

## **SOUTH CAROLINA STATE REGISTER DISCLAIMER**

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# SOUTH CAROLINA STATE REGISTER

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of the  
GENERAL ASSEMBLY

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# ***SOUTH CAROLINA STATE REGISTER***

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

## **STYLE AND FORMAT**

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

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

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

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

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

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

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

**Executive Orders** are actions issued and taken by the Governor.

## **2020 PUBLICATION SCHEDULE**

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

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

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

## **REPRODUCING OFFICIAL DOCUMENTS**

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

## **PUBLIC INSPECTION OF DOCUMENTS**

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## **ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS**

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

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

## **EMERGENCY REGULATIONS**

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

## **REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW**

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

## **EFFECTIVE DATE OF REGULATIONS**

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

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

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**REGULATIONS SUBMITTED TO GENERAL ASSEMBLY**

Status and Legislative Review Expiration Dates .....1  
 Committee List of Regulations Submitted to General Assembly .....3

**EXECUTIVE ORDERS**

Executive Order No. 2020-04 Granting Leave with Pay Due to Severe Weather .....5  
 Executive Order No. 2020-05 Lowering Flags for Deputy Andrew Gillette of Sumter County Sheriff’s  
 Office .....6  
 Executive Order No. 2020-06 Appointing Laurens County Coroner .....6  
 Executive Order No. 2020-07 Suspending Transportation Regulations Due to NC Emergency and  
 COVID-19 .....7  
 Executive Order No. 2020-08 Declaring State of Emergency in Response to COVID-19.....9

**NOTICES**

**HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF**

2020 State Health Plan – Public Hearings .....12  
 Certificate of Need .....12  
 Certificate of Public Advantage – Prisma Health, Midlands .....13  
 UST Rehabilitation Contractor Certification – Trihydro Corporation and Seres Engineering &  
 Services, LLC .....16

**DRAFTING NOTICES**

**HEALTH AND ENVIRONMENTAL CONTROL, DEPARTMENT OF**

Raw Milk for Human Consumption; and Pasteurized Milk and Milk Products .....17  
 Septic Tank Site Evaluation Fees; Onsite Wastewater Systems; License to Construct or Clean Onsite  
 Sewage Treatment and Disposal Systems and Self-Contained Toilets; and Licensing of Onsite  
 Wastewater System Master Contractors .....17  
 Vital Statistics .....18

**HIGHER EDUCATION, COMMISSION ON**

South Carolina National Guard College Assistance Program.....19

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

**Athletic Commission, State**  
 Code of Ethics .....20  
**Cosmetology, Board of**  
 Board of Cosmetology .....20  
**Dentistry, Board of**  
 Continuing Education Requirements Related to CPR; Elections; and Use of Lasers in a Dental Setting .....20  
**Foresters, Board of Registration for**  
 Board of Registration for Foresters .....21  
**Occupational Safety and Health, Office of**  
 Recording and Reporting Occupational Injuries and Illnesses .....22

# REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

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

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4848	SR44-2		Contractor's Licensing Board	1/19/20	LLR-Contractor's Licensing Board
4852	SR44-2		Board of Long Term Health Care Administrators	2/03/20	LLR-Board of Long Term Health Care Administrators
4873			Air Pollution Control Regulations and Standards	3/17/20	Department of Health and Envir Control
4876			Electronic Transmissions	4/26/20	Secretary of State
4880			Control of Anthrax	5/13/20	Department of Health and Envir Control
4879			E-Filing and E-Service	5/13/20	Public Service Commission
4883			Hazardous Waste Management Regulations	5/13/20	Department of Health and Envir Control
4887			Water Classifications and Standards	5/13/20	Department of Health and Envir Control
4885			Classified Waters	5/13/20	Department of Health and Envir Control
4916			Contractor Performance Evaluation	5/13/20	Department of Transportation
4917			Disqualification and Suspension from Participation in Contracts with the South Carolina Department of Transportation	5/13/20	Department of Transportation
4929			Corporate Governance Annual Disclosure Regulation	5/13/20	Department of Insurance
4931			Minimum Standards for the Readability of Commonly Purchased Insurance Policies	5/13/20	Department of Insurance
4912			Securities	5/13/20	Office of the Attorney General
4918			Assisting, Developing, and Evaluating Professional Teaching (ADEPT)	5/13/20	State Board of Education
4902			Imitation Milk, Imitation Milk Products, and Products Made in Semblance of Milk and Milk Products; and Frozen Desserts	5/13/20	Department of Health and Envir Control
4903			Soft Drink and Water Bottling Plants; and Wholesale Commercial Ice Manufacturing	5/13/20	Department of Health and Envir Control
4886			Standards for the Permitting of Agricultural Animal Facilities	5/13/20	Department of Health and Envir Control
4897			Statement of Policy; and Administrative Procedures	5/13/20	Department of Health and Envir Control
4898			Medical and Dental Scholarship Fund	5/13/20	Department of Health and Envir Control
4920			Renewal of Credentials	5/13/20	State Board of Education
4923			Board of Accountancy	5/13/20	LLR- Board of Accountancy
4921			Continuing Education and Continuing Education Programs	5/13/20	LLR-Board of Cosmetology
4924			Examinations; Requirements for Renewal/Reactivation of Expired or Lapsed Registrations; and Continuing Professional Competency	5/13/20	LLR-Board of Registration for Geologists
4891			Continuing Education	5/13/20	LLR-Board of Landscape Architectural Examiners
4926			Compounding of Veterinary Drug Preparations	5/13/20	LLR-Board of Pharmacy
4927			Facility Permit Classifications	5/13/20	LLR-Board of Pharmacy
4890			Laboratory Work Authorization Form; Sanitary Standards; and Ethics	5/13/20	LLR-Board of Dentistry
4893			Recording and Reporting Occupational Injuries and Illnesses	5/13/20	LLR-OSHA
4934			Check Cashing	5/13/20	State Board of Financial Institutions – Consumer Finance Division
4937			International Building Code	5/13/20	LLR-Building Codes Council
4938			International Fire Code	5/13/20	LLR-Building Codes Council
4939			International Fuel Gas Code	5/13/20	LLR-Building Codes Council
4940			International Mechanical Code	5/13/20	LLR-Building Codes Council
4942			National Electrical Code	5/13/20	LLR-Building Codes Council
4954			Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence	5/13/20	Department of Health and Envir Control
4913			Determination of Rates of Tuition and Fees	5/13/20	Commission on Higher Education
4936			South Carolina National Guard College Assistance Program	5/13/20	Commission on Higher Education
4878			Named Storm or Wind/Hail Deductible	5/13/20	Department of Insurance
4889			Board of Chiropractic Examiners	5/13/20	LLR-Board of Chiropractic Examiners
4892			Health Services Executive	5/13/20	LLR- Board of Long Term Health Care Administrators
4925			Apprenticeships	5/13/20	LLR-Board of Examiners in Opticianry
4941			International Residential Code	5/13/20	LLR-Building Codes Council
4905			Inspection Guidelines	5/13/20	LLR-Board of Funeral Service
4953			Standards for Licensing Renal Dialysis Facilities	5/13/20	Department of Health and Envir Control
4904			Procedures for Administrative Hearings before the Securities Commissioner	5/13/20	Office of the Attorney General
4914			General Regulation; and Additional Regulations Applicable to Specific Properties	5/13/20	Department of Natural Resources

## 2 REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

4915	Wildlife Management Area Regulations; Turkey Hunting Rules and Seasons; and Date Specific Antlerless Deer Tags, Individual Antlerless Deer Tags, and Antlerless Deer Limits for Private Lands in Game Zones 1-4, and Youth Deer Hunting Day	5/13/20	Department of Natural Resources
4932	Pharmacy Benefits Managers	5/13/20	Department of Insurance
4894	Consolidated Procurement Code	5/13/20	State Fiscal Accountability Authority
4901	Licensure for Foster Care	5/13/20	Department of Social Services
4935	Licensing Criteria	5/14/20	Commission on Higher Education
4933	Parking and Traffic Regulations	2/17/21	Clemson University
4952	Procedure to Employ, through Contract or Otherwise, Qualified, Independent Third-Party Consultants or Experts	2/24/21	Public Service Commission
<b>Committee Request Withdrawal</b>			
4843	Board of Physical Therapy Examiners	Tolled	LLR
4861	Consolidated Procurement Code	Tolled	State Fiscal Accountability Authority
<b>Permanently Withdrawn</b>			
4922	Fee Schedules		LLR
4919	Credential Classification		State Board of Education
4884	Indigent Screening Process		Commission on Indigent Defense
4900	Licensure for Foster Care		Department of Social Services



## COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 3

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

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4848	Contractor's Licensing Board	Regulations and Admin. Procedures	Labor, Commerce and Industry
4852	Board of Long Term Health Care Administrators	Regulations and Admin. Procedures	Medical Affairs
4873	Air Pollution Control Regulations and Standards	Regulations and Admin. Procedures	Medical Affairs
4876	Electronic Transmissions	Regulations and Admin. Procedures	Judiciary
4880	Control of Anthrax	Regulations and Admin. Procedures	Medical Affairs
4879	E-Filing and E-Service	Regulations and Admin. Procedures	Judiciary
4883	Hazardous Waste Management Regulations	Regulations and Admin. Procedures	Medical Affairs
4887	Water Classifications and Standards	Regulations and Admin. Procedures	Agriculture and Natural Resources
4885	Classified Waters	Regulations and Admin. Procedures	Agriculture and Natural Resources
4916	Contractor Performance Evaluation	Regulations and Admin. Procedures	Transportation
4917	Disqualification and Suspension from Participation in Contracts with the South Carolina Department of Transportation	Regulations and Admin. Procedures	Transportation
4929	Corporate Governance Annual Disclosure Regulation	Regulations and Admin. Procedures	Banking and Insurance
4931	Minimum Standards for the Readability of Commonly Purchased Insurance Policies	Regulations and Admin. Procedures	Banking and Insurance
4912	Securities	Regulations and Admin. Procedures	Judiciary
4918	Assisting, Developing, and Evaluating Professional Teaching (ADEPT)	Regulations and Admin. Procedures	Education
4902	Imitation Milk, Imitation Milk Products, and Products Made in Semblance of Milk and Milk Products; and Frozen Desserts	Regulations and Admin. Procedures	Agriculture and Natural Resources
4903	Soft Drink and Water Bottling Plants; and Wholesale Commercial Ice Manufacturing	Regulations and Admin. Procedures	Agriculture and Natural Resources
4886	Standards for the Permitting of Agricultural Animal Facilities	Regulations and Admin. Procedures	Agriculture and Natural Resources
4897	Statement of Policy; and Administrative Procedures	Regulations and Admin. Procedures	Medical Affairs
4898	Medical and Dental Scholarship Fund	Regulations and Admin. Procedures	Medical Affairs
4920	Renewal of Credentials	Regulations and Admin. Procedures	Education
4923	Board of Accountancy	Regulations and Admin. Procedures	Labor, Commerce and Industry
4921	Continuing Education and Continuing Education Programs	Regulations and Admin. Procedures	Labor, Commerce and Industry
4924	Examinations; Requirements for Renewal/Reactivation of Expired or Lapsed Registrations; and Continuing Professional Competency	Regulations and Admin. Procedures	Labor, Commerce and Industry
4891	Continuing Education	Regulations and Admin. Procedures	Labor, Commerce and Industry
4926	Compounding of Veterinary Drug Preparations	Regulations and Admin. Procedures	Medical Affairs
4927	Facility Permit Classifications	Regulations and Admin. Procedures	Medical Affairs
4890	Laboratory Work Authorization Form; Sanitary Standards; and Ethics	Regulations and Admin. Procedures	Medical Affairs
4893	Recording and Reporting Occupational Injuries and Illnesses	Regulations and Admin. Procedures	Labor, Commerce and Industry
4934	Check Cashing	Regulations and Admin. Procedures	Banking and Insurance
4937	International Building Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4938	International Fire Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4939	International Fuel Gas Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4940	International Mechanical Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4942	National Electrical Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4954	Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence	Regulations and Admin. Procedures	Medical Affairs
4913	Determination of Rates of Tuition and Fees	Regulations and Admin. Procedures	Education
4936	South Carolina National Guard College Assistance Program	Regulations and Admin. Procedures	Education
4878	Named Storm or Wind/Hail Deductible	Regulations and Admin. Procedures	Banking and Insurance
4889	Board of Chiropractic Examiners	Regulations and Admin. Procedures	Medical Affairs
4892	Health Services Executive	Regulations and Admin. Procedures	Medical Affairs
4925	Apprenticeships	Regulations and Admin. Procedures	Medical Affairs
4941	International Residential Code	Regulations and Admin. Procedures	Labor, Commerce and Industry
4905	Inspection Guidelines	Regulations and Admin. Procedures	Labor, Commerce and Industry
4953	Standards for Licensing Renal Dialysis Facilities	Regulations and Admin. Procedures	Medical Affairs
4904	Procedures for Administrative Hearings before the Securities Commissioner	Regulations and Admin. Procedures	Judiciary
4914	General Regulation; and Additional Regulations Applicable to Specific Properties	Regulations and Admin. Procedures	Fish, Game and Forestry
4915	Wildlife Management Area Regulations; Turkey Hunting Rules and Seasons; and Date Specific Antlerless Deer Tags, Individual Antlerless Deer Tags, and Antlerless Deer Limits for Private Lands in Game Zones 1-4, and Youth Deer Hunting Day	Regulations and Admin. Procedures	Fish, Game and Forestry
4932	Pharmacy Benefits Managers	Regulations and Admin. Procedures	Banking and Insurance
4894	Consolidated Procurement Code	Regulations and Admin. Procedures	Finance
4901	Licensure for Foster Care	Regulations and Admin. Procedures	Family and Veterans' Services
4935	Licensing Criteria	Regulations and Admin. Procedures	Education
4933	Parking and Traffic Regulations	Regulations and Admin. Procedures	Education

#### 4 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

4952 Procedure to Employ, through Contract or Otherwise, Qualified,  
Independent Third-Party Consultants or Experts

Regulations and Admin. Procedures Judiciary

##### **Committee Request Withdrawal**

4843 Board of Physical Therapy Examiners

Regulations and Admin. Procedures Medical Affairs

4861 Consolidated Procurement Code

Regulations and Admin. Procedures Finance

##### **Permanently Withdrawn**

4922 Fee Schedules

Regulations and Admin. Procedures Labor, Commerce and Industry

4919 Credential Classification

Regulations and Admin. Procedures Education

4884 Indigent Screening Process

Regulations and Admin. Procedures Judiciary

4900 Licensure for Foster Care

Regulations and Admin. Procedures Family and Veterans' Services

**Executive Order No. 2020-04**

**WHEREAS**, on February 6, 2020, a line of strong thunderstorms and severe weather moved across the State of South Carolina, which produced significant rainfall, extensive flooding, damaging winds and tornadoes, and other dangerous conditions; and

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

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

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

**Section 1.** I hereby authorize leave with pay for affected state employees, as set forth below, who were absent from work due to the aforementioned hazardous weather conditions, and in accordance with the directive for state government offices to follow county government closures for hazardous weather conditions, in the following counties and on the following dates:

**February 6, 2020:**

Abbreviated Schedule: Allendale County (closed at 3:00 p.m.), Barnwell County (closed at 2:00 p.m.), Calhoun County (closed at 1:30 p.m.), Florence County (closed at 2:30 p.m.), Fairfield County (closed at 2:30 p.m.), Kershaw County (closed at 2:30 p.m.), Lancaster County (closed at 2:30 p.m.), Lee County (closed at 3:00 p.m.), Pickens County (closed at 3:00 p.m.), Saluda County (closed at 2:00 p.m.), Sumter County (closed at 3:30 p.m.)

**February 7, 2020:**

Closed: Abbeville County

**Section 2.** In the event that county government offices in a county not listed above were closed or operated on an abbreviated schedule due to the aforementioned hazardous weather conditions, I hereby authorize the South Carolina Department of Administration to grant leave with pay for affected state employees who were absent from work as a result of the corresponding closure of state government offices and to administratively add any such county to the list of covered closures.

This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 19th DAY OF FEBRUARY, 2020.**

**HENRY MCMASTER  
Governor**

## **6 EXECUTIVE ORDERS**

### **Executive Order No. 2020-05**

**WHEREAS**, the undersigned has been notified of the passing of Deputy Andrew Gillette of the Sumter County Sheriff's Office, who dutifully served as a law enforcement officer in this State and died in the line of duty; and

**WHEREAS**, Deputy Gillette dedicated his life to protecting and serving the citizens of the United States and the people of the State of South Carolina, both in the United States Air Force and as a decorated law enforcement officer with the Sumter County Sheriff's Office, and his loss warrants the people of this State appropriately recognizing his distinguished service and honoring his supreme sacrifice; and

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

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

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that all flags on state buildings be lowered to half-staff from sunrise until sunset on Sunday, March 1, 2020, in tribute to Deputy Gillette and in honor of his selfless service, remarkable bravery, and supreme sacrifice in the line of duty. I request that all flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 27th DAY OF FEBRUARY, 2020.**

**HENRY MCMASTER**  
Governor

### **Executive Order No. 2020-06**

**WHEREAS**, there presently exists a vacancy in the office of Coroner of Laurens County due to the recent death of F.G. "Nick" Nichols, Jr.; and

**WHEREAS**, in the event of a vacancy in the office of a county coroner, the undersigned is authorized to appoint a qualified replacement to serve in such office pursuant to sections 17-5-50 and 4-11-20 of the South Carolina Code of Laws, as amended; and

**WHEREAS**, Vickie C. Cheek, of Clinton, South Carolina, is a fit and proper person to serve as Coroner of Laurens County.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby appoint Vickie C. Cheek to serve as Coroner of Laurens County until the next general election in accordance with section 17-5-50(A) of the South Carolina Code of Laws and until her successor shall qualify as provided by law. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 2nd DAY OF MARCH, 2020.**

**HENRY MCMASTER**  
Governor

**Executive Order No. 2020-07**

**WHEREAS**, the State of South Carolina has taken, and continues to take, all necessary and appropriate actions in proactively preparing for and promptly responding to the threat posed by the 2019 Novel Coronavirus (“COVID-2019”), to include convening and conferring with the Public Health Emergency Plan Committee and activating the South Carolina Emergency Operations Plan; and

**WHEREAS**, as required by or otherwise in accordance with North Carolina law, the Governor of North Carolina issued Executive Order No. 116 on March 10, 2020, declaring that an emergency exists in the State of North Carolina and, *inter alia*, temporarily waiving or suspending certain motor vehicle regulations for vehicles and operators of vehicles “transporting medical supplies and other equipment in support of the [North Carolina Emergency Operations Plan] or other efforts to address the public health threat posed by COVID-19”; and

**WHEREAS**, the Federal Motor Carrier Safety Regulations limit, *inter alia*, the hours of service for operators of commercial vehicles, 49 C.F.R. §§ 390 *et seq.*, and federal law prescribes certain weight limitations for vehicles on interstate highways, 23 U.S.C. § 127; and

**WHEREAS**, pursuant to 49 C.F.R. § 390.23, the governor of a state may suspend certain federal rules and regulations for commercial vehicles responding to an emergency if the governor determines that an emergency condition exists; and

**WHEREAS**, section 56-5-70(B) of the South Carolina Code of Laws, as amended, provides that “[w]hen an emergency is declared which triggers relief from regulations pursuant to 49 C.F.R. [§] 390.23 in North Carolina or Georgia, an emergency, as referenced in the regional emergency provision of 49 C.F.R. [§] 390.23(a)(1)(A), must be declared in this State by the Governor.”

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby suspend certain rules and regulations, as set forth below, for commercial vehicles and operators of commercial vehicles in accordance with 49 C.F.R. § 390.23 and section 56-5-70(B) of the South Carolina Code of Laws. Accordingly, for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

**Section 1.** The South Carolina Department of Transportation and the South Carolina Department of Public Safety, including the State Transport Police, as needed, shall waive or suspend application and enforcement of the requisite state and federal rules and regulations pertaining to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles and operators of commercial vehicles responding to the declared emergency in the State of North Carolina or otherwise providing direct assistance to

## 8 EXECUTIVE ORDERS

supplement state and local efforts and capabilities to protect public health and safety in connection with COVID-19, pursuant to 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws.

This Order shall not be construed to require or allow an ill or fatigued driver to operate a commercial motor vehicle. In accordance with 49 C.F.R. § 390.23, “a driver who informs the motor carrier that he or she needs immediate rest must be permitted at least ten (10) consecutive hours off duty before the driver is required to return to such terminal or location.” Likewise, this Order shall not be construed as an exemption from the applicable controlled substances and alcohol use and testing requirements in 49 C.F.R. § 382, the commercial driver’s license requirements in 49 C.F.R. § 383, or the financial responsibility requirements in 49 C.F.R. § 387, and it shall not be interpreted to relieve compliance with any other state or federal statute, rule, order, regulation, restriction, or other legal requirement not specifically waived, suspended, or addressed herein.

**Section 2.** Notwithstanding the waiver or suspension of certain rules and regulations as set forth above, drivers in South Carolina are still subject to the following state requirements to ensure public safety:

(a) Weight, height, length, and width for any such vehicle on highways or roadways maintained by the State of South Carolina shall not exceed, for continuous travel on all non-interstates, United States, and South Carolina designated routes, maximum dimensions of twelve (12) feet in width, thirteen (13) feet six (6) inches in height, and ninety thousand (90,000) pounds in gross weight.

(b) Posted bridges may not be crossed.

(c) All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall be clearly identified as a utility vehicle or shall provide appropriate documentation indicating they are responding to the emergency.

(d) Any vehicles that exceed the above dimensions, weights, or both, must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after normal business hours.

(e) Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by the South Carolina Code of Laws relating to oversized/overweight loads operating on South Carolina roadways.

This Order is effective immediately and shall remain in effect for thirty (30) days or until the state of emergency in the State of North Carolina is terminated, whichever is less, in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 11th DAY OF MARCH, 2020.**

**HENRY MCMASTER**  
Governor

**Executive Order No. 2020-08**

**WHEREAS**, the State of South Carolina has taken, and must continue to take, all necessary and appropriate actions in proactively preparing for and promptly responding to the threat posed by the 2019 Novel Coronavirus (“COVID-2019”); and

**WHEREAS**, to this end, the undersigned has, *inter alia*, convened the Public Health Emergency Plan Committee (“PHEPC”); activated the South Carolina Emergency Operations Plan (“Plan”); regularly conferred with state and federal agencies, officials, and experts, to include the South Carolina Department of Health and Environmental Control (“DHEC”), and the South Carolina Emergency Management Division (“EMD”); and requested that the General Assembly take action to make \$45 million from the 2019–2020 Contingency Reserve Fund immediately available to DHEC in coordinating the State’s public health response to COVID-19; and

**WHEREAS**, in addition to the foregoing, on March 11, 2020, the undersigned issued Executive Order No. 2020-07, suspending certain transportation-related rules and regulations, pursuant to 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws, as amended, for commercial vehicles and operators of commercial vehicles providing direct assistance to supplement state and local efforts and capabilities to protect public health and safety in connection with COVID-19; and

**WHEREAS**, having consulted with numerous state and federal agencies, officials, and experts, to include DHEC, EMD, and the PHEPC, the undersigned has determined that it is necessary and prudent to declare that an emergency exists, or that the threat thereof is imminent, due to the evolving nature and scope of the public health threat or other risks posed by COVID-19 and the actual and anticipated impacts associated with the same; and

**WHEREAS**, section 1-3-420 of the South Carolina Code of Laws, as amended, provides that “[t]he Governor, when in his opinion the facts warrant, shall, by proclamation, declare that, because of . . . a public health emergency . . . a danger exists to the person or property of any citizen and that the peace and tranquility of the State, or any political subdivision thereof, or any particular area of the State designated by him, is threatened, and because thereof an emergency, with reference to such threats and danger, exists”; and

**WHEREAS**, as the elected Chief Executive of the State, the undersigned is authorized pursuant to section 25-1-440 of the South Carolina Code of Laws, as amended, to “declare a state of emergency for all or part of the State if he finds a disaster or a public health emergency . . . has occurred, or that the threat thereof is imminent and extraordinary measures are considered necessary to cope with the existing or anticipated situation”; and

**WHEREAS**, in accordance with section 44-4-130 of the South Carolina Code of Laws, as amended, a “public health emergency” exists when there is an “occurrence of imminent risk of a qualifying health condition,” which includes “an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness”; and

**WHEREAS**, for the aforementioned and other reasons, the undersigned has determined that COVID-19 poses an actual or imminent public health emergency for the State of South Carolina.

**NOW, THEREFORE**, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby declare that a State of Emergency exists in South Carolina. Accordingly, for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

## 10 EXECUTIVE ORDERS

**Section 1.** I hereby memorialize and confirm my prior activation of the Plan and direct that the Plan be further placed into effect and that all prudent preparations be taken at the individual, local, and state levels to proactively prepare for and promptly respond to the threat posed by COVID-19.

**Section 2.** I hereby order and direct that DHEC is immediately vested with those emergency powers set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, and without limiting the powers DHEC already possesses to combat infectious diseases, to promptly and effectively address the cited public health emergency. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, “DHEC must use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.” To this end, I further direct DHEC to restrict visitation to nursing homes and assisted living facilities, with the exception of end-of-life situations, as DHEC deems necessary and appropriate.

**Section 3.** I hereby order the closure of all public schools, to include state-supported colleges, universities, and technical colleges, in the following counties: Kershaw and Lancaster, beginning Monday, March 16, 2020, which shall remain closed for a period of fourteen (14) days, unless otherwise modified, amended, or rescinded. This Order applies to all employees of public schools located in the aforementioned counties, with the exception of those emergency or other critical personnel designated as essential, or whose presence is otherwise deemed necessary, by the appropriate school district official. DHEC shall consult with the Superintendent of Education to provide guidance to local school district leadership regarding the timing and necessity of any additional school closures. This Order does not apply to state government offices under the authority of the undersigned, which shall remain open for operation during their normal business hours unless and until otherwise directed.

**Section 4.** I hereby authorize and direct state correctional institutions and local detention facilities to suspend visitation processes and procedures, as necessary, during this State of Emergency.

**Section 5.** I hereby place specified units and/or personnel of the South Carolina National Guard on State Active Duty, pursuant to section 25-1-1840 of the South Carolina Code of Laws, as amended, and direct the Adjutant General to issue the requisite supplemental orders as he deems necessary and appropriate. I further order the activation of South Carolina National Guard personnel and the utilization of appropriate equipment at the discretion of the Adjutant General, and in coordination with the Director of EMD, to take necessary and prudent actions to assist the people of this State. I authorize Dual Status Command, as necessary, to allow the Adjutant General or his designee to serve as commander over both federal (Title 10) and state forces (National Guard in Title 32 and/or State Active Duty status).

**Section 6.** I hereby order that all licensing and registration requirements regarding private security personnel or companies who are contracted with South Carolina security companies in protecting property and restoring essential services in South Carolina shall be suspended, and I direct the South Carolina Law Enforcement Division (“SLED”) to initiate an emergency registration process for those personnel or companies for a period specified, and in a manner deemed appropriate, by the Chief of SLED.

**Section 7.** I hereby declare that the prohibitions against price gouging pursuant to section 39-5-145 of the South Carolina Code of Laws, as amended, are in effect and shall remain in effect for the duration of this State of Emergency.

**Section 8.** I hereby modify and amend Executive Order No. 2020-07, pursuant to 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws, to extend the provisions thereof to commercial vehicles and operators of commercial vehicles responding to the declared emergency in the State of South Carolina or otherwise assisting with the public health threat posed by COVID-19, as well as to commercial vehicles and operators of commercial vehicles transporting essential goods and products, such as food, water, medicine, medical supplies and equipment, fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene,



propane, and liquid petroleum), livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested (to include timber and wood chips).

This Order is effective immediately and shall remain in effect for a period of fifteen (15) days unless otherwise modified, amended, or rescinded by subsequent Order. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued verbally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 13th DAY OF MARCH, 2020.**

**HENRY MCMASTER  
Governor**

## 12 NOTICES

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### NOTICE OF GENERAL PUBLIC INTEREST

The South Carolina Health Planning Committee invites further public comment regarding proposed changes to the Standards for Neonatal Services within Chapter 3 of the *2020 South Carolina Health Plan* until 5:00 PM on April 11, 2020. Comments may be submitted in writing via e-mail to [coninfo@dhec.sc.gov](mailto:coninfo@dhec.sc.gov) or mail to Certificate of Need Program, 2600 Bull Street, Columbia, SC 29201.

The proposed, draft language regarding Standards for Neonatal Services within Chapter 3 of the *2020 South Carolina Health Plan* are accessible via the following link:

<http://www.scdhec.gov/Health/FHPF/HealthFacilityRegulationsLicensing/CertificateOfNeed/>.

For further information, (803) 545-4200.

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **March 27, 2020** 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 Arnisha Keitt, Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201 at (803) 545-3495.

##### Affecting Greenville County

###### **Prisma Health-Upstate d/b/a Prisma Health Greenville Memorial Hospital**

Renovation of existing space and conversion of 16 existing neonatal intermediate (Level II) care beds to neonatal intensive (Level III) care beds for a total of 28 (Level III) and 52 (Level II) neonatal care beds at a total project cost of \$2,200,000.

##### Affecting Spartanburg County

###### **Spartanburg Regional Health Services District, Inc. d/b/a Spartanburg Medical Center - Church Street Campus**

Conversion of a diagnostic cardiac catheterization laboratory to a therapeutic cardiac catheterization laboratory at a total project cost of \$0.

##### Affecting York County

###### **Carolina Cardiology Associates, PA (CCA)**

Construction of a 4415-sf single specialty Ambulatory Surgery Center specializing in Cardiac Vascular procedures with one Operating Room at a total project cost of \$2,031,975.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from **March 27, 2020**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Arnisha Keitt, Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-3495.

**Affecting Charleston County****Medical University Hospital Authority d/b/a MUSC Medical Center**

Purchase of a Synaptive Modus V robotic digital microscope at a total project cost of \$1,132,250.

**Affecting Kershaw County****KershawHealth d/b/a The Health Services District of Kershaw County d/b/a KershawHealth Karesh Long Term Care**

Construction of an 87,690-sf facility for the replacement of the current KershawHealth Karesh Long Term Care and the addition of 36 skilled nursing beds for a total of 132 skilled nursing beds at a total project cost of \$34,568,758.

**Affecting Lexington County****Lexington Regional Rehabilitation Hospital, LLC d/b/a Lexington Regional Rehabilitation Hospital**

Construction for the establishment of a 36 bed Freestanding Inpatient Rehabilitation Hospital in Lexington County at a total project cost of \$21,487,644.

**Affecting Spartanburg County****Spartanburg Regional Health Services District, Inc. d/b/a Spartanburg Medical Center - Church Street Campus**

Conversion of a diagnostic cardiac catheterization laboratory to a therapeutic cardiac catheterization laboratory at a total project cost of \$0.

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**NOTICE OF GENERAL PUBLIC INTEREST**

**Affecting Richland, Lexington, Fairfield, Kershaw, Newberry, Orangeburg, and Sumter Counties**

The public is hereby notified that the Department of Health and Environmental Control (“DHEC”) amended the conditions of the Certificate of Public Advantage (“COPA”) held by Prisma Health – Midlands (“PHM”, formerly Palmetto Health Alliance) pursuant to another review under S.C. Code Ann. Regs. 61-31, Section 508. The review gave consideration to information provided by PHM to the DHEC regarding the proposed acquisition of certain assets held by LifePoint Health (“LPNT”). By letter dated February 28, 2020, DHEC notified PHM that the ongoing conditions of the COPA are amended as follows to provide for the addition of the LPNT assets:

1. PHM will provide a full report to the Department every other year which will include, at a minimum, responses to the questions in Regulation 61-31, Health Care Cooperative Agreements, Section 502 (B); the previous fiscal year's independent audited financial statements; and information which will enable the Department to evaluate each of the conditions listed below. In years when a full report is not required, PHM will provide the Department an abbreviated report which will include, at a minimum, an annual audited financial statement plus a description of the programs and services PHM provides through its Community Outreach Programs as described in Condition 2, as well as the required reporting as described in Conditions 17 and 19. All reports, full and abbreviated, may require additional information the Department feels is necessary to adequately evaluate PHM's compliance with the COPA and the COPA conditions. These annual reports are due to the Department no later than 120 days after the end of each fiscal year. In addition, PHM will provide a revised three (3) year forecasted financial statement, which may be based upon its most recently Board approved budget and Board accepted audited financial report, and which projects three (3) years forward from the end of the most recent fiscal year. PHM will also make available to the Department all of its managed care contracts for inspection, if necessary, which will be considered proprietary and not subject to disclosure.

2. PHM will provide fifteen percent (15%) of its “excess revenues over expenses” to fund public health initiatives and community outreach programs. Efforts funded with this money, as a community benefit, will be evaluated

## 14 NOTICES

each year as a part of the information required in Condition Number 1. The evaluation will be based on the benefits, changes, and/or accomplishments that occur because of the activities and services provided by the programs and for which the program is held accountable. The evaluation will consider whether these programs are reaching populations that might otherwise not receive such services without the Certificate of Public Advantage.

3. For twenty-four (24) months following the date of closing of the transaction, PHM will report major operational savings that can be documented as they relate to the acquisition of the LPNT assets. Costs used to document the above savings must be specific to the acquisition, that is, savings that occurred because of the acquisition and not savings that would have been realized even if the acquisition had not occurred.

4. PHM will provide access to competing licensed facilities for those services not offered by such facility in the core service area upon non-discriminatory terms and conditions to any competing licensed facility that requests such access. For services not offered by competing licensed facilities in the core service area, PHM will give them terms and conditions equal to the average of the amount which would be received from patients insured by any of PHM's commercial payers. That PHM will continue this access for which it is the sole provider until such time as a competing licensed facility offers the service and will terminate only in the event that South Carolina repeals its Certificate of Need laws or that such laws otherwise cease to be applicable. Additionally, PHM must make available to the Department, upon request, names of any facilities, to include terms and conditions, to which services have been offered.

5. PHM will continue a relationship substantially similar to the relationship set forth in the affiliation agreement between Prisma Richland Hospital and the University of South Carolina School of Medicine and continue to support medical education. If a clinical service is determined to be located at only one PHM facility, the medical, graduate medical, and allied health education programs will have access to that clinical service at the facility in which the service is to be located, to the extent that is necessary to complete the education and training as required by the program.

6. Should PHM change controlling interest by purchase, lease, assignment, management contract, transfer or comparable arrangement, the new operating entity as a condition of the change will adhere to all the conditions of this approval and all representations put forth in the Certificate of Public Advantage application and subsequent submissions.

7. As part of the information required in Condition Number 1, "generally accepted accounting principles" consistently applied, but excluding extraordinary revenue and expenses, losses on extinguishments of debt and the impact of any mark to market adjustments on derivative instruments, will be used to calculate net of revenues over expenses in the annual report for determining the 15% public health commitment and that such financial statements will be certified by an independent auditor. However, should any of these other items result in cash gains or losses, they may be included in net revenues over expenses.

8. Neither PHM, nor any of their affiliates, may enter into a contract that by its terms precludes third party payers from contracting with other hospitals in the core service area identified by the Sponsoring Organizations. This does not prevent third party payers from unilaterally choosing not to contract with a hospital that is competitive.

However, it must be the decision of the payer and not be required as a condition of a contract with PHM or its affiliate. This does not include exclusive contracts with third party payers that may be in effect on this date or their renewals as provided for in the existing contract.

In addition, PHM will negotiate with managed care payers in good faith and in a fair and equitable manner. This does not require PHM to contract with every payer regardless of terms, or that contracted prices must be the same for all payers. The Department will, as a part of its ongoing monitoring process, investigate consistent complaints from employers and managed care payers to ensure compliance with this condition and will take appropriate regulatory action when necessary.

9. Except to the extent required by vendors, suppliers or Group Purchasing Organizations (“GPOs”), neither PHM, nor its subsidiaries, shall condition any contracts with suppliers, vendors, or GPOs that preclude or limit such suppliers, vendors, or group purchasing organizations to contract with other providers in the core service area identified by the PHM.

10. The Department may amend these conditions to include, but not be limited to, the lowering of prices should unexpected events lead to abnormally high margins from operations.

11. PHM will adhere to the commitments it has outlined in its "Summary of System Commitments and Proposed DHEC Monitoring" in its application and all other representations made in the Certificate of Public Advantage application and all of its subsequent submissions, to the extent that they are consistent with the conditions of this approval, and that may not be specifically described in these conditions.

12. PHM will pay to the Department an annual monitoring fee to cover the actual cost of audits and monitoring. This fee will be used by the Department in whatever manner solely for the purpose of monitoring these conditions.

13. Prior to the final execution of the Asset Purchase Agreement (“APA”) by and between PHM and LPNT regarding those assets outlined the December 2019 and February 2020 submissions to the Department by PHM, PHM shall submit to the Department evidence that the Board of PHM is aware of the transaction.

14. PHM will conduct a comprehensive study of access to emergency, urgent, and/or extended primary care services within the northern City of Columbia or other disadvantaged area of Richland County. Based upon this study, PHM will develop a plan to address those issues identified in the study for presentation to, and input from, the Department. Such a study will be completed within eighteen (18) months of the closing date of the transaction.

15. Within twenty-four (24) months of the closing date of the transaction, PHM will begin provision of primary care, and/or extended-hours primary care, and/or urgent care services to the Lower Richland community.

16. Prior to closing or permanently reducing the number of licensed facilities or beds held by PHM, PHM shall submit to the Department a specific plan for the transfer of those services, beds, patients, medical professionals, and/or other staff affected by such a change. This requirement shall be in addition to those requirements set forth in S.C. Code 44-7-110 et seq., and the South Carolina Health Plan.

17. All acquired facilities will be subject to the charity care policy of PHM. The current charity care policy in force at the time of submission will be included in PHM’s annual COPA report. In the event PHM determines to close a licensed general hospital, PHM will provide the Department with a plan that addresses how indigent care patients will be accommodated.

18. PHM will maintain Level 1 trauma services and serve as a Regional Perinatal Center for at least five (5) years following the date of closing of the transaction, subject to no material change in program requirements, state law or regulations, and federal law or regulations. Further, PHM will commit to operating no less than seven (7) emergency departments, unless otherwise approved to do so by the Department, for at least five (5) years following the date of closing of the transaction.

19. In addition to the requirements set forth in the Health Care Cooperation Act, S.C. Code Ann. Sections 44-7-500 through 44-7-590, the Health Care Cooperative Agreements Regulation, S.C. Code Ann. Regs. 61-31, and these Conditions, PHM shall notify the Department through its annual COPA report of any acquisitions or dispossessions related to physician practices, surgical centers, imaging centers, radiation therapy facilities, or substance use and treatment facilities.

## 16 NOTICES

20. These Conditions will be evaluated for necessity and compliance on an annual basis. Those Conditions that contain specified time periods will be evaluated at the end of that specified time period for compliance, and PHM and the Department may mutually agree to adjust the specified time period.

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### NOTICE OF GENERAL PUBLIC INTEREST

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.

Class I Contractors perform work involving the collection and interpretation of investigative data; the evaluation of risk; and/or the design and implementation of corrective action plans. Class I applicants must satisfy registration requirements for a Professional Engineer or Geologist in South Carolina. Class II Contractors perform work involving routine investigative activities (e.g., soil or ground water sampling, well installation, aquifer testing) where said activities do not require interpretation of the data and are performed in accordance with established regulatory or industry standards.

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/or individuals listed below, please submit your comments in writing, no later than April 27, 2020 to:

Contractor Certification Program  
South Carolina Department of Health and Environmental Control  
Bureau of Land and Waste Management - Underground Storage Tank Program  
Attn: Michelle Dennison  
2600 Bull Street  
Columbia, SC 29201

The following companies have applied for certification as Underground Storage Tank Site Rehabilitation Contractor:

#### **Class I**

**Trihydro Corporation**  
Attn: Bradley S. Pekas  
3740 St. Johns Bluff Rd.  
Jacksonville, FL 32224

#### **Class II**

**Seres Engineering & Services, LLC.**  
Attn: Thomas L. McElwee  
669 Marina Drive, Ste B-7  
Charleston, SC 29492

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

Statutory Authority: 1976 Code Sections 44-1-140(3) and 44-1-150

**Notice of Drafting:**

The Department of Health and Environmental Control (“Department”) proposes amending R.61-34, Raw Milk for Human Consumption, and R.61-34.1, Pasteurized Milk and Milk Products. Interested persons may submit comment(s) on the proposed amendments to Sandra D. Craig, Director, Division of Food and Lead Risk Assessments, Bureau of Environmental Health Services; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; craigsd@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on April 27, 2020, the close of the Notice of Drafting comment period.

**Synopsis:**

Pursuant to R.61-34, Raw Milk for Human Consumption, the Department provides sanitation oversight for the production and sale of raw milk that has not been pasteurized for food safety in South Carolina. The Department proposes amending R.61-34 to address the further processing and sale of raw milk products, such as cream and buttermilk, and any additional consumer advisory changes that would be needed for products that receive further processing or become necessary as a byproduct of further processing (if allowed). The proposed revisions would also update raw milk standards if needed to align certain requirements with the 2019 version of the U.S. Food and Drug Administration Pasteurized Milk Ordinance (“PMO”).

Pursuant to R.61-34.1, Pasteurized Milk and Milk Products, the Department provides sanitation oversight of the production and sale of pasteurized milk and milk products for both intrastate and interstate commerce. The Department proposes incorporating requirements of the 2019 PMO through amendment of R.61-34.1. The regulation is currently based on the 2013 PMO and will not meet the federal standards after this year. The amendment of R.61-34.1 to incorporate the updated requirements of the 2019 PMO would enable South Carolina milk producers to continue to meet federal standards and ship milk and milk products for interstate commerce. The Department further proposes clarification of requirements for potable water sources.

The Department may also include changes to both regulations for clarity and readability, grammar, punctuation, and codification, and other regulatory text improvement. Amendments to both regulations may also include updates to administrative and enforcement provisions.

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

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

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

**Notice of Drafting:**

The South Carolina Department of Health and Environmental Control (“Department”) proposes amending R.61-56, Onsite Wastewater Systems. The Department also proposes amending requirements of R.61-56.1, License to Construct or Clean Onsite Sewage Treatment and Disposal Systems and Self-Contained Toilets, and R.61-56.2, Licensing of Onsite Wastewater System Master Contractors, and merging R.61-56.1 and R.61-56.2 into R.61-56. This will entail repealing R.61-56.1 and R.61-56.2 and adding their provisions, as amended, to R.61-56. Additionally, the Department proposes to merge R.61-55, Septic Tank Site Evaluation Fees, into R.61-56. This will entail repealing R.61-55 and adding its provisions, as amended, to R.61-56.

## 18 DRAFTING NOTICES

Interested persons may submit comment(s) on the proposed amendments and repeals to David R. Vaughan, Director, Division of Onsite Wastewater Management, Rabies Prevention, and Enforcement, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201 or via email at [vaughadr@dhec.sc.gov](mailto:vaughadr@dhec.sc.gov). To be considered, the Department must receive comments no later than 5:00 p.m. on April 27, 2020, the close of the drafting comment period.

### Synopsis:

Pursuant to R.61-56, the Department helps to ensure the safe treatment and disposal of domestic wastewater to protect the health of families and communities. In accordance with R.61-55, R.61-56, R.61-56.1, and R.61-56.2, the Department issues onsite wastewater contractor licenses, permits to construct, and approvals to operate for individual onsite wastewater treatment systems (septic systems).

The Department proposes amending R.61-56, Onsite Wastewater Systems, to add new system standards, clarify and amend definitions, and clarify and update selected sections. The amendments will modernize the regulation and streamline permitting procedures to address needed updates in administering the Onsite Wastewater program.

The Department also proposes amending provisions of R.61-56.1 and R.61-56.2 and merging R.61-56.1 and R.61-56.2 into R.61-56 to improve efficiency and clarity for regulated entities and the public. This will entail repealing R.61-56.1 and R.61-56.2 and simultaneously adding their provisions, as amended, to R.61-56. The proposed amendments will include changes to licensing requirements for pumpers and haulers currently under R.61-56.1. The proposed amendments will revise provisions currently contained in R.61-56.2 to implement a tiered licensing program to establish improved competency of onsite wastewater system contractors/installers. This approach includes new requirements for examination and continuing education. In addition, because R.61-56.1 and R.61-56.2 are being combined with R.61-56, previously separate enforcement provisions will also be consolidated and updated for clarity and to improve administration of the Onsite Wastewater program.

In the interest of efficiency, the Department proposes repealing R.61-55 and adding its provisions to R.61-56. The proposed amendments related to R.61-55 will include amendments to definitions and other changes as necessary to facilitate merging this regulation into R.61-56.

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

## DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

### CHAPTER 61

Statutory Authority: 1976 Code Section 44-63-20

### Notice of Drafting:

The Department of Health and Environmental Control (“Department”) proposes amending R.61-19, Vital Statistics. Interested persons may submit comment(s) on the proposed amendments to Vital Stats Reg; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; [VitalStatsReg@dhec.sc.gov](mailto:VitalStatsReg@dhec.sc.gov). To be considered, the Department must receive comments no later than 5:00 p.m. on April 27, 2020, the close of the draft comment period.

### Synopsis:

Pursuant to R.61-19, Vital Statistics, the Department provides and maintains a system for the registration and certification of births, deaths, marriages, divorces and other data related to the registration and certification of



vital records. The Department proposes amending R.61-19 to remove obsolete sections, add and update definitions, provide for consistency with anticipated advancements in the Department's vital statistics system, address advancements in processes for the creation and amendment of vital records, and bring the regulation into conformity with changes in South Carolina law. Additionally, the Department may consider revisions to the current fee schedule.

The Department may also include changes such as corrections for clarity and readability, grammar, punctuation, codification, and regulation text improvement.

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

**COMMISSION ON HIGHER EDUCATION**

**CHAPTER 62**

Statutory Authority: 1976 Code Sections 59-114-10 et seq.

**Notice of Drafting:**

The Commission on Higher Education proposes to amend the regulation that governs requirements for the operation and administration of the South Carolina National Guard College Assistance Program under SC Code of Laws, Section 59-114-10 et seq. The program is administered by the Commission in coordination with the South Carolina National Guard and provides financial assistance for eligible enlisted guard members enrolled in undergraduate programs. Interested persons may submit comments in writing to Dr. Karen Woodfaulk, Director of Student Affairs, S.C. Commission on Higher Education, 1122 Lady Street, Suite, 300, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 p.m. on Friday, May 8, 2020, the close of the drafting comment period.

**Synopsis:**

The Commission on Higher Education proposes to amend the regulation (R.62-251, R.62-252 and R.62-253) defining degree-seeking student, program benefits and maximum assistance and required training for service member eligibility for the South Carolina National Guard College Assistance Program. The regulation for the South Carolina National Guard College Assistance Program was last amended in 2017.

The proposal to include less than one-year certificates and certification programs as eligible programs of study and eligibility for service members with bachelor's degrees to earn certificates, certifications and a second associate's degree will expand opportunities for service members to receive an educational benefit. There is no change to the current maximum benefit and maximum credit hour requirement. The proposed language regarding required training for service member eligibility will allow service members who cannot attend required training due to unavailability of open training slots to submit an exception to policy (ETP) to receive the SCNG CAP. The Committee on Access & Equity and Student Services and the Commission on Higher Education have approved the proposed regulation.

Legislative review of this proposal will be required.

## **20 DRAFTING NOTICES**

### **DEPARTMENT OF LABOR, LICENSING AND REGULATION STATE ATHLETIC COMMISSION CHAPTER 20**

Statutory Authority: 1976 Code Section 40-81-70(A)(6)

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

The South Carolina Athletic Commission proposes to amend its regulations to add a code of ethics. Interested persons may submit comments to Holly Beeson, Counsel to the Office of Communications and Governmental Affairs, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

#### **Synopsis:**

The South Carolina Athletic Commission proposes to amend its regulations to add a code of ethics.

Legislative review of this amendment is required.

### **DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF COSMETOLOGY CHAPTER 35**

Statutory Authority: 1976 Code Section 40-13-70

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

The South Carolina Board of Cosmetology proposes to amend its regulations in Chapter 35. Interested persons may submit comments to Theresa Brown, Counsel to the Office of Communications and Governmental Affairs, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

#### **Synopsis:**

The South Carolina Board of Cosmetology proposes to amend its regulations in Chapter 35.

Legislative review of this amendment is required.

### **DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF DENTISTRY CHAPTER 39**

Statutory Authority: 1976 Code Section 40-15-40

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

The South Carolina Board of Dentistry proposes to amend R.39-5, regarding continuing education requirements related to CPR and R.39-6, regarding elections, and proposes to add a regulation regarding the use of lasers in a dental setting. Interested persons may submit comments to Meredith Buttler, Administrator, Board of Dentistry, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

**Synopsis:**

The South Carolina Board of Dentistry proposes to amend R.39-5, regarding continuing education requirements related to CPR and R.39-6, regarding elections, and proposes to add a regulation regarding the use of lasers in a dental setting.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BOARD OF REGISTRATION FOR FORESTERS  
CHAPTER 53**

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

**Notice of Drafting:**

The South Carolina Board of Registration for Foresters proposes to repeal R.53-6. The Board further proposes to amend the following regulations: R.53-2 to delete the position of secretary and certain duties of the chairman and vice-chairman; R.53-3 regarding regular meetings and notice of meetings; R.53-7 to add that application fees may be paid electronically; R.53-8 to delete a date, add that applicants must pass the examination, add reference to the state examination, and further rewrite requirements; R.53-9 to include lapsed licenses and reinstatements, reword for clarity and provide a timeline for renewal and reinstatement; R.53-11 to correct a scrivener's error; and R.53-20 to change the reference from annual to biennial continuing education requirements, adjust continuing education hours and credits; clarify requirements, delete categories, renumber for clarity, correct scrivener's errors, and add an age and/or experience waiver for continuing education. Interested persons may submit comments to Pam Dunkin, Administrator, Board of Registration for Foresters, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

**Synopsis:**

The South Carolina Board of Registration for Foresters proposes to repeal R.53-6. The Board further proposes to amend the following regulations: R.53-2 to delete the position of secretary and certain duties of the chairman and vice-chairman; R.53-3 regarding regular meetings and notice of meetings; R.53-7 to add that application fees may be paid electronically; R.53-8 to delete a date, add that applicants must pass the examination, add reference to the state examination, and further rewrite requirements; R.53-9 to include lapsed licenses and reinstatements, reword for clarity and provide a timeline for renewal and reinstatement; R.53-11 to correct a scrivener's error; and R.53-20 to change the reference from annual to biennial continuing education requirements, adjust continuing education hours and credits; clarify requirements, delete categories, renumber for clarity, correct scrivener's errors, and add an age and/or experience waiver for continuing education. The aforementioned revisions were recommended following issuance of the Governor's Executive Order 2017-09.

Legislative review of this amendment is required.

## 22 DRAFTING NOTICES

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH  
CHAPTER 71**

Statutory Authority: 1976 Code Section 41-15-220

### **Notice of Drafting:**

The South Carolina Department of Labor, Licensing and Regulation – Division of Occupational Safety and Health (SC OSHA) proposes to amend three sections of the recordkeeping and reporting regulations. The Department intends to correct scrivener’s errors and cross-references in the following sections: R.71-301(a)(1), relating to the requirements of 71-339; R.71-332(b)(2)(iii), relating to the reference for R.71-329(b)(4); and R.71-346(1)(iii), relating to the replacement of the SIC Code with the NAICS code. Interested persons may submit comments to Kristina Baker, Deputy Director, SC OSHA, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

### **Synopsis:**

The South Carolina Department of Labor, Licensing and Regulation – Division of Occupational Safety and Health (SC OSHA) proposes to amend three sections of the recordkeeping and reporting regulations. The Department intends to correct scrivener’s errors and cross-references in the following sections: R.71-301(a)(1), relating to the requirements of 71-339; R.71-332(b)(2)(iii), relating to the reference for R.71-329(b)(4); and R.71-346(1)(iii), relating to the replacement of the SIC Code with the NAICS code.

Legislative review of this amendment is required.