

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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

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 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.

2002 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	1/11	2/8	3/8	4/12	5/10	6/14	7/12	8/9	9/13	10/11	11/8	12/13
Publishing Date	1/25	2/22	3/22	4/26	5/24	6/28	7/26	8/23	9/27	10/25	11/22	12/27

REPRODUCING OFFICIAL DOCUMENTS

All documents appearing in the South Carolina *State Register* are prepared and printed at public expense. All media services are especially encouraged to give wide publicity to all documents printed in the *State Register*.

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. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 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 refiled for one additional ninety-day period.

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SUBSCRIPTIONS

The *State Register* is published on the fourth Friday of each month by the Legislative Council of the General Assembly of the State of South Carolina. Subscription rate is \$95.00 per year postpaid to points in the United States. Partial subscriptions may be ordered at the rate of \$8.00 per issue for the remainder of a subscription term. Subscriptions begin July 1 and end June 30.

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Enclosed is my check or money order for \$_____. Date _____

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 South Carolina General Assembly Home Page: www.scstatehouse.net

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DOC No.	DATE	SUBJECT	AGENCY
2360	1 17 01	LIFE Scholarship	Commission on Higher Education

WITHDRAWN:

DOC NO.	DATE	SUBJECT	AGENCY
2564	1 09 02	Accreditation Criteria	Board of Education

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 March 22, 2002, 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, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Aiken County

Purchase of the facility which contains a CT, MRI, and other modalities by Carolina Musculoskeletal Institute, P.A.

The Imaging Center of Aiken

Aiken, South Carolina

Project Cost: \$1,854,378

Affecting Beaufort County

Replace existing Computed Tomography (CT) Scanner with a Multi-Slice CT Scanner.

Hilton Head Medical Center & Clinics

Hilton Head Island, South Carolina

Project Cost: \$1,083,495

Affecting Horry County

Establishment of a Specialty Hospital to house sixteen (16) Residential Treatment Facility (RTF) beds for children and adolescents, and eight (8) psychiatric beds.

Lighthouse Care Center of Conway

Conway, South Carolina

Project Cost: \$1,026,498

Affecting Sumter County

Construction of an Outpatient Surgery Center and Medical Office Building to house three (3) floors of medical office space and one (1) floor of outpatient surgery space with four (4) operating rooms, 20 new pre- and post-operative beds and associated support space.

Tuomey HealthCare Systems

Sumter, South Carolina

Project Cost \$23,000,000

Affecting York County

Renovation for the addition of twelve (12) acute care beds, and eight (8) ICU/CCU beds (20 total acute care) for a total of 268 acute care and 20 psychiatric beds at the hospital.

Piedmont Healthcare System

Rock Hill, South Carolina

Project Cost: \$5,423,632

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 March 22, 2002. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

4 NOTICES

Affecting Aiken county

Purchase of the facility which contains a CT, MRI, and other modalities by Carolina Musculoskeletal Institute, P.A.

The Imaging Center of Aiken

Aiken, South Carolina

Project Cost: \$1,854,378

Affecting Anderson County

Provision of mobile Positron Emission Tomography (PET) Services two (2) days per week.

Anderson Area Medical Center

Anderson, South Carolina

Project Cost: \$797,775

Affecting Dillon County

Construction for the addition of a fixed Magnetic Resonance Imaging (MRI) Unit to replace mobile MRI services.

St Eugene Medical Center

Dillon, South Carolina

Project Cost: \$1,278,096

Affecting Dorchester County

Conversion of six (6) of the existing 20 Hospital-based nursing home beds to six (6) general acute care (medical/surgical) beds resulting in a total of fourteen (14) nursing home beds and eighty (80) acute care beds.

Summerville Medical Center

Summerville, South Carolina

Project Cost: \$0.00

Affecting Florence County

Renovation of existing space for the initiation of full-time Positron Emission Tomography (PET) services.

McLeod Regional Medical Center

Florence, South Carolina

Project Cost: \$3,173,204

Affecting Lexington County

Renovation of existing facility for the addition of four (4) Residential Treatment Facility (RTF) beds for children and adolescents, for a total of thirty-nine (39) psychiatric beds, twenty seven (27) substance abuse beds, and eighteen (18) RTF beds.

Three Rivers Center for Behavioral Health

West Columbia, South Carolina

Project Cost: \$159,500

Affecting Richland County

Renovation for the addition of a fourth Special Procedures Laboratory and expansion of the Radiology Observational Care Unit from eight (8) to sixteen (16) observation beds in the Radiology Department.

Palmetto Richland Memorial Hospital

Columbia, South Carolina

Project Cost: \$2,312,614

Affecting Spartanburg County

Provision of mobile Positron emission Tomography (PET) Services three (3) days per week.

Spartanburg Regional Medical Center

Spartanburg, South Carolina

Project Cost: \$1,325,400

Affecting Sumter County

Construction of an ambulatory surgery center with two (2) operating rooms.

Sumter Urological Surgery Center

Sumter, South Carolina

Project Cost: \$5,268,753

Conversion of nineteen (19) psychiatric beds to nineteen (19) acute care beds for a total of 248 acute care beds and 18 nursing home beds.

Tuomey Regional Medical center

Sumter, South Carolina

Project Cost: \$0.00

Affecting York County

Renovation of six (6) existing operating rooms within the hospital, with no change in the existing licensed bed capacity.

Piedmont Healthcare System

Rock Hill, South Carolina

Project Cost: \$1,245,569

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARING

The Department of Health and Environmental Control issued a Notice of Proposed Regulation to amend Regulation 61-15, Certification of Need for Health Facilities and Services, in the January 25, 2002, issue of the State Register, identified as Document No. 2718. The Notice scheduled a Staff-Informational Forum on February 25, 2002, a write-in comment period, and Public Hearing scheduled before the DHEC Board on March 14, 2002. The Public Hearing scheduled for March 14, 2002, was postponed. The proposed regulation is being revised based on comments received. All comments received from the Staff Informational Forum and write-in public comment period which ended February 25, 2002, are being considered. All comments received through February 25, 2002, shall be submitted to the Board for consideration at the public hearing in a Summary of Public Comments and Department Responses.

6 NOTICES

The Public Hearing to be conducted by the Board of Health and Environmental Control for this proposed regulation has been rescheduled for April 11, 2002. The hearing will be held at the scheduled Board meeting on April 11, 2002, in the Charleston City Council Chambers, 80 Broad Street, Charleston, S.C. The Board meeting commences at 9:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearing on April 11, 2002, will be noticed in the Board's agenda to be published by the Department ten (10) days in advance of the meeting. Interested persons are invited to make oral or written comments on the proposed regulation at the public hearing. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record. Any comments made at the public hearing will be given consideration in formulating the final version of the regulations.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA BOARD OF ACCOUNTANCY**

Chapter 2

Statutory Authority: 1976 Code Sections 40-15-140 and 40-2-200.

Notice of Drafting:

The South Carolina Board of Accountancy is drafting a regulation removing the cap on fees for the CPA Examination. Interested persons should submit their views in writing to Doris Cubitt, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211-1329.

Synopsis:

This regulation is consistent with recent General Assembly action authorizing the removal of the cap on fees for the CPA Examination by 2001 Rat. 139 (signed by the Governor on August 30, 2001). The regulation, consistent with the new law, will permit the examination cost, which is expected to exceed the maximum amount allowed by existing Regulation 1-05-(D)(2), to be charged and thereby allow candidates to take the examination. The examination is a nationally recognized examination and necessary for South Carolina licensees who need to engage in multistate practices. This regulation is in the best interest of the State of South Carolina and its citizens who anticipate licensure as Certified Public Accountants.

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

CHAPTER 20

Statutory Authority: 1976 Code Sections 40-1-40 and 52-7-30

Notice of Drafting:

The South Carolina Athletic Commission is proposing to amend regulation 20-26 to update and clarify the regulation by deleting obsolete language, to specify duties and responsibilities of promoters, to establish health standards and physical testing requirements, to establish new weight classes for participants, to establish a neutral corner man position, to require additional safety equipment for participants, to implement additional safety standards, to increase the promoter's medical insurance or bond limits, and to require promoters to furnish an additional bond covering the total cost of an event. Interested persons should submit their views in writing to Randy Bryant, Acting Administrator of the Athletic Commission, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211-1329.

Synopsis:

The amendment to the regulations will clarify the promoter's responsibilities to the Commission and the participants, establish the types of records relating to the participant that the promoter must provide to the Commission, establish health standards, conditions and physical testing requirements for participants, prohibit professional boxers from participating in Off the Street Boxing, establish new weight classes for Off the Street Boxers, establish the duties and qualifications for neutral corner men, require that participants wear protective athletic cups, increase limits on the promoter's accident and medical insurance policy or surety bond covering participants, and require promoter to obtain additional bond equal to the entire purse of the event plus salaries of all officials and the ringside physician. The amendment will also affect the provision that disqualified amateurs who had participated in more than 5 amateur events from participating in an Off the Street Boxing Tournament and the provision that winning an Off the Street Boxing Event does not make the winner a professional.

8 DRAFTING

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF CHIROPRACTIC EXAMINERS

CHAPTER 25

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

Notice of Drafting:

The Board of Chiropractic Examiners is proposing to amend Regulation 25-5 to require that two (2) of the 24 hours of biennial professional continuing education shall relate to the rules and regulations of the S.C. Board of Chiropractic Examiners and two hours shall relate to boundary or public health issues. The amendment will also permit licensees living out of state to obtain credit for continuing education hours that are approved in the State in which they reside. Interested persons should submit their views in writing to Alana T. Holmes, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211-1329.

Synopsis:

This amendment to Regulation 25-5 will require that two hours of continuing education hours shall be in rules and regulations of the Board and two hours shall be in boundary and public health issues. The amendment will also allow licensees living out of state to obtain credit for continuing education hours that are approved by the state in which they reside.

DEPARTMENT OF LABOR, LICENSING AND REGULATION OFFICE OF ELEVATOR AND AMUSEMENT RIDE SAFETY

CHAPTER 71

Statutory Authority: 1976 Code Section 41-16-140, as amended

Notice of Drafting:

The Department of Labor, Licensing and Regulation, Office of Elevator and Amusement Ride Safety, proposes to revise existing Regulation 71-5600 concerning fees for elevator inspections. Interested persons may submit comments to Mr. Jerry Butler, Administrator, Office of Elevator and Amusement Ride Safety, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

Fees will be increased to reflect the increased costs to the taxpayer of inspections. Legislative review of this proposal will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-53-160(4);
44-53-280(a); 44-53-280(c-f) and 1-23-10 et seq.

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend R. 61-4, Controlled Substances. Interested persons may submit their views by writing to Wilbur L. Harling, Director, Bureau of Drug Control, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201. To be considered, written comments must be received no later than 5:00 p.m. on April 22, 2002, the close of the drafting comment period.

Synopsis:

The Department is considering several revisions that will address, but not limited to, the following subjects:

- Increase in fees for controlled substances registration.
- Clarification of language regarding quantity limitations for controlled substances dispensed directly to ultimate users.
- Clarification of language relating to controlled substances inventory requirements.
- Simplification of procedures for the treatment of patients with methadone.
- Clarification of language regarding quantity limitations for controlled substances prescriptions.
- Delete references to functions no longer performed by the Bureau of Drug Control.
- Permit the faxing of schedule II narcotic prescriptions for hospice patients, consistent with Federal regulation.
- Provide for the scheduling of controlled substances, consistent with Federal scheduling.

Legislative review will be required.

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

Statutory Authority: S.C. Code Section 48-2-10 et seq., 47-20-10 et seq., 44-1-20 et seq., 44-55-50 et seq., and 44-87-10 et seq.

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend R.61-58, State Primary Drinking Water Regulations. Interested persons may submit their views in writing to Ms. Valerie A. Betterton, Water Enforcement Division, Bureau of Water, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. To be considered, written comments must be received no later than 5:00 p.m. on April 22, 2002, the close of the drafting period.

Synopsis:

The Department proposes to revise the regulations to include requirements promulgated under the National Primary Drinking Water Regulations: Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring, and the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR). The Arsenic Rule establishes an enforceable Maximum Contaminant Level (MCL) for arsenic of 0.01 mg/L (10.0 ug/L). This rule applies to all public water systems. Monitoring and reporting of arsenic applies to Community and Non-transient, Non-Community public water systems. The LT1ESWTR will improve control of microbial pathogens, specifically the protozoan *Cryptosporidium*, in drinking water and address risk trade-offs with disinfection byproducts. The rule will require systems to meet strengthened filtration requirements as well as to calculate levels of microbial inactivation to ensure that microbial protection is not jeopardized if systems make changes to comply with disinfection requirements of the Stage 1 Disinfection and Disinfection Byproducts Rule (DBPR). The LT1ESWTR applies to public water systems that use surface water or ground water under the direct influence of surface water and serve fewer than 10,000 persons. The LT1ESWTR builds upon the framework established for systems serving a population of 10,000 or more in the Interim Enhanced Surface Water Treatment Rule (IESWTR). These actions are mandated by the 1996 amendments to the Federal Safe Drinking Water Act (SDWA). Proposed regulations will comply with 40 CFR Parts 141 and 142.

10 DRAFTING

The final Arsenic Rule was published in the January 22, 2001, Federal Register, with an effective date of January 22, 2004. The final LT1ESWTR was published in the January 14, 2002, Federal Register, with an effective date of February 13, 2002. Other minor revisions will include, the addition of the Maximum Contaminant Level (MCL) for alachlor. These revisions are to align the State Primary Drinking Water Regulations with federal regulations.

The proposed regulations will comply with federal law and are exempt from legislative reviews; neither a preliminary assessment report nor a fiscal impact statement is required.

Document No. 2731
CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27
Statutory Authority: S. C. Code Sections 47-4-50

27-1011 Diseases and Health Documentation (See generally 47-4-60- Diseases)

Preamble:

The Commission proposes to amend the list of reportable diseases.

Notice of Drafting was published in the State Register on October 26, 2001. No comments were received.

Section-by-Section Discussion

Section 27-1011 A is being amended to add certain specific foreign and exotic diseases, in view of the events of September 11, 2001 and the potential for biological warfare.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and the regulated community are invited to make oral or written comments on the proposed amendments at a public hearing to be conducted at the Office of the State Veterinarian, 500 Clemson Road, Columbia, SC on Thursday, April 25, 2002. If no qualified request is received on or before close of business on April 22, 2002, said hearing will be cancelled without further notice.

Interested persons may submit written comments on the proposed amendments by writing to Dr. Jones W. Bryan, State Veterinarian, Post Office Box 102406, Columbia, SC 29229. To be considered such comments must be received by close of business on April 22, 2002.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION 27-1011 (A) Purpose: Regulation 27-1011 A is being amended by increasing the specified reportable diseases.

Legal Authority: S. C. Code Section 47-4-50

Plan for Implementation: The proposed amendments will take place upon approval by the General Assembly and Publication in the State Register. The State Veterinarian will notify the regulated community of the amendments.

12 PROPOSED REGULATIONS

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

The regulation was initially implemented to control the spread of animal diseases. With the events of September 11, 2001 and the increased possibility of the intentional and malicious spread of biological agents, it is deemed prudent to specify additional diseases for immediate reporting.

DETERMINATION OF COSTS AND BENEFITS:

Here is a need to immediately quarantine animals affected by the reportable diseases. Failure to do so will exacerbate the spread of the disease.

UNCERTAINTIES OF ESTIMATES:

None

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Failure to take timely action will likely result in the spread of the disease and increased financial loss for the owners of the animals.

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

The unfettered spread of these reportable diseases will significant financial loss to the owners of the animals and carry a substantial risk of interruption of the human food supply.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm> If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2732
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF CHIROPRACTIC EXAMINERS
CHAPTER 25
Statutory Authority: 1976 Code Sections 40-1-40, and 40-9-30.

Preamble:

Regulation 25-8 is submitted by the Board of Chiropractic Examiners and amends Regulation 25-8 by adding a requirement that chiropractors must clearly indicate on signs, solicitations and advertisements that chiropractic services are being offered.

Section by Section Discussion:

The following is a section by section discussion of the amendments proposed by the Board of Chiropractic Examiners:

Regulation 25-8.

Add language requiring chiropractors to give adequate notice to the public on signs, solicitations and advertisements that chiropractic services are being offered.

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 of Laws of South Carolina, as amended, such hearing will be conducted at the Administrative Law Judge Division at 9 a.m. on May 7, 2002. Written comments may be directed to Alana T. Holmes, Administrator, Board of Chiropractic Examiners, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., Monday, April 22, 2002.

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: To ensure that chiropractors provide adequate notice to the public on signs, solicitations and advertisements that chiropractic services are being offered.

Legal Authority: Statutory Authority: 1976 Code Sections 40-1-40, 40-9-30.

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

DETERMINATION OF NEED AND REASONABLENESS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: This addition to the regulation is needed in order to provide adequate notice to the public of the type of service being offered on signs, solicitations, and advertisements of chiropractic practitioners.

DETERMINATION OF COSTS AND BENEFITS: There will be no additional cost incurred by the State or its political subdivisions.

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.

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: <http://www.scstatehouse.net/regnsrch.htm> If you do not have access to the Internet, the text may be obtained from the promulgating agency.

14 PROPOSED REGULATIONS

Document No. 2733

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF CHIROPRACTIC EXAMINERS**

CHAPTER 25

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

Preamble:

The Board of Chiropractic Examiners is proposing to amend Regulation 25-3(A) by deleting the requirement that an applicant for licensure take an examination in the subject of philosophy and to amend Regulation 25-3(D)(5) by deleting the requirement that an applicant for licensure by endorsement or reciprocity successfully pass a test in philosophy.

Section by Section Discussion:

The following is a section by section discussion of the amendments proposed by the Board of Chiropractic Examiners:

Regulation 25-3(A).

Delete the words “statute, ethics, and philosophy” and replace with “statute and ethics”.

Regulation 25-3(D)(5).

Delete the words “statute, ethics, and philosophy” and replace with “statute and ethics”.

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code of Laws of South Carolina, as amended, such hearing will be conducted at the Administrative Law Judge Division at 3:00 p.m. on Tuesday, May 7, 2002. Written comments may be directed to Alana T. Holmes, Administrator, Board of Chiropractic Examiners, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., Monday, April, 22, 2002.

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: The Board of Chiropractic Examiners has determined that philosophy is taught in all accredited chiropractic colleges as part of the standard curriculum. It is no longer necessary to administer this take-home examination to assure that applicants have been exposed to the textbook material. Discontinuing this examination will remove an unnecessary impediment to the licensing of qualified applicants without significantly impacting the qualifications of chiropractors who practice in South Carolina.

Legal Authority: Statutory Authority: 1976 Code Sections 40-1-40, 40-9-30.

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

DETERMINATION OF NEED AND REASONABLENESS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The Board of Chiropractic Examiners has determined that philosophy is taught in all accredited chiropractic colleges as part of the standard curriculum. It is no longer necessary to administer this take-home examination to assure that applicants have been exposed to the textbook material. Discontinuing this examination will remove an unnecessary impediment to the licensing of qualified applicants without significantly impacting the qualifications of chiropractors who practice in South Carolina.

DETERMINATION OF COSTS AND BENEFITS: There will be no additional cost incurred by the State or its political subdivisions.

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

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: 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: **<http://www.scstatehouse.net/regnsrch.htm>** If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2730
DEPARTMENT OF PUBLIC SAFETY
CHAPTER 38

Statutory Authority: South Carolina Code of Laws 23-6-10 et seq.

38-001 through 38-028 Article 1. Criminal Justice Academy, Subarticle 1, Law Enforcement Training

Preamble:

Sections 23-4-400 et seq. charge the Department of Public Safety's Criminal Justice Academy Division with operating a training program for law enforcement officers in this State.

To satisfy the requirements of Sections 23-6-400 et seq. the Department is proposing to promulgate the following regulations:

A Notice of Drafting Period was published in the *State Register* on February 22, 2002.

Section by Section Discussion

Regulation 38-001 addresses the authority of the Deputy Director and is not being amended.

Regulation 38-002 addresses the application for basic training and certification and is being amended to provide that only applications for re-issuance of law enforcement certification must be submitted to the Department within fifteen days after hiring.

Regulation 38-003 addresses the requirement of good character for certification as a law enforcement officer and is not being amended.

Regulation 38-004 addresses the denial of certification for misconduct and is not being amended.

16 PROPOSED REGULATIONS

Regulation 38-005 addresses the firearms qualification requirement for law enforcement officers and is being amended to provide that law enforcement agencies are not required to submit proof of firearms qualification to the Department, unless requested.

Regulation 38-006 addresses certification of law enforcement officers and is not being amended.

Regulation 38-007 addresses training requirements for basic law enforcement certification and is being amended to provide that pursuant to statutory changes, candidates for basic certification as parole and probation officers are now being certified as Class 1-LE.

Regulation 38-008 addresses credit for equivalent training and is not being amended.

Regulation 38-009 addresses separation from employment of a law enforcement officer and is being amended to clarify that Class 1, 2 & 3 certification cards are no longer being issued to law enforcement agencies for officers. Additionally, the section is being amended to provide that agencies have a duty to notify the Department within 15 days of an officer's separation from employment.

Regulation 38-010 addresses reserve police officers and is being amended to provide that a certified law enforcement officer who transfers to a reserve officer status for over three years and who desires to transfer back to a certified status must complete the prescribed basic course for the class of certification the officer will occupy. Additionally, a section is being added in this regulation to provide that any law enforcement agency wishing to establish a Reserve Officer program must meet minimum department sponsored certification criteria as required by SCDPS.CJAD Standards Section.

Regulation 38-011 addresses traffic radar operators and is being amended to provide that appointed reserve police officers may be accredited as a traffic radar operator.

Regulation 38-012 addresses the application for re-certification and is not being amended.

Regulation 38-013 addresses continuing law enforcement education requirements for re-certification and is being amended to provide that such requirements include instruction on domestic violence that is now mandated by law. Additionally a reference to Class 2-SPO certification is being deleted as Probation and Parole Officers are now required to be certified at Class 1 LE.

Regulation 38-014 addresses approval of continuing law enforcement education hours for re-certification requirements and is not being amended.

Regulation 38-015 addresses the extension of the certification renewal date and is not being amended.

Regulation 38-016 addresses the withdrawal of certification of law enforcement officers and is being amended to provide that a law enforcement officer is accountable for any falsified application for training and certification and includes a provision that an officer's certification can be withdrawn due to an administrative inquiry that reveals violations of criminal law that were not reported by a former or current employer.

Regulation 38-017 addresses the reporting of events requiring the withdrawal of a law enforcement officer's certification and is not being amended.

Regulation 38-018 addresses investigation of events requiring the withdrawal of a law enforcement officer's certification and is not being amended.

Regulation 38-019 addresses notification of the withdrawal of a law enforcement officer's certification and is not being amended.

Regulation 38-020 addresses confidentiality regarding the notifications sent to law enforcement officers and their employers and is not being amended.

Regulation 38-021 addresses the requirement regarding law enforcement emergency vehicle training and is not being amended.

Regulation 38-022 addresses law enforcement emergency vehicle training programs and is not being amended.

Regulation 38-023 addresses notification of training compliance and is not being amended.

Regulation 38-024 addresses the requirement for continuing training and is not being amended.

Regulation 38-025 addresses approval of training programs and is not being amended.

Regulation 38-026 addresses credit for equivalent law enforcement emergency vehicle training and is not being amended.

Regulation 38-027 addresses the effect of the failure of any agency or law enforcement officer to comply with the requirements of these regulations and is not being amended.

Regulation 38-028 contains definitions and is not being amended.

Notice of Public Hearing:

The South Carolina Department of Public Safety will conduct a public hearing for the purpose of receiving oral comments, data, views or arguments on May 3 at 10:00 a.m., if requested in accordance with the provisions of South Carolina Code Ann. § 1-23-110 by twenty-five persons, by a governmental sub-division or agency, or by an association having not less than twenty-five members. Requests for a hearing must be in writing and received by the Department by 5:00 p.m. on April 29, 2002. The public hearing will be held at the Administrative Law Judge Division, 1205 Pendleton Street, Brown Building, Second Floor, Columbia, South Carolina 29201. Written comments will be accepted until 5:00 p.m., April 29, 2002. Please submit comments and hearing requests to Sid Gauden, South Carolina Department of Public Safety, 5400 Broad River Road, Columbia, South Carolina 29210.

Fiscal Impact Statement:

Staff anticipates no additional fiscal impact. Existing staffing and resources will be utilized; additional costs to the State (Department) are not anticipated. Also, no additional cost to persons affected by these regulations is anticipated, as the agencies affected are already receiving such training.

Statement of Need and Reasonableness:

The statement of need and reasonableness of the regulation was determined based on staff analysis pursuant to South Carolina Code Ann. §1-23-115 (C) (1)-(3) and (9)-(11).

DESCRIPTION OF REGULATIONS:

Purpose: The purpose of Regulations 38-001 through 38-028 is to comply with the legislative mandate of Sections 23-6-400 et seq.

Legal Authority: The legal authority for the regulations is Sections 23-6-10 et seq.

18 PROPOSED REGULATIONS

Plan for Implementation: Law enforcement officers are currently being trained by the South Carolina Department of Public Safety's Criminal Justice Academy Division. The proposed amendments will be implemented in the same manner in which the existing procedures are being implemented regarding the training of law enforcement officers.

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

The need for these regulations is stated in Sections 23-6-400 et seq. which mandates that the Department of Public Safety's Criminal Justice Academy Division develop such training programs.

DETERMINATION OF COST AND BENEFITS:

There will be no increased costs to the State, its political subdivisions, or to the regulated community as a result of the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There will be no effect on the environment or public health.

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

There will be no effect on the environment or public health.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm> If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2714

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: S.C. Code Sections 48-1-30 through 48-1-60 *et seq.*

R.61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*

Synopsis:

The United States Environmental Protection Agency (EPA) promulgated final rules for new and existing commercial and industrial solid waste incineration (CISWI) units and small municipal waste combustion (MWC) units. These rules were promulgated pursuant to the requirements of sections 111 and 129 of the Clean Air Act (CAA). The rules for CISWI units were published in the *Federal Register* on December 1, 2000 [65 FR 75338], under 40 CFR part 60, subparts CCCC and DDDD. The rules for small MWC units were published in the *Federal Register* on December 6, 2000 [65 FR 76378], under 40 CFR part 60 subparts AAAA and BBBB.

Section 111 of the CAA requires the EPA to publish and periodically revise a list of categories of stationary sources that may contribute significantly to air pollution and requires the EPA to promulgate regulations establishing Federal standards of performance for new sources within these categories. These standards are generally referred to as New Source Performance Standards or NSPS. Under section 111(d), the EPA must also establish emission standards for any existing source for which a standard of performance would apply if the source were new. These sources are generally referred to as designated facilities. Section 129 of the CAA specifically addresses solid waste combustion.

Pursuant to section 111(d) and 129 of the CAA, each state in which a designated facility is operating is required to submit to the EPA a plan to implement and enforce the emission guidelines. Section 129 requires that the State plan be at least as protective as the emission guidelines and requires the EPA to develop a Federal plan if a state fails to submit an approvable State plan.

The Department has amended R.61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*, to incorporate and implement these federal requirements and develop a State plan.

Discussion of Revisions:

SECTION CITATION:	EXPLANATION OF CHANGE
Subpart AAAA	Subpart AAAA is added and incorporated by reference.
Subpart CCCC	Subpart CCCC is added and incorporated by reference.
Subpart DDDD	Subpart DDDD is added and incorporated by reference.

Instructions: *Revise R.61-62.60 to incorporate by reference the amendments shown below. Add these amendments after Subpart WWW.*

20 FINAL REGULATIONS

Text of amendment:

**SOUTH CAROLINA
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
AIR POLLUTION CONTROL REGULATIONS AND STANDARDS**

REGULATION NUMBER 61-62.60

**SOUTH CAROLINA DESIGNATED FACILITY PLAN AND NEW SOURCE PERFORMANCE
STANDARDS**

Subpart AAAA - “New Source Performance Standards for New Small Municipal Waste Combustion units.”

The provisions of Title 40 CFR Part 60, subpart AAAA as originally published in the *Federal Register* as listed below are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart AAAA	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 65	December 6, 2000	[65 FR 76378]

Subpart CCCC - “Standards of Performance for New Stationary Sources: Commercial and Industrial Solid Waste Incineration Units”

The provisions of Title 40 CFR Part 60, subpart CCCC as originally published in the *Federal Register* as listed below are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart CCCC	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 65	December 1, 2000	[65 FR 75338]

Subpart DDDD - “Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units”

The provisions of Title 40 CFR Part 60, subpart DDDD as originally published in the *Federal Register* as listed below are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart DDDD	Federal Register Citation		
	Volume	Date	Notice
Original Promulgation	Vol. 65	December 1, 2000	[65 FR 75338]

Statement of Need and Reasonableness:

This 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:

Purpose: This amendment incorporates the requirements of 40 CFR Part 60, Standards of Performance for New Stationary Sources, Subparts AAAAA, CCCC and DDDD by reference into R.61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*.

Legal Authority: The legal authority for R.61-62 is Sections 48-1-10 et seq., S.C. Code of Laws.

Plan for Implementation: The proposed amendments will take effect upon promulgation by the Board of Health and Environmental Control and publication in the *State Register*.

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

Section 111 of the Clear Air Act (CAA) requires the United States Environmental Protection Agency (EPA) to publish and periodically revise a list of categories of stationary sources that may contribute significantly to air pollution and requires the EPA to promulgate regulations establishing Federal standards of performance for new sources within these categories. Under section 111(d) of the CAA, the EPA must also establish emission standards for any existing source for which a standard of performance would apply if the source were new. These sources are generally referred to as designated facilities. Section 129 of the CAA specifically addresses solid waste combustion.

Pursuant to section 111(d) and 129 of the CAA, each state in which a designated facility is operating is required to submit to the EPA a plan to implement and enforce the emission guidelines. Section 129 requires that the State plan be at least as protective as the emission guidelines and requires the EPA to develop a Federal plan if a state fails to submit an approvable State plan.

These standards and guidelines will protect public health by reducing exposure to air pollution, including several hazardous air pollutants (HAP) that can cause toxic effects such as eye, nose, throat, and skin irritation; reproductive effects; and cancer.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions resulting from this revision. At this time, the commercial and industrial solid waste incinerator (CISWI) regulation will affect approximately nine (9) facilities in South Carolina that operate air curtain incinerators (ACIs). These ACIs will be subject only to a specific part of the regulation that requires monitoring of and sets limits for opacity. Properly operated ACIs should easily meet these limits. Currently there are no units in South Carolina that are subject to the regulations for small municipal waste combustion (MWC) units. The EPA has provided the estimated costs and benefits for new small MWC and CISWI in the *Federal Register* notices that are cited in this regulation.

UNCERTAINTIES OF ESTIMATES: none

22 FINAL REGULATIONS

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Section 129 of the CAA directs the EPA to apply controls to various categories of solid waste incinerators, including small MWC and CISWI units. These standards will protect public health by reducing exposure to air pollution, including several hazardous air pollutants that can cause toxic effects such as eye, nose, throat and skin irritation; reproductive effects; cancer.

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

If a state does not adopt regulations and guidelines and submit a State plan, the EPA will adopt and implement a Federal plan to regulate existing commercial and industrial solid waste incinerators in South Carolina.

Document Number 2678
COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-111-75

62-200 South Carolina National Guard Student Loan Repayment Program

Synopsis:

The Commission on Higher Education proposes to add in its entirety R.62-200 of the South Carolina National Guard Student Loan Program. Pursuant to Act 41, the Commission on Higher Education, in consultation with the South Carolina Student Loan Corporation, shall develop a loan repayment program for providing incentives for enlisting or remaining for a specified time in both the South Carolina Army and Air National Guards (SCNG) in areas of critical need. The Commission on Higher Education must define areas of critical need annually in consultation with the Adjutant General. The Commission on Higher Education shall promulgate regulation to set forth the terms of the loan repayment program.

Instructions: Add new R.62-200, South Carolina National Guard Student Loan Repayment Program, to Chapter 62 regulations.

Text:

Table of Contents:

62-200	Purpose of the South Carolina National Guard Student Loan Repayment Program (SLRP)
62-205	Funding
62-210	Member Eligibility
62-215	Areas of Critical Need
62-220	Annual Application
62-225	Disbursements
62-230	Expiration of Eligibility to Participate
62-235	Appeals
62-240	Program Oversight

62-200	Purpose of the South Carolina National Guard Student Loan Repayment Program (SLRP)
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Pursuant to Act 41, the Commission on Higher Education, in consultation with the South Carolina Student Loan Corporation, shall develop a loan repayment program for providing incentives for enlisting or remaining for a specified time in both the South Carolina Army and Air National Guards (SCNG) in areas of critical need.

The Commission on Higher Education must define areas of critical need annually in consultation with the Adjutant General. The Commission on Higher Education shall promulgate regulation to set forth the terms of the loan repayment program.

62-205 Funding

A. This program is dependent upon annual funding from the state of South Carolina until a recurring fund or principal account is established.

B. Of the funds appropriated by the General Assembly for the loan repayment program, these funds must be retained in a separate account and used on a revolving basis for purposes of the loan repayment program and its administration. The State Treasurer shall disburse funds from this account as requested by the Commission on Higher Education and upon warrant of the Comptroller General; provided, however, that no more than ten percent of the funds annually appropriated to the Commission on Higher Education may be used for the cost of administering the program. Funds in the account and earnings from it may be carried forward in succeeding fiscal years and used for the purposes of the loan repayment program.

62-210 Member Eligibility

A. Members must enlist, reenlist, accept a warrant or be commissioned with a term of service of at least 6 years. Members must have a remaining obligation of at least four years as members of the SCNG for SLRP benefits to initiate. SLRP benefits may not initiate until an eligible loan is at least one year old and the active member has completed one year of satisfactory service in the SCNG. Members must meet a specified area of critical need according to the Critical Needs List at the time of enlistment, reenlistment, warranting or commissioning.

B. Members must complete a South Carolina National Guard Student Loan Repayment Program Eligibility Form as part of the enlistment, re-enlistment, warrant or commission contract. The Adjutant General will make available eligibility forms to recruiting/retention officers. At the beginning of each month, the Commission on Higher Education will provide the Education Services Office with the available number of control numbers that their office may assign for each month. Recruiting/retention officers must obtain a control number from the Education Services Office before offering SLRP benefits to any member of the SCNG. At the end of each month, the Education Services Office shall provide the Commission on Higher Education with a list of all members who have been issued a control number for SLRP eligibility.

C. Members must submit a completed South Carolina National Guard Student Loan Repayment Program Annual Application each fiscal year in accordance with the "Annual Application" Section.

D. Members must certify that they are legal residents of South Carolina.

E. In order for student loan repayment to be processed, ARNG members must have completed basic training (BT), advanced individual training (AIT), and be Military Occupational Specialty (MOS) qualified. ANG members must be Air Force Specialty Code (AFSC) qualified.

F. Members must maintain satisfactory participation in a unit of the SCNG. Members must maintain a satisfactory record of performance of duty and attendance at unit assemblies and annual training. Failure to maintain MOS qualification, with a reasonable ability to become qualified in appropriate time, is not satisfactory participation (Grant of a commission within the SCNG will allow time for branch qualification by regulation). A file that becomes "flagged" in excess of six months for cause within the individual's control is unsatisfactory participation for purposes of this program.

24 FINAL REGULATIONS

62-215 Areas of Critical Need

A. Areas of critical need may include MOS/AFSC and units for the SCNG. The Commission on Higher Education in consultation with the Adjutant General will determine the MOS/AFSC and units that will be included on the Critical Needs List for the SCNG, which must be placed in priority order. The Adjutant General will provide the Critical Needs List to the Commission on Higher Education by no later than June 15 prior to the fiscal year awarding period and an update may be provided periodically as needed.

B. For fiscal year 2001-02 only, the 2000-01 applicants for the South Carolina National Guard Tuition Assistance Program who did not receive funding and who have an eligible student loan, will receive priority.

C. Exact list of critical needs are subject to change.

62-220 Annual Application

A. The Adjutant General will provide each eligible member with the South Carolina National Guard Student Loan Repayment Annual Application form at least sixty (60) days prior to the member's anniversary date. Applications will also be available at the Commission on Higher Education's website. Each member is responsible for ensuring that the SCNG has a current mailing address.

B. Completed application for each eligible loan must be submitted to the Commission on Higher Education each fiscal year within thirty days after the member's anniversary date. The accurate and timely submission of the application is the personal responsibility of the member. Payments will not be processed without a completed annual application.

C. Submission of a completed application does not guarantee student loan repayment. Repayment is subject to the availability of funding for the program.

D. As part of the application, each member is responsible for providing the name, address, and account number for each loan provider that is eligible for student loan repayment. The member authorizes release of financial data on each eligible loan to the Commission on Higher Education.

E. Any member who has attempted to obtain or obtained funds through means of a willfully false statement or failure to reveal any material fact, condition, or circumstances affecting eligibility will be subject to applicable military justice, civil or criminal penalties, including termination in the SLRP. If SLRP benefits are terminated under this paragraph, the member may not regain eligibility in the program.

F. The Adjutant General shall provide the Commission on Higher Education by the 15th of each month with a list of eligible members whose anniversary dates fall in the previous month. The list shall include at a minimum the following information: each eligible member's name, control number, social security number, whether he/she participates in the Federal SLRP. This list should only include the names of the member's that are eligible based on the fact that they have maintained satisfactory participation in the SCNG according to paragraph F under "Member Eligibility."

62-225 Disbursements

A. The SLRP provides for the repayment by the Commission on Higher Education of a designated amount for an eligible student loan(s).

B. An eligible student loan is a loan made, insured, or guaranteed under part B, part D, or part E of Title IV of the Higher Education Act of 1965. Failure to qualify for an eligible student loan precludes participation in the program. Any loans made to parents as PLUS loans are not eligible for SLRP benefits.

C. Eligible student loans must be at least one year old and must not be in default. Loans that fall into default will not be eligible for repayment. It is the member's responsibility to see that this does not occur by making arrangements for payment, deferment or forbearance with the loan provider on any loan(s), which payment is due.

D. On the anniversary date of each completed satisfactory year of service in the SCNG for a maximum of four years, the member may be eligible to receive student loan repayment based upon meeting the eligibility requirements of the program. Member must have a remaining obligation of at least four years as members of the SCNG for SLRP benefits to initiate. Loans may not be processed for payment prior to the member's anniversary date. The four years of eligibility are not required to be consecutive.

E. Benefits will be paid at the rate of no more than \$4,500 per year of satisfactory service in the SCNG, for a maximum total of four years and \$18,000. Disbursements will not exceed indebtedness. For example if a member has a loan that is not at least \$4,500, then the payment amount will not exceed the payoff for the loan.

F. The Commission on Higher Education may periodically adjust the amount of the award based upon inflation increases or other relevant factors.

G. Payments for members who have multiple loans will be divided equally among the loans if the payments do not exceed the indebtedness. Following are examples of members with multiple loans:

1. Member A has two eligible student loans. The first loan is for \$2,000 and the second loan is for \$4,000. The amount of annual eligibility is \$4,500 since this will not exceed the total indebtedness of \$6,000. The first loan will receive a payment of \$2,000 since that is the total amount owed and it does not exceed half of the annual eligibility. The second loan will receive a payment of \$2,500, the remaining benefit for the annual eligibility of \$4,500.

2. Member B has three eligible loans. The first loan is for \$4,200, the second loan is for \$4,500, and the third loan is for \$5,200. The amount of annual eligibility is \$4,500 since this will not exceed the total indebtedness of \$13,900. Each loan will receive an equal payment of \$1,500 since this will not exceed the indebtedness for each loan.

H. The Commission on Higher Education will ensure that SLRP benefits for members who also participate in the Federal Student Loan Repayment Program will be coordinated so that any payment from the Federal Government must be applied first and then SLRP benefits will be applied to the outstanding balance of any eligible student loan(s) according to the "Disbursement" Section.

I. Payments shall be made directly to the loan provider with the member listed as the beneficiary of the payment so that the student loan is paid for the benefit of that member.

J. Reimbursements will not be made for any payment(s) against the student loan that has been made by the member, another individual, or another agency.

62-230 Expiration of Eligibility to Participate

A. A member's eligibility to participate in the SLRP will expire on the earlier of the following dates:

1. Date on which four years of payment on loans are completed;
2. Date member reaches the end of enlistment contractual obligation unless reenlists in critical need area or completes obligation by commission/warrant;
3. Date separated or discharged from the SCNG; and/or

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4. Date the member becomes an unsatisfactory participant in the SCNG. If a member regains satisfactory participation in the SCNG in subsequent years according to D of "Member Eligibility" Section, additional payments may be processed on the next anniversary date of satisfactory service.

62-235 Appeals

A. Members wishing to appeal any decision regarding satisfactory performance in the SCNG must submit a written request to the Adjutant General. The Adjutant General's decision on satisfactory performance appeals shall be final.

B. Members wishing to appeal any decision regarding student loan repayment must submit a written request to the Commission on Higher Education. The Commission on Higher Education's decision on student loan repayment appeals shall be final.

62-240 Program Oversight

A. The Commission on Higher Education in consultation with the Adjutant General will coordinate the oversight of functions (e.g., guidelines, policies, procedures, regulation) relative to this program. The Commission on Higher Education shall be responsible for the allocation of funds and promulgation of the regulation.

B. The Commission on Higher Education shall review the loan program annually and report to the General Assembly on its progress and results to ensure proper administration of the program.

Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions. Funding for the South Carolina National Guard Student Loan Repayment Program is dependent upon proceeds generated by the S.C. Education Lottery.