, 2021, as noticed above. Comments received by the deadline shall be submitted to the Commission in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-450 through 62-505, South Carolina Need-based Grants Program. The proposed regulation provides the maximum funding amount that students may receive in a South Carolina Need-based Grant. In addition, the

proposed regulation provides the institutions the ability to award and disburse SC Need-based Grant for up to three terms a year, within the maximum annual funding amount to eligible students.

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating the regulation to provide institutions with flexibility within the program, and allow for clarity with awarding.

Legal Authority: SC Commission on Higher Education has general authority to promulgate regulations pursuant to 59-142-20.

Plan for Implementation: the revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. CHE will notify the public of the revised regulations and post the revised regulations on the agency's website.

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

The agency is updating the regulations to assist institutions with determining eligibility, and provide clarity with awarding.

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 or 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 and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated to be consistent with changes in law and to clarify the policies and procedures for administering the program

Text:

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

68 PROPOSED REGULATIONS

Document No. 5049

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF MEDICAL EXAMINERS
CHAPTER 81**

Statutory Authority: 1976 Code Sections 40-1-70, 40-47-10, and 40-47-110

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

Preamble:

The South Carolina Board of Medical Examiners proposes to repeal R.81-110.

Section-by-Section Discussion

81-110. Repeal.

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

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 October 12, 2021. Written comments may be directed to Pam Dunkin, Interim Administrator, Board of Medical Examiners, South Carolina Department of Labor, Licensing, and Regulation, Post Office Box 11289, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., September 27, 2021. 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 for these regulations.

Statement of Need and Reasonableness:

These regulations are amended to repeal a section that has been superseded by statute.

DESCRIPTION OF REGULATION:

Purpose: The South Carolina Board of Medical Examiners proposes to repeal R.81-110 as it has been superseded by statute.

Legal Authority: 1976 Code Sections 40-1-70, 40-47-10, and 40-47-110.

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 regulation and post the revised regulations on the agency's website.

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

The South Carolina Board of Medical Examiners proposes to repeal R.81-110 as it has been superseded by statute.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations. This would result in a cost-savings to 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.

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:

The South Carolina Board of Medical Examiners proposes to repeal R.81-110 as it has been superseded by statute.

Text:

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

Document No. 5050
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH
CHAPTER 71
Statutory Authority: 1976 Code Section 41-15-210

Chapter 127. South Carolina Occupational Health and Safety Review Board.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health, proposes to repeal Chapter 127, as the law establishing the Board was repealed by 2008 Act No. 188, Section 3, effective January 1, 2009.

Section-by-Section Discussion

Chapter 127. Repeal.

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

70 PROPOSED REGULATIONS

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to S. C. Code Section 1-23-110(A)(3), such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on October 11, 2021. Written comments may be directed to Gwen Thomas, OSHA State Plan Manager, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., on September 27, 2021. If qualifying requests pursuant to Section 1-23-110(A)(3) are 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 for these regulations.

Statement of Need and Reasonableness:

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health, proposes to repeal Chapter 127, as the law establishing the Board was repealed by 2008 Act No. 188, Section 3, effective January 1, 2009.

DESCRIPTION OF REGULATION:

Purpose: The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health, proposes to repeal Chapter 127, as the law establishing the Board was repealed by 2008 Act No. 188, Section 3, effective January 1, 2009.

Legal Authority: 1976 Code Section 41-15-210.

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 regulation and post the revised regulations on the agency's website.

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

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health, proposes to repeal Chapter 127, as the law establishing the Board was repealed by 2008 Act No. 188, Section 3, effective January 1, 2009.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

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.

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:

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health, proposes to repeal Chapter 127, as the law establishing the Board was repealed by 2008 Act No. 188, Section 3, effective January 1, 2009.

Text:

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

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Document No. 5048
COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-142-20

62-450 - 62-505. South Carolina Need-based Grants Program.

Emergency Situation:

With the S.C. General Assembly's approval of Governor's McMaster's SC Need-based Grant allocation for 2021-2022, the state budget now includes an increase in funding for South Carolinians neediest students. The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-450 through 62-505, South Carolina Need-based Grants Program. The proposed regulation provides the maximum funding amount that students may receive in a South Carolina Need-based Grant. In addition, the proposed regulation provides the institutions the ability to award and disburse the SC Need-based Grant for up to three terms a year, within the maximum annual funding amount to eligible students. Because of the increased budget allocation for 2021-2022, we are also submitting these as emergency regulations to provide students immediate relief during the upcoming school year. The regular regulation will be sent through the S.C. General Assembly for approval once they reconvene.

Text:

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- 62-455. Allocation of Need-based Grant Funds to Public and Independent Institutions
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- 62-465. Student Eligibility
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- 62-480. Students with Disabilities
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- 62-505. Suspension or Termination of Institutional Participation

62-450. Purpose of the South Carolina Need-based Grants Program.

Pursuant to Act 458, South Carolina Children First: Resources for Scholarships and Tuition Act of 1996, of the 1995-1996 Appropriations Bill, the Commission on Higher Education shall promulgate regulation and establish procedures to administer the South Carolina Need-based Grants Program. The purpose of the South Carolina Need-based Grants Program is to provide additional financial aid assistance to South Carolina's neediest students. The program will assist students who wish to attend public or independent colleges or universities in the State.

62-455. Allocation of Need-based Grant Funds to Public and Independent Institutions.

A. Funds made available for higher education grants and scholarships under Chapter 143 of Title 59 of the 1976 Code, as amended under Act 458, South Carolina Children First: Resources for Scholarship and Tuition Act of 1996, shall be included in the annual appropriation to the Commission on Higher Education. Fifty percent

of the appropriation shall be designated for the Palmetto Fellows Scholarship Program and the remaining fifty percent shall be for the Need-based Grants Program. However, in instances where the equal division of the appropriated funds between the Palmetto Fellows Scholarship and Need-based Grants Programs exceeds the capacity to make awards in either program, the Commission on Higher Education has the authority to re-allocate the remaining funds between the two programs. The Commission on Higher Education shall award to eligible students who are attending public or independent eligible institutions as State Need-based Grant recipients as follows:

1. Of the funds allocated to public institutions, the percentage shall be equivalent to the percentage of the public institution's share of the total South Carolina resident undergraduate full-time headcount enrollment in the preceding year.

2. Of the funds allocated to independent institutions, the percentage shall be equivalent to the percentage of the independent institutions' share of the total South Carolina resident undergraduate full-time headcount enrollment in the preceding year and will be determined annually by the South Carolina Commission on Higher Education and the Tuition Grants Commission. The funds allocated for Need-based Grants shall be included in the annual appropriation to the Commission on Higher Education and transferred annually into the budget of the South Carolina Tuition Grants Commission, which will distribute these funds as Tuition Grants.

B. Independent and public institutions of higher learning in this, or any other state in the U.S., outside the U.S. or abroad are prohibited from using the SC Need-based Grant in programs that promote financial aid incentives or packages. Any mention of the SC Need-based Grant in these financial aid packages must indicate the scholarship to be separate from the University that is offering the financial aid package, and reference the SC Need-based Grant as a separate financial aid award, provided to the student by the State of South Carolina.

62-460. Program Definitions for Administering South Carolina Need-based Grants at Public Institutions.

A. "Academic year" is defined as the fall, spring and summer semesters during which a part-time student would be expected to earn a minimum of six credit hours for each semester the student is enrolled for a minimum of 12 credit hours or a full-time student would be expected to earn a minimum of twelve credit hours for each semester to earn a minimum of 24 credit hours.

B. "Associate degree program" is defined as a two-year technical or occupational program or an associate's degree program (Associate of Arts or Associate of Science) which leads to the first two years of a baccalaureate degree at a location approved by the U.S. Department of Education for participation in Federally funded financial aid programs and authorized by the Commission on Higher Education.

C. "Baccalaureate degree program" is defined as an undergraduate program of study leading to the first bachelor's degree at a location approved by the U.S. Department of Education for participation in Federally funded financial aid programs and authorized by the Commission on Higher Education.

D. "Degree-seeking student" is defined as any part-time or full-time student enrolled in an eligible program of study at an eligible institution.

E. "Eligible program" is defined as a program of study leading to: 1) the first baccalaureate degree 2) a program of study that is structured so as not to require a baccalaureate degree and leads to a graduate degree; 3) first associate's degree or two-year program that is acceptable for full credit towards a bachelor's degree; or 4) one-year program that leads to other recognized credentials (e.g., first diploma or first certificate). Study toward the first diploma or certificate may be followed by study toward the first associate's degree, which may be followed by transfer to the first baccalaureate degree or a program of study that is structured so as not to require a baccalaureate degree and leads to a graduate degree. Students who have already obtained a baccalaureate degree are not eligible for subsequent grant funds.

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F. "Full-time student" shall mean a student who has matriculated into an eligible program of study, and who enrolls in a minimum of twelve credit hours during the regular academic semester.

G. "Independent institutions" are those institutions eligible to participate in the South Carolina Tuition Grants Program as defined in Chapter 113 of Title 59 of the 1976 Code, which stipulates that "an independent institution of higher learning means any independent eleemosynary junior or senior college in South Carolina whose major campus and headquarters are located within South Carolina and which is accredited by the Southern Association of Colleges and Schools."

H. "Lawful Presence" is defined as individuals who are US citizens, permanent residents, or non-US citizens and non-permanent residents who are legally present in the US. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien's immigration status with the federal government pursuant to 8 USC Section 1373(c)..

I. "Need analysis" shall mean the process of analyzing the household and financial information on the student's financial aid application and calculating the amount the family can be expected to contribute to the educational costs. For Federal Student Aid Programs, the need analysis system is defined under Title IV of the Higher Education Act of 1965.

J. "Needy student" shall mean a post-secondary student enrolled in or accepted for enrollment in a public institution who demonstrates to the institution the financial inability, either parental, familial, or personal, to bear the total cost-of-attendance for any regular academic semester. The determination of need shall be made in accordance with Federal need analysis formulae and provisions.

K. An "offense" shall mean a violation of any law or rule in any state or Federal criminal justice system.

L. "One-year program" is defined as an undergraduate program of study leading to other recognized educational credentials (e.g., certificates or diplomas that prepare students for gainful employment in a recognized occupation) at a location approved by the U.S. Department of Education for participation in Federally funded financial aid programs and is authorized by either the Commission on Higher Education or the State Board for Technical and Comprehensive Education.

M. "Part-time student" shall mean a student who has matriculated into an eligible program of study, and who enrolls in a minimum of six credit hours and a maximum of eleven credit hours during the regular academic semester.

N. "Program of study that is structured so as not to require a baccalaureate degree" is a program of study that is structured so as not to require a baccalaureate degree for acceptance into the program and leads to a graduate degree, which will be the student's first academic degree awarded, at a location approved by the U.S. Department of Education for participation in Federally funded financial aid programs. Students are eligible to receive the grant for a maximum of eight full-time equivalent semesters as long as all other eligibility criteria are met. Students who have been awarded a baccalaureate or graduate degree are not eligible for grant funding.

O. "Public institutions" are those institutions as defined in Chapter 103 of Title 59 of the 1976 Code, which stipulates that: "1) 'public higher education' shall mean state-supported education in the post-secondary field, including comprehensive and technical education; 2) 'public institution of higher learning' shall mean any state-supported post-secondary educational institution and shall include technical and comprehensive educational institutions."

P. "Remedial coursework" shall mean sub-collegiate level preparatory courses in English, mathematics, and reading offered at the State's technical colleges.

Q. "Satisfactory academic progress" shall mean the minimum academic standard for academic progress established by the public institution for the purpose of complying with Title IV regulations for Federal Student Aid Programs.

R. "South Carolina resident" shall be defined as an individual who satisfies the requirements of residency in accordance with the State of South Carolina Statute for Tuition and Fees, Statute 59-112-10.

62-465. Student Eligibility.

A. To be eligible for a Need-based Grant each academic year, the student must:

1. Be a "needy student" following the financial need analysis as established under Title IV Regulations for determining eligibility for Federal Student Aid. The student must file the Free Application for Federal Student Aid (FAFSA) Form;

2. Be a U.S. citizen or a lawful permanent resident that meets the definition of an eligible non-citizen under State Residency Statutes whose lawful presence in the US has been verified at the time of enrollment at the institution;

3. Be a resident of the state of South Carolina for twelve consecutive months as defined in Chapter 112 of Title 59 of the 1976 Code of Laws governing the determination of residency for tuition and fee purposes;

4. Be enrolled or accepted for enrollment as a part-time or full-time degree-seeking student in an eligible program of study at an eligible public institution in South Carolina. A student enrolled in less than six credit hours during one semester may not receive a Need-based Grant for the semester in question but is eligible for reapplication for a grant upon return to part-time or full-time status;

5. Be enrolled and attending or have completed at the time of the grant disbursement in a minimum of six credit hours if part-time for the semester or twelve credit hours if full-time for the semester;

6. Certify that he/she has not been adjudicated delinquent or been convicted or pled guilty or nolo contendere to any felonies or any second or subsequent alcohol or drug-related offenses under the laws of this or any other state or under the laws of the United States in order to be eligible for a South Carolina Need-based Grant, except that a high school or college student otherwise qualified who has been adjudicated delinquent or has been convicted or pled guilty or nolo contendere to a second or subsequent alcohol or drug-related misdemeanor offense nevertheless shall be eligible or continue to be eligible for such grants after the expiration of one academic year from the date of the adjudication, conviction, or plea; and be eligible for the need-based grants for a maximum of four academic years of two semesters by submitting a signed affidavit each academic year to the institution. However, a high school or college student who has been adjudicated delinquent, convicted, or pled guilty or nolo contendere of a second or subsequent alcohol/drug related misdemeanor offense is ineligible for the next academic year of enrollment at an eligible institution after the date of the adjudication, conviction or plea. If the adjudication, conviction, or plea occurs during the academic year after the student has already submitted a signed affidavit to the institution, the student will be eligible to receive the Need-based Grant the remainder of the academic year. However, the student will be ineligible for the Need-based Grant the following entire academic year of enrollment. If a student completes a ~~pretrial~~ pretrial intervention program and has his/her record expunged the conviction will not affect grant eligibility; and

7. Verify that he/she does not owe a refund or repayment on a State Grant, a Pell Grant, or a Supplemental Educational Opportunity Grant and is not in default on a loan under the Federal Perkins Loan or Federal Stafford Loan Programs; and

8. Must reapply for the Need-based Grant each academic year and meet all eligibility requirements annually.

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9. Students who have previously earned credit hours and are applying for the South Carolina Need-based Grant for the first time must have earned at least a cumulative 2.0 grade point average on a 4.0 scale for graduation purposes at the end of the academic year before being awarded the Grant.

B. Students enrolled part-time or full-time may not receive a Need-based Grant for more than a maximum amount of \$14,000 ~~eight full-time equivalent semesters~~ for students meeting satisfactory academic progress (see Section 62-475.D.) and seeking their first baccalaureate degree or a program of study that is structured so as not to require a baccalaureate degree and leads to a graduate degree, \$7,000 for students seeking their first associate's degree, and \$3,500 for students seeking their first one-year certificate or diploma. Students may only receive Need-based Grant funding for up to ~~two~~ three semesters of the academic year. Students who have already been awarded their first baccalaureate degree are not eligible to receive a Need-based Grant.

C. Students enrolled in an eligible program of study as stated in the "Program Definitions" Section may include remedial courses as part of the minimum number of required credit hours for part-time or full-time status, as long as such courses carry credit hours and meet Title IV limitations on remedial coursework.

D. Any false information provided by the student or any attempt to obtain or expend any Need-based Grant for unlawful purposes or any purpose other than in payment or reimbursement for the cost-of-attendance at the institution authorized to award the grant will be cause for immediate cancellation of the Need-based Grant. Any student who has obtained a Need-based Grant through means of a willfully false statement or failure to reveal any material fact, condition, or circumstances affecting eligibility will be subject to applicable civil or criminal penalties, including loss of the Need-based Grant.

62-470. Policies and Procedures for Awarding Need-based Grants.

A. The Need-based Grants Program for the public institutions will be campus-administered. Grant funds will supplement the student financial aid awards administered by the participating public colleges and universities.

B. The participating institution will make awards in amounts to be defined in accordance with the Need-based Grants Program regulation and criteria, but not to exceed ~~\$1,250~~ \$1,750 per eligible part-time student and ~~\$2,500~~ \$3,500 per eligible full-time student per academic year, based on the institution's allocated funds for Need-based Grants and other financial aid awarded to individual applicants. However, the Commission, due to inflation increases or other relevant factors, may periodically adjust the maximum award for the Need-based Grants Program. A maximum of fifty percent of the grant shall be disbursed for ~~two~~ up to three terms of the academic year, not to exceed 100 percent of the annual award amount, assuming continued eligibility. No more than fifty percent of the annual award amount can be disbursed in any given term.

C. Need-based Grants are to be used only towards payment for the cost-of-attendance as defined by Title IV Regulations as modified by D below for the academic year for which the award is made at the designated institution. The maximum amount awarded shall not exceed the cost-of-attendance as defined in Title IV Regulations for any year.

D. Charges for room and board are to be limited as follows:

1. Room charges shall not exceed the average cost of on-campus residential housing; and
2. Board charges shall not exceed the cost of the least expensive on-campus meal plan, which includes 21 meals per week.

E. In determining the amount awarded for the Need-based Grant, all other sources of gift aid, including Federal, State, private and institutional funds, must be applied to the total cost-of-attendance before calculating the unmet need and awarding the grant. The Need-based Grant shall be awarded only after all other sources of

gift aid have been exhausted. Adjustments to the financial aid package will be made to the Need-based Grant in accordance with prescribed Title IV Regulations in order to prevent an over-award.

F. Institutions must give first priority and award the maximum allowable Need-based Grant (~~\$2,500~~ \$3,500 if full-time or ~~\$1,250~~ \$1,750 if part-time) to students who are in the custody of the South Carolina Department of Social Services (DSS). However, institutions should not award the maximum amount if, by doing so, this causes the student to exceed the unmet need according to Title IV Regulations. Students who may be eligible under this provision are responsible for contacting the institution and providing official verification to the institution that he/she is in custody of DSS. Acceptable verification shall include a letter from DSS.

G. Participating institutions will notify students of their Need-based Grant along with the terms and conditions of the award.

H. The student shall be required to provide a nationally recognized unique identifier in order for the institution to award, disburse, and/or transfer the student's state scholarship and/or grant to an eligible institution.

I. Annual allocations of funds to the public institutions will be based on each institution's percentage of the State's total enrollment of South Carolina resident undergraduate full-time degree-seeking headcount enrollment. The percentage will be based on the previous year's total as determined by the Commission on Higher Education. Unused funds, which cannot be awarded by an institution, must be returned to the Commission on Higher Education, which may redirect the funds to institutions where unmet need exists.

J. Effective Fall 2008, Section 59-101-430 (A), Chapter 101, Title 59 of the 1976 Code states that unlawful aliens are prohibited from attending SC Public institutions of higher learning. This does apply to students who are currently enrolled, as well as new enrollees. In accordance of this law, institutions must institute a process that verifies an individual's lawful presence in the United States. Students receiving the SC Need-based Grant must be verified. Any student who is not verified and documented by the institution will not receive the Grant.

K. All eligible independent and public institutions that participate in the program must verify the lawful presence of any student who receives a SC Need-based Grant prior to awarding the Grant to the student. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien's immigration status with the federal government pursuant to 8 USC Section 1373(c).

L. The institution must retain annual paper or electronic documentation for each award to include at a minimum:

1. Need analysis

2. Affidavit documenting that the student has never been convicted of any felonies or any second or subsequent alcohol or drug related misdemeanor offenses as stated under "Student Eligibility" and "Duration of Award and Continued Eligibility" Sections

3. Award notification

4. Institutional disbursement to student

5. Refund or repayment (if appropriate)

6. Satisfactory academic progress

7. Student's residency status

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8. Enrollment and curriculum requirements
9. Student's disability (if appropriate)
10. Student is in custody of DSS (if appropriate)
11. Student award based upon approval of institutional appeal (if appropriate)
12. Verification from the institution that lawful presence in the US has been verified.

M. It is the institution's responsibility to ensure that only eligible students receive a Need-based Grant.

62-475. Duration of Award and Continued Eligibility.

A. Need-based Grants shall be awarded for up to ~~two~~ three terms each academic year. The institution shall adjust the amount of the grant award during the academic year in the event of a change in the student's eligibility.

B. Need-based Grants may be awarded annually for no more than ~~a total of eight full-time equivalent semesters of part-time or full-time study and only for up to two~~ three terms of each academic year. Award decisions will be made annually and are not automatically guaranteed. Students who have already been awarded their first baccalaureate degree are not eligible to receive a Need-based Grant.

C. Students must reapply each academic year for a Need-based Grant in accord with these guidelines and other pertinent statutes and regulations and with application timeliness and procedures stipulated by the participating institution. Students applying for a Need-based Grant must complete a FAFSA Form and be a needy student. The student must also complete any supplemental forms that may be required by the institution.

D. The institution shall be responsible for securing institutional certification of each recipient's cumulative grade point average, credit hours attempted and earned, and satisfactory academic progress for purposes of determining eligibility for award renewal.

E. For continued eligibility, the student is required to:

1. For graduation purposes, earn at least 24 credit hours each regular academic year if awarded a Need-based Grant as a full-time student or earn at least twelve credit hours if awarded a Need-based Grant as a part-time student. If a student is awarded a Need-based Grant for one semester of the academic year as a part-time student and the other semester as a full-time student, the student must earn at least eighteen credit hours each regular academic year. If a full-time student is awarded a Need-based Grant for only one semester of the academic year, the student must earn at least twelve credit hours by the end of the academic year. A part-time student who is awarded a Need-based Grant for only one semester must earn at least six credit hours by the end of the academic year. Credits earned during any additional semesters (i.e., interim, winterim or other non-regular semester) cannot be used to replace or reduce the minimum credit hour requirement for the regular academic year; and

2. Earn at least a cumulative 2.0 grade point average on a 4.0 scale for graduation purposes by the end of each regular academic year.

F. Students wishing to appeal any grant award decision must submit a written request to the institution's Director of Financial Aid. This request will be handled in accordance with the institution's financial aid appeal procedures. The institution's decision on appeals shall be final.

62-480. Students with Disabilities.

A. Students who qualify under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 must meet all eligibility requirements as defined in “Student Eligibility” Section except for a student who is approved by the Disability Services Provider to be enrolled in less than part-time status is eligible to receive grant funding. Students must comply with all institutional policies and procedures in accordance with ADA and Section 504 of the Rehabilitation Act of 1973.

B. For renewal, students who qualify under ADA and Section 504 of the Rehabilitation Act of 1973 must meet all renewal requirements as defined in “Duration of Award and Continued Eligibility” Section except for a student not meeting the annual credit hour requirement who is approved by the Disability Services Provider to be enrolled in less than part-time status for that academic year. Students must earn the required number of hours approved by the institutional Disability Services Provider each academic year for grant renewal and earn a minimum 2.0 cumulative grade point average on a 4.0 scale by the end of the academic year. Students must comply with all institutional policies and procedures in accordance with ADA and Section 504 of the Rehabilitation Act of 1973.

C. The institutional Disability Services Provider must provide written documentation to the Office of Financial Aid each academic year verifying that the student is approved to be enrolled in less than part-time status.

D. Students who qualify under ADA and Section 504 of the Rehabilitation Act of 1973 are eligible to receive up to the maximum number of available semesters and available funds.

62-485. Enrollment in Internships, Cooperative Work Programs, Travel Study Programs, or National or International Student Exchange Programs.

A. Students enrolled in an internship, cooperative work program, travel study program, or National or International Student Exchange Program approved by the student’s home institution, and enrolled in fewer than six credit hours, shall not be eligible to receive a Need-based Grant during the period in which the student is enrolled in such programs or courses. Students enrolled in such programs may receive a Need-based Grant for up to two terms of the academic year if determined to be eligible.

B. Students enrolled in internships, cooperative work programs, travel study programs, or National or International Student Exchange Programs that are approved by the home institution and that the home institution accepts as at least part-time transfer credit (minimum of six credit hours) are eligible to receive Need-based Grant funds during the period in which the student is enrolled in such programs. Students will be required to meet the continued eligibility requirements.

C. Eligible students may use the appropriated portion of the Need-based Grant funds for internships, cooperative work programs, travel study programs, or National or International Student Exchange Programs that are approved by the home institution and that the home institution accepts as at least part-time transfer credit (minimum of six credit hours). Need-based Grant funds must be paid directly to the student’s account at the home institution. The amount awarded cannot exceed the cost-of-attendance at the home institution or the cost-of-attendance at the host institution, whichever is less. The Commission on Higher Education will not transfer grant funds to the institutions where students will participate in internships, cooperative work programs, travel study programs, or National or International Student Exchange Programs. The institution is responsible for grant funds according to the “Program Administration and Audits” Section.

D. The home institution will be responsible for securing official certification of the student’s cumulative grade point average, credit hours earned, and satisfactory academic progress for the purposes of determining eligibility for grant renewal for the next academic year.

80 EMERGENCY REGULATIONS

62-490. Institutional Disbursement of Need-based Grants.

A. The participating institution will identify award amounts, which cannot exceed ~~\$1,250~~ \$1,750 per eligible part-time student and ~~\$2,500~~ \$3,500 per eligible full-time student per academic year. A maximum of fifty percent of the grant shall be disbursed each term for up to ~~up to two~~ three terms of the academic year. The maximum amount, which may be received by a recipient ~~for eight full-time equivalent semesters~~, shall be ~~\$10,000~~ \$14,000 for students meeting satisfactory academic progress (see Section 62-475.D.) and seeking their first baccalaureate degree or a program of study that is structured so as not to require a baccalaureate degree and leads to a graduate degree, ~~\$5,000~~ \$7,000 for students seeking their first associate's degree, and ~~\$2,500~~ \$3,500 for students seeking their first one-year certificate or diploma. Students who have obtained an associate's degree initially are eligible to apply for a Need-based Grant upon enrollment in their first baccalaureate degree or a program of study that is structured so as not to require a baccalaureate degree. Students who have obtained a recognized educational credential in a one-year program initially are eligible for application for a Need-based Grant upon enrollment in their first associate's degree, first baccalaureate degree, or a program of study that is structured so as not to require a baccalaureate degree and leads to a graduate degree.

B. A Need-based Grant may not be applied to a second baccalaureate degree or to graduate coursework, unless the graduate coursework is required as part of a program of study that is structured so as not to require a baccalaureate degree as defined in the "Program Definitions" Section.

C. The institution shall provide an award notification each academic year to Need-based Grant recipients, which will contain the terms and conditions of the grant and other financial aid awarded. Students will be notified of adjustments in financial aid due to changes in eligibility and/or over-award issues. The Commission on Higher Education, for documentation purposes, requires that each institution obtain verification of acceptance of the Need-based Grant and terms for the award.

D. After the last day to register for each semester of the academic year, the institution will verify enrollment of each recipient as a South Carolina resident that is a part-time or full-time degree-seeking student. According to the Scholarship and Grant Programs Policies and Procedures Manual, a listing of eligible recipients by social security number with the award amounts for the semester will be sent to the Commission on Higher Education with the institution's request for funds. A year-end reconciliation report will be submitted to the Commission on Higher Education prior to June 30th. Any unused funds shall be refunded to the Commission on Higher Education no later than June 30th of each fiscal year.

E. The student shall be required to provide a nationally recognized unique identifier in order for the institution to award, disburse, and/or transfer the student's state scholarship and/or grant to an eligible institution.

62-495. Refunds and Repayments.

A. In the event a student who has been awarded a Need-based Grant withdraws, is suspended from the institution, or drops below part-time (six credit hours) or full-time (twelve credit hours) status during any regular semester of the academic year, institutions must reimburse the Need-based Grants Program for the amount of the grant for the semester in question pursuant to refund policies of the institution. Collection is the responsibility of the institution.

B. The institution may redistribute such funds to other eligible students in accordance with the guidelines, or if such funds cannot be redistributed within the academic year, the institution shall return the refund amount to the Commission on Higher Education for redistribution to other institutions.

C. In the event a student withdraws or drops below part-time or full-time status after the institution's refund period and therefore must pay tuition and fees for part-time or full-time enrollment, the award may be retained by the student pursuant to the refund policies of the institution.

D. In the event a student who has been awarded the SC Need-based Grant has been identified as not being a SC resident at any time, the institution must reimburse funds to CHE for the time period the student was no longer a SC resident.

62-500. Program Administration and Audits.

A. The South Carolina Commission on Higher Education will coordinate the oversight of functions (e.g., guidelines, policies, rules, regulations) relative to this program with eligible institutions. The Commission on Higher Education shall be responsible for the allocation of funds, promulgation of the regulation and rules, any audits, or other statewide oversight of the Need-based Grants Program as deemed necessary to monitor the expenditure of grant funds.

B. According to the Audit Policies and Procedures for Scholarship and Grant Programs Manual, all eligible institutions that participate in the program must abide by program policies, rules or regulations. Institutions also agree to maintain and provide all pertinent information, records, reports, or any information as may be required or requested by the Commission on Higher Education or the General Assembly to ensure proper administration of the program.

C. Participating institutions are authorized to establish additional guidelines, rules, and regulations for awarding the grants consistent with the South Carolina Need-based Grants Program Regulation contained herein.

D. The Chief Executive Officer at each participating institution shall identify to the Commission on Higher Education a Need-based Grant institutional representative who is responsible for the operation of the program on the campus and will serve as the contact person for the program. The institutional representative will act as the student fiscal agent to receive and deliver funds for use under the program.

E. The institutions shall institute a process by which a SC Need-based Grant recipient's lawful presence in the United States is verified. The institution shall verify SC residency status and lawful presence in the United States upon college enrollment. If an institution has determined at any time that a recipient no longer meets SC residency requirements, the scholarship will be forfeited and funds are to be returned to CHE.

F. The participating institution shall identify to the Commission on Higher Education an institutional representative who will act as the point of contact for all inquiries pertaining to residency and legal presence classification for the purposes of awarding the SC Need-based Grant.

G. Independent and public institutions of higher learning in this, or any other state in the U.S., are prohibited from using the SC Need-based Grant in programs that promote financial aid incentives or packages. Any mention of the SC Need-based Grant in these financial aid packages must indicate the scholarship to be separate from the University that is offering the financial aid package, and reference the SC Need-based Grant as a separate financial aid award, provided to the student by the State of South Carolina.

62-505. Suspension or Termination of Institutional Participation.

A. The Commission may review institutional administrative practices to determine institutional compliance with pertinent statutes, guidelines, rules or regulations. If such a review determines that an institution has failed to comply with program statutes, guidelines, rules or regulations, the Commission may suspend, terminate, or place certain conditions upon the institution's continued participation in the program and require reimbursement to the State Need-based Grants Program for any funds lost or improperly awarded.

B. Upon receipt of evidence that an institution has failed to comply, the Commission on Higher Education shall notify the institution in writing of the nature of such allegations and conduct an audit.

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C. If an audit indicates that a violation or violations may have occurred or are occurring at any public or independent college or university, the Commission on Higher Education shall secure immediate reimbursement from the institution in the event that any funds were expended out of compliance with the provisions of the Act, any relevant statutes, guidelines, rules, and regulations.