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# SOUTH CAROLINA STATE REGISTER

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of the  
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# ***THE 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 OF THE SOUTH CAROLINA STATE REGISTER**

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 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.

## **1999 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**

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## **Public Inspection of Documents**

A copy of each document filed with the Office of the State Register is available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. Due to State House renovations, the Office of the State Register is temporarily located in The Carolina Plaza, Room B12, 937 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 734-2145.

## **Certificate**

Pursuant to Section 1-23-20, Code of Laws of South Carolina, 1976, this issue contains all previously unpublished documents required to be published and filed before the closing date of the issue.

Lynn P. Bartlett  
Editor

## **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 renewable once.

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**SUBSCRIPTIONS**

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2350	Subdivision Water & Sewage	2 01 00	Health and Envir Control
2427	Principal Induction Program	3 11 00	Board of Education
2425	Textbook Adoption	3 11 00	Board of Education
2424	Summer Programs	3 13 00	Board of Education
2430	Hunt Units and Wildlife Management	3 13 00	Dept of Natural Resources
2429	Breathalyzer Tests	3 26 00	Law Enforcement Division
2428	Alcoholic Beverages Culinary Course	3 29 00	Higher Education
2407	Cervidae Entering South Carolina	5 09 00	Clemson University
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2377	Def, Meetings, Licensing, Ed, Fees, ..	5 09 00	LLR: Board Physical Therapy Examiners
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**REQUEST FOR AN ASSESSMENT REPORT (120 DAY REVIEW PERIOD TOLLED)**

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2248	4 14 99	Primary and Substantial Portion (Video Game Machines)	Dept of Revenue

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DOC NO.	DATE	SUBJECT	AGENCY
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1981	1 14 99	Policy Development	Board of Education
2360	5 20 99	LIFE Scholarship	Higher Education

**WITHDRAWN:**

DOC NO.	DATE	SUBJECT	AGENCY
2372	6 22 99	Procedures for Contested Cases	Health and Envir Control

## 2 EXECUTIVE ORDERS

### No. 99-43

**WHEREAS**, THE NATIONAL HURRICANE CENTER HAS DETERMINED THAT THE SOUTHEAST COAST OF THE UNITED STATES IS PRESENTLY VULNERABLE TO THE EFFECTS OF A STRENGTHENING HURRICANE THAT CONTINUES TO DEVELOP IN THE ATLANTIC OCEAN; AND

**WHEREAS**, I HAVE BEEN ADVISED THAT HURRICANE FLOYD IS ADVANCING IN A NORTHWESTERLY DIRECTION AND REPRESENTS A POTENTIAL THREAT TO THE SAFETY, SECURITY, WELFARE, AND PROPERTY OF CITIZENS AND TRANSIENTS IN SOUTH CAROLINA.

**NOW, THEREFORE**, BY VIRTUE OF THE POWER AND AUTHORITY VESTED IN ME AS GOVERNOR, PURSUANT TO THE CONSTITUTION AND STATUTES OF THE STATE OF SOUTH CAROLINA, I DIRECT THAT THE SOUTH CAROLINA EMERGENCY OPERATIONS PLAN BE PLACED INTO EFFECT. I DIRECT THAT ALL PRUDENT PREPARATIONS BE TAKEN AT THE INDIVIDUAL, LOCAL, AND STATE LEVELS TO PROTECT AGAINST THE POSSIBLE EFFECTS OF HURRICANE FLOYD. I FURTHER DIRECT THAT THE SOUTH CAROLINA NATIONAL GUARD BE PLACED ON A STANDBY STATUS AND SPECIFIED UNITS OF THE NATIONAL GUARD BE PLACED ON STATE ACTIVE DUTY TO ASSIST CIVIL AUTHORITIES AND TO TAKE ALL REASONABLE PRECAUTIONS NECESSARY FOR THE PRESERVATION OF LIFE AND PROPERTY. ADDITIONAL ACTIVATIONS WILL BE DIRECTED THROUGH PROCEDURES OUTLINED IN THE SOUTH CAROLINA EMERGENCY OPERATIONS PLAN OR AS DIRECTED BY THE DIRECTOR OF THE SOUTH CAROLINA EMERGENCY PREPAREDNESS DIVISION.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 13TH DAY OF SEPTEMBER, 1999.**

**JIM HODGES  
GOVERNOR**

### No. 99-44

**WHEREAS**, THE COASTLINE OF THE STATE OF SOUTH CAROLINA HAS BEEN PLACED UNDER A HURRICANE WATCH BY THE NATIONAL WEATHER SERVICE; AND

**WHEREAS**, HURRICANE FLOYD REPRESENTS A SERIOUS THREAT TO THE HEALTH, SAFETY, AND WELL-BEING OF THE RESIDENTS AND VISITORS TO SIGNIFICANT PORTIONS OF THE STATE, PARTICULARLY THE COASTAL AREAS; AND

**WHEREAS**, EFFECTIVE AT NOON TODAY, I HEREBY DECLARE THAT A STATE OF EMERGENCY EXISTS WITHIN THE STATE; AND

**WHEREAS**, I HEREBY DECLARE THAT ALL STATE AND LOCAL GOVERNMENT AGENCIES PERFORM ALL EMERGENCY FUNCTIONS AS ASSIGNED IN THE EMERGENCY OPERATIONS PLAN OR AS DIRECTED BY THE DIRECTOR OF THE SOUTH CAROLINA EMERGENCY PREPAREDNESS DIVISION DURING THIS STATE OF EMERGENCY.

**NOW THEREFORE**, BY THE VIRTUE OF THE POWER AND AUTHORITY VESTED IN ME AS GOVERNOR PURSUANT TO THE CONSTITUTION AND THE LAWS OF SOUTH CAROLINA, I HEREBY ORDER A MANDATORY EVACUATION OF ALL PERSONS LOCATED ON BARRIER ISLANDS; ON BEACHFRONT PROPERTY; NEAR LOW-LYING RIVERS, CREEKS, OR STREAMS; AND IN MANUFACTURED HOUSING; IN THE FOLLOWING COUNTIES: JASPER, BEAUFORT, HAMPTON, COLLETON, CHARLESTON, BERKELEY, DORCHESTER, GEORGETOWN, AND HORRY. PERSONS IN INLAND COUNTIES NEAR THE PROJECTED PATH OF HURRICANE FLOYD SHOULD TAKE ALL

PRECAUTIONS TO ENSURE THEIR PROTECTION FROM POTENTIAL HIGH WINDS. AREA SPECIFIC DETAILS FOR THE MANDATORY EVACUATION FOLLOW:

1. IN BEAUFORT COUNTY, THE ENTIRE COUNTY.
2. IN COLLETON COUNTY, SOUTH OF ALTERNATE HIGHWAY 17 AND SOUTH OF THE IRON CROSSROADS AND COTTAGEVILLE COMMUNITIES.
3. IN JASPER COUNTY, EAST OF I-95; AND AREAS WEST OF I-95 AND SOUTH OF BAGSHAW SWAMP AND THE COOSAWHATCHIE AREA NORTH OF TAYLOR MILL ROAD (CR175) AND EAST OF LOGHAUL ROAD (CR39).
4. IN CHARLESTON COUNTY, THE WEST ASHLEY AREA WITH THE EXCEPTION OF AREAS IN AND NORTHWEST OF THE TOWN OF RAVENEL, HOLLYWOOD AND MEGGETT; THE CHARLESTON PENINSULA AND THE CHARLESTON NECK AREA SOUTHEAST OF COSGROVE AVENUE. IN NORTH CHARLESTON, ALL AREAS WEST OF I-26 AND SOUTH OF MONTAGUE AVENUE; THE REMAINING AREAS BETWEEN DORCHESTER ROAD AND THE ASHLEY RIVER; AND ALL AREAS EAST OF THE COOPER RIVER.
5. IN GEORGETOWN COUNTY, EAST OF US 701 FROM THE GEORGETOWN/HORRY COUNTY BOUNDARY TO HIGHWAY 4 TO INCLUDE ALL AREAS EAST OF THE INTRACOASTAL WATERWAY ON THE WACCAMAW NECK AND ALL AREAS EAST OF HIGHWAY 17 FROM GEORGETOWN CITY TO THE GEORGETOWN/CHARLESTON COUNTY BOUNDARY.
6. IN HORRY COUNTY, ALL PERSONS EAST OF THE INTRACOASTAL WATERWAY.

THIS MANDATORY EVACUATION ORDER IS EFFECTIVE AT NOON TODAY. THE SCOPE OF THIS ORDER MAY BE EXPANDED TO INCLUDE SUCH AREAS INLAND AS ARE IDENTIFIED ON A COUNTY-BY-COUNTY BASIS BY LOCAL EMERGENCY PREPAREDNESS OFFICIALS FOR PEOPLE WHO ARE DEEMED TO BE IN IMMEDIATE DANGER. HOWEVER, HOSPITALS ADMINISTRATORS MAY ELECT TO SHELTER IN PLACE ESSENTIAL PERSONNEL AND PATIENTS WHO CANNOT BE MOVED PURSUANT TO THE APPROVED EVACUATION PLAN FOR EACH FACILITY, AFTER CONSULTATION WITH EMERGENCY PREPAREDNESS PERSONNEL, AND APPROPRIATE HEALTH CARE PROFESSIONALS.

I FURTHER ORDER THAT ALL LICENSING AND REGISTRATION REQUIREMENTS REGARDING OUT-OF-STATE PRIVATE SECURITY PERSONNEL OR COMPANIES WHO ARE CONTRACTED WITH OR ASSISTING COMPANIES IN PROTECTING AND RESTORING ESSENTIAL OR VITAL SERVICES IN SOUTH CAROLINA BE SUSPENDED, AND THAT THE STATE LAW ENFORCEMENT DIVISION SHALL INITIATE AN EMERGENCY REGISTRATION PROCESS FOR THOSE PERSONNEL OR COMPANIES FOR THE DURATION OF THIS STATE OF EMERGENCY IN A MANNER DEEMED APPROPRIATE BY THE CHIEF OF THE STATE LAW ENFORCEMENT DIVISION.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA  
THIS 14TH DAY OF SEPTEMBER, 1999.**

**JIM HODGES  
GOVERNOR**

**No. 99-45**

**WHEREAS**, A STATE OF EMERGENCY HAS BEEN DECLARED (EXECUTIVE ORDER 99-44) IN SOUTH CAROLINA DUE TO THE HAZARDOUS CONDITIONS CREATED BY HURRICANE FLOYD; AND

**WHEREAS**, SECTIONS 1-3-410 THROUGH 1-3-460, AS WELL AS SECTION 25-1-440, CONFER UPON THE GOVERNOR EXTRAORDINARY POWERS TO TAKE MEASURES NECESSARY TO MAINTAIN PEACE AND ORDER; AND

## 4 EXECUTIVE ORDERS

**WHEREAS**, THERE IS A DANGER THAT CERTAIN PERSONS IN THE AREAS THREATENED BY HURRICANE FLOYD WILL CHARGE PRICES FOR FOOD AND OTHER ESSENTIALS FAR IN EXCESS OF THAT NORMALLY CHARGED WHICH RESULTS IN PEOPLE, PARTICULARLY LOWER INCOME PERSONS, FROM BEING ABLE TO PURCHASE NECESSITIES, THREATENS THE WELL-BEING OF THE POPULATION, TENDS TO CAUSE A BREACH OF THE PEACE, AND ENDANGERS THE PEACE AND GOOD ORDER OF THE AREAS THREATENED BY THE HURRICANE.

**NOW, THEREFORE**, BY VIRTUE OF THE POWER AND AUTHORITY VESTED IN ME AS GOVERNOR, PURSUANT TO THE CONSTITUTION AND THE LAWS OF SOUTH CAROLINA, I DO HEREBY DIRECT AND COMPEL THAT NO PERSON MAY OVERCHARGE FOR FOOD, FUEL, SHELTER, ITEMS USED FOR THE PROTECTION OF LIFE OR PROPERTY, CLOTHING AND OTHER LIVING ESSENTIALS IN THE STATE OF SOUTH CAROLINA.

FOR PURPOSE OF THIS EXECUTIVE ORDER "OVERCHARGING" SHALL BE DEFINED AS CHARGING FOR GOODS OR SERVICES RENDERED WHICH ARE SUBSTANTIALLY IN EXCESS OF REASONABLE AND CUSTOMARY CHARGES IN THIS STATE OR IN APPLICABLE CASES SUBSTANTIALLY IN EXCESS OF THE PERSON'S COSTS FOR SUCH GOODS OR SERVICES, UNLESS THERE IS GOOD CAUSE FOR THE BILLS OR REQUESTS CONTAINING THE CHARGES OR COSTS.

VIOLATION OF THIS EXECUTIVE ORDER SHALL SUBMIT THE PERSON MAKING THE CHARGES LIABLE FOR THE CRIMINAL PENALTIES SPECIFIED IN CODE SECTION 16-7-10.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 15TH DAY OF SEPTEMBER, 1999.**

**JIM HODGES  
GOVERNOR**

### **No. 99-46**

**WHEREAS**, A STATE OF EMERGENCY HAS BEEN DECLARED (EXECUTIVE ORDER 99-44) IN SOUTH CAROLINA DUE TO THE THREAT PRESENTED BY HURRICANE FLOYD; AND

**WHEREAS**, SECTIONS 1-3-410 THROUGH 460, CODE OF LAWS OF SOUTH CAROLINA, 1976, CONFER UPON THE GOVERNOR SEPARATE AND DISTINCT POWERS TO TAKE SUCH MEASURES NECESSARY TO MAINTAIN PEACE AND ORDER; AND

**WHEREAS**, SECTIONS 25-1-1820 THROUGH 1850 AUTHORIZE THE GOVERNOR TO ORDER OUT THE SOUTH CAROLINA NATIONAL GUARD IN CASE OF DANGER TO PERSONS OR PROPERTY BY FORCE AND VIOLENCE AND IN THE EVENT OF PUBLIC DISASTER; AND

**WHEREAS**, EACH LOCAL JURISDICTION MAY DESIRE THE IMPOSITION OF A CURFEW OR OTHER APPROPRIATE RESTRICTIONS ON MOVEMENT OF CITIZENS WITHIN THE LOCAL JURISDICTION FOR THE PROTECTION OF PERSONS AND/OR PROPERTY.

**NOW, THEREFORE**, BY VIRTUE OF THE POWER AND AUTHORITY VESTED IN ME AS GOVERNOR, PURSUANT TO THE CONSTITUTION AND THE LAWS OF SOUTH CAROLINA, I DO HEREBY DIRECT AND COMPEL THAT THE SOUTH CAROLINA NATIONAL GUARD, THE SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY AND THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION ASSIST THESE LOCAL GOVERNMENTS IF AND/OR WHEN A LOCAL GOVERNMENT'S AUTHORITY IMPOSES A CURFEW, OR SUCH MEASURES NECESSARY TO MAINTAIN PEACE AND ORDER WITHIN SUCH LOCAL JURISDICTIONS. ENFORCEMENT OF ANY SUCH ESTABLISHED CURFEW BY STATE OFFICERS SHALL BE DEEMED TO BE MADE PURSUANT TO THIS ORDER.

THIS ORDER SHALL TAKE EFFECT IMMEDIATELY.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 15TH DAY OF SEPTEMBER, 1999.**

**JIM HODGES  
GOVERNOR**

**No. 99-47**

**WHEREAS**, EFFECTIVE AT NOON ON SEPTEMBER 14, 1999, THE UNDERSIGNED ORDERED A MANDATORY EVACUATION IN EXECUTIVE ORDER 99-44 OF PERSONS IN JASPER, BEAUFORT, HAMPTON, COLLETON, CHARLESTON, BERKELEY, DORCHESTER, GEORGETOWN, AND HORRY, BECAUSE OF THE IMMINENT DANGER IMPOSED BY HURRICANE FLOYD; AND

**WHEREAS**, CONDITIONS NOW EXIST WHICH JUSTIFY ALLOWING RE-ENTRY OF PERSONS INTO JASPER, BEAUFORT, HAMPTON, COLLETON, CHARLESTON, BERKELEY, AND CHESTER, IN AREAS PREVIOUSLY ORDERED EVACUATED HOWEVER, DAMAGED AREAS AS IDENTIFIED BY LOCAL OFFICIALS ON A COUNTY TO COUNTY BASIS MAY BE RESTRICTED TO INSURE THE SAFETY OF THE CITIZENS.

**NOW THEREFORE**, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and LAWS of the State of South Carolina, I hereby order that persons affected by the mandatory evacuation order set FORTH in Executive Order 99-44 be allowed to return to all areas of Jasper Beaufort, Hampton, Colleton, Charleston, Berkeley, and Dorchester Counties, and declare that the mandatory evacuation provisions of Executive Order 99-44 are hereby rescinded for these counties effective at 7:00 AM on September 16, 1999.

The evacuation order for the designated areas of Horry and Georgetown Counties remains in full force and effect until further notice.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA  
THIS 16TH DAY OF SEPTEMBER, 1999.**

**JIM HODGES  
GOVERNOR**

**No. 99-48**

**WHEREAS**, EFFECTIVE AT NOON ON SEPTEMBER 14, 1999, THE UNDERSIGNED ORDERED A MANDATORY EVACUATION IN EXECUTIVE ORDER 99-44 OF PERSONS IN GEORGETOWN COUNTY BECAUSE OF THE IMMINENT DANGER IMPOSED BY HURRICANE FLOYD; AND

**WHEREAS**, CONDITIONS NOW EXIST WHICH JUSTIFY ALLOWING RE-ENTRY OF PERSONS INTO GEORGETOWN COUNTY, IN AREAS PREVIOUSLY ORDERED EVACUATED. HOWEVER, DAMAGED AREAS AS IDENTIFIED BY LOCAL OFFICIALS IN GEORGETOWN COUNTY MAY BE RESTRICTED TO INSURE THE SAFETY OF THEIR CITIZENS.

## 6 EXECUTIVE ORDERS

**NOW THEREFORE**, BY VIRTUE OF THE POWER AND AUTHORITY VESTED IN ME AS GOVERNOR, PURSUANT TO THE CONSTITUTION AND LAWS OF THE STATE OF SOUTH CAROLINA, I HEREBY ORDER THAT PERSONS AFFECTED BY THE MANDATORY EVACUATION ORDER SET FORTH IN EXECUTIVE ORDER 99-44 BE ALLOWED TO RETURN TO ALL AREAS OF GEORGETOWN COUNTY EXCEPT IN ANY DAMAGED AREAS IDENTIFIED BY LOCAL OFFICIALS AS NECESSARY TO INSURE THE SAFETY OF THEIR CITIZENS, AND DECLARE THAT THE MANDATORY EVACUATION PROVISIONS OF EXECUTIVE ORDER 99-44 ARE HEREBY RESCINDED FOR GEORGETOWN COUNTY EFFECTIVE AT 10:00 AM ON SEPTEMBER 16, 1999.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA  
THIS 16TH DAY OF SEPTEMBER, 1999.**

**JIM HODGES  
GOVERNOR**

### No. 99-49

**WHEREAS**, EFFECTIVE AT NOON ON SEPTEMBER 14, 1999, THE UNDERSIGNED ORDERED A MANDATORY EVACUATION IN EXECUTIVE ORDER 99-44 OF PERSONS IN JASPER, BEAUFORT, HAMPTON, COLLETON, CHARLESTON, BERKELEY, DORCHESTER, GEORGETOWN, AND HORRY COUNTIES, BECAUSE OF THE IMMINENT DANGER IMPOSED BY HURRICANE FLOYD; AND

**WHEREAS**, CONDITIONS NOW EXIST WHICH JUSTIFY ALLOWING RE-ENTRY OF PERSONS INTO HORRY COUNTY. HOWEVER, DAMAGED AREAS AS IDENTIFIED BY LOCAL OFFICIALS IN HORRY COUNTY MAY BE RESTRICTED TO INSURE THE SAFETY OF THEIR CITIZENS.

**NOW THEREFORE**, BY VIRTUE OF THE POWER AND AUTHORITY VESTED IN ME AS GOVERNOR, PURSUANT TO THE CONSTITUTION AND LAWS OF THE STATE OF SOUTH CAROLINA, I HEREBY ORDER THAT PERSONS AFFECTED BY THE MANDATORY EVACUATION ORDER SET FORTH IN EXECUTIVE ORDER 99-44 BE ALLOWED TO RETURN TO ALL AREAS OF HORRY COUNTY EXCEPT IN ANY DAMAGED AREAS IDENTIFIED BY LOCAL OFFICIALS IN HORRY COUNTY AS NECESSARY TO INSURE THE SAFETY OF THEIR CITIZENS, AND DECLARE THAT THE MANDATORY EVACUATION PROVISIONS OF EXECUTIVE ORDER 99-44 ARE HEREBY RESCINDED FOR HORRY COUNTY EFFECTIVE AT 10:00 AM ON SEPTEMBER 16, 1999.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA  
THIS 16TH DAY OF SEPTEMBER, 1999.**

**JIM HODGES  
GOVERNOR**

### No. 99-50

**WHEREAS**, EFFECTIVE AT NOON ON SEPTEMBER 14, 1999, THE UNDERSIGNED ORDERED A MANDATORY EVACUATION IN EXECUTIVE ORDER 99-44 OF PERSONS IN JASPER, BEAUFORT, HAMPTON, COLLETON, CHARLESTON, BERKELEY, DORCHESTER, GEORGETOWN, AND HORRY COUNTIES, BECAUSE OF THE IMMINENT DANGER IMPOSED BY HURRICANE FLOYD; AND

**WHEREAS**, IT BECAME NECESSARY FOR MANY BANKS AND SAVINGS AND LOAN INSTITUTIONS TO REMAIN CLOSED THROUGH SEPTEMBER 16, 1999, DUE TO THE MANDATORY EVACUATION ORDER AND THE THREAT PRESENTED BY HURRICANE FLOYD.

**NOW THEREFORE**, BY VIRTUE OF THE POWER AND AUTHORITY VESTED IN ME AS GOVERNOR, PURSUANT TO THE CONSTITUTION AND LAWS OF THE STATE OF SOUTH CAROLINA, AND SPECIFICALLY SECTION 53-5-55 OF THE SOUTH CAROLINA CODE OF LAWS, I HEREBY DECLARE SEPTEMBER 15 AND 16, 1999, LEGAL HOLIDAYS FOR BANKS AND SAVINGS AND LOAN INSTITUTIONS DUE TO THE NEED FOR MANY BANKS AND SAVINGS AND LOAN INSTITUTIONS TO CLOSE DUE TO THE MANDATORY EVACUATION ORDER AND THE THREAT PRESENTED BY HURRICANE FLOYD.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA  
THIS 16th DAY OF SEPTEMBER, 1999.**

**JIM HODGES  
GOVERNOR**

**No. 99-51**

**WHEREAS**, I DECLARED A STATE OF EMERGENCY IN EXECUTIVE ORDER 99-44 ON SEPTEMBER 14, 1999, DUE TO THE HAZARDOUS CONDITIONS PRESENTED BY HURRICANE FLOYD; AND

**WHEREAS**, I ALSO ORDERED A MANDATORY EVACUATION OF ALL PERSONS LOCATED IN AREAS OF JASPER, BEAUFORT, HAMPTON, COLLETON, CHARLESTON, BERKELEY, DORCHESTER, GEORGETOWN, AND HORRY COUNTIES THAT WERE VULNERABLE DUE TO THE HAZARDOUS CONDITIONS PRESENTED BY HURRICANE FLOYD; AND

**WHEREAS**, I FURTHER DECLARED THAT ALL STATE AND LOCAL GOVERNMENT AGENCIES PERFORM ALL EMERGENCY FUNCTIONS AS ASSIGNED IN THE EMERGENCY OPERATIONS PLAN OR AS DIRECTED BY THE DIRECTOR OF THE SOUTH CAROLINA EMERGENCY PREPAREDNESS DIVISION DURING THE STATE OF EMERGENCY; AND

**WHEREAS**, AS A RESULT OF THE VOLUNTARY EVACUATION RECOMMENDATION AND SUBSEQUENT MANDATORY EVACUATION ORDER, THE WESTBOUND LANES OF INTERSTATE 26 BECAME CONGESTED WITH WESTBOUND TRAFFIC; AND

**WHEREAS**, AS A RESULT OF THE TRAFFIC CONGESTION ON THE WESTBOUND LANES OF INTERSTATE 26 ON SEPTEMBER 14, 1999, THERE WAS A SUBSTANTIAL DANGER THAT CITIZENS WOULD DECIDE TO DISOBEY THE MANDATORY EVACUATION ORDER AND ATTEMPT TO RETURN TO THE AREAS MADE VULNERABLE TO HURRICANE FLOYD; AND

**WHEREAS**, AS GOVERNOR OF THE STATE OF SOUTH CAROLINA, I CANNOT TOLERATE THE POSSIBILITY THAT CITIZENS WILL FAIL TO HEED A MANDATORY EVACUATION ORDER DUE TO TRAFFIC CONGESTION; AND

**WHEREAS**, AFTER LEARNING OF THE TRAFFIC CONGESTION PROBLEMS, THE UNDERSIGNED ORDERED THAT THE EASTBOUND LANES OF INTERSTATE 26 BE REVERSED IN ORDER TO PERMIT ALL LANES OF INTERSTATE 26 TO BE UTILIZED TO SPEED THE FLOW OF TRAFFIC FROM THE CHARLESTON COUNTY AREA; AND

**WHEREAS**, I REMAIN CONCERNED ABOUT THE EMERGENCY OPERATIONS PLAN'S FAILURE TO ACKNOWLEDGE THE NEED FOR REVERSAL OF TRAFFIC ON INTERSTATE 26; THE POSSIBLE UNDER-UTILIZATION OF SECONDARY ROADS TO EASE TRAFFIC CONGESTION ON



## **8 EXECUTIVE ORDERS**

INTERSTATE 26; AND THE DELAY OF STATE AGENCIES IN IMPLEMENTING MY ORDER TO REVERSE THE TRAFFIC FLOW ON THE EASTBOUND LANES OF INTERSTATE 26.

**NOW, THEREFORE**, BY THE VIRTUE OF THE POWER AND AUTHORITY VESTED IN ME AS GOVERNOR PURSUANT TO THE CONSTITUTION AND LAWS OF SOUTH CAROLINA, I HEREBY AUTHORIZE SENATOR ARTHUR RAVENEL, JR., TO CONDUCT AN IMMEDIATE INVESTIGATION INTO THE TRAFFIC CONGESTION PROBLEMS OF SEPTEMBER 14, 1999, ON INTERSTATE 26, AND TO PROVIDE ME WITH A REPORT AND RECOMMENDATION WITHIN 30 DAYS OF THIS EXECUTIVE ORDER.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF  
THE STATE OF SOUTH CAROLINA THIS 17TH DAY OF  
SEPTEMBER, 1999.**

**JIM HODGES  
GOVERNOR**

**No. 99-52**

**WHEREAS**, A STATE OF EMERGENCY HAS BEEN DECLARED (EXECUTIVE ORDER 99-44) IN SOUTH CAROLINA DUE TO THE HAZARDOUS CONDITIONS CREATED BY HURRICANE FLOYD; AND

**WHEREAS**, SECTIONS 1-3-410 THROUGH 1-3-460, AS WELL AS SECTION 25-1-440, CONFER UPON THE GOVERNOR EXTRAORDINARY POWERS TO TAKE MEASURES NECESSARY TO MAINTAIN PEACE AND ORDER; AND

**WHEREAS**, HIGH WATER ON THE WACCAMAW RIVER AND ITS TRIBUTARIES RESULTING FROM HURRICANE FLOYD HAS CREATED A DANGER TO PUBLIC SAFETY AND PRIVATE PROPERTY DUE TO DEBRIS AND HAZARDOUS CURRENTS.

**NOW, THEREFORE**, BY VIRTUE OF THE POWER AND AUTHORITY VESTED IN ME AS GOVERNOR, PURSUANT TO THE CONSTITUTION AND STATUTES OF THE STATE OF SOUTH CAROLINA, EFFECTIVE AT 1:45 P.M. ON SUNDAY, SEPTEMBER 19, 1999, I ORDERED THE FOLLOWING PROHIBITIONS IMPOSED ON ALL WATERCRAFT OPERATIONS ON THE WACCAMAW RIVER AND ITS TRIBUTARIES BETWEEN THE NORTH CAROLINA/SOUTH CAROLINA BORDER SOUTH TO ITS INTERSECTION WITH THE ATLANTIC INTRACOASTAL WATERWAY: NO VESSEL SHALL BE OPERATED IN THESE WATERS EXCEPT AT IDLE SPEED, AND ALL VESSEL OPERATIONS ARE PROHIBITED IN THESE WATERS BETWEEN THE HOURS OF 7PM AND 7AM EXCEPT FOR LAW ENFORCEMENT AND EMERGENCY PERSONNEL, AND THOSE PERSONS LIVING IN RESIDENCES IN THE AFFECTED AREA REACHABLE ONLY BY WATER.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF  
THE STATE OF SOUTH CAROLINA, THIS 20TH DAY OF  
SEPTEMBER, 1999.**

**JIM HODGES  
GOVERNOR**

No. 99-53

**WHEREAS**, A STATE OF EMERGENCY HAS BEEN DECLARED (EXECUTIVE ORDER 99-44) IN SOUTH CAROLINA DUE TO THE HAZARDOUS CONDITIONS CREATED BY HURRICANE FLOYD; AND

**WHEREAS**, SECTIONS 1-3-410 THROUGH 1-3-460, AS WELL AS SECTION 25-1-440, CONFER UPON THE GOVERNOR EXTRAORDINARY POWERS TO TAKE MEASURES NECESSARY TO MAINTAIN PEACE AND ORDER; AND

**WHEREAS**, HIGH WATER ON THE WACCAMAW RIVER AND ITS TRIBUTARIES RESULTING FROM HURRICANE FLOYD HAS CREATED A DANGER TO PUBLIC SAFETY AND PRIVATE PROPERTY DUE TO DEBRIS AND HAZARDOUS CURRENTS.

**NOW, THEREFORE**, BY VIRTUE OF THE POWER AND AUTHORITY VESTED IN ME AS GOVERNOR, PURSUANT TO THE CONSTITUTION AND STATUTES OF THE STATE OF SOUTH CAROLINA, EFFECTIVE AT 1:45 P.M. ON SUNDAY, SEPTEMBER 19, 1999, I ORDERED THE FOLLOWING PROHIBITIONS IMPOSED ON ALL WATERCRAFT OPERATIONS ON THE WACCAMAW RIVER AND ITS TRIBUTARIES BETWEEN THE NORTH CAROLINA/SOUTH CAROLINA BORDER SOUTH TO ITS INTERSECTION WITH THE ATLANTIC INTRACOASTAL WATERWAY: NO VESSEL SHALL BE OPERATED IN THESE WATERS EXCEPT FOR LAW ENFORCEMENT AND EMERGENCY PERSONNEL, AND THOSE PERSONS LIVING IN RESIDENCES IN THE AFFECTED AREA REACHABLE ONLY BY WATER.

THIS EXECUTIVE ORDER SUPERSEDES EXECUTIVE ORDER 99-52, WHICH IS HEREBY RESCINDED.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 20<sup>TH</sup> DAY OF SEPTEMBER, 1999.**

**JIM HODGES  
GOVERNOR**

No. 99-54

**WHEREAS**, BY EXECUTIVE ORDER 99-51, I AUTHORIZED SENATOR ARTHUR RAVENEL, JR. TO CONDUCT AN INVESTIGATION INTO THE TRAFFIC CONGESTION PROBLEMS OF SEPTEMBER 14, 1999, ON INTERSTATE 26; AND

**WHEREAS**, TRAFFIC CONGESTION ALSO OCCURRED IN OTHER COASTAL AREAS ON SEPTEMBER 14, 1999, AS A RESULT OF THE MANDATORY EVACUATION ORDER; AND

**WHEREAS**, THE POSSIBILITY THAT CITIZENS WILL FAIL TO HEED MANDATORY EVACUATION ORDERS DUE TO TRAFFIC CONGESTION IS A DANGEROUS RISK THAT APPLIES TO ALL COASTAL AREAS OF SOUTH CAROLINA.

**NOW, THEREFORE**, I HEREBY EXPAND THE SCOPE OF SENATOR RAVENEL'S INVESTIGATION TO INCLUDE AN INVESTIGATION INTO THE TRAFFIC CONGESTION PROBLEMS OF SEPTEMBER 14, 1999, OF THE ENTIRE COAST OF SOUTH CAROLINA, AND FURTHER AUTHORIZE HIM TO DESIGNATE SUCH INDIVIDUALS AS ARE NECESSARY TO ASSIST HIM WITH THE INVESTIGATION.

I FURTHER HEREBY RESCIND ANY AND ALL TERMS OF EXECUTIVE ORDER 99-51 THAT ARE INCONSISTENT WITH THIS EXECUTIVE ORDER.

## 10 EXECUTIVE ORDERS

ALL OTHER TERMS OF EXECUTIVE ORDER 99-51 SHALL REMAIN IN FULL FORCE AND EFFECT.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 24<sup>TH</sup> DAY OF SEPTEMBER, 1999.**

**JIM HODGES  
GOVERNOR**

### **No. 99-55**

**WHEREAS**, A STATE OF EMERGENCY HAS BEEN DECLARED (EXECUTIVE ORDER 99-44) IN SOUTH CAROLINA DUE TO THE HAZARDOUS CONDITIONS CREATED BY HURRICANE FLOYD; AND

**WHEREAS**, SECTIONS 1-3-410 THROUGH 1-3-460, AS WELL AS SECTION 25-1-440, CONFER UPON THE GOVERNOR EXTRAORDINARY POWERS TO TAKE MEASURES NECESSARY TO MAINTAIN PEACE AND ORDER; AND

**WHEREAS**, HIGH WATER ON THE WACCAMAW RIVER AND ITS TRIBUTARIES RESULTING FROM HURRICANE FLOYD HAS CREATED A DANGER TO PUBLIC SAFETY AND PRIVATE PROPERTY DUE TO DEBRIS AND HAZARDOUS CURRENTS; AND

**WHEREAS**, I PREVIOUSLY PROHIBITED ALL WATERCRAFT OPERATIONS ON THE WACCAMAW RIVER AND ITS TRIBUTARIES BETWEEN THE NORTH CAROLINA/SOUTH CAROLINA BORDER SOUTH TO ITS INTERSECTION WITH THE ATLANTIC INTRACOASTAL WATERWAY, EXCEPT FOR LAW ENFORCEMENT AND EMERGENCY PERSONNEL, AND THOSE PERSONS LIVING IN RESIDENCES IN THE AFFECTED AREA REACHABLE ONLY BY WATER; AND

**WHEREAS**, THE UNITED STATES COAST GUARD HAS CLOSED THE ATLANTIC INTRACOASTAL WATERWAY FROM THE U.S. 501 BRIDGE SOUTH TO MARKER 27 AT ENTERPRISE LANDING DUE TO FLOODING FROM HURRICANE FLOYD.

**NOW, THEREFORE**, I HEREBY EXTEND THE PROHIBITIONS ON WATERCRAFT OPERATIONS IMPOSED BY EXECUTIVE ORDER 99-53 TO INCLUDE THE ATLANTIC INTRACOASTAL WATERWAY FROM THE U.S. 501 BRIDGE SOUTH TO MARKER 27 AT ENTERPRISE LANDING. THIS CLOSURE APPLIES TO ALL VESSELS, RECREATIONAL AND COMMERCIAL, WITH THE EXCEPTION OF LAW ENFORCEMENT AND EMERGENCY VESSELS, AND THOSE PERSONS LIVING IN RESIDENCES IN THE AFFECTED AREA REACHABLE ONLY BY WATER.

EXCEPT AS MODIFIED BY THIS EXECUTIVE ORDER, THE PROHIBITIONS IMPOSED BY EXECUTIVE ORDER 99-53 SHALL REMAIN IN FULL FORCE AND EFFECT.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 24<sup>TH</sup> DAY OF SEPTEMBER, 1999.**

**JIM HODGES  
GOVERNOR**

**No. 99-56**

**WHEREAS**, THE HEAVY RAINS THAT HURRICANE FLOYD BROUGHT TO COASTAL AREAS IN SOUTH CAROLINA AND NORTH CAROLINA HAVE SPAWNED EXTENSIVE FLOODING IN GEORGETOWN, HORRY AND MARION COUNTIES; AND

**WHEREAS**, THE FLOODING OF THESE AREAS LEAVES THEM SUSCEPTIBLE TO DISEASE, LOOTING AND OTHER PUBLIC HEALTH AND SAFETY CONCERNS; AND

**WHEREAS**, SECTIONS 1-3-410 THROUGH 460 OF THE SOUTH CAROLINA CODE OF LAWS (1976), AS AMENDED, CONFER UPON THE GOVERNOR SEPARATE AND DISTINCT POWERS TO TAKE SUCH MEASURES NECESSARY TO MAINTAIN PEACE AND ORDER; AND

**WHEREAS**, SECTION 25-1-440 AND SECTIONS 25-1-1820 THROUGH 1900 AUTHORIZE THE GOVERNOR TO ORDER OUT THE SOUTH CAROLINA NATIONAL GUARD IN CASE OF DANGER TO PERSONS OR PROPERTY BY FORCE AND VIOLENCE AND IN THE EVENT OF PUBLIC DISASTER.

**NOW, THEREFORE**, BY VIRTUE OF THE POWER AND AUTHORITY VESTED IN ME AS GOVERNOR PURSUANT TO THE SOUTH CAROLINA CONSTITUTION AND THE SOUTH CAROLINA CODE OF LAWS, AS A RESULT OF THE FLOODING STEMMING FROM HURRICANE FLOYD, I HEREBY DECLARE THAT A STATE OF EMERGENCY EXISTS IN GEORGETOWN, HORRY, AND MARION COUNTIES. I DIRECT THAT THE SOUTH CAROLINA EMERGENCY OPERATIONS PLAN REMAIN IN EFFECT FOR THESE COUNTIES, AND THAT PRUDENT PREPARATIONS BE TAKEN AT THE INDIVIDUAL, LOCAL, AND STATE LEVELS TO PROTECT AGAINST THE POSSIBLE EFFECTS OF THE FLOODING. I FURTHER DIRECT THAT SPECIFIED UNITS OF THE SOUTH CAROLINA NATIONAL GUARD, AT THE DISCRETION OF THE ADJUTANT GENERAL IN CONSULTATION WITH THE DIRECTOR OF THE EMERGENCY PREPAREDNESS DIVISION, REMAIN ON STATE ACTIVE DUTY TO ASSIST CIVIL AUTHORITIES IN THESE COUNTIES AND TO TAKE ALL REASONABLE PRECAUTIONS AS ARE NECESSARY FOR THE PRESERVATION OF LIFE AND PROPERTY.

EXECUTIVE ORDER 99-44, WHICH DECLARED A STATE OF EMERGENCY FOR THE ENTIRE STATE, IS HEREBY RESCINDED. EXECUTIVE ORDERS 99-45 (PROHIBITING OVERCHARGING FOR ESSENTIAL ITEMS) AND 99-46 (CURFEWS) ARE HEREBY MODIFIED AS OF THE DATE OF THIS EXECUTIVE ORDER SO AS TO LIMIT THEIR APPLICATION TO GEORGETOWN, HORRY, AND MARION COUNTIES. EXECUTIVE ORDER 99-55 (PROHIBITIONS ON WATERCRAFT OPERATIONS IN AFFECTED COUNTIES) SHALL REMAIN IN EFFECT UNTIL THE UNITED STATES COAST GUARD AND LOCAL EMERGENCY PREPAREDNESS OFFICIALS DEEM IT SAFE TO PERMIT RESUMPTION OF WATERCRAFT OPERATIONS IN THE AREAS AFFECTED BY EXECUTIVE ORDER 99-55.

THIS EXECUTIVE ORDER SHALL TAKE EFFECT IMMEDIATELY.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF  
THE STATE OF SOUTH CAROLINA, THIS 28TH DAY OF  
SEPTEMBER, 1999.**

**JIM HODGES  
GOVERNOR**

## **12 EXECUTIVE ORDERS**

**No. 99-57**

**WHEREAS**, IN EXECUTIVE ORDER 99-26, I ESTABLISHED THE SOUTH CAROLINA NUCLEAR WASTE TASK FORCE AND CHARGED IT WITH THE RESPONSIBILITY OF PROVIDING ME WITH A REPORT AND RECOMMENDATION BY NOVEMBER 1, 1999; AND

**WHEREAS**, DUE TO THE THREAT OF HURRICANE FLOYD, IT BECAME NECESSARY TO ADJUST THE MEETING SCHEDULE OF THE TASK FORCE; AND

**WHEREAS**, THE TASK FORCE SHOULD HAVE A FULL OPPORTUNITY TO EVALUATE THE OPTIONS AVAILABLE TO THIS STATE IN ADDRESSING THE ISSUE OF DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE.

**NOW, THEREFORE**, I HEREBY EXTEND THE TIME FOR THE TASK FORCE TO PROVIDE ME WITH A REPORT AND RECOMMENDATION FROM NOVEMBER 1, 1999, TO DECEMBER 15, 1999.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF  
THE STATE OF SOUTH CAROLINA, THIS 28<sup>TH</sup> DAY OF  
SEPTEMBER, 1999.**

**JIM HODGES  
GOVERNOR**

## DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

## ERRATA

Regulation 61-47, Shellfish, was amended in its entirety and became effective upon its publication as Document 1925 in Volume 21, Issue 2, of the S.C State Register on Friday, February 28, 1997. This errata of October 22, 1999, corrects typographical errors in Document 1925, and replaces an Errata published on April 25, 1997, which itself was in error, in its entirety.

Item 1: The Table of Contents of R.61-47 is corrected at Section J. SHUCKERS-PACKERS, to correct typographical errors in codification, to read:

## J. SHUCKER-PACKERS

1. Shucking Area and Equipment Requirements.
  - (a) Shucking and Packing Area.
  - (b) Shucking Benches and Tables.
  - (c) Utensils and Equipment.
  - (d) Cleaning and Sanitizing Equipment and Utensils.
  - (e) Equipment and Utensil Handling and Storage
  - (f) General Maintenance.
  - (g) Employee Garments
2. Shucking-Packing Operations.
  - (a) Shellfish Source.
  - (b) Shucking Procedures.
  - (c) Shell and Waste Disposal.
  - (d) Packing and Packaging.
  - (e) Refrigeration.
  - (f) Ice.
  - (g) Records.
3. Heat Shock Processing of Shellfish for Shucking.
  - (a) General.
  - (b) Tank Design Construction and Water Requirements.
  - (c) Shellstock Washing.
  - (d) Water Temperature.
  - (e) Time Requirements.
  - (f) Water Requirements.
  - (g) Cooling.
  - (h) Cleaning.
  - (i) Alternatives to Heat Shock Process.

Item 2: At Section A.2(a)(3), the reference E.(2) is corrected to read: E.2

Item 3: At Section A.2(a)(7), the references C.(2), N.(3)(c) and N.(3)(f) are corrected to read: C.2, N.3(c) and N.3(f).

Item 4: At Section A.2(nn), the word "statically" in the definition of Systematic Random Sampling was misspelled and is corrected to read: "statistically."

Item 5: At Section B.5(c), last sentence, the reference B.(3) is corrected to read: B.3.

Item 6: At Section B.7(c), the reference D.(4) is corrected to read: D.4.

Item 7: At Section D.1(b), last sentence, the reference B.(3) is corrected to read: B.3.

## 14 NOTICES

- Item 8: At Section G.2(c), the references H.(1)(b) and H.(1)(d) are corrected to read: H.1(b) and H.1(d).
- Item 9: At Section J.2(a), the reference C.(2)(a) is corrected to read: C.2(a).
- Item 10: At Section K.1, the reference Section H is corrected to read: Section J.
- Item 11: At Section K.2, the reference C.(2)(b) is corrected to read: C.2(b).
- Item 12: At Section K.9, the reference J.(2)(f) is corrected to read: J.2(f).
- Item 13: At Section K.10, the reference J.(2)(e) is corrected to read: J.2(e).
- Item 14: At Section K.11, the reference J(2)(d) is corrected to read: J.2(d).
- Item 15: At Section K.12, the reference C.(2)(b) is corrected to read: C.2(b).
- Item 16: At Section L.1, the reference C.(2)(a) is corrected to read: C.2(a).
- Item 17: At Section M.1, the references C.(2)(a)(2)(a) and C.(2)(b) are corrected to read: C.2(a)(2)(a) and C.2(b).
- Item 18: At Section M.2, the references I.(1)(c) and J.(2)(c) are corrected to read: I.1(c) and J.2(e).
- Item 19: At Section N.3(b), the references B.(3), B.(4), B.(5) and B.(6) are corrected to read: B.3, B.4, B.5 and B.6.
- Item 20: At Section N.3(c), the references C.(2)(a)(2)(b) are corrected to read: C.2(a)(2)(b).
- Item 21: At Section N.3(f)(1), the reference C.(2)(a)(2)(a) is corrected to read: C.2(a)(2)(a).
- Item 22: At Section O.3, the references C.(1) and C.(2) are corrected to read: C.1 and C.2.
- Item 23: At Section O.4(c)(3), the references C.(4)(c)(1) or C.(4)(c)(2) are corrected to read: O.4(c)(1) or O.4(c)(2).

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication October 22, 1999, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mr. Albert N. Whiteside, Director, Planning and Certification of Need Section, 2600 Bull St., Columbia, SC 29201 at (803) 737-7200.

Affecting Beaufort County

Replacement of the hospital's existing GE CT scanner with a Siemens multi-slice CT scanner and relocate old CT to Beaufort Medical Plaza.  
Beaufort Memorial Hospital  
Beaufort, South Carolina  
Project Cost: \$ 1,619,552

Construction of a 119 bed nursing home with 25 nursing home beds to participate in the Medicaid (Title XIX) Program.

Laurel Baye Healthcare-Beaufort  
Pawleys Island, South Carolina  
Project Cost: \$ 8,092,024

Affecting Charleston County

Construction/renovation of a joint adult/pediatric Electrophysiology (EP) Laboratory on the 6th floor of the Children's Hospital, resulting in the discontinuation of the adult EP Lab on the 8th floor of the Clinical Sciences Building.

Medical University of South Carolina Medical Center  
Charleston, South Carolina  
Project Cost: \$ 3,430,522

Affecting Chester County

Construction of forty-four (44) additional nursing home beds with twenty-five (25) beds participating in the Medicaid (Title XIX) Program for a total of 144 nursing home beds.

Chester County Hospital and Nursing Center  
Chester, South Carolina  
Project Cost: \$ 3,028,083

Affecting Greenville County

Acquisition by Bon Secours Health System, Inc. of St. Francis Health System, Greenville, SC, to include Franciscan Health System of South Carolina, Inc. and St. Francis Hospital, Inc. from Franciscan Health Partnership, Inc. to Bon Secours St. Francis Health System, Inc., which will then become the sole member of SFH, Inc. that will then be renamed St. Francis Hospital, Inc. This transaction includes the following six existing licensed entities: St. Francis Hospital, St. Francis Women's and Family Hospital, Same Day Surgery East, St. Francis Hospital Transitional Care Unit, St. Francis Hospital Home Care and St. Francis Hospital Home Care - Hospice Services.

Bon Secours St. Francis Health System, Inc.  
Greenville, South Carolina  
Project Cost: \$242,000,000  
Affecting Greenwood County

Renovation of space for the existing CT Scanner and the addition of a second CT Scanner and related equipment.

Self Memorial Hospital  
Greenwood, South Carolina  
Project Cost: \$ 2,202,080

Affecting Horry County

Construction for the addition of 44 nursing home beds of which 25 will participate in the Medicaid (Title XIX) Program for a total of 132 nursing home beds.

Loris Extended Care Center  
Loris, South Carolina  
Project Cost: \$ 4,340,089

Affecting Oconee County



## 16 NOTICES

Construction of forty-one (41) additional nursing home beds with twenty-five (25) beds participating in the Medicaid (Title XIX) Program for a total of 120 nursing home beds.

Lila Doyle Nursing Care Facility

Seneca, South Carolina

Project Cost: \$ 3,800,000

Affecting Orangeburg County

Development of a twenty-four (24) bed comprehensive rehabilitation unit through the conversion of twenty-four (24) medical/surgical beds for a total of 247 general, 15 psychiatric and 24 rehabilitation beds.

The Regional Medical Center of Orangeburg and Calhoun Counties

Orangeburg, South Carolina

Project Cost: \$ 177,751

Affecting Richland County

Purchase of a Position Emission Tomography (PET) Scanner and renovations to accomodate the equipment.

Palmetto Baptist Medical Center Columbia

Columbia, South Carolina

Project Cost: \$ 1,549,359

Affecting York County

Addition of 55 nursing home beds which will not participate in the Medicaid (Title XIX) Program, for a total of 99 nursing home beds.

Ebenezer Nursing Home

Rock Hill, South Carolina

Project Cost: \$ 4,741,465

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning October 22, 1999. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert N. Whiteside, Director, Planning and Certification of Need Section, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 737-7200.

Affecting Beaufort County

Replacement of the hospital's existing GE CT scanner with a Siemens multi-slice CT scanner and relocate existing CT to Beaufort Medical Plaza.

Beaufort Memorial Hospital

Beaufort, South Carolina

Project Cost: \$ 1,619,552

Affecting Charleston County

Construction of an ambulatory surgery center with two (2) operating rooms for the single specialty of otolaryngology services; purchase of a CT scanner.

ENT Surgery Center

Charleston, South Carolina

Project Cost: \$ 1,218,937

Construction/renovation of a joint adult/pediatric Electrophysiology (EP) Laboratory on the 6th floor of the Children's Hospital, resulting in the discontinuation of the adult EP laboratory on the 8th floor of the Clinical Sciences Building.

Medical University of South Carolina Medical Center  
Charleston, South Carolina  
Project Cost: \$3,430,522

Affecting Greenville County

Acquisition by Bon Secours Health System, Inc. of St. Francis Health System, Greenville, SC, to include Franciscan Health System of South Carolina, Inc. and St. Francis Hospital, Inc. from Franciscan Health Partnership, Inc. to Bon Secours St. Francis Health System, Inc., which will then become the sole member of SFH, Inc. that will then be renamed St. Francis Hospital, Inc. This transaction includes the following six existing licensed entities: St. Francis Hospital, St. Francis Women's and Family Hospital, Same Day Surgery East, St. Francis Hospital Transitional Care Unit, St. Francis Hospital Home Care and St. Francis Hospital Home Care - Hospice Services.

Bon Secours St. Francis Health System, Inc.  
Greenville, South Carolina  
Project Cost: \$242,000,000

Affecting Greenville County

Establishment of an ambulatory surgery center with two (2) operating rooms for the single specialty of orthopaedic surgery.

The Carolina Orthopaedic Surgery Center  
Greenville, South Carolina  
Project Cost: \$ 2,622,690

Affecting Lexington County

Construction of an additional thirty-six (36) nursing home beds in a separate building for Alzheimer's patients which will not participate in the Medicaid (Title XIX) Program for a total licensed capacity of 388 nursing home beds.

Lexington Medical Extended Care  
Lexington, South Carolina  
Project Cost: \$ 3,388,494

Affecting York County

Renovation of surgical department to include renovations of six (6) operating rooms, and renovation/ expansion of the recovery room, post-operative area, physician/staff lounge and locker room, and associated operating room support area; lease of a mobile cardiac catheterization laboratory during renovation phase of project.

Piedmont Healthcare System  
Rock Hill, South Carolina  
Project Cost: \$ 3,898,507

## 18 NOTICES

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### Notice to the Regulated Community Concerning Embedded Microprocessors and the Year 2000

The South Carolina Department of Health and Environmental Control is actively working to assure all agency computer hardware and software systems will continue to function in the year 2000 and beyond. As part of that effort, the agency hereby advises the regulated community of potential problems with microprocessor-controlled equipment and devices used in the conduct of their business.

Information systems (hardware and software) used for essential business activities should be assessed for Year 2000 compliance, and, if necessary, renovated or replaced to achieve compliance. This includes devices, such as laboratory and communication equipment, which contain a microprocessor. It is possible these devices may not work properly after the year 2000, and could affect your compliance with state and federal regulations.

You are encouraged to contact the manufacturers of any such devices and obtain a Year 2000 Certification for the equipment. Many certifications are already posted on the companies' world-wide web sites.

If you have questions or require additional information, please contact Ken Knight, DHEC Year 2000 Coordinator at (803) 898-3726, or Steve Vassey, EQC Information Technology, at (803) 898-3953.

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### PUBLIC NOTICE

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act. Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and individuals listed below, please submit your comments in writing, no later than November 29, 1999 to:

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

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

Class I  
Pyramid Environmental Consultants, Inc.

Class II  
Pyramid Environmental Consultants, Inc.

**PUBLIC SERVICE COMMISSION**  
NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARING

The South Carolina Public Service Commission issued a Notice of Proposed Regulation to add regulations which will govern the submetering of water and wastewater services, in the July 23, 1999, issue of the State Register, identified as Document No. 2440. The Notice scheduled a write-in comment period and a Public Hearing scheduled before the Public Service Commission on September 16, 1999. Due to a cancellation of the hearing on September 16, 1999, a rescheduled public hearing regarding the submetering of water and wastewater services will be held December 9, 1999, at 2:30 p.m. All comments received during the write-in public comment period which ended September 9, 1999, are being considered.

**DEPARTMENT OF SOCIAL SERVICES**  
NOTICE OF GENERAL PUBLIC INTEREST

The Department of Social Services does hereby give notice that the Temporary Assistance for Needy Families' (TANF) caseload reduction credit estimate and methodology, which are used to adjust the state's work participation goals under TANF, will be available for public review and comment for thirty days from November 1, through November 30, 1999. This public comment period complies with the provisions of Public Law 104-193, Section 407 (b)(3)(A), dated August 22, 1996.

Interested persons may request copies of the estimates and methodology by contacting the South Carolina Department of Social Services, Program Quality Assurance Division, P.O. Box 1520, Columbia, SC 29202-1520, telephone 803-737-9020. Comments must be in writing and must be received no later than 5:00 p.m. November 30, 1999; they should be addressed to: Ms. Pamela P. Hopkins, Director, Program Quality Assurance Division, South Carolina Department of Social Services, P.O. Box 1520, Columbia, SC 29202-1520.

**DEPARTMENT OF SOCIAL SERVICES**  
NOTICE OF GENERAL PUBLIC INTEREST

The Department of Social Services does hereby give notice that the Temporary Assistance for Needy Families Block Grant Plan, which provides funds for the cash assistance and supportive services of the Family Independence Program (formerly the Aid to Families with Dependent Children Program), will be available for public review and comment for forty-five days from October 25 through December 9, 1999. This public comment period complies with the provisions of Public Law 104-193, Section 402(a)(4)(B), dated August 22, 1996.

Interested persons may request copies of the plan by contacting the South Carolina Department of Social Services, Office of Family Independence, P.O. Box 1520, Columbia, SC 29202-1520, telephone 803-898-9452. Comments must be in writing and must be received no later than 5:00 p.m., December 9, 1999; they should be addressed to: Ms. Gwen G. Kuhns, Director, Office of Family Independence, South Carolina Department of Social Services, P.O. Box 1520, Columbia, SC 29202-1520.

## 20 DRAFTING

**CLEMSON UNIVERSITY**  
**CHAPTER 27**  
Statutory Authority S. C. Code Section 47-4-30

**Notice of Drafting:**

The State Livestock-Poultry Health Commission is considering amending Regulation 27-1015 by changing testing procedures. Interested persons should submit their views in writing to Dr. Jones W. Bryan, Clemson LPHD, P. O. Box 102406, Columbia, SC 29224-2406. To be considered comments should be received no later than November 11, 1999, the close of the drafting comment period.

**Synopsis:**

The proposed amendment will change the criteria used to test for Brucellosis in the Livestock Markets.

The amendment will require legislative action.

**CLEMSON UNIVERSITY**  
**CHAPTER 27**  
Statutory Authority S. C. Code Section 47-4-30

**Notice of Drafting:**

The State Livestock-Poultry Health Commission is considering amending Regulation 27-1026 by changing testing procedures. Interested persons should submit their views in writing to Dr. Jones W. Bryan, Clemson LPHD, P. O. Box 102406, Columbia, SC 29224-2406. To be considered comments should be received no later than November 11, 1999, the close of the drafting comment period.

**Synopsis:**

The proposed amendment will change the definition of "Garbage" under these regulations.

The amendment will require legislative action.

**DEPARTMENT OF EDUCATION**  
**CHAPTER 43**

Statutory Authority: S.C. Code Ann. Sections 59-5-60(1), 59-21-510 *et seq.* & 59-33-10 *et seq.* (1990)

**Notice of Drafting:**

The South Carolina State Board of Education proposes to draft a new regulation governing the certification of teachers in early childhood special education programs for students with disabilities. Interested persons may submit their comments in writing to Dr. Ora Spann, Director, Office of Exceptional Children, 808-J Rutledge Building, 1429 Senate Street, Columbia, South Carolina 29201. To be considered, all comments must be received no later than 5:00 p.m. on November 19, 1999, the close of the drafting comment period.

**Synopsis:**

The proposed regulation will address a new certification area for early childhood special education teachers.

Legislative review of this proposal will be required.

**DEPARTMENT OF EDUCATION  
CHAPTER 43**

Statutory Authority: S.C. Code Ann. Sections 59-5-60(1), 59-33-10 *et seq.* & 59-21-510 *et seq.* (1990)

**Notice of Drafting:**

The South Carolina State Board of Education proposes to amend and replace in its entirety Regulation 43-243, Special Education, Education of All Handicapped Children, governing the provision of services to students with disabilities. Interested persons may submit their comments in writing to Dr. Ora Spann, Director, Office of Exceptional Children, 808-J Rutledge Building, 1429 Senate Street, Columbia, South Carolina 29201. To be considered, all comments must be received no later than 5:00 p.m. on November 19, 1999, the close of the drafting comment period.

**Synopsis:**

The proposed regulation will amend and replace in its entirety South Carolina's procedures for serving students with disabilities. This is being completed in accordance with the implementing regulations of the reauthorization of the Individuals with Disabilities Education Act (IDEA).

Legislative review of this proposal will not be required.

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

Statutory Authority: S.C. Code Section 48-1-30 through 48-1-60.

**Notice of Drafting:**

The Department of Health and Environmental Control proposes to amend R.61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP)*, of the Air Pollution Control Regulations and standards, R.61-62. Interested persons are invited to present their views in writing to Heather Preston, Air Planning, Development, and Outreach Division, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received by Monday, November 22, 1999, the close of the drafting comment period.

**Synopsis:**

The United States Environmental Protection Agency (USEPA), in accordance with Section 112 of the Clean Air Act as amended in 1990, is required to issue emission standards for all major sources of the 188 listed hazardous air pollutants. On July 16, 1992 [57 FR 31576], the USEPA published an initial list of source categories for which air toxics emission standards are to be promulgated. By the year 2000, the USEPA must develop rules for all of these categories that require maximum achievable reduction in emissions, considering cost and other factors. These rules are generally known as "maximum achievable control technology" (MACT) standards. On June 24, 1995 [60 FR 32913], the USEPA granted full approval to the State of South Carolina under section 112(l)(5) and 40 CFR 63.91 of the State's program for receiving delegation of section 112 standards that are unchanged from Federal rules as promulgated.

The Department proposes to amend R.61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP)*, of the Air Pollution Control Regulations and Standards, R.61-62, by adding a list of maximum achievable control technology standards for which prior delegation has been granted. Since this revision is consistent with Federal requirements, legislative review is not required.

## 22 DRAFTING

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: S.C. Code Sections 13-7-10 et seq.; 13-7-40

#### **Notice of Drafting:**

The Department of Health and Environmental Control proposes to amend R. 61-63, Radioactive Materials (Title A). Interested persons may submit comments to T. Pearce O'Kelley, Chief, Radiological Health Branch, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. To be considered, comments must be received by 5.00 p.m. on November 22, 1999.

#### **Synopsis:**

The Nuclear Regulatory Commission continually updates regulations, and state regulations are amended regularly to incorporate federal updates. The Department plans to adopt into regulation the Nuclear Regulatory Commission updates as an item of compatibility. Section 274 of the Atomic Energy Act of 1954, as amended, requires that the states adopt federal regulations for compatibility. The Department intends to make changes to R. 61-63 to this extent. Subjects include Part II; Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction; Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea; Deliberate Misconduct of Unlicensed Persons; Part IV, Criteria for the Release of Individuals Administered Radioactive Material; Part V, Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations. Proposed regulations will comply with 10 CFR Parts 30, 34 and 35, Final Rules, published in the Federal Register on June 27, 1997, January 2, 1998, February 12, 1998, July 9, 1998, and May 29, 1997. Legislative review will not be required.

### COMMISSION ON HIGHER EDUCATION CHAPTER 62

Statutory Authority: Title 59 1976 Code Sections 142-20

#### **Notice of Drafting:**

The South Carolina Commission on Higher Education proposes to revise existing regulations for the South Carolina Need-Based Grants Program established under Chapter 142-20 Title 59 Act No. 458. Interested persons should submit their views in writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201.

#### **Synopsis:**

In accordance with Section 59-142-20, revisions of the existing regulations for the South Carolina Need-Based Grants Program are being considered to revise the requirement that a Need-Based Grant recipient cannot have a criminal record to requiring that the grant recipient not have any felonies, alcohol or drug related offenses. Regulations include Need-Based Grant allocations: institutional eligibility; program definitions for administering program at public institutions; student eligibility; withdrawal, suspension, or dropping below full-time or part-time status; policies and procedures for awarding grants; duration of award and continued eligibility; enrollment in internship programs, cooperative work programs, or travel study programs; institutional procedures for award notification; need-based grant disbursements; program oversight for need-based grants; and suspension or termination or institutional participation.

**COMMISSION ON HIGHER EDUCATION**  
**CHAPTER 62**  
 Statutory Authority: Title 59 1976 Code Sections 104-20

**Notice of Drafting:**

The South Carolina Commission on Higher Education proposes to revise existing regulations for the Palmetto Fellows Scholarship Program established under Chapter 104-20 Title 59 Act No. 458. Interested persons should submit their views in writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201.

**Synopsis:**

In accordance with Section 59-104-20 of the 1976 Code, revisions of the existing regulations for the Palmetto Fellows Scholarship Program are being considered to add the requirement that a Palmetto Fellow cannot have any felonies, alcohol or drug related offenses and to revise the appeals procedures to be consistent with the LIFE Scholarship Program. Regulations include allocation of funds; program definitions; student eligibility; student application and selection processes; policies and procedures for awarding scholarships; duration and renewability of awards; transfer of scholarships; enrollment in internships, cooperative work programs, travel student programs and National and International Student Exchange Programs; appeals procedures; institutional disbursement of scholarship awards; award notification; refund and withdrawal procedures; institutional eligibility; program administration and audits; and suspension or termination of institutional participation.

**DEPARTMENT OF INSURANCE**  
**CHAPTER 69**

Statutory Authority: 1976 Code Sections 38-3-110; 38-73-730; 38-73-735; 38-73-760; 1-23-10, *et seq.*

**Notice of Drafting:**

The South Carolina Department of Insurance proposes to repeal the Automobile Insurance Credit and Discount Plans, Regulation 69-13.2. This repeal is based on the passage of 1997 Act 154. Interested persons should submit their views in writing to: Dean F. Kruger, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105.

**Synopsis:**

The Department proposes to repeal Regulation 13.2. The basis for this proposal is that there is no longer a need for uniform credit and discount plans because insurers can now establish their own plans in South Carolina as a result of the passage of 1997 Act 154. Act 154 established the new automobile insurance system effective March 1, 1999.

**DEPARTMENT OF INSURANCE**  
**CHAPTER 69**

Statutory Authority: 1976 Code Sections 38-3-110; 38-73-730; 38-73-735; 38-73-760; 1-23-10, *et seq.*

**Notice of Drafting:**

The South Carolina Department of Insurance proposes to repeal the Refusal To Write, Nonrenewal and Cancellation of Insurance on Motor Vehicles, Regulation 69-13. This repeal is based on the passage of 1997 Act 154. Interested persons should submit their views in writing to: Dean F. Kruger, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105.



## **24 DRAFTING**

### **Synopsis:**

The Department proposes to repeal Regulation 13. The basis for this proposal is that the issues of refusing to write, nonrenewing and canceling insurance on motor vehicles have been addressed with the passage of 1997 Act 154. Act 154 established the new automobile insurance system effective March 1, 1999.

### **DEPARTMENT OF INSURANCE CHAPTER 69**

Statutory Authority: 1976 Code Sections 38-3-110; 38-73-730; 38-73-735; 38-73-760; 1-23-10, *et seq.*

### **Notice of Drafting:**

The South Carolina Department of Insurance proposes to repeal the South Carolina Merit Rating Plan, Regulation 69-13.1. This repeal is based on the passage of 1997 Act 154. Interested persons should submit their views in writing to: Dean F. Kruger, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105.

### **Synopsis:**

The Department proposes to repeal Regulation 13.1. The basis for this proposal is that there is no longer a need for a uniform merit rating plan because insurers can now establish their own merit rating plans as a result of the passage of 1997 Act 154. Act 154 established the new automobile insurance system effective March 1, 1999.

### **DEPARTMENT OF LABOR, LICENSING AND REGULATION CONTRACTORS' LICENSING BOARD CHAPTER 29**

Statutory Authority: 1976 Code Sections 40-11-60, 40-11-260, 40-11-410 and 40-1-70

### **Notice of Drafting:**

The South Carolina Contractors' Licensing Board is considering drafting regulations to update and clarify their existing regulations and statutes concerning classifications and the form for submitting owner-prepared financial statements. Interested persons should submit their views in writing to Mr. Ronald E. Galloway, Administrator, South Carolina Contractors' Licensing Board, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329.

### **Synopsis:**

Regulations are being considered that will add an examination requirement for a boiler classification, change process piping and public electrical utility classifications to conform with computerized records, specify a form for submission of owner-prepared financial statements, and clarify the General Contractors-Highway classification.

Document No. 2471

**EMPLOYMENT SECURITY COMMISSION**

**CHAPTER 47**

Statutory Authority: 1976 Code Section 41-42-130, et. seq.

**Preamble:**

The Commission proposes to:

- (1) Amend Regulation 47-16 to add 47-16.D to implement certain collection authority provisions of Section 41-31-390, et. seq. that were enacted by the General Assembly during the 1999 Legislative Session; and to,
- (2) Generally revise and update Chapter 47 of the South Carolina Employment Security Commission regulations to reflect current law and policies.

Notice of Drafting for the proposed amendments were published in the State Register on August 27, 1999. Comments from the notice were considered in formulating the proposed revisions. See Discussion of Proposed Revisions below and Statement of Need and Reasonableness herein.

Section-by-Section Discussion

- (1) Amend Regulation 47-16 to add 47-16.D to implement the collection authority provisions enacted by the 1999 General Assembly as part of Act 73 and signed by the Governor in June of 1999.

47-16. Contributions. Interest

47-16.D is a new section added to incorporate the collection remedies set forth in Title 12, Chapter 54 of the South Carolina Code as referenced in Act 73 amendment of S.C. Code Ann. Section 41-31-390 and 41-31-400 et. seq.

- (2) Generally revise and update Chapter 47 of South Carolina Employment Security Commission regulations to reflect current law and policies.

Article 1  
General Provisions

47-1. Cash Value of Certain Remunerations

Item B is revised to strike current board and lodging values and provides a basis for periodic updates of values.

47-2. Authorized Representatives of the Commission.

The existing text is being revised to change the words "South Carolina Unemployment Compensation Law" to read "South Carolina Employment Security Law".

Article 2  
General Regulations

47-13. Furnishing Printed Information to Workers.

Change the words "Employment Service Office" to read "Commission office" and delete the words "totally or partially".

47-14. Records.

## 26 PROPOSED REGULATIONS

All references to “partial benefits” have been deleted.

### 47-15. Reports and Instructions to Report Form.

Sub-Item C.5 text is being deleted. Sub-Item C.6 is renumbered to C.5.

### 47-16. Contributions. Interest

Item B now provides that, any employer may file for an extension.

Item C is deleted and Item D is renumbered as Item C.

New Item D adds text to implement the collection authority provisions of Section 41-31-390, et. seq. that were enacted by the General Assembly during the 1999 legislative session.

### 47-17. Information to be Furnished with Respect to Changes in Ownership, Notification of Acquisitions and Methods for the Transfer of Experience Rating Reserve Accounts.

Sub-Item C.3 is revised to allow a percentage transfer of the experience rating reserve based upon an agreed percentage by the predecessor and successor employers.

Sub-Item C.4 is revised to reflect the change in percentage transfer requirements which eliminated the need for three-year wage data.

Sub-Item C.6 is eliminated.

### 47-19. Separation Notices.

Item A is retitled, “Notice of Filing” and sub-items A.1 through A.4 have been renumbered and reworded.

Sub-Item A.4 has been reworded to inform employers they must respond “in a timely fashion” for their separation information to be considered and to clarify that the agency does not find a claimant eligible “solely” if the employer does not respond.

Sub-Item B.1 reduces the number of workers which must become unemployed to require employers to submit separation forms from twenty-five to ten.

Sub-Item B.3 was eliminated.

Item D deletes the term “under non-disqualifying circumstances”.

### 47-20. Types of Unemployment.

This regulation has been completely re-written. Reference to “total unemployment”, “part-total unemployment” and “partial unemployment” has been deleted and replaced with definitions of “non-job attached unemployment” and “job-attached unemployment”. There are two major distinctions in the definitions. The employer must initiate claims for “job-attached unemployment” and a continuing employer-employee relationship is understood. Workers filing for “job-attached unemployment” claims will not be required to register with Job Service and seek full time employment as will those filing for “non-job-attached unemployment” benefits.

### 47-21. Filing Claims for Benefits and Registration for Work.

This regulation has been re-written to conform to the definitions set forth in 47-20.

Sub-Item A.1.a deletes “in person” from the second sentence, replaces “register for work” with “available for work”, and adds a sentence to include the claimant’s requirement to “register for work with the Commission office and be available for services”.

Sub-Item A.1.b deletes the reference to reporting in person and replaces with language that will allow the claimants to file by any means “prescribed by the Commission”.

Sub-Item A.2.a replaces “constitutes” with “initiates”.

Sub-Item A.2.b deletes “in person” requirements and the questions asked to attest to continuing eligibility have been changed.

Item B the title has changed from “Part-Time Unemployment” to Job-Attached Unemployment Claim” and the Item has been reworded.

Sub-Item B.1 is new text that details the use of the UCB-114 form.

Sub-Item B.2 is new text that describes the method of notification that will inform the claimant and employer of the amount of benefits for which the claimant qualifies.

Sub-Item B.3 is new text that explains how the claimant is notified of ineligibility.

Sub-Item B.4 is new text that outlines the process by which the employer continues to file claims for the claimant for each week of the claimant’s unemployment.

Sub-Item B.5 is new text explaining that benefits paid to a claimant who is filing a job-attached claim will be charged to the employer who submits the claim.

Item C is a new item explaining claimants requirements to report to the Commission office when so directed.

Sub-Items D.1 through D.4 add references to “calendar days” and to “Commission offices”.

Sub-Items D.3 expands information required.

Sub-Item D.6 is new text that explains that claims for benefits or waiting week credit must be initiated by the affected individual.

Sub-Item D.7 was deleted. New sub-item D.7 was renumbered from D.8 and a calendar day reference was added.

Sub-Item D.8 is renumbered from the previous D.9 and “local Commission office” have been added.

Sub-Item D.9 has been renumbered from the previous D.10.

Sub-Items D.11 and D.12 were deleted.

Item E has been re-written to clarify that new claims have an effective date of Sunday prior to the claim being filed and that transitional claims are effective after the benefit year ending date.

Item F has been re-written to clarify requirements for filing claims by mail.

## **28 PROPOSED REGULATIONS**

### 47-22. Method of Paying Benefits.

Changed to allow benefit payments by means other than a check, such as direct deposit.

### 47-23. Offers of Work

Adds "calendar" day references.

### 47-24. "Week" Defined.

Regulation has been rewritten in reference to the new terms "Non-job-attached" and "Job-attached" unemployment and to define a week of disqualification as a calendar week or pay week.

### 47-26. Payments of Benefits to a Deceased Claimant.

Regulations revised to delete reference to checks.

### 47-28. Military Service. (Change in title from Military or Navel Service)

This regulation has been re-written to reflect changes in Federal Law relative to coverage of military personnel.

### 47-29. Payment of Benefits to Interstate Claimants and the Combination of Wage Credits.

The regulation adds reference to the "Virgin Islands", clarifies new procedures relative to the filing of interstate claims by telephone, and deletes the responsibility for evidentiary hearings connected with interstate appeals from the agent state.

### 47-32. Time for Filing of Continued Claims (Non-Job Attached)

Re-numbered, clarifies the definition of a week filed timely, allows for acceptance of a week filed late for good cause and changes reference to new regulation sub-item 47-21.E.2.

### 47-33. Employer Elections to Cover Multi-State Workers.

Regulation is re-numbered from 47-35, makes title changes and re-numbers items and sub-items.

### 47-34. Voluntary Contributions.

This regulation has been eliminated.

### 47-34. Notice of Benefit Determination and Appeal Rights.

Regulation is re-numbered from 47-36.

### 47-35. Benefits Payable Under Title XV of the Social Security Act, as amended.

Regulation is re-numbered from 47-37 and revises the wording to conform to current Federal Unemployment Insurance Program requirements.

### 47-36. Review of Ruling With Respect to the Status, Liability and Rate of Contributions of an Employer or Employing Unit.

Regulation is re-numbered from 47-38, changes wording designations, and adds a thirty (30) calendar day time limit for filing appeals of administrative determinations.

Article 3  
Appeals Regulations

47.51. Appeals to Appeal Tribunal

Item A replaces “examiner” with “adjudicator” and adds “calendar” to day references.

Sub-Item C.1 adds reference to APA requirements and deletes “oral or written

Sub-Item C.3 is deleted.

Sub-Item D.2 adds “the appealing party” and deletes “shall not issue a decision for a period of five days. If within such time the claimant applies for an adjourned hearing and the Tribunal finds that there was good cause for the claimant’s absence, an adjourned hearing may be approved and parties so notified.” Also adds “may issue” and deletes “may be issued.”

Sub-Item E.1.b is revised to add offer of work “complying with Regulation 47-23.”

Sub-Item E.2 is revised to delete “to the Claims Examiner, and to the Commission” and add “to the Benefits Department, and to the local Commission office at which the claimant filed.”

Sub-Item F deletes “which is.”

47-52. Appeals to the Commission.

Regulation title is revised and reference to “calendar days” is added.

Sub-Item A.1 is revised to change “interested party to” to “party aggrieved by the decision of an Appeal Tribunal” and deletes “which is not unanimous.” The words “and the ground for the appeal” are added and the words “or excerpts from” are deleted.

Sub-Item A.2 is revised to replace “Any interested party to the decision of an Appeal Tribunal, which is not unanimous,” with “Any party aggrieved by the decision of an Appeal Tribunal.”

Sub-Item A.2.a is deleted. Sub-Item A.2.b is re-designated A.2.a and the word “Copies” is replaced by the word “Notice.”

Sub-Item A.4 is revised to substitute the current code section 41-35-120 (4) for the citation to the previous code.

Sub-Item C.2 is revised to replace “parties interested” with “interested parties.”

Sub-Item C.3 is revised to replace “parties interested” with “interested parties” and to add “a new decision shall be issued on the case.”

47-53. Issuance of Subpoenas.

Item C is revised to delete the word “following” and Subsections C (1) and (2) and the words “In no case shall witness fee or mileage exceed that.”

## 30 PROPOSED REGULATIONS

47-56. Inspection of the Decisions of the Appeal Tribunal and the Commission.

Item A is revised to delete citations to previous code and to insert "Sections 41-29-150 and 41-29-170 of the Employment Security Law."

47-57. Appeal to the Courts.

Sub-Item A is revised to delete "ten (10) days after the decision of the Commission has become final" and insert "such time as specified in the South Carolina Administrative Procedures Act."

Sub-Item B is revised to delete "Executive Director" and insert "Legal Department" as the authorized recipient for service of a Petition for Review of a Commission Decision.

### Article 4 Seasonal Regulations

41-61. through 47-69.

Entire Article is being eliminated as seasonal employment was repealed June 15, 1981.

#### **Notice of Commission Hearing and Opportunity for Public Comment:**

Interest members of the public and regulated community are invited to make oral or written comments on the proposed regulation revisions at a public hearing to be conducted by the South Carolina Employment Security Commission on December 1, 1999, in the 3<sup>rd</sup> Floor Auditorium of the C. Lem Harper, Building. The public hearing will commence at 10:00a.m. at which time the Commission will take public testimony according to the order on the public agenda to be published ten (10) days in advance of the hearing. Persons desiring to make oral comments at the hearing are asked to limit their statements to ten (10) minutes or less, unless additional time is requested from and granted by the Commission in advance. As a courtesy, commentor is asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulations by writing to H. Williams Funderburk, Jr., Esquire, at the South Carolina Employment Security Commission, Post Office Box 995, 631 Hampton Street, Columbia, South Carolina, 29202 or by calling (803) 737-2666. Comments must be received no later than 4:00p.m. on November 22<sup>nd</sup>, 1999. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on November 30th, 1999. Comments received by the deadline shall be submitted to the Commission in a summary of public comments and agency responses for consideration at the public hearing.

#### **Preliminary Fiscal Impact Statement:**

There will be no increased costs to the State or its political subdivisions as a result of the proposed regulation changes.

#### **Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: Chapter 47 - South Carolina Employment Security Commission Regulations

Purpose: SCESC Regulations are being amended to incorporate the "collection authority" provisions of Act 73 enacted by the General Assembly and signed into law in June 1999, and to generally revise and update the entire body of SCESC regulations to reflect current law and policies.

Legal Authority: The legal authority for these Regulations 1976 Code Section 41-42-130, et. Seq.

Plan for Implementation: The proposed amendments will take effect upon approval by the General Assembly and publication in the *State Register*. The proposed amendments will be implemented by informing the regulated community of the changes as appropriate.

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

Act 73 required that the South Carolina Employment Security Commission issue regulations incorporating the collection authority provisions of Title 12 of the 1976 Code.

The general revising and updating of these regulations will bring them into conformity with certain changes in Federal program requirements that have taken place over a number of years, will update these regulations to reflect current administrative policies and procedures, and will clarify certain sections of the regulations so to make them more understandable.

DETERMINATION OF COSTS AND BENEFITS: There will be no sustentative costs associated with the amendment of these regulations. The benefit will primarily be to update and clarify the regulations.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED: There will be no detrimental effects on the environment and public health if these changes are not implemented. The primary purpose of these amendments is to bring the regulations into conformity with current policies and practices.

**Text:**

The full text of this regulation is available on the South Carolina General Assembly Home Page: [www.lpitr.state.sc.us](http://www.lpitr.state.sc.us). If you do not have access to the Internet, the text may be obtained from the promulgating agency.



## 32 PROPOSED REGULATIONS

Document No. 2461  
**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
**CHAPTER 61**  
Statutory Authority: Section 44-1-40, 1976 Code of Laws

### R.61-47. Shellfish

#### **Preamble:**

The Department proposes to amend R.61-47. These regulation amendments will aid the state in conforming with guidance provided on harvesting, processing, and distribution of shellfish for human consumption, in the National Shellfish Sanitation Program (NSSP) Model Ordinance as adopted by the Interstate Shellfish Sanitation Conference and used by the United States Food and Drug Administration in evaluating state programs.

1. This includes incorporating new language and requirements for molluscan shellfish relating to Hazard Analysis Critical Control Points (HACCP) insuring compliance with the NSSP.
2. The proposed amendments will add new definitions in addition to stylistic changes addressing language, and grammatical errors, for clarity throughout regulation.
3. Compliance with the NSSP Model Ordinance is necessary in order to maintain approval for the shipment of South Carolina Shellfish products in interstate commerce.

A Notice of Drafting for this proposed amendment was published in the State Register on May 28, 1999. No comments were received from the notice to include in the formulation of these revisions. See discussion of proposed revisions below and Statement of Need and Reasonableness herein.

#### **Section-by-Section Discussion of Proposed Revisions**

<u>SECTION</u>	<u>CHANGE</u>
Table of Contents	Editorial changes
A.2(d)	Revisions clarify definition of Aquaculture
A.2	Nine new definitions are added.
C.2(a)(2)(a), C.2(a)(2)(a)(i) & (ii)	Subitems are revised to clarify tagging requirements for molluscan shellfish products.
C.2(a)(2)(a)(vii)&(viii)	New subitems are added to include additional information on requirements for shellfish tags.
C.2(a)(2)(b)	Subitem introductory paragraph is revised to capitalize the words "certified shipper" for consistency. Subitems C.2(a)(2)(b)(i) through (v) are unchanged.
C.2(a)(4)	New subitem added to modify distribution requirements for harvested shellfish.
C.2(a)(5)	New subitem added to clarify tagging requirements for molluscan shellfish.

- C.2(b)(2) Existing subitem C.2(b)(2) is deleted because it duplicates requirements of existing subitem C.2(b)(3). Remaining existing subitems C.2(b)(3), (4) and (5) are renumbered to C.2(b)(2), (3) and (4).
- C.2(b)(5)(i) Existing subitem C.2(b)(5)(i) is renumbered to C.2(b)(4)(i) and text is revised to clarify intent of requirement.
- C.2(b)(6) Existing subitem C.2(b)(6) is renumbered to C.2(b)(5) - stylistic change.
- C.2(c) Subitem is revised to add reference to use of "ice" related to shellfish activities. The word "shellstock" is revised to "shellfish" for consistency.
- C.2(d) New subitem is added to clarify temperature maintenance requirements.
- C.3 Subsection is revised in entirety to modify handling requirements related to the transportation of shellfish. New subitem C.3(e) is added in this revision to include shipping document requirement.
- D.3 Existing D.3 is revised in its entirety to D.3, D.3(a) through D.3(d). This revision defines construction and operational requirements for wet storage facilities, and implements a requirement for wet storage facility construction permits. The intent of the construction permit requirement is to provide some level of assurance to permit applicants that viable proposals will be granted operational permits if all requirements of the regulation are met.
- F.2 Stylistic change is made for clarification.
- G.1(b), G.1(b)(1) through (10) G.1(b) capitalizes word "certified shipper" for consistency. Other subitems are revised to modify construction and operational permits or certificates for wet storage, aquaculture and depuration facilities.
- G.1(e) Subitem is revised to modify depuration harvest permits requirements.
- G.1(g) New subitem is added to clarify requirements for shellfish distribution by non-certified firms.
- G.2 Introductory Introductory is revised to add words "and Certificates."
- G.2(b) Subitem is revised to define time frame requirements for facility inspection relating to certification issuance or renewal.
- G.2(c) New subitem is added to include language requiring HACCP plan as required by Title 21CFR prior to certification.
- G.2(d) Existing G.2(c) is renumbered to G.2(d) - stylistic change.
- H.1(b) Revised to change the word "render" to "cause."
- H.1(d) Subitem is revised to modify to include regarding failure to cooperate with Department personnel as it relates to revocation of permits or certification.

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I.1. Introductory and I.1(a)	Subitems are revised to reference compliance with 21 CFR (HACCP) for certified shippers.
I.1(c)(1)	Subitem is revised for consistency in language use.
I.1(c)(1)(10)	Revision corrects temperature requirement error.
I.1(f)	Subitem is revised for consistency in language use.
I.1(g)	Subitem is revised to clarify language use.
I.1(j)	Revised - stylistic change.
I.1(k)	Revised - stylistic change.
I.1(l) & I.1(l)(1)	Subitems are revised to I. I(1), I.1(l)(1)-(4) to create product recall requirements for certified shippers.
J.2(g) Introductory	Subitem introductory is revised to further define shellfish record keeping requirements for certified dealers. J.2(g)(1)-(7) are unchanged.
J.2(h)	Subitem is revised to delete existing language moved to another location. New language is added to define shipping document requirements for shucker/packer facilities.
J.3(e)	Subitem is revised to delete specific time requirements for heat shock process.
K.6 Introductory	Subitem is revised to clarify shellfish repacker facility record keeping requirements. K.6(a)-(f) are unchanged.
K.7	Subitem is revised to delete existing language moved to another location. New language is added to define shipping document requirements for repacker facilities.
L.3.	Subitem is revised to add language moved from another section for clarity. L.3(a)-(e) are unchanged.
L.3(f)	Subitem is revised to delete language moved to another section and new language is added to define shipping document requirements for shellstock shipper facilities.
M.3(a)	Subitem is revised to add language moved from another section for clarity. M.3(a)(1)-(6) are unchanged.
M.3(b)	Subitem is revised to delete existing language moved to another location. New language is added to define shipping document requirements for reshipper facilities.
N.1(a), (b) & (c)	Subitems are revised to outline requirements for depuration facility construction and operating permit.
N.2(a)	Subitem revised to change the word "plant" to "facility" for consistency throughout regulation.

- N.3(a)(1) Subitem is revised to include reference.
- N.3(b) & (c) Subitems are revised stylistically for consistency and to clarify references.
- N.3(f)(1) Subitem is revised to clarify reference.
- N.3(h) Subitem is revised stylistically for consistency and to clarify references.
- O.1(b)(1)&(2) Subitems are revised to O.1(b)(1)-(3). Changes outline requirements for aquaculture facility construction and operating permits.
- O.1(c) New subitems O.1(c) through O.1(c)(2) are added to outline additional requirements for certification and permitting of aquaculture operations. Existing subsections O.1(c) through O.1(j)(3) are changed stylistically to O.1(d) through O.1(k).
- O.5 Section is revised to add new language which clarifies section pertaining to polyculture permit applicants. Subitems O.5(1)-(3) are renumbered to O.5(a) through (3).

**Notice of Staff Informational Forum:**

Staff of the Department of Health and Environmental Control invite interested members of the public and regulated community to attend a staff-conducted informational forum to be held on November 19, 1999 at 3:00 p.m. in Conference Room 2380, Aycock Building, of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C.

Interested persons are also provided an opportunity to submit written comments to David Baize, Director, Water Monitoring, Assessment and Protection Division, Bureau of Water, 2600 Bull Street, Columbia, S.C. 29201. To be considered, written comments must be received no later than 4:00 p.m. on November 22, 1999. Comments received by the deadline date shall be considered by staff in formulating the final draft of the proposed regulation for the public hearing before the Board of Health and Environmental Control as noticed below.

Copies of the proposed regulation for public notice and comment may be obtained by writing David Baize, Director, Water Monitoring, Assessment and Protection Division, Bureau of Water, 2600 Bull Street, Columbia, S.C. 29201, or by calling (803) 898-4300.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed amendments at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled Board meeting on December 9, 1999, to be held in Room 3420 (Board Room) of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Department of Health and Environmental Control ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written comments of their presentation for the record.

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Interested persons are also provided an opportunity to submit written comments to David Baize, Director, Water Monitoring, Assessment and Protection Division, Bureau of Water, 2600 Bull Street, Columbia, S.C. 29201. Comments must be received no later than 4:00 p.m. on November 22, 1999. Comments received by the deadline date shall be considered by staff in formulating the final proposed regulation for public hearing as stated above. Comments received shall be submitted to the Board in a Summary of Public Comments for Board consideration.

Copies of the proposed regulation for public hearing may be obtained by contacting Mr. Baize at the above address.

### **Preliminary Fiscal Impact Statement:**

The Department estimates that implementation of the proposed amendments to R.61-47 will result in minimal administrative cost being incurred by the state or its political subdivisions. Any administrative costs will be absorbed by current funds of the Shellfish Sanitation Program.

### **Statement of Need and Reasonableness:**

The Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Section 1-23-115(C)(1)-(3) and (9)-(11):

#### DESCRIPTION OF REGULATION:

R.61-47 establishes requirements necessary to protect the public health of consumers by assuring the sale and distribution of shellfish from safe sources and insures that shellfish have not been adulterated during harvesting, processing, shipping, or handling. R 61-47 implements the requirements of the National Shellfish Sanitation Program (NSSP), as administered by the U.S. Food and Drug Administration (FDA). Compliance with this criteria is necessary in order to maintain approval for the shipment of South Carolina Shellfish products in interstate commerce.

Purpose: The Department proposed to amend R.61-47. Modifications to the current regulation are necessary to address changes in NSSP (*National Shellfish Sanitation Program*) criteria, to clarify certification requirements for commercial activity, and to incorporate the regulatory requirements of Hazard Analysis Critical Control Points (HACCP). Modifications will assist staff in implementation of current, reasonable, and consistent controls relating to the public health aspects of the harvesting, processing, and distribution of molluscan shellfish. Modifications to the regulation should pose no additional cost burden to the molluscan shellfish industry, consumers of molluscan shellfish, or the state. This proposed regulation updates R.61-47—since it was last amended on February 28, 1997.

Legal Authority: While this regulation is not required by federal statute, it is required for the state's shellfish industry to be able to engage in interstate commerce. This regulation is authorized by Section 44-1-140 of the 1976 South Carolina Code of Laws, as amended.

Plan for Implementation: The existing regulation is currently implemented at the state level which is appropriate to provide consistency within the state and to effectively address interstate issues or problems. The proposed amendments will make changes to and be incorporated into R.61-47 upon approval of the General Assembly and publication in the State Register. The proposed amendments will be implemented in the same manner in which the existing regulations are implemented.

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

In 1984 the U.S. Food and Drug Administration and the Interstate Shellfish Sanitation Conference (ISSC) entered into an Memorandum of Understanding (MOU) recognizing ISSC as the primary national organization of State shellfish regulatory officials that provides guidance and counsel on matters for sanitary control of shellfish produced for human consumption. Resulting in formal procedures for state representatives, following FDA concurrence, guidelines are published in revision of NSSP (National Shellfish Sanitation Conference) Model Ordinance. The National Shellfish Sanitation Conference completed the Revised 1997 "Guide for The Control of Molluscan Shellfish" of which this agency, in maintaining compliance, has incorporated excerpts (primarily HACCP) into the draft regulation attached.

Other changes to the regulation include new definitions and modification of language for clarity. This will aid readers governed by these regulations to better understand the requirements therein.

**DETERMINATION OF COST AND BENEFITS:** Since the Regulation is only being amended to implement the proposed HACCP requirements and to be more specific in its intent, there will be minimal cost to the state, its political subdivisions, and to the regulated community. This regulation provides the Department the ability to regulate the harvesting, handling, and processing of shellfish in order to protect public health. Nonregulatory solutions could not provide this ability and could result in serious public health risks.

**UNCERTAINTIES OF ESTIMATES:** None

**EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:** Shellfish present a significant health risk if not appropriately controlled. Shellfish are unique in that they are "filter feeders" and can accumulate pathogenic substances within their bodies that pose a health risk when eaten raw or partially cooked. This regulation will have a positive effect on public health through the continued implementation of controls on molluscan shellfish production, processing, and distribution.

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:** There will not be an adverse effect on the environment if the amendments are not implemented at this time. However, there will be an adverse effect on the Department's ability to protect public health by no maintaining compliance with federal regulation and guidance pertaining to the certification and permitting of molluscan shellfish producers, processors, and shippers.

**Text:**

The full text of this regulation is available on the South Carolina General Assembly Home Page: [www.lpitr.state.sc.us](http://www.lpitr.state.sc.us). If you do not have access to the Internet, the text may be obtained from the promulgating agency.

## 38 PROPOSED REGULATIONS

Document No. 2463  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF CHIROPRACTIC EXAMINERS**  
CHAPTER 25  
Statutory Authority: 1976 Code Section 40-9-30 and 40-1-70

### **Preamble:**

The Board of Chiropractic Examiners is proposing to amend its existing regulations by replacing the state practical examination with the National Board of Chiropractic Examiners' (NBCE) practical examination (Part IV). The Board has determined that passage of Part IV of the National Board of Chiropractic Examiners (NBCE) is an acceptable practical examination for licensing purposes in this State.

### Section by Section Discussion:

Reg 25-2A.(3) Replaces the Board's practical examination with the National Board of Chiropractic Examiners' (NBCE) practical examination.

Reg 25-3A. Eliminates all testing by the Board except for a written examination in rules and regulations/ethics and chiropractic philosophy.

### **Notice of Public Hearing and Opportunity for Public Comment:**

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 S.C. Code, as amended, such hearing will be conducted at the Administrative Law Judge Division at 2 p.m. on Thursday, December 9, 1999. Written comments may be directed to Ms. Alana Holmes, Administrator, Board of Chiropractic Examiners, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., on Monday, November 22, 1999.

**Preliminary Fiscal Impact Statement:** No additional funds will be incurred by the State or any political subdivision.

**Statement of Need and Reasonableness:** This statement of need and reasonableness was determined by Board and staff analysis pursuant to South Carolina Code Section 1-23-115(C)(1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION: Chapters 25-2 A.(3) and 25-3A.

Purpose: Regulation 25-2(A)(3) is revised by inserting appropriate references to Part IV, the test designer's recommended passing score, and alternatives for applicants graduating before January 1, 1997. Regulation 25-3 is repealed in its entirety and replaced with a limited requirement for testing in South Carolina statutes, ethics, and philosophy.

Legal Authority: Statutory Authority: 1976 Code Title 40, Chapter 9, Section 30(D)(8) and Title 40, Chapter 1, Section 70.

Plan for Implementation: All applicants in the process of applying for licensure will be afforded the opportunity for licensure under the new regulation. Applicants who are in the process of applying for licensure who do not meet the Part IV requirement will be permitted to complete the testing process under the regulations in effect at the time of application. All new applicants will be required to meet these new requirements for application.

**DETERMINATION OF NEED AND REASONABLENESS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:** The need to immediately establish Part IV of the NBCE as the practical examination requirement for licensure in this State is imperative in order to prevent a disruption in the provision of chiropractic services to patients by qualified applicants for licensure.

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

**UNCERTAINTIES OF ESTIMATES:** There are no uncertainties of estimates concerning these regulations.

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

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:** These regulations will have no detrimental effect on the environment and public health of this State if the regulations are not implemented in this State.

**Text.**

The full text of this regulation is available on the South Carolina General Assembly Home Page: [www.lpitr.state.sc.us](http://www.lpitr.state.sc.us). If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2464  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**OFFICE OF ELEVATOR AND AMUSEMENT RIDE SAFETY**  
CHAPTER 71

Statutory Authority: 1976 Code Section 41-16-40, et seq.

**Preamble:**

The Office of Elevator and Amusement Safety proposes to revise existing regulations concerning new and existing facilities. The proposed changes add a new regulation to recognize national safety codes and delete unnecessary state specific requirements regarding the installation of platform and stairway chairlifts; sump pumps in pits; and installation and use of flexible electrical conduit.

**Section by Section Discussion:**

**Section 71-500.I**

Designed to simplify the installation of platform and stairway chairlifts in South Carolina by referring to the national safety standards under which they are designed and manufactured.

**Section 71-5100.IV.D**

Designed to reduce the cost of installation of elevators in South Carolina by removing a provision of the national code which presents potential conflicts with South Carolina environmental regulations.

When sump pumps in elevator pits are required by other codes or design considerations, the proposed amendment will provide guidance concerning sump requirements.

**Section 71-5200.IV**



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Recognizes that the current ANSI/ASME codes refer to ANSI/NFPA 70 which already governs the installation and use of flexible electrical conduit. An additional state standard is not necessary and presents the potential for conflict.

### **Notice of Public Hearing and Opportunity for Public Comment:**

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Judge Division at 10 a.m. on Tuesdays, December 7, 1999. Written comments may be directed to Floyd Padgett, Administrator, Elevator and Amusement Ride Safety and Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329 no later than 5:00 p.m., on Monday, November 22, 1999.

**Preliminary Fiscal Impact Statement:** There will be no additional costs incurred by the State or its political subdivisions.

### **Statement of Need and Reasonableness:**

#### DESCRIPTION OF REGULATIONS:

Purpose: To revise existing regulations to update existing safety codes.

Legal Authority: Statutory Authority: 1976 Code Title 41, Chapter 16, Section 40, et seq.

Plan for Implementation: Administratively, the Board will see that these requirements are implemented by informing the licensees through written communications and newsletters.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATIONS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFIT: The proposed amendment to 71-5100.I is designed to simplify the installation of platform and stairway chairlifts in South Carolina by referring to the national safety standards under which they are designed and manufactured.

The proposed change to 71-5100.IV.D is designed to reduce the cost of installation of elevators in South Carolina by removing a provision of the national safety code which presents potential conflicts with South Carolina environmental regulations. When sump pumps in elevator pits are required by other codes or design considerations, the proposed change will provide guidance concerning sump requirements.

The proposed change to 71-5200.IV recognizes that the current ANSI/ASME codes refer to ANSI/NFPA 70 which already governs the installation and use of flexible electrical conduit. An additional state standard is not necessary and presents the potential for conflict.

DETERMINATION OF COSTS AND BENEFITS: There will be a benefit to the public and to the regulated industry in clarification of the safety requirements by appropriate reference to national safety codes under which elevator facilities are designed and manufactured.

UNCERTAINTIES OF ESTIMATES: There are no uncertainties concerning these regulations.

DETRIMENTAL EFFECTS ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED: There will be no detrimental effect on the environment and public health of this State if the regulations are not implemented in this State.

### **Text:**

The full text of this regulation is available on the South Carolina General Assembly Home Page: [www.lpitr.state.sc.us](http://www.lpitr.state.sc.us). If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2469  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF PHARMACY**  
 CHAPTER 99  
 Statutory Authority: 1976 Code Section 40-43-82

**Preamble:**

The Board of Pharmacy is considering drafting a new regulation to establish registration procedures and waive the registration fee of volunteers working as pharmacy technicians in free medical clinics. Because of the charitable nature of the services provided to the citizens of the State at free medical clinics, the Board has determined that these special provisions are necessary.

Section by Section Discussion: The following new regulation will be added to the current regulations.

Section 99-44. Registration procedure and Waiver of Fee for Volunteer Pharmacy Technicians in Free Medical Clinics.

Establishes registration procedures and waives the registration fee for volunteer pharmacy technicians in free medical clinics.

**Notice of Public Hearing and Opportunity for Public Comment:**

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended such hearing will be conducted at the Administrative Law Judge Division at 11 a.m. on Monday, December 6, 1999. Written comments may be directed to Cheryl A. Ruff, Administrator, Board of Pharmacy, Department of Labor, Licensing and Regulation, Post Office Box 11927, Columbia, South Carolina 29211-1927, no later than 5:00 p.m., on Monday, November 22, 1999.

**Preliminary Fiscal Impact Statement:** There will be no cost incurred by the State or any political subdivision.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION:

Purpose: The proposed adoption of this new regulation will establish special requirements for registration in this State in order to facilitate compliance with new requirements for the registration of pharmacy technicians and to allow applicants to be registered to perform pharmacy functions as volunteer pharmacy technicians in those special settings that provide medical services to the public at free medical clinics in this State.

Legal Authority: Statutory Authority: 1976 Code Title 40, Chapter 43, Section 82.

Plan for Implementation: Administratively, the Board will see that this special provision is implemented by informing pharmacists, permit holders and technicians through written communications, newsletters and the Internet. The Board will also see that the regulation is enforced through inspections and audits.

**DETERMINATION OF NEED AND REASONABLENESS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:** Because of the charitable nature of the services provided to the citizens of the State at free medical clinics and the voluntary participation of certain persons in support of those services, the Board wishes to waive the registration fee for volunteer pharmacy technicians working in free medical clinics and provide an on-site registration procedure that will eliminate the department's normal administrative costs of registration.

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**DETERMINATION OF COSTS AND BENEFITS:** There will be no additional cost incurred by the State or any political subdivision. The expected benefit is the elimination of cost for the agency to register this special class of pharmacy technicians who work as volunteers at free medical clinics in this State.

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

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

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:** This regulation will have no detrimental effect on the environment and public health of this State if the regulations are not implemented in this State.

### **Text:**

The full text of this regulation is available on the South Carolina General Assembly Home Page: [www.lpitr.state.sc.us](http://www.lpitr.state.sc.us). If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2468  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF PHARMACY**  
CHAPTER 99

Statutory Authority: 1976 Code Sections 40-43-60 and 40-1-70

### **Preamble:**

Revisions to the Board of Pharmacy's regulations are being considered which will repeal Regulations 99-1 through 99-42 because the matters covered in the old regulations are covered in the new Pharmacy Practice Act enacted May 1998 and the Department of Labor, Licensing and Regulation Engine Act (Section 40-1-10, et seq. of the 1976 Code of Laws of South Carolina, as amended), except Regulation 99-15 to the extent it continues to require pharmacists to post their annual renewal certificates in public view.

**Section by Section Discussion:** The following regulations should be repealed in their entirety, except Regulation 99-15 to the extent it continues to require pharmacists to post their annual renewal certificates in public view.

**Section 99-1. Recognition of Standards Maintained by Schools or Colleges of Pharmacy or Departments of Pharmacy of Universities.**

Recognizes standards maintained by schools or colleges of pharmacy. Repeated in Section 40-43-80 of the Pharmacy Practice Act.

**Section 99-2. Definitions.**

- A. Defines "Board". Repeated in Section 40-43-30(3) of the Pharmacy Practice Act.
- B. Defines "Secretary". No longer applies because the Department of Labor, Licensing and Regulation now administers the Board's program through its designated administrator. See Section 40-1-40(B) of the Pharmacy Practice Act.
- C. Defines "Drug" or "Medicine". Repeated in Section 40-43-30(16) of the Pharmacy Practice Act.
- D. Defines "Poison". Repeated in Section 40-43-30(43) of the Pharmacy Practice Act.
- E. Defines "Prescription". Repeated in Sections 40-43-30(47), 40-43-86(E), and 40-43-86(H) of the Pharmacy Practice Act.

- F. Defines "Pharmacy intern". Repeated in Section 40-43-30(27) of the Pharmacy Practice Act.
- G. Defines "approved school, college or department of pharmacy of universities". Repeated in Section 40-43-80 of the Pharmacy Practice Act.
- H. Defines "Practice of Pharmacy". Repeated in Section 40-43-30(44) of the Pharmacy Practice Act.
- I. Defines "Compounding". Repeated in Section 40-43-30(7) of the Pharmacy Practice Act.
- J. Defines "Manufacturing". Repeated in Section 40-43-30(29) of the Pharmacy Practice Act.

**Section 99-3. Examination Toward Licensure as a Registered Pharmacist.**

Requires applicants for licensure to pass an examination approved and administered by the Board. Repeated in Section 40-43-80 of the Pharmacy Practice Act.

**Section 99-4.** Blank.

**Section 99-5. Qualification for Admission to Examination.**

Sets qualifications for admission to examination. Repeated in Section 40-43-80 of the Pharmacy Practice Act.

**Section 99-6.** Blank.

**Section 99-7. Passing Grade Required.**

Sets passing grade for examination. No longer applies because examinations are administered by the National Association of Boards of Pharmacy, which sets a national passing grade.

**Section 99-8. Failure of Examination.**

Sets requirements for retaking examination. No longer applies because examinations are administered by the National Association of Boards of Pharmacy, which sets requirements for reexamination.

**Section 99-9. Application for Examination.**

Sets application for examination requirements. Repeated in Section 40-43-80 of the Pharmacy Practice Act.

**Section 99-10. Licensure by Reciprocity.**

Sets requirements for licensure by reciprocity. Repeated in Section 40-43-81 of the Pharmacy Practice Act.

**Section 99-11. Pharmacy Internship Certificate.**

Sets requirements for pharmacy internship certificate. Repeated in Section 40-43-84 of the Pharmacy Practice Act.

**Section 99-12. Minimum Standards for Evaluation of Practical Experience.**

Sets minimum standards for evaluation of practical experience. Repeated in Sections 40-43-84 and 40-43-85 of the Pharmacy Practice Act.

**Section 99-13. Pharmacy, Site or Program Acceptable for Practical Experience.**

Sets pharmacy, site or program acceptable for practical experience. Repeated in Sections 40-43-84 and 40-43-85 of the Pharmacy Practice Act.

**Section 99-14. Practical Experience Gained Outside of South Carolina.**

Sets requirements for practical experience gained outside of South Carolina. Repeated in Sections 40-43-84 and 40-43-85. Practical experience gained outside of South Carolina must meet the same requirements as in-state practical experience.

**Section 99-15. Annual License Renewal Fee; Display of Annual Renewal Certificate.**

## **44 PROPOSED REGULATIONS**

Sets annual license renewal fee and requires the display of annual renewal certificate. Repeated in Section 40-1-50. Requirement that pharmacists continue to post their annual renewal certificates in public view is retained.

### **Section 99-16. Fraudulent Use of License.**

Determines fraudulent use of license. Repeated in Section 40-1-110.

### **Section 99-17. Pharmacist-in-Charge Required; Responsibilities.**

Requires pharmacist-in-charge and sets their responsibilities. Repeated in Section 40-43-86(B).

### **Section 99-18. Pharmacist Consultant Required; Responsibilities.**

Requires pharmacist consultant and sets their responsibilities. Repeated in Section 40-43-86(C).

### **Section 99-19. Sales of Drugs, Medicines, Poisons or Physicians' Prescriptions by Unlicensed Persons.**

Requires licensed pharmacist to supervise all unlicensed employees and check all prescriptions prepared by them. Repeated in Sections 40-43-84, 40-43-86(B)(4)(b), and 40-43-86(T).

### **Section 99-20. Minimum Standards of Technical Equipment for Prescription Departments.**

Lists minimum standards of technical equipment for prescription departments. Repeated in Section 40-43-86(A).

### **Section 99-21. Sanitation of Prescription Departments.**

Sets sanitation requirements of prescription departments. Repeated in Section 40-43-86(A).

### **Section 99-22.** Blank.

### **Section 99-23. Reasons for Suspension of License.**

Sets reasons for suspension of license. Repeated in Section 40-1-110.

### **Section 99-24. Temporary Absence Defined, Privileges of Assistant Pharmacist.**

Defines temporary absence and lists privileges of assistant pharmacist. No longer applies because assistant pharmacists are given privileges of licensed pharmacists under Section 40-43-110(E)(3).

### **Section 99-25. Failure to Renew License.**

Sets renewal procedure for pharmacists failing to renew for three years or more and who has not been practicing pharmacy. Repeated in Sections 40-43-110(D) and 40-43-110(E).

### **Section 99-26.** Blank.

### **Section 99-27. Prescription Records.**

Sets requirements for prescription records. Repeated in Section 40-43-86(N).

### **Section 99-28. Sales of Restricted Drugs to Authorized Persons.**

Requires record of sales of restricted drugs to authorized persons. Repeated in Section 40-43-86(Z).

### **Section 99-29. Copy of Prescription for Restricted Drugs.**

Sets limits on use of a copy of a prescription for restricted drugs. Repeated in Section 40-43-86(G)(8).

### **Section 99-30. Automatic Dispensing Machines.**

Requires automatic dispensing machines to be supervised by a licensed pharmacist. Repeated in Section 40-43-86(Q).

### **Section 99-31. Medical Clinics and/or Dispensaries.**

Sets dispensing requirements for medical clinics and/or dispensaries. Repeated in Sections 40-43-60(H) and 40-43-60(I).

**Section 99-32. Use of the Term “Drug-Sundries”.**

Restricts use of the term “drug-sundries.” Repeated in Section 40-43-86(R)(4).

**Section 99-33. Approval of Permit to Operate a Retail Pharmacy.**

Sets requirements for acquiring a new permit to operate a retail pharmacy. Repeated in Section 40-43-110(B).

**Section 99-34. Notice of Change of Pharmacists.**

Requires permit holder to notify the board of any change of pharmacists. Repeated in Section 40-43-91(B)(3).

**Section 99-35.** Blank.

**Section 99-36.** Blank.

**Section 99-37. Closing of Prescription Department when Pharmacist not on Duty.**

Requires display of closed sign when pharmacist not on duty. Repeated in Section 40-43-86(A)(14).

**Section 99-38. Dangerous Drugs.**

Defines dangerous drugs. No reference to “dangerous drugs” in the new Pharmacy Practice Act.

**Section 99-39. Reuse of Returned Medications.**

Sets limitation on reuse of returned medications. Repeated in Section 40-43-86(AA).

**Section 99-40. Continuing Education Requirements.**

Sets continuing education requirements. Repeated in Section 40-43-130.

**Section 99-41. Wholesale Drug Distribution; Manufacturers.**

Defines terms used in wholesale drug distribution and manufacturing; sets standards for facilities, security, recordkeeping, and policies and procedures. Repeated in Section 40-43-89.

**Section 99-42. Home Health Care.**

Sets standards for home health care pharmacies. Repeated in Section 40-43-88.

**Notice of Public Hearing and Opportunity for Public Comment:**

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Judge Division at 3 p.m. on Monday, December 6, 1999. Written comments may be directed to Cheryl A. Ruff, Administrator, Board of Pharmacy, Department of Labor, Licensing and Regulation, Post Office Box 11927, Columbia, South Carolina 29211-1927, no later than 5:00 p.m., on Monday, November 22, 1999.

**Preliminary Fiscal Impact Statement:** There will be no cost incurred by the State or any political subdivision.

**Statement of Need and Reasonableness:** Regulations 99-1 through 99-42 are being repealed because they are addressed in the new Pharmacy Practice Act and the Engine Act, except Regulation 99-15 to the extent it continues to require pharmacists to post their annual renewal certificates in public view.

DESCRIPTION OF REGULATION:

## 46 PROPOSED REGULATIONS

Purpose: The Board of Pharmacy is repealing Regulations 99-1 through 99-42 because they are addressed in the new Pharmacy Practice Act enacted May 1998, except Regulation 99-15 to the extent it continues to require pharmacists to post their annual renewal certificates in public view.

Legal Authority: Statutory Authority: 1976 Code Title 40, Chapter 43, Section 60 and Title 40, Chapter 1, Section 70.

Plan for Implementation: Administratively, the Board will see that this change is implemented by informing pharmacists, permit holders and technicians through written communications, newsletters and the Internet.

**DETERMINATION OF NEED AND REASONABLENESS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:** These regulations need to be repealed in order to be consistent with the statutory requirements and procedures provided in the new Pharmacy Practice Act and the Department of Labor, Licensing and Regulation Engine Act.

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

**UNCERTAINTIES OF ESTIMATES:** There are no uncertainties of estimates concerning these regulations.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:** These regulations will have no effect on the environment and public health of this State.

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:** These regulations will have no detrimental effect on the environment and public health of this State if the regulations are not implemented in this State, except that staff and licensees will continue to deal with confusion over questions raised by duplicative requirements.

### **Text:**

The full text of this regulation is available on the South Carolina General Assembly Home Page: [www.lpitr.state.sc.us](http://www.lpitr.state.sc.us). If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2467  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**MANUFACTURED HOUSING BOARD**  
 CHAPTER 19  
 Statutory Authority: 1976 Code Section 40-1-50, 40-29-50 and 40-29-110

**Preamble:**

The South Carolina Manufactured Housing Board has determined that the fee charged for examination by the Board is not sufficient to cover the costs of the examinations provided by the vendor, Experior Assessments, Inc. Therefore, it is imperative that the fees be changed as soon as possible in order to continue to allow qualified applicants to be licensed to provide professional services to the public.

Regulation 19-425.26. Fees.

C. Change the fee amount for examinations.

**Notice of Public Hearing and Opportunity for Public Comment:**

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended such hearing will be conducted at the Administrative Law Judge Division at 11a.m. on Monday, December 13, 1999. Written comments may be directed to Gary F. Wiggins, Administrator, Manufactured Housing Board, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., Monday, November 22, 1999.

**Preliminary Fiscal Impact Statement:**

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

**Statement of Need and Reasonableness:**

The fee change is needed so as to prevent disruption in providing reliable and valid examinations for manufactured housing candidates for licensure who must be determined minimally competent to properly perform their duties as licensees prior to working with the public.

**DESCRIPTION OF REGULATION:**

Purpose: The proposed regulation will delete obsolete language and allow a reasonable fee for examinations.

Legal Authority: Statutory Authority: 1976 Code Title 40, Chapter 1, Section 50 (D); Title 40, Chapter 29, Section 50 (14); and Title 40, Chapter 29, Section 110 (D).

Plan for Implementation: All applicants in the process of applying for retaking a failed examination will be afforded the opportunity to be examined at the current fee in place at the time of issuance of a one-year letter of eligibility. All applicants for initial examination will be required to pay the new fee.

**DETERMINATION OF NEED AND REASONABLENESS ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:** The fee change is necessary so as to provide reliable and valid examinations for all manufactured housing candidates for licensure who must be determined minimally competent to properly perform their duties as licensees prior to working with the public.

**DETERMINATION OF COSTS AND BENEFITS:** There will be no additional costs regarding this regulation. The expected benefit to the public is that licensees who are examined with valid and reliable instruments of measurement will better ensure the public is dealing with competent licensees.

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



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

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

### **Text:**

19-425.26. Fees.

C. When applicable, the examination fee is not to exceed fifty dollars (\$50.00).

Document No. 2465  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF MEDICAL EXAMINERS**  
CHAPTER 81  
Statutory Authority: 1976 Code Sections 40-47-20; 40-1-70

### **Preamble:**

The Board of Medical Examiners is proposing to amend Regulation 81-12 to require persons whose practice authorizations are revoked to surrender their wall certificates and wallet cards to the Board Administrator for destruction. This would be a new requirement for physicians, physician assistants, respiratory care practitioners and acupuncturists.

### **Section by Section Discussion:**

Section 81-12. Effect of Discipline.

This change requires any physician, physicians assistant, respiratory care practitioner or acupuncturist whose authorization to practice is revoked to surrender his or her wall certificate and wallet card to the Board Administrator for destruction.

### **Notice of Public Hearing and Opportunity for Public Comment:**

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Judge Division at 9 a.m. on Wednesday, December 8, 1999. Written comments may be directed to Mr. Aaron J. Kozloski, Administrator, Board of Medical Examiners, Department of Labor, Licensing and Regulation, Post Office Box 11289, Columbia, South Carolina 29211-1289 no later than 5:00 p.m., on Monday, November 22, 1999.

**Preliminary Fiscal Impact Statement:** There will be no additional cost incurred by the State or any political subdivision.

### **Statement of Need and Reasonableness:**

#### DESCRIPTION OF REGULATION:

Purpose: This regulation will prevent licensees whose practice privileges have been revoked from misusing their revoked credentials.

Legal Authority: Statutory Authority: 1976 Code Title 40, Chapter 47, Section 20; Title 40, Chapter 1, Section 70.

Plan for Implementation: The order of revocation will include language directing revoked licensees to surrender their wall certificates and wallet cards to the Board Administrator. Compliance will be enforced through all judicial processes available to regulatory boards.

**DETERMINATION OF NEED AND REASONABLENESS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:** This regulation is necessary to prevent revoked licensees from misrepresenting their revoked credentials.

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

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

**EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:** This regulation will have no effect on the environment and public health of this State. This regulation will protect public health by preventing licensees whose practice privileges have been revoked from misusing their revoked credentials.

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

**Text:**

The full text of this regulation is available on the South Carolina General Assembly Home Page: [www.lpitr.state.sc.us](http://www.lpitr.state.sc.us). If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2466  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF MEDICAL EXAMINERS**  
CHAPTER 81  
Statutory Authority: 1976 Code Sections 40-47-20; 40-1-70

**Preamble:**

The Board of Medical Examiners is proposing to amend Regulation 81-90(B)(5) to permit licensure by endorsement of osteopathic physicians who have successfully completed a written examination of another state medical, osteopathic, or composite board prior to 1976, if the applicant also meets all other requirements approved by the Board.

**Section by Section Discussion:**

Section 81-90. Requirements For Permanent License.

This change will permit licensure by endorsement of osteopathic physicians who have successfully completed a written examination of another state medical, osteopathic, or composite board prior to 1976, if the applicant also meets all other requirements approved by the Board.

**Notice of Public Hearing and Opportunity for Public Comment:**

## 50 PROPOSED REGULATIONS

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Judge Division at 2 p.m. on Wednesday, December 8, 1999. Written comments may be directed to Mr. Aaron J. Kozloski, Administrator, Board of Medical Examiners, Department of Labor, Licensing and Regulation, Post Office Box 11289, Columbia, South Carolina 29211-1289 no later than 5:00 p.m., on Monday, November 22, 1999.

**Preliminary Fiscal Impact Statement:** There will be no additional cost incurred by the State or any political subdivision.

### Statement of Need and Reasonableness:

#### DESCRIPTION OF REGULATION:

Purpose: Revisions are being considered that will amend Regulation 81-90(B)(5) to permit the Board to license any osteopathic physician who can document successful completion of a written state examination of another state medical osteopathic, or composite board prior to 1976, if the applicant also meets additional requirements approved by the Board, such as certification by a specialty board recognized by the American Board of Medical Specialties or the American Osteopathic Association.

Legal Authority: Statutory Authority: 1976 Code Title 40, Chapter 47, Section 20; Title 40, Chapter 1, Section 70.

Plan for Implementation: Administratively, the Department will see that these practices are implemented by informing the licensees through written communications and newsletters.

**DETERMINATION OF NEED AND REASONABLENESS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:** This regulation is necessary to correct an oversight contained in the original Regulation 81-90(B)(5) that omitted osteopathic physicians from licensure by endorsement if those physicians took state-administered exams before 1976.

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

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

**EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:** This regulation will have no effect on the environment and public health of this State. However, this amendment will enable the Board to consider a wider range of experienced and highly qualified osteopathic physicians.

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

### Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: [www.lpitr.state.sc.us](http://www.lpitr.state.sc.us). If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2470  
**WORKERS' COMPENSATION COMMISSION**  
 CHAPTER 67  
 Statutory Authority: 1976 Code Section 42-3-30

**Preamble:**

The Commission proposes to amend these regulations in order to update, reflect current practice, and further streamline operations. The proposed amendments will facilitate the approval procedure for an Agreement and Final Release to allow another commissioner to sign the Agreement if the assigned commissioner is not available and to facilitate the approval procedure for a Form 61.

67-803. Settlement by Agreement and Final Release.

67-1204. Reporting Attorneys Fees for Approval.

**Section-by-Section Discussion:**

67-803 To facilitate the approval procedure for an Agreement and Final Release to allow another commissioner to sign the Agreement if the assigned commissioner is not available.

67-1204 To facilitate the approval procedure for a Form 61.

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

Should a public hearing be requested, such a hearing will be conducted at the South Carolina Workers' Compensation Commission, 1612 Marion Street, Hearing Room, First Floor, Columbia, South Carolina on November 22, 1999 at 2:00 p.m. Written comments may be directed to Janet Godfrey Wilson, Esquire, General Counsel, Post Office Box 1715, Columbia, South Carolina 29202-1715. Requests for a hearing should be made in writing and received by the Commission no later than November 15, 1999. Comments should be received no later than 5:00 p.m. on November 19, 1999.

**Preliminary Fiscal Impact Statement:**

The South Carolina Workers' Compensation Commission estimates there will be no additional costs incurred by the State and its political subdivisions to comply with these proposed regulations.

**Statement of Need and Reasonableness:**

1. DESCRIPTION OF REGULATIONS:

Purpose: The proposed regulations update and further modernize operations, better utilize agency resources, and clarify current Commission practices.

Legal Authority: South Carolina Code Ann. Section 42-3-30 (1980 Act No. 481) requires the Commission promulgate all regulations necessary to implement the provisions of this title and consistent therewith.

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

The proposed regulations will establish improved efficiency, modernize, and clarify agency procedure.

3. DETERMINATION OF COSTS AND BENEFITS:

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No additional costs will be incurred.

9. UNCERTAINTIES OF ESTIMATES: None.

11. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED: None.

### **Text:**

The full text of this regulation is available on the South Carolina General Assembly Home Page: [www.lpitr.state.sc.us](http://www.lpitr.state.sc.us). If you do not have access to the Internet, the text may be obtained from the promulgating agency.

**Filed: September 27, 1999, at 11:00 a.m.**

Document Number 2460  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**BOARD OF CHIROPRACTIC EXAMINERS**  
 CHAPTER 25

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

**Emergency Situation:**

The Board of Chiropractic Examiners has determined that passage of Part IV of the National Board of Chiropractic Examiners (NBCE) is an acceptable practical examination for licensing purposes in this State. Accordingly, the board will no longer conduct its own practical examination after July 1, 1999. Therefore, it is imperative that the adoption of Part IV as an acceptable qualification for licensure be implemented as soon as possible in order to continue to allow qualified applicants to be licensed to provide professional services to the public.

**Text:**

25-2. Application for Board Examination

A. (3) National Board of Chiropractic Examiners scores. Certified copy of Parts I, II, III, and IV from the National Board of Chiropractic Examiners (NBCE) with the NBCE recommended passing score is required for applicants graduating from a chiropractic college on or after January 1, 1997. Graduates from chiropractic college on or after July 1, 1987, but before January 1, 1997, must have passed Parts I, II, and III and passed a practical examination approved by the board, such as the Special Purpose Examination for Chiropractic (SPEC) or Part IV. Graduates from chiropractic college prior to July 1, 1987, must have passed Parts I and II and passed a practical examination approved by the board, such as the Special Purpose Examination for Chiropractic (SPEC) or Part IV. Applicants must have completed and passed all required parts of the National Board examinations prior to application for the South Carolina examination. Examination results must be received thirty days prior to examination.

25-3. Examination

A. Examination Subjects. Applicants must be tested in South Carolina statutes, ethics, and philosophy and must pass with a score of seventy-five percent (75%) or better. If an applicant fails to achieve a score of seventy-five percent (75%) or better he may retake the examination within one year.

**Statement of Need and Reasonableness:** The need to immediately establish Part IV of the NBCE as the practical examination requirement for licensure in this State is imperative in order to prevent a disruption in the provision of chiropractic services to patients by qualified applicants for licensure.

**DESCRIPTION OF REGULATION:** Regulation 25-2(A)(3) is revised by inserting appropriate references to Part IV, the test designer's recommended passing score, and alternatives for applicants graduating before January 1, 1997. Regulation 25-3 is repealed in its entirety and replaced with a limited requirement for testing in South Carolina statutes, ethics, and philosophy.

**Purpose:** The proposed amendments will delete obsolete requirements to licensure and continue only those deemed necessary and consistent with the legislative intent of licensure in South Carolina

**Legal Authority:** Statutory Authority: 1976 Code Title 40, Chapter 9, Section 30(D)(8) and 1976 Code Title 40, Chapter 1, Section 70.

**Plan for Implementation:** All applicants in the process of applying for licensure will be afforded the opportunity for licensure under the new regulation. Applicants who are in the process of applying for licensure who do not

## **54 EMERGENCY REGULATIONS**

meet the Part IV requirement will be permitted to complete the testing process under the regulations in effect at the time of application. All new applicants will be required to meet these new requirements for application.

**DETERMINATION OF NEED AND REASONABLENESS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:** The need to immediately establish Part IV of the NBCE as the practical examination requirement for licensure in this State is imperative in order to prevent a disruption in the provision of chiropractic services to patients by qualified applicants for licensure.

**DETERMINATION OF COSTS AND BENEFITS:** No additional costs. Expected benefit is less cost for the agency to administer examinations.

**UNCERTAINTIES OF ESTIMATES:** There are no uncertainties of estimates concerning these regulations.

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

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:** These regulations will have no detrimental effect on the environment and public health of this State if the regulations are not implemented in this State.