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# SOUTH CAROLINA STATE REGISTER

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of the  
GENERAL ASSEMBLY

ASHLEY HARWELL-BEACH, DIRECTOR  
DEIRDRE BREVARD SMITH, EDITOR

P.O. BOX 11489  
COLUMBIA, SC 29211  
TELEPHONE (803) 212-4500

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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.

## **2022 PUBLICATION SCHEDULE**

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

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

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

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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.

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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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***South Carolina State Register***  
**Deirdre Brevard Smith, Editor**  
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**Columbia, SC 29211**  
**Telephone: (803) 212-4500**  
**Fax: (803) 212-4501**

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**Executive Order No. 2022-09**

**WHEREAS**, the undersigned has been notified of the passing of Harry Bancroft “Buck” Limehouse, Jr., who previously served the State of South Carolina as Secretary of Transportation; and

**WHEREAS**, in addition to his distinguished tenure as South Carolina’s first Secretary of Transportation, Buck Limehouse previously served the State of South Carolina as a member and chairman of the South Carolina Department of Transportation Commission, chairman of the South Carolina Public Railways Commission, a member of the Board of Directors of the South Carolina Transportation Infrastructure Bank, a member of the South Carolina Lottery Commission, a member of the Board of Visitors of The Citadel, the Military College of South Carolina, and in various other state and local capacities; and

**WHEREAS**, Buck Limehouse was a dedicated public servant, principled leader, successful businessman, proud conservationist, and devoted father and family man, and his passing warrants the people of this State further recognizing and appropriately honoring his extraordinary legacy and lifetime of service to the State of South Carolina; 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 present or former official of the government of any State, . . . the Governor of that State . . . may proclaim that the National flag shall be flown at half-staff”; and

**WHEREAS**, section 10-1-161(E) of the South Carolina Code of Laws, as amended, provides that “upon the death of a person of extraordinary stature, the Governor may order that the flags atop the State Capitol Building be lowered to half-staff at a designated time or for a designated period of time.”

**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 the flags atop the State Capitol be lowered to half-staff from sunrise until sunset on Saturday, February 26, 2022, in honor of Buck Limehouse and in recognition of his extraordinary legacy and lifetime of service to the State of South Carolina. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 25th DAY OF FEBRUARY, 2022.**

**HENRY MCMASTER**  
Governor

**Executive Order No. 2022-10**

**WHEREAS**, the United States continues to experience various, significant supply chain disruptions, which are adversely impacting the movement and availability of critical consumer goods and industrial materials in South Carolina and other States; and

**WHEREAS**, particularly as Americans face increasing prices for gasoline and essential fuels, as well as historic inflation, ongoing supply chain disruptions continue to impose additional burdens on businesses, individuals, and families; and

**WHEREAS**, although the State of South Carolina, which boasts robust and reliable transportation infrastructure, including the Port of Charleston and productive inland ports, remains uniquely prepared and

#### 4 EXECUTIVE ORDERS

positioned to mitigate interruptions in the national and international supply chains, the United States continues to experience significant supply chain disruptions; 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”; and

**WHEREAS**, on November 19, 2021, the Governor of the State of Georgia declared that emergency conditions existed in his State due to, *inter alia*, the continued negative impacts of COVID-19 and the need to facilitate economic recovery and, in doing so, the Governor of the State of Georgia temporarily waived or suspended certain motor vehicle and transportation-related rules and regulations in connection with the same; and

**WHEREAS**, on November 23, 2021, the undersigned issued Executive Order No. 2021-40, waiving or suspending certain rules and regulations for commercial vehicles and operators of commercial vehicles in connection with the cited supply chain disruptions and the declared emergency in the State of Georgia pursuant to 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws; and

**WHEREAS**, on December 17, 2021, the Governor of the State of Georgia renewed his declaration that emergency conditions existed in his State and extended the waiver or suspension of certain motor vehicle and transportation-related rules and regulations in connection with the same; and

**WHEREAS**, on December 23, 2021, the undersigned issued Executive Order No. 2021-44, waiving or suspending certain rules and regulations for commercial vehicles and operators of commercial vehicles, for the reasons set forth therein, in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws; and

**WHEREAS**, on January 18, 2022, the Governor of the State of Georgia again renewed his emergency declaration related to Georgia’s continued economic recovery, including his waiver or suspension of certain motor vehicle and transportation-related rules and regulations; and

**WHEREAS**, on January 25, 2022, the undersigned issued Executive Order No. 2022-08, waiving or suspending certain rules and regulations for commercial vehicles and operators of commercial vehicles, for the reasons set forth therein, in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws; and

**WHEREAS**, on February 18, 2022, the Governor of the State of Georgia again renewed his emergency declaration related to Georgia’s continued economic recovery, including his waiver or suspension of certain motor vehicle and transportation-related rules and regulations; and

**WHEREAS**, on February 28, 2022, the Governor of the State of North Carolina extended the terms of a previous emergency declaration and other orders pertaining to COVID-19, including transportation-related provisions contained therein; and

**WHEREAS**, for the aforementioned and other reasons and in accordance with the cited authorities, the undersigned has determined that the circumstances described herein in connection with existing, ongoing, and anticipated supply chain disruptions and any actual, potential, or perceived interruptions in the availability, transportation, or delivery of critical consumer goods and industrial materials in the State of South Carolina constitute an emergency for purposes of 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws such that it is necessary and prudent to provide additional relief to assist in facilitating, supporting, and strengthening South Carolina’s transportation industries and infrastructure so as to avoid, mitigate, or minimize further national and international supply chain interruptions.

**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 and direct as follows:

**Section 1. Transportation Waivers to Address Continued Supply Chain Disruptions**

A. I hereby determine and declare that the existing, ongoing, and anticipated threats and circumstances described herein associated with supply chain disruptions and the impacts related to the same constitute an emergency pursuant to 49 C.F.R. § 390.23 for purposes of suspending 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 of the South Carolina Code of Laws.

B. I hereby authorize and direct the South Carolina Department of Transportation (“DOT”) and the South Carolina Department of Public Safety (“DPS”), including the State Transport Police, as needed, to 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 operating in accordance with the provisions of the FMCSA’s February 26, 2022 Extension and Amendment of Emergency Declaration No. 2020-002 Under 49 C.F.R. § 390.25, or any future amendments or supplements thereto; providing direct assistance as defined by 49 C.F.R. § 390.5 to the declared emergencies in the State of Georgia or the State of North Carolina; or otherwise assisting with the existing or anticipated threats and circumstances associated with supply chain disruptions as further described herein.

C. I hereby authorize DOT and DPS, as applicable, to apply for or request any additional federal regulatory relief, waivers, permits, or other appropriate flexibility deemed necessary, whether pertaining to the transportation of overweight loads on interstate highways or otherwise, on behalf of the State of South Carolina and to promptly implement the same without the need for further Orders.

D. This Section 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 Section 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 or addressed in any additional or supplemental guidance, rules, regulations, restrictions, or clarifications issued, provided, or promulgated by DOT or DPS.

E. Subject to any guidance, rules, regulations, restrictions, or clarification issued, provided, or promulgated, or which may be issued, provided, or promulgated, by DOT or DPS, as authorized herein or as otherwise provided by law, and 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:

## 6 EXECUTIVE ORDERS

1. Weight, height, length, and width for any such vehicle with five (5) weight bearing axles 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 (except as provided below), thirteen (13) feet six (6) inches in height, and ninety thousand (90,000) pounds in gross weight.

2. Posted bridges may not be crossed.

3. 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.

4. Except as provided below, 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.

5. In accordance with federal law, vehicles traveling on non-interstate routes within the National Network may not exceed a width of 102 inches or 8.6 feet without a special permit. Information regarding special permits for width on the National Network are available on DOT's website, and a list of routes on the National Network is set forth in Appendix A to 23 C.F.R. Part 658.

6. 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.

F. I hereby authorize DOT and DPS to issue, provide, or promulgate any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application, implementation, or enforcement of this Section, or to otherwise provide clarification regarding the same, without the need for further Orders.

G. This Section is effective immediately and shall remain in effect for thirty (30) days or until the declared emergencies in the State of Georgia and the State of North Carolina are 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.

### **Section 2. Directives to Address Supply Chain Disruptions**

A. I hereby declare that the provisions of Section 2 of Executive Order No. 2021-40 shall remain in full force and effect unless otherwise modified, amended, extended, or rescinded by subsequent Order.

### **Section 3. General Provisions**

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted,

applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

D. I hereby expressly authorize the Office of the Governor to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise to provide clarification regarding the same, through appropriate means, without the need for further Orders.

E. This Order is effective immediately and shall remain in effect unless otherwise expressly stated herein or modified, amended, extended, or rescinded by subsequent Order.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 1st DAY OF MARCH, 2022.**

**HENRY MCMASTER  
Governor**

## 8 NOTICES

**DEPARTMENT OF CONSUMER AFFAIRS**  
**NOTICE OF GENERAL PUBLIC INTEREST**  
**CHANGES IN DOLLAR AMOUNTS**

The Administrator of the Department of Consumer Affairs announces changes in dollar amounts pursuant to Sections 37-1-109 and 37-6-104(1)(e). Designated dollar amounts in the Consumer Protection Code are subject to change on July 1 of every even-numbered year based on the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI) for December of the preceding year. Due to the change between December 1976 CPI and December 2021 CPI, the designated dollar amounts will increase by 360% of the original amount, with the exception of Sections 37-2-203(2) and 37-3-203(2) which have a self-executing formula of 40% of the amount in Sections 37-2-203(1) and 37-3-203(1), respectively. The designated dollar amounts are found in Sections 37-2-104(1)(e), 37-2-106(1)(b), 37-2-203(1), 37-2-407(1), 37-2-705(1)(a), 37-2-705(1)(b), 37-3-104(d), 37-3-203(1), 37-3-510, 37-3-511, 37-3-514, 37-5-103(2), (3) and (4), 37-10-103, and 37-23-80. Pursuant to Section 37-1-109(4), the Administrator is required to announce these changes by publication in the State Register by April 30 of each even-numbered year. The historical dollar amounts and additional information are available on the Department's website at [consumer.sc.gov](http://consumer.sc.gov).

Section		Change Dollar Amount	
		To 7/1/2020 to 6/30/2022	To 7/1/2022 to 6/30/2024
2.104(1)(e)	Consumer Credit Sale	105,000.00	115,000.00
2.106(1)(b)	Consumer Lease	105,000.00	115,000.00
2.203(1)	Delinquency Charge – Sales	21.00	23.00
2.203(2)	Minimum Delinquency Charge	8.40	9.20
2.407(1)	Security Interest – Sales	4,200.00 1,260.00	4,600.00 1,380.00
2.705(1)(a)	Delinquency Charge – Rental Purchase	16.80	18.40
2.705(1)(b)	Delinquency Charge – Rental Purchase	8.40	9.20
3.104(d)	Consumer Loans	105,000.00	115,000.00
3.203(1)	Delinquency Charge – Loans	21.00	23.00
3.203(2)	Minimum Delinquency	8.40	9.20
3.510	Land as Security – Supervised Loans	4,200.00	4,600.00
3.511	Maximum Loan Term	4,200.00 1,260.00	4,600.00 1,380.00
3.514	Attorney's Fees – Supervised Loans	4,200.00	4,600.00
5.103(2), (3) & (4)	Deficiency Judgment	6,300.00	6,900.00
10.103	Prepayment Penalty	630,000.00	690,000.00
23.80	Prepayment Penalty	630,000.00	690,000.00

## 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 25, 2022**, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201, at (803) 545-4200, or by email at [coninfo@dhec.sc.gov](mailto:coninfo@dhec.sc.gov).

**Affecting Bamberg County****Grove Park Pharmacy Home Care d/b/a Grove Park Home Care, LLC**

Establishment of a Home Health Agency in Bamberg County at a total project cost of \$1,000.

**Affecting Beaufort County****InvestSouth IHC, LLC d/b/a Interim Healthcare of the Upstate**

Establishment of a Home Health Agency in Beaufort County at a total project cost of \$11,550.

**Affecting Calhoun County****Grove Park Pharmacy Home Care d/b/a Grove Park Home Care, LLC**

Establishment of a Home Health Agency in Calhoun County at a total project cost of \$1,000.

**Affecting Charleston County****East Cooper Community Hospital, Inc. d/b/a East Cooper Medical Center**

Purchase of an Excelsius3D imaging system at a total project cost of \$1,224,240.

**Quality of Life Care, LLC**

Establishment of a Home Health Agency in Charleston County at a total project of \$80,000.

**Affecting Hampton County****InvestSouth IHC, LLC d/b/a Interim Healthcare of the Upstate**

Establishment of a Home Health Agency in Hampton County at a total project cost of \$11,550.

**Affecting Jasper County****InvestSouth IHC, LLC d/b/a Interim Healthcare of the Upstate**

Establishment of a Home Health Agency in Jasper County at a total project cost of \$11,550.

**Affecting Lexington County****Lexington Health, Inc. d/b/a Lexington Medical Heart and Vascular Center**

Purchase of a GE CardioGraphe CT Scanner and renovation of 440 existing sf at a total project cost of \$1,161,857.

**Affecting Oconee County****Prisma Health-Upstate d/b/a Oconee Memorial Hospital**

Purchase of a 3T MRI and renovation of 3,000 existing sf at a total project cost of \$4,702,000.

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 25, 2022**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, 2600 Bull Street, Columbia, South Carolina 29201. If a



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public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200 or email [coninfo@dhec.sc.gov](mailto:coninfo@dhec.sc.gov).

### **Affecting Aiken County**

#### **Intrathecal Care Solutions LLC dba Advanced Nursing Solutions**

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Aiken County at a total project cost of \$69,686.

### **Affecting Allendale County**

#### **Intrathecal Care Solutions LLC dba Advanced Nursing Solutions**

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Allendale County at a total project cost of \$69,686.

### **Affecting Barnwell County**

#### **Intrathecal Care Solutions LLC dba Advanced Nursing Solutions**

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Barnwell County at a total project cost of \$69,686.

### **Affecting Charleston County**

#### **Quality of Life Care, LLC**

Establishment of a Home Health Agency in Charleston County at a total project of \$80,000.

### **Affecting Chesterfield County**

#### **Amedisys Home Health of South Carolina, LLC d/b/a Amedisys Home Health of Conway**

Establishment of a Home Health Agency in Chesterfield County at a total project cost of \$14,288.

### **Affecting Colleton County**

#### **Intrathecal Care Solutions LLC dba Advanced Nursing Solutions**

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Colleton County at a total project cost of \$69,686.

### **Affecting Edgefield County**

#### **Intrathecal Care Solutions LLC dba Advanced Nursing Solutions**

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Edgefield County at a total project cost of \$69,686.

### **Affecting Fairfield County**

#### **Intrathecal Care Solutions LLC dba Advanced Nursing Solutions**

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Fairfield County at a total project cost of \$69,686.

### **Affecting Florence County**

#### **Intrathecal Care Solutions LLC dba Advanced Nursing Solutions**

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Florence County at a total project cost of \$69,686.

### **Affecting Marion County**

#### **Intrathecal Care Solutions LLC dba Advanced Nursing Solutions**

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Marion County at a total project cost of \$69,686.

**Affecting Marlboro County****Intrathecal Care Solutions LLC dba Advanced Nursing Solutions**

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Marlboro County at a total project cost of \$69,686.

**Affecting Newberry County****Intrathecal Care Solutions LLC dba Advanced Nursing Solutions**

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Newberry County at a total project cost of \$69,686.

**Affecting Williamsburg County****Intrathecal Care Solutions LLC dba Advanced Nursing Solutions**

Establishment of a Specialty Home Health Agency limited to home infusion nursing services in Williamsburg County at a total project cost of \$69,686.

**Affecting York County****Amisub of South Carolina, Inc., d/b/a Piedmont Medical Center**

Renovation of existing facility for the addition of 3 CVICU beds for a total of 35 ICU beds at a total project cost of \$2,204,045.

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**NOTICE OF GENERAL PUBLIC INTEREST**

**SETTLEMENT, CONTRIBUTION PROTECTION, AND EXTENSION OF COMMENT PERIOD**

Philip Services Corporation (ThermalKEM) Site, LWM File #51316

**PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (DHEC) has extended the public comment period** regarding its intent to enter into a Settlement and Consent Decree (Settlement) with numerous potentially responsible parties that have formed the Philip Services Corporation (PSC) PRP Group and the United States of America – collectively, the “Settling Parties” to address the contamination at the Philip Services Corporation Site (also known as “ThermalKEM”) (the “Site”). DHEC and the Settling Parties intend to seek approval of the Settlement with the United States District Court of South Carolina (Court). **The comment period will now expire at 5:00 pm on Friday, April 29, 2022.**

Upon Court approval, the Settlement provides for the reimbursement of approximately \$4.4 million of DHEC’s past response costs and certain DHEC future response costs, and the funding and performance of the remedial action with DHEC’s oversight. The Settlement is subject to a thirty-day public comment period, consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9622, and the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. Section 44-56-200 (as amended). DHEC has extended the public comment period to ninety (90) days.

The Settlement relates to the release, and threatened release, of hazardous substances, pollutants, or contaminants at the Site located in York County at 2324 Vernsdale Road in Rock Hill, South Carolina. In consideration of the foregoing, upon judicial approval of the Settlement and the obligation of payments to DHEC, the Settlement shall provide each of the Settling Parties with contribution protection and certain contribution rights against any non-settlers pursuant to CERCLA 42 U.S.C. Section 9613.

A notice of settlement, contribution protection, and comment period has been provided to other potentially responsible parties via newspaper publication and on DHEC’s webpage. The Settlement is available:

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- (1) On-line at <https://apps.dhec.sc.gov/Environment/PublicNotices> or
- (2) By contacting Gary Stewart at 803-898-0778 or [stewarrg@dhec.sc.gov](mailto:stewarrg@dhec.sc.gov).

Any comments to the Settlement must be submitted in writing, postmarked no later than Friday April 29, 2022, and addressed to: Gary Stewart, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201. After considering all the comments received, DHEC intends to file the Settlement with the Court for approval.

UPON APPROVAL AND ENTRY OF THE SETTLEMENT BY THE COURT, ANY AND ALL CLAIMS BY ANY AND ALL PERSONS AGAINST MEMBERS OF THE PSC PRP GROUP SEEKING CONTRIBUTION FOR MATTERS ENCOMPASSED BY THE AGREEMENT SHALL BE FORECLOSED.

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

#### **NOTICE OF GENERAL PUBLIC INTEREST**

#### **NOTICE OF PUBLIC HEARING OCCUPATIONAL SAFETY AND HEALTH STANDARDS**

South Carolina Department of Labor, Licensing, and Regulation (SCDLLR) does hereby give notice under Section 41-15-220, SC Code of Laws, 1976, as amended, that a virtual public hearing will be held on April 26, 2022, at 10:00 AM. Interested person will be given the opportunity to appear and present views on the occupational safety and health standards being considered for adoption.

The hearing is to determine if the Director of the SCDLLR will promulgate, revoke, or modify rules and regulations pursuant to Section 41-15-210, SC Code of Laws, 1976. The standards being considered for adoption are Article 1, Subarticle 6, Section 1910.502 (q) and (r). Paragraph (q) requires employers to maintain a COVID-19 log and reporting provisions. Paragraph (r)(1)(i) requires employers to report each work-related COVID-19 fatality to OSHA within 8 hours of the employer learning about the fatality regardless of when the exposure in the work environment occurred. Paragraph (r)(1)(ii) of the standard requires an employer to report each work-related COVID-19 in-patient hospitalization to OSHA within 24 hours of the employer learning about the in-patient hospitalization. Under this paragraph, and similar to OSHA's reporting regulation at 29 CFR 1904.39, an employer must make a report to OSHA within 24 hours of learning that (1) an employee has been in-patient hospitalized due to a confirmed case of COVID-19, and (2) the reason for the hospitalization was the result of a work-related exposure to the illness.

Any omissions or corrections to the occupational safety and health standards being considered for adoption published in the FEDERAL REGISTER prior to this hearing may be presented at this hearing. These revisions are necessary to comply with federal law and copies of them can be obtained or reviewed at the SCDLLR during normal business hours by contacting the OSHA office at 803-896-5811.

Persons desiring either to speak at the hearing or to have their views submitted on the record if they cannot appear must file with the Director of the SCDLLR either a notice of intention to appear or a summary of their views on the matter no later than April 18, 2022.

Emily Farr, Director  
SCDLLR  
PO Box 11329  
Columbia, SC 29211-1329

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

Statutory Authority: 1976 Code Sections 44-55-10 et seq.

**Notice of Drafting:**

The Department of Health and Environmental Control (“Department”) proposes amending R.61-58, State Primary Drinking Water Regulations. Interested persons may submit comment(s) on the proposed amendments to Doug Kinard of the Bureau of Water; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; kinarddb@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on April 25, 2022, the close of the Notice of Drafting comment period.

**Synopsis:**

Pursuant to S.C. Code Sections 44-55-10, *et seq.*, the Department is authorized to promulgate regulations governing the design, construction, operation, and maintenance of public water systems in the state. The Department proposes amending R.61-58 to adopt federal regulations commonly referred to as the Lead and Copper Rule Revisions, which were promulgated by the United States Environmental Protection Agency (“EPA”) in a final rule published in the *Federal Register* on January 15, 2021 (86 FR 4198).

The proposed amendments to R.61-58, as adopted from the Lead and Copper Rule Revisions, include new and/or revised requirements for lead service line inventories, public education and outreach, and testing for lead in drinking water at schools and day cares.

The Department may also propose other changes to R.61-58 as deemed necessary to maintain compliance with federal law and improve the overall text of R.61-58. These changes may include corrections or other changes for internal consistency, clarification, reference, punctuation, codification, formatting, and spelling.

The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as the Department proposes these amendments for compliance with federal law. Pursuant to 40 CFR 142.12(a), states are required to adopt new and revised national primary drinking water regulations in order to retain primary enforcement responsibility for public water systems in the state. The Department is charged with implementation and enforcement of the State Safe Drinking Water Act and proposes to adopt the Lead and Copper Rule Revisions to maintain the state’s approved primacy program.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**CHAPTER 10**

Statutory Authority: 1976 Code Sections 40-1-50 and 40-38-260

**Notice of Drafting:**

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Chapter 10-27 to clarify the description of fees appearing in the fee schedule for the Board of Examiners in Opticianry. Interested persons may submit comments to Holly Beeson, 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 proposes to amend R.10-27, specifically, the description of fees in the fee schedule for the Board of Examiners in Opticianry. S.C. Code Section 40-38-260 provides that a person holding a license or registration in the state who is not practicing in the state may pay an

## **14 DRAFTING NOTICES**

inactive license or registration fee established in regulation. The current description of this inactive fee includes a nonresident fee which is not established in statute and is therefore being deleted.

Legislative review of this amendment is required.

### **DEPARTMENT OF LABOR, LICENSING AND REGULATION CHAPTER 10**

Statutory Authority: 1976 Code Sections 40-1-50, 40-69-240, and 40-69-250

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

The South Carolina Department of Labor, Licensing and Regulation proposes to amend Chapter 10-42 to remove the Temporary New Graduate license fee and remove the dates associated with biennial renewal for the Board of Veterinary Medical Examiners. Interested persons may submit comments to Holly Beeson, 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 proposes to amend R.10-42 to remove the Temporary New Graduate license fee and remove the dates associated with biennial renewal for the Board of Veterinary Medical Examiners. The aforementioned changes will align the fee schedule with revised licensing procedures and comply with renewal requirements in statute.

Legislative review of this amendment is required.

### **DEPARTMENT OF LABOR, LICENSING AND REGULATION PANEL FOR DIETETICS CHAPTER 40**

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, and 40-20-50

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

The Panel for Dietetics proposes to amend sections in Chapter 40 related to continuing education as well as requirements for initial licensing, renewal, and reinstatement. Interested parties may submit comments to Meredith Buttler, Administrator, Panel for Dietetics, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

#### **Synopsis:**

The Panel for Dietetics proposes to amend various sections in Chapter 40 to eliminate redundancies from the regulations and more closely align the regulations with the South Carolina Dietetics Licensure Act with respect to initial licensing, renewal, reinstatement, and continuing education.

Legislative review of these amendments is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
STATE BOARD OF NURSING  
CHAPTER 91**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-33-10(E), (I)

**Notice of Drafting:**

The South Carolina Board of Nursing proposes to amend its regulations regarding the handling of patient records upon the death, disappearance or incapacity of a licensee. Interested persons may submit comments to Carol Moody, Administrator, State Board of Nursing, Post Office Box 12367, Columbia, S.C. 29211-2367.

**Synopsis:**

The South Carolina Board of Nursing proposes to add a regulation establishing measures to safeguard patient records upon the death, disappearance or incapacity of licensee.

Legislative review of these amendments is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BOARD OF PYROTECHNIC SAFETY  
CHAPTER 71**

Statutory Authority: 1976 Code Section 40-56-70(A)

**Notice of Drafting:**

The Board of Pyrotechnic Safety proposes to amend the following regulations: R.71-7405.1, R.71-7405.2, R.71-7405.3, R.71-7405.5, R.71-7405.6, R.71-7405.7, and R.71-7405.8. Interested persons may submit comments to Molly F. Price, Administrator, Board of Pyrotechnic Safety, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

**Synopsis:**

In accordance with Governor McMaster's Executive Order 2017-09, the Board of Pyrotechnic Safety reviewed its regulations and concluded that the following regulations should be amended: R.71-7405.1, R.71-7405.2, R.71-7405.3, R.71-7405.5, R.71-7405.6, R.71-7405.7, and R.71-7405.8

Legislative review of this amendment is required.

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

Statutory Authority: 1976 Code Section 40-69-60

**Notice of Drafting:**

The South Carolina Board of Veterinary Medical Examiners is considering proposing amendments to Chapter 120: to define "emergency patient," "radiography" and "imaging" in Regulation 120-1; to update and clarify Regulation 120-9 regarding the practice standards for licensed veterinary technicians and unlicensed veterinary aides; and to clarify Regulation 120-3 in accordance with the statutes for licensure and examinations for veterinarians. Interested persons may submit written comments to Meredith Buttler, Administrator, Board of

## **16 DRAFTING NOTICES**

Veterinary Medical Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

### **Synopsis:**

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

Legislative review of this amendment is required.

**DEPARTMENT OF SOCIAL SERVICES**  
**CHAPTER 114**  
Statutory Authority: 1976 Code Section 43-1-80

### **Notice of Drafting:**

The South Carolina Department of Social Services proposes to amend Regulations 114-550(C), 114-550(E)(4)(c), 114-550(I)(2), 114-550(K)(2), 114-550(M)(1)(a), 114-550(N)(4)(a), 114-550(O)(2), 114-550(S)(2)(b), and 114-550(U), Licensure of Family Foster Homes and Approval of Adoptive Homes for Children in Foster Care. Interested persons may submit written comments to Dawn T. Barton, Director Permanency Management at South Carolina Department of Social Services, P.O. Box 1520, Columbia, South Carolina 29202. To be considered all comments must be received no later than 5:00 p.m. April 25, 2022, the close of the drafting comment period.

### **Synopsis:**

The Department is proposing to amend Regulations 114-550(C), 114-550(E)(4)(c), 114-550(I), 114-550(K)(2), 114-550(M)(1)(a), 114-550(N)(4)(a), 114-550(O)(2), 114-550(S)(2)(b), and 114-550(U). The Department is proposing to amend Regulation 114-550(C) to add a limitation for a foster home licensure or adoptive home approval to one agency or one division within an agency. The Department is proposing to amend Regulation 114-550(E)(4)(c) to align the age requirement for Kinship Licensure with 1976 Code Section 63-7-2320(D)(2). The Department is proposing to amend Regulation 114-550(I)(2) to require that all references be documented in writing. The Department is proposing to amend Regulation 114-550(M)(1)(a) to correct a spelling error. The Department is proposing to amend Regulation 114-550(N)(4)(a) to revise the standards regarding barriers around swimming and wading pools. The Department is proposing to amend Regulation 114-550(O)(2) and 114-550(S)(2)(b) to align the age requirement for national and state sex offender registry checks with 1976 Code Section 63-7-2350(C). The Department is proposing to amend Regulation 114-550(U) to correct a numbering error in the section.

Legislative review of these amendments is required.

**DEPARTMENT OF SOCIAL SERVICES**  
**CHAPTER 114**  
Statutory Authority: 1976 Code Section 63-11-30

### **Notice of Drafting:**

The Department of Social Services proposes to amend regulations that address licensure of residential group care facilities for children, Regulations 114-590 through 114-595. Interested persons may submit comments to

Dawn Barton, Director, South Carolina Department of Social Services, Office of Permanency Management, P.O. Box 1520, Columbia, SC 29202 or via email at dawn.barton@dss.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on Monday April 25, 2022, the close of the drafting comment period.

**Synopsis:**

As the administrator of the State's foster care system, the Department of Social Services is responsible for establishing and promulgating rules and regulations for the licensure of residential group care facilities for children. The above referenced regulations, regarding licensure of residential group care facilities for children, need amendments to eliminate inconsistencies and enhance clarity.

The proposed amendments promote the application of a consistent set of rules and regulations for the licensure of group care facilities for children. The consistent application of one set of rules and regulations furthers the Department's mission to promote the safety, permanency, stability, and well-being of children who are in the State's foster care system.

Legislative review of these amendments is necessary.



## 18 FINAL REGULATIONS

Document No. 4977

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

#### CHAPTER 61

Statutory Authority: 1976 Code Sections 44-7-260 et seq.

61-75. Standards for Licensing Day Care Facilities for Adults.

#### Synopsis:

The Department of Health and Environmental Control (“Department” or “DHEC”) amends R.61-75 to update provisions in accordance with current practices and standards. Amendments incorporate and revise provisions relating to statutory mandates, update definitions to conform to terminology widely used and understood within the provider community, and revise requirements for incident reporting, staffing and training, medication management, patient care and services, infection control, meal service, emergency procedures, design and construction, fire and life safety, and licensure. The amendments also update the structure of the regulation throughout for consistency with other DHEC Healthcare Quality regulations.

The Department further revises R.61-75 for clarity and readability, grammar, references, codification, and overall improvement to the text of the regulation. R.61-75 was last amended in 2015.

The Department had a Notice of Drafting published in the February 28, 2020, *South Carolina State Register*.

Changes made at the request of the House Regulations and Administrative Procedures Committee by letter dated April 28, 2021:

Section 1702 was amended to update language regarding screening for Mycobacterium tuberculosis infection and include new language for completing a symptoms assessment for signs and symptoms of tuberculosis disease for Facility staff and volunteers, requirements for determining the baseline status of all staff and volunteers prior to patient contact, and requirements related to positive screening tests.

#### Instructions:

Replace R.61-75, *Standards for Licensing Day Care Facilities for Adults*, in its entirety with this amendment.

#### Text:

61-75. Standards for Licensing Day Care Facilities for Adults.

(Statutory Authority: 1976 Code Section 44-7-260)

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**SECTION 2700 – SEVERABILITY****SECTION 2800 – GENERAL****SECTION 100 – DEFINITIONS AND LICENSURE****101. Definitions.****A. Abuse. Physical Abuse or Psychological Abuse.**

1. Physical Abuse. The act of intentionally inflicting or allowing to be inflicted physical injury on a Participant by an act or failure to act. Physical Abuse includes, but is not limited to, slapping, hitting, kicking, biting, choking, pinching, burning, actual or attempted sexual battery, use of Medication outside the standards of reasonable medical practice for the purpose of controlling behavior, and unreasonable confinement. Physical Abuse also includes the use of a restrictive or physically intrusive procedure to control behavior for the purpose of punishment except that a therapeutic procedure prescribed by a licensed physician or other Authorized Healthcare Provider or that is part of a written plan of care by a physician or other Authorized Healthcare Provider is not considered Physical Abuse. Physical Abuse does not include altercations or acts of assault between Participants.

2. Psychological Abuse. The deliberate use of any oral, written, or gestured language or depiction that includes disparaging or derogatory terms to a Participant or within the Participant's hearing distance, regardless of the Participant's age, ability to comprehend, or disability, including threats or harassment or other forms of intimidating behavior causing fear, humiliation, degradation, agitation, confusion, or other forms of serious emotional distress.

**B. Administrator.** The individual responsible for the day-to-day management of the Day Care Facility for Adults.

**C. Adult.** A person eighteen (18) years of age or older.

**D. Adult Day Care Services.** Activities and therapies offered in a Day Care Facility for Adults through an Individual Plan of Care which sets forth measurable goals or behaviorally stated objectives, with such services being designed to activate, motivate, and retrain impaired or other categories of Adults to enable them to sustain or regain functional independence and promote community integration.

**E. Annual.** A time period that requires an activity to be performed at least every twelve (12) months.

**F. Authorized Healthcare Provider.** An individual authorized by law and currently licensed in South Carolina as a physician, advanced practice registered nurse, or physician assistant to provide specific treatments, care, or services to Participants.

**G. Blood Assay for *Mycobacterium tuberculosis*.** A general term to refer to in vitro diagnostic tests that assess for the presence of tuberculosis infection with *Mycobacterium tuberculosis*. This term includes, but is not limited to, interferon gamma release assays.

**H. Consultation.** A meeting with a licensed Facility and individuals authorized by the Department to provide information to Facilities in order to enable Facilities to better comply with the regulation.

**I. Controlled Substance.** A Medication or other substance included in Schedule I, II, III, IV, and V of the Federal Controlled Substances Act or the South Carolina Controlled Substances Act.

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J. Day Care Facility for Adults (Facility). A facility for Adults, which offers in a group setting a program of individual and group activities and therapies. The program is directed toward providing community-based day care services for those Adults in need of a supportive setting, thereby preventing unnecessary institutionalization. The program shall provide a minimum of four (4) and a maximum of fourteen (14) hours of operation a day.

K. Department. The South Carolina Department of Health and Environmental Control.

L. Direct Care Staff. Those individuals who are employees (full- and part-time) of the Facility providing direct care and services to the Participants, and those individuals contracted to provide care and services to Participants.

M. Discharge. The point at which treatment, care, and services in a Facility are terminated and the Facility no longer maintains active responsibility for the care of the Participant.

N. Elopement. An instance when a Participant who is physically, mentally, or chemically impaired wanders, walks, runs away, escapes, or otherwise leaves the Facility unsupervised or unnoticed.

O. Exploitation.

1. Causing or requiring a Participant to engage in activity or labor that is improper, unlawful, or against the reasonable and rational wishes of the Participant;

2. An improper, unlawful, or unauthorized use of the funds, assets, property, power of attorney, guardianship, or conservatorship of a Participant by an individual for the profit or advantage of that individual or another individual; or

3. Causing a Participant to purchase goods or services for the profit or advantage of the seller or another individual through undue influence, harassment, duress, force, coercion, or swindling by overreaching, cheating, or defrauding the Participant through cunning arts or devices that delude the Participant and cause him or her to lose money or other property.

4. Exploitation does not include requiring a Participant to participate in an activity or labor that is a part of a written plan of care or prescribed or authorized by the Participant's attending physician.

P. Health Assessment. An evaluation of the health status of a Staff member and/or Volunteer by a physician, other Authorized Healthcare Provider, or a registered nurse. A registered nurse may complete the Health Assessment pursuant to standing orders approved by a physician as evidenced by the physician's signature. The standing orders shall be reviewed Annually by the physician, with a copy of the review maintained at the Facility.

Q. Incident. An unusual, unexpected adverse event in the Facility or on Facility grounds, including any accidents, that could potentially cause harm, injury, or death to Participants or Staff members.

R. Individual Plan of Care (IPC). A documented regimen of appropriate care and services or written action plan prepared by the Facility for each Participant based on the Participant's needs and preferences and which is to be implemented for the benefit of the Participant.

S. Inspection. A visit by the Department for the purpose of determining compliance with this regulation.

T. Investigation. A visit by Department representatives to a licensed Facility or unlicensed entity for the purpose of determining the validity of allegations received by the Department relating to statutory and regulatory compliance.

U. License. The authorization to operate a Facility as defined in this regulation and as evidenced by a current certificate issued by the Department to a Facility.

V. Licensee. The individual, organization, or public entity that has received a License to provide care and services at the Facility and with whom rests the ultimate responsibility for compliance with the current regulation.

W. Neglect. The failure or omission of a Direct Care Staff member or direct care Volunteer to provide the care, goods, or services necessary to maintain the health or safety of a Participant including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services. Failure to provide adequate supervision resulting in harm to Participants, including altercations or acts of assault between Participants, may constitute Neglect. Neglect may be repeated conduct or a single Incident that has produced or could result in physical or psychological harm or substantial risk of death. Noncompliance with regulatory standards alone does not constitute Neglect.

X. Participant. An Adult who is receiving services in a Day Care Facility for Adults.

Y. Physical Examination. An examination of a Participant by a physician or other Authorized Healthcare Provider which addresses those issues identified in Section 1100 of this regulation.

Z. Prescription Medication. A drug that is required by any applicable federal or state law to be dispensed pursuant only to a Prescription Medication order or is restricted to use by Physicians or other Authorized Healthcare Providers only.

AA. Responsible Party. A Participant's legal guardian, committee, next of kin, or other person acting as agent of the Participant who does not have a legally appointed guardian.

BB. Revocation of License. An action by the Department to cancel or annul a Facility License by recalling, withdrawing, or rescinding its authority to operate.

CC. Sponsor. A person, company, institution, group, or organization that assumes responsibility, advocates, and/or pays for care and services for the Participant.

DD. Staff. Those individuals who are employees (full- and part-time) of the Facility, to include those individuals contracted to provide care and services for the Participants.

EE. Suspension of License. An action by the Department requiring a Facility to cease operations for a period of time or to require a Facility to cease admitting Participants, until such time as the Department rescinds that restriction.

FF. Variance. A variance is an alternative method that ensures the equivalent level of compliance with the standards in this regulation.

GG. Volunteer. An individual who performs tasks that are associated with the operation of the Facility without pay and at the direction of the Administrator or his or her designee.

**102. Licensure. (II)**

A. License. No person, private or public organization, political subdivision, or governmental agency shall establish, operate, maintain, represent, advertise, or market itself as a Day Care Facility for Adults in South Carolina without first obtaining and possessing a License from the Department. The Facility shall not enroll Participants prior to the effective date of the License. When it has been determined by the Department that treatment, care, or services are being provided at a location, and the owner has not been issued a License from the Department to provide such treatment, care, and services, the owner shall cease operation immediately and ensure the safety, health, and well-being of the Participants. Current or previous violations of South Carolina

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Code of Laws or Department regulations may jeopardize the issuance of a License for the Facility or the licensing of any other Facility, or addition to an existing Facility that is owned and/or operated by the Licensee. The Facility shall provide only the treatment, care, and services it is licensed to provide pursuant to the definition in Section 101.J. (I)

B. Compliance. An applicant shall not receive an initial License for a proposed Facility unless the applicant demonstrates to the Department that the proposed Facility is in substantial compliance with Department licensing standards. In the event a Licensee who already has a Facility or activity licensed by the Department makes application for another Facility or an increase in licensed Participants, the currently licensed Facility or activity shall be in substantial compliance with the applicable licensing standards prior to receiving a License for the proposed Facility or an amended License to the existing Facility. The Facility shall maintain a paper or electronic copy of the licensing standards at the Facility accessible to all Staff members and Volunteers. Facilities shall comply with applicable local, state, and federal laws, codes, and regulations.

C. Licensed Services. Facilities authorized to provide services to a set number of Participants, as identified on the face of the License, shall not exceed the number of Participants identified on the face of the License. Facilities shall obtain authorization from the Department prior to establishing new care or services or occupying additional or renovated space. (I)

D. Issuance and Terms of License.

1. The Facility shall post the License in a conspicuous place in a public area within the Facility.

2. The issuance of a License does not guarantee adequacy of individual care, services, personal safety, fire safety, or the well-being of any Participant or occupant of a Facility.

3. A License is not assignable or transferable and is subject to revocation at any time by the Department for the Licensee's failure to comply with the laws and regulations of this state.

4. A License shall be effective for a specified Facility at a specific location for a specified period following the date of issue as determined by the Department. A License shall remain in effect until the Department notifies the Licensee of a change in that status.

5. Facilities owned by the same entity but which are not located on the same adjoining or contiguous property shall be separately licensed. Roads or local streets, except limited access, shall not be considered as dividing otherwise adjoining or contiguous property. For Facilities owned by the same entity, separate Licenses are not required for separate buildings on the same or adjoining grounds where a single level or type of care is provided.

6. Multiple types of Facilities on the same premises shall be licensed separately even though owned by the same entity.

E. Facility Name. No proposed Facility shall be named nor shall any existing Facility have its name changed to the same or similar name as any other Facility licensed in South Carolina. If the Facility is part of a "chain operation" it shall then have the geographic area in which it is located as part of its name.

F. Application. Applicants for a License shall submit to the Department a completed and accurate application on a form prescribed and furnished by the Department prior to initial licensing and periodically thereafter at intervals determined by the Department. The application shall be signed by the owner(s) if an individual or partnership; by two (2) officers if a corporation; or by the head of the governmental department having jurisdiction if a governmental unit. Corporations or limited partnerships, limited liability companies, or any other organized business entity shall be registered with the South Carolina Secretary of State's Office if required to do so by state law.

G. Required Documentation. The application for initial licensure shall include:

1. The full name and address of the proposed Facility and the owner, and the names of the persons in control of the Facility. The Department may require additional information, including affirmative evidence of the applicant's ability to comply with this regulation;

2. The applicant's oath assuring that the contents of the application are accurate and true, and that the applicant will comply with this regulation;

3. Proof of ownership of real property in which the Facility is located, or lease agreement allowing the Licensee to occupy the real property in which the Facility is located;

4. Verification of Administrator's qualifications; and

5. Number of Participants.

H. Licensing Fees. Each applicant shall pay a License fee prior to the issuance of a License. The fee for the initial License shall be three dollars (\$3.00) for each Participant. The fee for an increase in the number of Participants for which the Facility is licensed shall be three dollars (\$3.00) for each Participant. The License renewal fee shall be three dollars (\$3.00) per Participant, based upon average Participant census number. The License renewal fees shall also include any outstanding Inspection fees. All fees are non-refundable, shall be made payable by check or credit card to the Department or a secured portal or specific website, and shall be submitted with the application.

I. Licensing Late Fee. Failure to submit a renewal application and fee to the Department by the License expiration date shall result in a late fee of seventy-five dollars (\$75.00) or twenty-five percent (25%) of the License fee amount, whichever is greater, in addition to the License fee. Failure to submit the License fee and License late fee to the Department within thirty (30) calendar days of the License expiration date shall render the Facility unlicensed.

J. License Renewal. For a License to be renewed, the applicant shall file an application with the Department, shall pay the License renewal fee, and shall not have pending enforcement actions by the Department. If the License renewal is delayed due to enforcement actions, the License renewal shall be issued only when the matter has been resolved satisfactorily by the Department, or when the adjudicatory process is completed, whichever is applicable.

K. Amended License. The Facility shall request issuance of an amended License by application to the Department prior to any of the following circumstances:

1. Change of Facility location from one geographic site to another;

2. Change of Facility's name or address; or

3. Change in licensed number of Participants.

L. Change of Licensee. The Facility shall request issuance of a new License by application to the Department prior to any of the following circumstances:

1. A change in the controlling interest even if, in the case of a corporation or partnership, the legal entity retains its identity and name; or



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2. A change of the legal entity, for example, sole proprietorship to or from a corporation, partnership to or from a corporation, even if the controlling interest does not change.

M. Variance. The Facility may request a variance to this regulation in a format as determined by the Department. Variances shall be considered on a case-by-case basis by the Department. The Department may revoke issued variances as it determines appropriate.

### **SECTION 200 – ENFORCEMENT OF REGULATIONS**

#### **201. General.**

The Department shall utilize Inspections, Investigations, Consultations, and other pertinent documentation regarding a proposed or licensed Facility in order to enforce this regulation.

#### **202. Inspections and Investigations.**

A. The Facility shall be inspected by the Department prior to initial licensing, and the Facility shall be inspected subsequently as deemed appropriate by the Department. (I)

B. Facilities are subject to Inspection and Investigation at any time without prior notice by individuals authorized by South Carolina Code of Laws. When Staff members, Volunteers, and Participants are absent, the Facility shall post information at the entrance of the Facility to those seeking legitimate access to the Facility, including visitors, as to the expected return of Staff members, Volunteers, and Participants. The Facility shall ensure the posted information includes contact information and the expected time of return of the Staff members and Participants. The Facility shall ensure the contact information includes the name of a designated contact and his or her telephone number. The Facility shall ensure the telephone number for the designated contact is not the Facility telephone number. (I)

C. Individuals authorized by South Carolina law shall be granted access to all properties and areas, objects, documents, and records at the time of the Inspections and Investigations and in a timely manner, and have the authority to require the Facility to make photocopies of those documents required in the course of Inspections and Investigations. Photocopies shall be used only for purposes of enforcement of regulations and confidentiality shall be maintained except to verify the identity of individuals in enforcement action proceedings. The physical area of Department Inspections and Investigations shall be determined by the Department based on the potential impact or effect on Participants. (I)

D. When there is noncompliance with the licensing standards, the Facility shall submit an acceptable written plan of correction in a format determined by the Department. The Facility shall return the plan of correction by the date specified on the report of Inspection or Investigation. The Facility shall describe the following in the plan of correction: (II)

1. The actions taken to correct each cited deficiency;
2. The actions taken to prevent recurrences (actual and similar); and
3. The actual or expected completion dates of those actions.

E. Inspection Fees. The Facility shall pay the Inspection fee for initial, relocation, and routine Inspections of two hundred twenty-five dollars (\$225.00), plus ten dollars (\$10.00) per Participant. The Facility shall pay the Inspection fee for a Participant increase and/or service modification of one hundred twenty-five dollars (\$125.00), plus ten dollars (\$10.00) per Participant. The Facility shall pay the Inspection fee for follow-up Inspections of one hundred twenty-five dollars (\$125.00), plus ten dollars (\$10.00) per Participant.

F. The Facility shall pay the following Inspection fees during the construction phase of the project. The plan Inspection fee is based on the total estimated cost of the project whether new construction, an addition, or a renovation. The fees are detailed in the table below.

<b>Construction Inspection Fees</b>	
<b>Plan Inspection</b>	
<b>Total Project Cost</b>	<b>Fee</b>
< \$10,001	\$750
\$10,001 - \$100,000	\$1,500
\$100,001 - \$500,000	\$2,000
> \$500,000	\$2,500 plus \$100 for each additional \$100,000 in project cost
<b>Site Inspection</b>	
50% Inspection	\$500
80% Inspection	\$500
100% Inspection	\$500

**203. Consultations.**

Consultations may be provided by the Department as requested by the Facility or as deemed appropriate by the Department.

**SECTION 300 – ENFORCEMENT ACTIONS**

**301. General.**

When the Department determines that a Facility is in violation of any statutory provision, rule, or regulation relating to the operation or maintenance of such Facility, the Department, upon proper notice to the Licensee, may deny, suspend, or revoke Licenses and/or assess a monetary penalty.

**302. Violation Classifications.**

Violations of standards in this regulation are classified as follows:

A. Class I violations are those that present an imminent danger to the health, safety, or well-being of the Participants of the Facility or a substantial probability that death or serious physical harm could result therefrom. A physical condition, one or more practices, means, methods or operations in use in a Facility may constitute such a violation. The condition or practice constituting a Class I violation shall be abated or eliminated immediately unless a fixed period of time, as stipulated by the Department, is required for correction. Each day such violation shall exist after expiration of said time established by the Department shall be considered a subsequent violation.

B. Class II violations are those, other than Class I violations, that have a negative impact on the health, safety, or well-being of Participants in the Facility. The citation of a Class II violation shall specify the time within which the violation is required to be corrected. Each day such violation exists after expiration of this time shall be considered a subsequent violation.

C. Class III violations are those which are not classified as Class I or II in this regulation or those that are against the best practices. The citation of a Class III violation shall specify the time within which the violation is required to be corrected. Each day such violation exists after expiration of this time shall be considered a subsequent violation.

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D. The notations (I) or (II), placed within sections of this regulation, indicate those standards are Class I or II violations if they are not met, respectively. Failure to meet standards not so annotated are Class III violations.

E. When imposing a monetary penalty, the Department may invoke South Carolina Code Section 44-7-320(C) to determine the dollar amount or may utilize the following schedule:

<b>FREQUENCY</b>	<b>CLASS I</b>	<b>CLASS II</b>	<b>CLASS III</b>
1 <sup>st</sup>	\$500-1,500	\$300-800	\$100-300
2 <sup>nd</sup>	1,000-3,000	500-1,500	300-800
3 <sup>rd</sup>	2,000-5,000	1,000-3,000	500-1,500
4 <sup>th</sup>	5,000	2,000-5,000	1,000-3,000
5 <sup>th</sup>	5,000	5,000	2,000-5,000
6 <sup>th</sup>	5,000	5,000	5,000

### SECTION 400 – POLICIES AND PROCEDURES (II)

A. The Facility shall maintain and adhere to written policies and procedures addressing the manner in which the requirements of this regulation shall be met. The Facility shall be in full compliance with the policies and procedures.

B. The Facility shall ensure the written policies and procedures include the following:

1. Staffing and training;
2. Reporting Incidents, closure, and zero census;
3. Participant records;
4. Participant care and services;
5. Participant rights and assurances;
6. Medication management;
7. Admissions and Discharge;
8. Fire prevention;
9. Housekeeping;
10. Infection control including prevention, identification, reporting, investigation, and control of infections and communicable diseases among Participants, Staff, Volunteers, visitors, and any individual providing care and services; and
11. Facilities providing an Alzheimer's special care program shall include in its policies and procedures the form of care or treatment provided that distinguishes it as being especially applicable to or suitable for persons with Alzheimer's disease pursuant to the South Carolina Alzheimer's Special Care Disclosure Act.

C. The Facility shall establish a time period for review, not to exceed two (2) years, of all policies and procedures, and such reviews shall be documented and signed by the Administrator. The Facility shall ensure all policies and procedures are accessible to Staff, printed or electronically, at all times.

**SECTION 500 – STAFF AND TRAINING****501. General. (II)**

A. Before being employed or contracted as a Staff member or Volunteer, all Direct Caregiver Staff shall undergo a criminal background check pursuant to South Carolina Code Section 44-7-2910. Staff members and Volunteers shall not have a prior conviction or have pled no contest (*nolo contendere*) to unlawful conduct toward a child, as defined by South Carolina Code Section 63-45-70; Abuse, Neglect, or Exploitation of a vulnerable Adult, as defined by South Carolina Code Sections 43-35-10, et seq.; or any similar criminal offense. The Facility shall maintain documentation of all criminal background checks and make them available to the Department upon request. (I)

B. The Facility shall maintain a personnel file for each Staff member and Volunteer. The Facility shall ensure the personnel file for each Staff member and Volunteer contains:

1. Accurate and current information to include at least address, phone number, date of hire, first day on the job, date of initial Participant contact, and personal, work, and training background; and

2. A current job description that reflects responsibilities and work assignments, job orientation, in-service education, and Health Assessment including tuberculin skin testing as described in Section 1702.

**502. Administrator. (II)**

A. The Facility shall maintain a full-time Administrator to manage the Facility.

B. The Administrator shall have a bachelor's degree or at least two (2) years of college or technical school with at least an additional four (4) years of experience in the field of nursing, social service, sociology, psychology, or in an area closely related to health and social development for the aging.

C. The Facility shall designate in writing a Staff member to act in the absence of the Administrator.

D. The Facility shall notify the Department in writing within seventy-two (72) hours of any change in Administrator status and shall provide the Department the name of the newly appointed Administrator, the effective date of the appointment, and documentation of the newly appointed Administrator's qualifications pursuant to Section 502.B.

**503. Staffing. (I)**

A. The Facility shall have Staff capable of providing program services and supervision to the Participants. The Facility shall maintain a Staff-to-Participant ratio of at least one (1) Direct Care Staff member or Volunteer to eight (8) Participants.

B. The Facility shall maintain documentation to ensure the Facility meets Section 503.A.

**504. Orientation. (I)**

The Facility shall develop and execute a written orientation program to familiarize all new Staff members and Volunteers with the Facility, its policies and procedures, the Staff members' job responsibilities, and needs of the Participants. The Facility shall maintain documentation of orientation that includes orientation source and duration and shall be signed and dated by the orientation trainer and trainee. The Facility shall ensure all orientation is completed within twenty-four (24) hours of the first day on the job in the Facility.

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### **505. Training. (I)**

The Facility shall require all Staff members and Volunteers to complete the necessary training to perform their duties and responsibilities. The Facility shall ensure documentation of all training is signed and dated by both the individual providing the training and the individual receiving the training. A signature for the individual providing the training may be omitted for computer-based training. The following training shall be provided to all Staff and Volunteers prior to Participant contact and at a frequency determined by the Facility, but at least Annually unless otherwise specified by certificate, e.g., cardiopulmonary resuscitation (CPR):

A. Fire Safety Measures;

B. Infection Control;

C. Participant Rights including prevention of Abuse, Neglect, and Exploitation;

D. Confidentiality of Participant information and records;

E. Depending on the type of Participants, care of persons specific to the physical and/or mental condition being cared for in the Facility including dementia, cognitive disability, mental illness, or aggressive, violent, and/or inappropriate behavioral symptoms, and etc., to include communication techniques (cueing and mirroring), understanding and coping with behaviors, safety, activities, etc.; and

F. At least one (1) Staff member who has certification of first-aid training, cardiopulmonary resuscitation (CPR) certification, and is capable of recognizing symptoms of distress shall be present when Participants are in the Facility. If the Staff member is a licensed nurse, first-aid training shall not be required. (I)

### **506. Health Assessment. (I)**

A. All Staff members and Volunteers who have contact with Participants shall have a Health Assessment within twelve (12) months prior to initial Participant contact. The Health Assessment shall include tuberculin skin testing as described in Section 1702.

B. For Staff members working at multiple Facilities operated by the same Licensee, copies of the documented Health Assessment shall be accessible at each Facility.

## **SECTION 600 – REPORTING**

### **601. Incidents. (II)**

A. The Facility shall document every Incident and include an Incident review, Investigation, and evaluation as well as corrective action taken, if any. The Facility shall retain all documented Incidents reported pursuant to this section for six (6) years after the Participant involved is last Discharged. The Facility shall keep the documents onsite and readily available at the Facility for the first year following Participant Discharge.

B. The Facility shall report the following types of Incidents to the Department, Responsible Party, Sponsor, and/or emergency contact for each affected Participant within twenty-four (24) hours of the Incident. The Facility shall notify the Department via the Department's electronic reporting system or as otherwise determined by the Department. Incidents requiring reporting include:

1. Confirmed or suspected crimes against Participants;

2. Confirmed or suspected Abuse, Neglect, or Exploitation;

3. Hospitalization or death resulting from an Incident;
4. Elopement;
5. Medication errors;
6. Burns, hematoma, or laceration requiring medical attention;
7. Bone or joint fracture;
8. Other injuries requiring medical attention or hospitalization;
9. Attempted suicide; and
10. Fire.

C. The Facility shall submit a separate written investigation report within five (5) calendar days of every Incident required to be reported to the Department pursuant to Section 601.B via the Department's electronic reporting system or as otherwise determined by the Department. Reports submitted to the Department shall contain only: Facility name, License number, type of Incident, the date the Incident occurred, number of Participants directly injured or affected, Participant medical record identification number, Participant age and sex, number of Staff directly injured or affected, number of visitors directly injured or affected, witness(es) name(s), identified cause of Incident, internal investigation results if cause unknown, a brief description of the Incident including location where occurred, and treatment of injuries.

#### **602. Closure and Zero Census.**

A. The Facility shall notify the Department and Participants, or Participants' representatives when appropriate, in writing prior to permanent closure of the Facility and shall provide the effective closure date. The Facility shall return its License to the Department on the date of closure.

B. The Facility shall notify the Department in writing within fifteen (15) calendar days prior to a temporary closure, or within forty-eight (48) hours if the temporary closure is due to an emergency. The notification shall include the reason for the temporary closure, records maintenance plan, anticipated reopening date, and documentation of Participant notification. Facilities that are temporarily closed longer than one (1) year shall reapply for licensure with the Department and shall be subject to all applicable licensing and construction requirements for new Facilities.

C. The Facility shall notify the Department in writing if there have been no Participants in the Facility for any reason for ninety (90) calendar days or more no later than one hundred (100) calendar days after the last Participant is Discharged. Facilities that are zero census longer than one (1) year shall reapply for licensure with the Department and shall be subject to all applicable licensing and construction requirements for new Facilities.

D. Prior to closing the Facility for any reason, the Licensee shall arrange for preservation of records to ensure compliance with this regulation. The Facility shall notify the Department in writing within ten (10) calendar days of closure of the provisions for records maintenance describing the arrangements and the location of the records.

#### **603. Reportable Diseases and Infections. (I)**

The Facility shall immediately report animal bites, diseases, and infections in accordance with Regulation 61-20, Communicable Diseases, to the Department's local health department and Bureau of Facilities Oversight.

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The Facility shall maintain documentation of reported animal bites, diseases, and infections in the Participant records.

### **SECTION 700 – PARTICIPANT RECORDS**

#### **701. Content. (II)**

A. The Facility shall maintain an organized record for each Participant. The Facility shall ensure all entries in the Participant record are permanently written, typed, or electronic media, authenticated by the author, and dated. The Facility shall have policies and procedures to prohibit access to Participant records that are generated by electronic or optical means.

B. The Facility shall maintain current Participant records for each Participant that contain:

1. A personal data sheet to include: full name, address, phone number, photo, race, religious preference, marital status, name of spouse, Responsible Party, Sponsor, emergency contact, and Participant's personal physician(s);

2. An enrollment Physical Examination and subsequent Physical Examinations;

3. Progress Notes. The Facility shall document, at least quarterly, progress notes by Direct Care Staff for each Participant. The Facility shall ensure that all progress notes include the progress of each Participant relative to the achievement of goals as indicated in the Individual Plan of Care;

4. A signed written agreement between the Participant and/or the Participant's Sponsor or Responsible Party and the Facility. The Facility shall revise the agreement upon any changes and document the signatures of the Participant, Sponsor, or Responsible Party. The Facility shall ensure the written agreement includes at least the following:

a. An explanation of the specific care, services, and activities provided by the Facility; and

b. Disclosure of fees for all care, services, and activities provided;

5. A record of Incidents, emergencies, and illnesses that occur while the Participant is receiving Adult Day Care Services; and

6. A written acknowledgement of the Statement of Rights of Adult Day Care Participants signed by the Participant, or Responsible Party or Sponsor.

#### **702. Enrollment Assessment. (II)**

The Facility shall ensure a Staff member conducts and documents a written initial enrollment assessment of the Participant to include the Participant's physical condition, capabilities, preferences, and needs. The Facility shall ensure the Staff member conducts the initial enrollment assessment within a time period determined by the Facility that is evidenced and documented by the signature and date of the Staff member.

#### **703. Individual Plan of Care. (II)**

A. The Facility shall complete the Individual Plan of Care for each Participant within thirty (30) calendar days of the Participant's enrollment and shall review and/or revise as changes in Participant's needs occur but not less than semi-annually with the Participant, Administrator or designee, and/or the Sponsor or Responsible Party as evidenced by their signatures and date. The Facility shall provide the Responsible Party and or Sponsor a copy of the Individual Plan of Care upon request.

**B. The Facility shall ensure the Individual Plan of Care:**

1. Describes the needs of the Participant including the activities of daily living for which the Participant requires assistance, i.e., what assistance, how much, who will provide the assistance, how often, and when;
2. Delineates the responsibilities of the Facility in meeting the needs of the Participant including provisions to monitor the care and the effectiveness of the Facility in meeting those needs; and
3. Includes specific goal-related objectives based on the needs and preferences of the Participant as identified during the assessment, activities, access to the community, other special needs, and the methods for achieving objectives and meeting needs in measurable terms with expected achievement dates.

**704. Record Maintenance.**

- A. The Licensee shall provide accommodations, space, supplies, and equipment for the protection, storage, and maintenance of Participant records in an organized manner.
- B. The Participant record is confidential and shall be made available only to individuals authorized by the Facility and in accordance with local, state, and federal laws, codes, and regulations. (II)
- C. Records generated by organizations or individuals contracted by the Facility for care or services shall be maintained by the Facility that has enrolled the Participants.
- D. Upon Discharge of a Participant, the record shall be completed within thirty (30) calendar days, and filed in an inactive or closed file maintained by the Licensee.
- E. Participants records shall be maintained for at least six (6) years following the Discharge of the Participant. Unless otherwise indicated, other regulation-required documents shall be retained at least twelve (12) months or since the last Department general Inspection, whichever is the longer period.
- F. Current Participant records are the property of the Facility, shall be maintained at the Facility, and shall not be removed from the Facility without court order.

**SECTION 800 – ENROLLMENT AND RETENTION. (I)**

- A. The Facility shall only enroll Adult Participants.
- B. The Facility shall not enroll or retain a Participant who is bed-confined.
- C. The Facility shall not retain Participants beyond thirty (30) calendar days if the Facility is incapable of providing the necessary care and/or services needed by the Participant, the Participant has a medical condition or behavior which is unsafe for continued retention in the Facility, or the decision to Discharge the Participant is in accordance with the Facility’s policy and procedures.

**SECTION 900 – PARTICIPANT CARE AND SERVICES**

**901. Activities and Programs.**

- A. The Facility shall offer a regular and ongoing program of varied, meaningful activities designed to suit the interests and physical and cognitive capabilities of the Participants who choose to participate in activities. The Facility shall provide activities that offer intellectual and physical stimulation; promote or enhance physical, mental, and/or emotional health; are age-appropriate; and are based on input from the Participants and/or



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Responsible Party, as well as information obtained in the initial enrollment assessment. These activities shall include appropriate group activities and also activities for individuals with particular interests and needs.

B. The Facility shall provide supervision and personal care training in order to assist the Participant in developing self-help skills.

C. The Facility shall make social, group, individual, educational, recreational, and other activities available.

D. The Facility shall post the current month's schedule in order for Participants to be made aware of activities offered. This schedule shall include activities, dates, times, and locations. Participants may choose activities and schedules consistent with their interests and physical, mental, and psychosocial well-being. If a Participant is unable to choose for himself or herself, Staff members and Volunteers shall encourage participation and assist when necessary.

### **902. Daily Census. (II)**

The Facility shall maintain an accurate daily census of Participants. The Facility shall maintain records of daily attendance for at least twelve (12) months and make the records available to the Department.

## **SECTION 1000 – PARTICIPANT RIGHTS**

### **1001. Statement of Rights of Adult Day Care Participants. (II)**

A. Each Participant must be accorded the following rights:

1. The right to be treated as an Adult, with consideration, respect, and dignity, including privacy in treatment and in care for personal needs;

2. The right to participate in a program of services and activities designed to encourage independence, learning, growth, and awareness of constructive ways to develop one's interests and talents;

3. The right to self-determination within the day care setting, including the opportunity to:

a. Participate in developing one's plan for services and any changes therein;

b. Decide whether or not to participate in any given activity;

c. Be involved to the extent possible in program planning and operation;

d. Refuse treatment, if applicable, and be informed of the consequences of such refusal; and

e. End participation in the Facility any time;

4. The right to be cared about in an atmosphere of sincere interest and concern in which needed support and services are provided;

5. The right to a safe, secure, and clean environment;

6. The right to confidentiality and the requirement for written consent for release of information to persons not authorized under law to receive it;

7. The right to voice grievances without discrimination or reprisal with respect to care or treatment, if applicable, that is or is not provided;

8. The right to be fully informed, as evidenced by the Participant's written acknowledgment of these rights, of all rules and regulations regarding Participant conduct and responsibilities;

9. The right to be free from harm, Exploitation, Abuse, or Neglect; (I)

10. The right to be fully informed, at the time of enrollment, of services and activities available and related charges; and

11. The right to communicate with others and be understood by them to the extent of the Participant's capability.

B. The Facility shall provide grievance and complaint procedures for Participants, Sponsors, and Responsible Parties on the Statement of Rights of Adult Day Care Participants to be exercised on behalf of the Participants to enforce the Statement of Rights of Adult Day Care Participants that includes the Department's email address and telephone number.

C. The Facility shall post the Statement of Rights of Adult Day Care Participants in a conspicuous place in the Facility.

**1002. Discharge. (II)**

The Facility shall notify the Participant, Responsible Party, and/or Sponsor in writing immediately upon the determination to Discharge the Participant. The Facility shall ensure the Discharge notice includes the reason for Discharge, the proposed date of Discharge, and contact information for how to access community services, if applicable. The Facility shall maintain a copy of the Discharge notice in the Participant's medical record.

**SECTION 1100 – PARTICIPANT PHYSICAL EXAMINATION. (I)**

A. The Facility shall ensure a physician or other Authorized Healthcare Provider conducts a Physical Examination of the Participant within sixty (60) calendar days prior to enrollment. The Facility shall ensure the Physical Examination includes recommendations regarding limitations of activities, special diet, medications (name, type, dosage, and whether the individual is capable of self-administering), and other considerations to determine whether appropriate services are available. The Facility shall ensure the Participant receives Physical Examinations at least every two (2) years upon enrollment.

B. When a Participant is transferred from one Facility to another Facility, the transferring Facility shall forward a transfer summary to the receiving Facility at the time of transfer or immediately after the transfer. The transferring Facility shall include the following in the transfer summary at a minimum:

1. Copies of the most recent Physical Examination, the two-step tuberculosis test or Blood Assay for Mycobacterium tuberculosis, and the Individual Plan of Care.

2. The date sent to the receiving Facility and the signature of the transferring Facility Staff member.

**SECTION 1200 – MEDICATION MANAGEMENT. (I)**

A. The Facility shall store and safeguard medications in a locked medicine preparation room, cabinet or cart. The Facility shall monitor and attend to medications at all times to prevent access by unauthorized individuals. The Facility shall not store expired or discontinued medications with current medications. The Facility shall ensure storage areas are not located near sources of heat, humidity, or other hazards that may negatively impact medication effectiveness or shelf life.

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B. The Facility shall store medications requiring refrigeration or freezing in a locked refrigerator or freezer as appropriate at the temperature range established by the manufacturer used exclusively for that purpose. The Facility shall not store food and drinks in the same refrigerator or freezer in which medications and biologicals are stored. The Facility shall provide each refrigerator and freezer with a thermometer accurate to plus or minus two (2) degrees Fahrenheit.

C. The Facility shall ensure that Prescription Medication is administered to the Participant in accordance with state practice acts by a licensed nurse or an Authorized Healthcare Provider. The Facility shall ensure that doses of Prescription Medication are administered to the Participant by the same licensed nurse or Authorized Healthcare Provider who prepared them for administration. (I)

D. The Facility shall maintain a standard first-aid kit, or equivalent first-aid supplies on hand, that is readily accessible to include, but not limited to, the following:

1. Absorbent compress dressings;
2. Adhesive bandages, assorted sizes;
3. Adhesive cloth tape;
4. Antibiotic ointment;
5. Antiseptic wipes;
6. Non-latex gloves;
7. Hydrocortisone ointment;
8. Gauze roll bandage; and
9. Sterile gauze pads.

### **SECTION 1300 – MEAL SERVICE**

#### **1301. General. (II)**

A. Facilities that prepare food on-site shall be approved by the Department, and regulated, inspected, and permitted pursuant to Regulation 61-25, Retail Food Establishments.

B. The Facility shall ensure that meals that are catered to the Facility are obtained from a food service establishment graded by the Department pursuant to R.61-25, and the Facility shall have a written executed contract with the food service establishment.

C. The Facility shall ensure food served to the Participants meets the requirements of R.61-25 for temperature, storage, display, and general protection against contamination. The Facility shall not permit the use of home canned foods.

D. The Facility shall maintain at least one (1) hand sink equipped with hot and cold water, liquid soap, and an individualized method of drying hands. The Facility shall ensure handwashing sinks are equipped to provide water at a temperature of at least one hundred (100) degrees Fahrenheit through a mixing valve or combination faucet.

#### **1302. Meals and Special Diets.**

A. The Facility shall provide at least one (1) meal for each Participant receiving Adult Day Care Services for four (4) hours or more per day unless otherwise directed by a physician or other Authorized Healthcare Provider in writing. The Facility shall provide at least two (2) meals for each Participant receiving Adult Day Care Services for ten (10) or more hours per day unless otherwise directed by a physician in writing.

B. The Facility shall provide dietary services to meet the daily dietary needs of Participants in accordance with written dietary policies and procedures. The Facility may permit snacks but not in lieu of full meals.

C. The Facility shall establish specific times for serving meals to Participants.

D. The Facility shall maintain suitable food and snacks and offer to Participants between meals at no additional cost to the Participants. (II)

E. The Facility shall wash and sanitize all food contact and non-food contact surfaces, equipment, and utensils in accordance with the standards required by R.61-25.

**1303. Menus.**

The Facility shall ensure one (1) week of menus, including routine and special diets and any substitutions or changes made, is readily available and posted in one (1) or more conspicuous places in a public area.

**1304. Ice and Drinking Water. (II)**

A. The Facility shall ensure ice is available and precautions are be taken to prevent contamination. The Facility shall store ice scoops in a sanitary manner outside of ice containers. The Facility shall ensure ice delivered to Participant areas in bulk shall be in nonporous, covered containers cleaned after each use.

B. The Facility shall ensure potable drinking water shall be available and accessible to Participants at all times.

C. The Facility shall not permit the use of common drinking cups. The Facility shall ensure unused disposable cups are stored to prevent contamination.

**SECTION 1400 – EMERGENCY PROCEDURES AND DISASTER PREPAREDNESS**

**1401. Disaster Preparedness. (II)**

The Facility shall develop and maintain a written plan for actions to be taken in the event of a disaster or an emergency evacuation. The Facility shall implement the plan when necessary and at the time of need. The Facility shall make the plan available upon request by Participants, Participants’ Sponsors and Responsible Parties, and the Department.

**1402. Continuity of Essential Services. (II)**

The Facility shall maintain and implement a plan that ensures the continuation of essential Participant services for such reasons as power outage and/or water shortage or in the event of the absence from work of any portion of the work force resulting from inclement weather or other causes.

**SECTION 1500 – FIRE PREVENTION**

**1501. Arrangements for Fire Department Response and Protection. (I)**

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A. The Facility shall develop, in coordination with its supporting fire department and/or disaster preparedness agency, suitable written plans for actions to be taken in the event of fire such as fire plan and evacuation plan.

B. Facilities located outside of a service area or range of a public fire department shall arrange for the nearest fire department to respond in case of fire by written agreement with that fire department. The Facility shall keep a copy of the current agreement on file in the Facility and shall provide a copy of the current agreement and updated agreements to the Department.

### **1502. Tests and Inspections. (I)**

The Facility shall maintain and test all fire protection and suppression systems in accordance with the provisions of the codes officially adopted by the South Carolina Building Codes Council and the South Carolina State Fire Marshal applicable to the Facility.

### **1503. Fire Response Training. (I)**

The Facility shall ensure Staff complete Annual fire response training in accordance with specific duties and responsibilities outlined in their job descriptions. The Facility shall document and maintain the training in the Staff record at the Facility.

A. The Facility shall ensure the Staff fire response training addresses, at a minimum, the following:

1. Reporting a fire;
2. Use of the fire alarm system, if applicable;
3. Location and use of fire-fighting equipment;
4. Methods of fire containment; and
5. Specific responsibilities, tasks, or duties of each individual.

B. The Facility shall maintain a written plan for fire and other emergency evacuations of Participants, Staff members, Volunteers, and visitors that includes evacuation routes and procedures, and shall post the plan in a conspicuous public area in the Facility.

C. The Facility shall train the Participants capable of self-evacuation on actions to take in the event of a fire, including if the primary escape route is blocked.

### **1504. Fire Drills. (I)**

A. The Facility shall complete at least one (1) fire drill every month to familiarize all Staff, Volunteers, and Participants with fire safety procedures. The Facility shall maintain records of the fire drills, including date, time, description, and evaluation of the drill, and the names of Staff members, Volunteers, and Participants directly involved in responding to the drill. If fire drill requirements are mandated by statute or regulation, then the mandated statute or regulation requirements supersede the requirements of this regulation, and the Facility shall comply with the provisions of the statute or regulation.

B. The Facility shall design and conduct the fire drills to reflect the contents of the fire response training described in Section 1503.

C. The Facility shall encourage all Participants to participate in fire drills and utilize counseling, incentive programs, and specific Staff-to-Participant assignments, if appropriate.

**1505. Fire Extinguishers, Standpipes, and Automatic Sprinklers. (I)**

The Facility shall provide fire-fighting equipment such as fire extinguishers, standpipes, and automatic sprinklers as required by the provisions of the codes officially adopted by the South Carolina Building Codes Council and the South Carolina State Fire Marshal applicable to the Facility. The Facility shall ensure extinguishers are sized, located, installed, and maintained in accordance with National Fire Protection Association No. 10. The Facility shall install suitable fire extinguishers in all hazardous areas. The Facility shall comply with all state and local fire and safety provisions. (I)

**SECTION 1600 – MAINTENANCE****1601. General Maintenance.**

The Facility shall keep all equipment and building components including, but not limited to, carpet and flooring, doors, windows, lighting fixtures, and plumbing fixtures in good repair and operating condition. The Facility shall document preventive maintenance. (II)

**1602. Preventive Maintenance of Emergency Equipment and Supplies. (I)**

A. The Facility shall develop and implement a written preventive maintenance program for all fire alarm, electrical, mechanical, plumbing, fire protection systems and for all equipment and supplies including, but not limited to, all Participant monitoring equipment, isolated electrical systems, conductive flooring, Participant grounding systems, and medical gas systems. The Facility shall check and test the equipment at intervals ensuring proper operation and state of good repair. After repairs and alterations to any equipment or system, the Facility shall thoroughly test the equipment or system for proper operation before returning it to service. The Facility shall maintain records for each piece of emergency equipment to indicate its history of testing and maintenance.

B. The Facility shall comply with the provisions of the codes officially adopted by the South Carolina Building Codes Council and the South Carolina State Fire Marshal applicable to the Facility. (I)

**SECTION 1700 – INFECTION CONTROL AND ENVIRONMENT****1701. Staff Practices. (I)**

A. The Facility shall maintain and implement Staff practices that promote conditions that prevent the spread of infectious, contagious, or communicable diseases, including but not limited to standard precautions, transmission-based precautions, contact precautions, airborne precautions, and isolation techniques. The Facility shall ensure proper disposal of toxic and hazardous substances. The Facility shall ensure the preventive measures and practices are in compliance with applicable guidelines of the Bloodborne Pathogens Standard of the Occupational Safety and Health Act of 1970; the Centers for Disease Control and Prevention; R.61-105, Infectious Waste Management; and other applicable federal, state, and local laws and regulations.

B. The Facility shall ensure the practice of hand hygiene to prevent the hand transfer of pathogens, and the use of barrier precautions such as gloves in accordance with established guidelines.

**1702. Tuberculosis Risk Assessment and Screening. (I)**

A. Tuberculosis Testing. The Facility shall utilize either Tuberculin Skin Test or Blood Assay for Mycobacterium tuberculosis for detecting Mycobacterium tuberculosis infection.

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B. Annual Risk Assessment. The Facility shall conduct an Annual tuberculosis risk assessment in accordance with the Centers for Disease Control and Prevention guidelines to guide the Facility's infection control policies and procedures related to the appropriateness and frequency of tuberculosis screening and other tuberculosis related measures to be taken.

C. Symptoms Assessment. The Facility shall conduct an assessment for signs and symptoms of tuberculosis disease for All Staff or Volunteers prior to Participant contact, and maintain documentation of the assessment.

D. Baseline Status. The Facility shall ensure all Staff and Volunteers have a single Blood Assay for Mycobacterium tuberculosis or a baseline two-step Tuberculin Skin Test prior to Participant Contact in the following manner:

1. Staff and Volunteers with a documented negative Tuberculin Skin Test or a Blood Assay for Mycobacterium tuberculosis result within the previous twelve (12) months may have a Blood Assay for Mycobacterium tuberculosis or a single Tuberculin Skin Test administered and read to serve as the baseline prior to Participant contact.

2. Staff or Volunteers without documented negative Tuberculin Skin Test or a Blood Assay for Mycobacterium tuberculosis result within the previous twelve (12) months shall have a Blood Assay for Mycobacterium tuberculosis or the first step of the two-step Tuberculin Skin Test, administered and read prior to Participant contact, with the administration of the second step seven (7) to twenty (21) calendar days after the first step is read.

### E. Positive TB Screening Tests.

1. For all Staff and Volunteers with a history of positive TB screening, the Facility shall secure and maintain documentation of treatment, or, if no documentation is available, consult with and document consultation with the Department's TB Control Program.

2. For all Staff and Volunteers with a newly positive reaction (Positive Reactors) for Mycobacterium tuberculosis infection, the Facility shall secure and maintain documentation of a chest X-ray performed to rule out active disease.

a. If TB is present, the Facility shall report any known or suspected cases of TB disease to the Department's Bureau of Communicable Disease Prevention and Control in a form and manner as prescribed by the Department within twenty-four (24) hours and exclude the Staff member from work until he or she is evaluated by the Department's TB Control Program.

b. Latent TB Infection (LTBI). For new positive reactors without TB disease, as determined by a normal chest X-ray, the Facility shall educate the Staff member or Volunteer on preventative treatment and document in the individual Staff or Volunteer file his or her decision to receive or decline preventative treatment.

3. The Facility shall maintain documentation that the Positive Reactor who declines preventative treatment is:

a. Assessed annually for signs and symptoms of TB;

b. Advised of the lifelong risk of developing and transmitting TB to Participants, other Staff and Volunteers, and the community; and

c. Informed of symptoms that suggest the onset of TB and the procedure to follow should such symptoms develop.

F. Post Exposure. After known exposure to a person with potentially infectious tuberculosis disease without the use of adequate personal protection, the Facility shall ensure the tuberculosis status of all Staff is determined in a manner prescribed in the current Centers for Disease Control and Prevention and Department tuberculosis guidelines.

G. Annual Tuberculosis Training. The Facility shall ensure all Staff receive Annual training regarding tuberculosis to include risk factors and signs and symptoms of tuberculosis disease. The Facility shall ensure the Annual tuberculosis training is documented in a Staff record and maintained at the Facility.

H. Serial Screening. The Facility shall follow the current Centers for Disease Control and Prevention and Department tuberculosis guidelines related to serial screening.

**1703. Linen and Laundry. (II)**

The Facility shall maintain an adequate supply of clean linen or disposable materials for each sick bed. The Facility shall ensure each sick bed has a clean moisture-proof mattress cover and at least one (1) clean linen change including bottom and top sheets, pillowcase, and a bedspread or coverlet.

**1704. Housekeeping. (II)**

The Facility and its grounds shall be clean, and free of vermin and offensive odors.

A. The Facility shall ensure that interior housekeeping, at a minimum, includes:

1. Cleaning each specific area of the Facility;
2. Cleaning and disinfection, as needed, of equipment used and/or maintained in each area appropriate to the area and the equipment's purpose or use;
3. Chemicals indicated as harmful on the product label, cleaning materials, and supplies shall be in locked storage areas and inaccessible to Participants; and
4. During use of chemicals indicated as harmful on the product label, cleaning materials, and supplies shall be in direct possession of the Staff member and monitored at all times.

B. The Facility shall ensure that exterior housekeeping, at a minimum, includes:

1. Cleaning of all exterior areas, such as, porches and ramps, and removal of safety impediments such as snow and ice;
2. Keeping Facility grounds free of weeds, rubbish, overgrown landscaping, and other potential breeding sources for vermin; and
3. Safe storage of chemicals indicated as harmful on the product label, equipment and supplies inaccessible to Participants.

**1705. Sanitation. (II)**

A. The Facility shall ensure garbage and waste collection, storage, and disposal prevent the transmission of disease. The Facility shall wash and sanitize garbage and waste containers prior to returning them to work areas. The Facility shall not reuse disposable garbage or waste containers.



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B. The Facility shall ensure garbage and waste are covered and stored outside in durable, rust-resistant, non-absorbent, watertight, rodent-proof, easily cleanable containers placed on an approved platform to prevent overturning by animals, the entrance of flies, or the creation of a nuisance. The Facility shall dispose of all solid waste at sufficient frequencies in a manner so as not to create a rodent, insect, or other vermin problem.

C. The Facility shall dispose of all sewage and liquid waste in a manner so as not to create a public health hazard and by a sanitary method.

### **1706. Outside Areas. (II)**

The Facility shall keep all outside areas, grounds, and/or adjacent buildings free of rubbish, grass, and weeds that may serve as a fire hazard or as a haven for insects, rodents, and other vermin. The Facility shall apply measures that prevent and control insect, rodent, and other vermin harborage, breeding, and infestation on the premises. The Facility shall maintain all stairs, walkways, ramps, and porches, and keep them free from accumulations of water, ice, snow, and any other impediments.

### **1707. Pets.**

A. The Facility may permit pets that are healthy, free of fleas, ticks, and intestinal parasites, up-to-date on vaccinations, and pre-screened by a veterinarian prior to Participant contact, and present no apparent threat to the health, safety, and well-being of the Participants provided the pets are sufficiently fed and cared for and that both the pets and their housing are kept clean.

B. The Facility shall ensure pets remain separate from Participants with allergic sensitivities to pets and Participants wanting to avoid pets for any other reason.

C. The Facility shall not allow pets in the kitchen area. The Facility may permit pets in the Participant dining areas only when food is not being served to Participants. The Facility shall ensure dining areas adjacent to a food preparation or storage area are separated by walls and closed doors while pets are present.

## **SECTION 1800 – [RESERVED]**

## **SECTION 1900 – DESIGN AND CONSTRUCTION**

### **1901. General. (II)**

A. The Facility shall be planned, designed, and equipped to provide and promote the health, safety, and well-being of each Participant.

B. The Facility shall provide rooms to accommodate a variety of programs and Participants served. At a minimum, the Facility shall provide one (1) group activity room and one (1) resting room to accommodate the Participants. The Facility shall ensure the resting room bed ratio is one (1) bed per thirty (30) licensed Participants or fraction thereof. The Facility shall have resting room beds set up and ready to use. The Facility shall not utilize roll-away beds as resting room beds. The Facility shall include private room, cubicle curtains, portable partitions, or other means to ensure privacy of Participants when utilizing the resting room bed. The Facility shall provide adequate storage space for supplies and personal belongings.(II)

C. The Facility shall provide a minimum of fifty (50) net square feet of usable activity space, exclusive of hallway, passageway, corridor, storage space, kitchen, toilet, resting area, office, and other similar space for each Participant. When the Facility shares space with another entity, and individuals not affiliated with the Facility have access to the building during operating hours, the Facility is allowed a minimum of twenty-five (25) net square feet of usable activity and/or dining space, provided the space has a permanent one (1) hour rated barrier,

pursuant to South Carolina Building Codes, exclusive for use of the Participants. The Facility shall maintain all minimum requirements of the existing use of the building.

D. The Facility shall have only level of exit discharge floor occupancy except where elevators are provided, or if only non-Participant areas are located on the above floor(s), e.g., storage areas, Staff offices, lounges.

E. The Facility shall be accessible to Participants with disabilities to include all Participant areas and bathrooms.

F. The Facility shall ensure the entrance to the building is at the level of the exit discharge. The Facility shall have a canopy for weather protection inclusive of the vehicle drop-off location to the entrance door.

G. The Facility shall have at least two (2) exits remote from each other to exit the building or space.

**1902. Applicable Code. (II)**

A. The new Facility design and construction shall comply with codes officially adopted by the South Carolina Building Codes Council and the South Carolina State Fire Marshal.

B. The existing Facility shall remain in compliance with the construction codes and construction regulations applicable at the time its License was initially issued, unless specifically required otherwise by the Department.

C. A Facility that closes, has its License revoked, or surrenders its License and then applies for re-licensure at the same site shall be considered a new building and shall meet the codes, regulations, and requirements for the building and its essential equipment and systems in effect at the time of application for licensing.

**1903. Submission of Plans and Specifications.**

A. The Facility shall have all plans and specifications prepared by an architect and/or engineer registered in South Carolina. The Facility shall submit plans at the schematic, design development, and final stages, unless directed otherwise by the Department. The Facility plans shall be drawn to scale with the title, stage of submission, and date shown thereon. The Facility shall submit to the Department, for approval, all construction changes to the Department-approved plans. The Facility shall not commence construction work prior to receiving plan approval from the Department. The owner shall employ a registered architect and/or engineer during construction for observation. Upon approval of the Department, construction administration may be performed by an entity other than the architect. The Department shall conduct periodic Inspections throughout each project phase.

B. The Facility shall submit plans and specifications to the Department for new construction and for any projects that have an effect on:

1. The function of a space;
2. The accessibility to or of an area;
3. The structural integrity of the Facility;
4. The active and/or passive fire safety systems (including kitchen equipment such as exhaust hoods or equipment required to be under an exhaust hood);
5. Doors;
6. Walls;

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7. Ceiling system assemblies;
8. Exit corridors;
9. Life safety systems; or
10. Increases the occupant load or licensed capacity of the Facility.

C. The Facility shall submit all subsequent addenda, change orders, field orders, and documents altering the Department-approved review to the Department. The Facility shall be subject to the written notification requirement, review, and re-approval from the Department for any substantial deviation from the Department-approved documents.

D. The Facility shall maintain copies of documentation and certifications related to cosmetic changes utilizing paint, wall covering, floor covering, etc. that are required to have a flame-spread rating or other safety criteria shall be documented with copies of the documentation and certifications kept on file at the Facility and made available to the Department.

### **1904. Construction Inspections.**

The Facility shall bring into compliance construction work that violates codes or standards. The Facility shall obtain all required permits from the locality having jurisdiction for all projects. The Facility conducting construction without proper permits shall not be inspected by the Department. (I)

## **SECTION 2000 - FIRE PROTECTION, EQUIPMENT, AND LIFE SAFETY**

### **2001. Alarms.**

A. The Facility shall have an alarm system that includes smoke detection in all main areas and pull stations throughout the building, all supervised by the fire alarm system. The Facility shall ensure the alarm system is arranged to transmit an alarm automatically to a third party by an approved method. The Facility shall ensure the alarm system notifies by audible and visual alarm all areas and floors of the building. The Facility shall ensure the alarm system shuts down central recirculating systems and outside air units that serve the area(s) of alarm origination as a minimum.

B. The Facility shall connect all fire, smoke, heat, sprinkler flow, duct detector, and pull stations to the main fire alarm system and ensure they trigger the system when activated.

C. The Facility shall not have a single or multi-station detector or a private system.

### **2002. Gases. (I)**

The Facility shall take safety precautions against fire and other hazards when oxygen is dispensed, administered, or stored. The Facility shall post "No Smoking" signs conspicuously inside the Facility and on oxygen cylinders. The Facility shall properly store all cylinders and secure them in place.

### **SECTION 2100 - [RESERVED]**

### **SECTION 2200 - [RESERVED]**

### **SECTION 2300 - WATER SUPPLY**

A. The Facility shall ensure all hot water plumbing fixtures accessible to Participants are supplied with water that is thermostatically controlled to a temperature of at least one hundred (100) degrees Fahrenheit and not exceeding one hundred twenty-five (125) degrees Fahrenheit at the fixture.

B. The Facility shall have a written plan to respond to disruptions in water supply that includes a contingency plan to estimate water demands for the entire Facility in advance of significant water disruptions, sewage intrusion, or flooding.

C. The Facility shall prevent cross connection and other sources of contamination of ice for human consumption.

D. The Facility shall equip all hand washing lavatories utilized by Participants and Staff with hot and cold water at all times.

E. The Facility shall obtain approval from the Department prior to using a non-community water supply to ensure safe location, construction, proper maintenance, and operation of the system.

**SECTION 2400 - ELECTRICAL**

**2401. General. (I)**

The Facility shall have emergency electric services that provide the following:

- A. Exit lights, if required by code;
- B. Exit access corridor lighting;
- C. Illumination of means of egress; and
- D. Fire detection and alarm systems, if required by code.

**2402. Lighting and Electrical Services. (I)**

A. The Facility shall maintain all electrical and other equipment free of defects that could be a potential hazard to Participants or Staff. The Facility shall provide safe lighting for individual activities as required by applicable codes.

B. The Facility shall maintain all electrical installations and equipment in a safe, operable condition in accordance with the applicable codes.

C. The Facility shall maintain documentation of Annual electrical system inspections by a certified or licensed technician.

**2403. Ground Fault Protection. (I)**

A. The Facility shall have ground fault circuit-interrupter protection for all outside receptacles and bathrooms.

B. The Facility shall provide ground fault circuit-interrupter protection for any receptacles within six (6) feet of a sink or any other wet location. If the sink is an integral part of the metal splashboard grounded by the sink, the entire metal area is considered part of the wet location.

**2404. Exit Signs. (I)**

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A. The Facility shall have exits and ways to access in compliance with current code requirements and which are identified by electrically illuminated exit signs.

B. The Facility shall ensure changes in egress direction are marked with exit signs with directional arrows.

C. The Facility shall have exit signs in corridors that indicate two (2) directions of exit.

### **2405. Emergency Electric Service. (I)**

The Facility shall have the following emergency electric services:

A. Exit lights, if required per code;

B. Exit access corridor lighting;

C. Illumination of means of egress; and

D. Fire detection and alarm system, if required per code.

### **2406. Electrical Panelboards. (II)**

The Facility shall ensure the electrical panel directory is labeled to conform to actual room designations. The Facility shall maintain clear access to the panel.

## **SECTION 2500 - HEATING, VENTILATION, AND AIR CONDITIONING**

A. The Facility shall maintain documentation of Annual heating, ventilation, and air conditioning system inspections by a certified or licensed technician. (I)

B. The Facility shall maintain a temperature of between seventy-two (72) and seventy-eight (78) degrees Fahrenheit in Participant areas. (II)

C. The Facility shall not install a heating, ventilation, and air conditioning supply or return grille within three (3) feet of a smoke detector. (I)

D. The Facility shall not install heating, ventilation, and air conditioning grilles in floors. (II)

E. The Facility shall filter and maintain intake air ducts that prevent the entrance of dust, dirt, and other contaminating materials. The Facility shall ensure the system does not discharge in such a manner that would be an irritant to the Participants, Staff, or Volunteers. (II)

F. The Facility shall have either operable windows or approved mechanical ventilation in the bathrooms. (II)

## **SECTION 2600 - PHYSICAL PLANT**

### **2601. Signal System.**

A. The Facility shall have a signal system consisting of a call button for each bed, bath, and toilet. The Facility shall have a light at or over each resting room visible from the corridor. The Facility shall have an audio-visual master station in a location continuously monitored by Staff or a radio frequency wireless system per the most current version of UL 1069 standards for Emergency Call Systems.

B. The Facility shall have a signal system consisting of an audio-visual device that cannot be interrupted located in all utility rooms, medicine storage rooms, lounges, storage rooms, and areas where Staff congregate.

C. The Facility shall ensure the signal system activates by pull cord or electronic device. The Facility shall ensure the pull cord hangs to a maximum of four (4) inches above the finished floor.

**2602. Bathrooms. (II)**

A. The Facility shall make bathrooms accessible for use during all operating hours of the Facility.

B. The Facility shall equip bathrooms with at least one (1) toilet fixture, toilet paper installed in a holder, a hand sink supplied with hot and cold running water, liquid or granulated soap, single-use disposable paper towels or electric air dryer, and a waste receptacle.

C. The Facility shall install and maintain approved, securely fastened grab bars at each toilet fixture used by Participants.

D. The Facility shall ensure privacy for Participants at toilet fixtures and urinals.

E. The Facility shall equip each hand sink with liquid soap and an individualized method of drying hands. Alcohol-based waterless hand sanitizers shall not be used in lieu of liquid soap.

F. The Facility shall ensure the bathrooms accommodate persons with disabilities as required by codes, whether or not any of the Staff or Participants are classified as disabled.

G. The Facility shall have in each of the bathrooms floors that are entirely covered with an approved nonabsorbent covering, nonabsorbent walls, and washable surfaces to the highest level of splash.

**2603. Janitor's Closets.**

A. The Facility shall have at least one (1) lockable janitor's closet.

B. The Facility shall ensure the janitor's closet contains a floor receptor or service sink and storage space for housekeeping equipment and supplies.

**2604. Storage Areas.**

A. The Facility shall have general storage space for equipment, supplies, and wheelchairs.

B. The Facility shall ensure storage buildings on the premises meet the requirements of the codes regarding distance from the licensed building. The Facility shall ensure that storage in buildings other than on the Facility premises are secured and accessible. The Facility shall provide a controlled environment for storage of items requiring such an environment.

C. The Facility shall safely store chemicals indicated as harmful on the product label, cleaning materials, and supplies in cabinets or well-lighted closets and rooms, inaccessible to Participants.

**2605. Elevators. (II)**

The Facility shall have elevators inspected and tested upon installation, prior to first use, and Annually thereafter by a certified elevator inspector. The Facility shall maintain documentation of all elevator inspections.

**2606. Telephone Service.**

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The Facility shall have at least one (1) land-line telephone available on each floor of the Facility for use by Participants and/or visitors for their private, discretionary use.

### **2607. Location.**

A. Transportation. The Facility shall be served by roads that are passable at all times and are adequate for the volume of expected traffic.

B. Parking. The Facility shall have a parking area to meet the needs of Participants, Staff members, and visitors.

C. Access to firefighting equipment. The Facility shall maintain adequate access to and around the building(s) for firefighting equipment. (I)

### **2608. Furnishings/Equipment. (I)**

A. The Facility shall maintain the physical plant free of fire hazards and impediments to fire prevention.

B. The Facility shall not use or permit the use of portable electric or unvented fuel heaters in the Facility.

C. The Facility shall ensure that wastebaskets, furniture, window dressings, portable partitions, cubicle curtains, mattresses, and pillows shall be noncombustible, inherently flame-resistant, or treated or maintained flame-resistant in accordance with the applicable codes.

D. The Facility shall have wall finishes that are washable, and, in the immediate area of plumbing fixtures, are smooth and moisture resistant.

E. The Facility shall have wall bases, in areas which are frequently subject to wet cleaning methods, tightly sealed and constructed without voids that can harbor insects, rodents, and other vermin.

F. The Facility shall have floor and wall penetrations by pipes, ducts, and conduits tightly sealed to minimize entry of rodents and insects. The Facility shall ensure joints of structural elements are similarly sealed.

G. The Facility shall have interior finish materials in compliance with all code requirements for flame spread.

H. The Facility shall have floors with no cracks or are uneven in elevation and which are of non-skid surfaces to prevent falls.

### **2609. Lighting.**

A. The Facility shall maintain lighting in spaces occupied by persons, machinery, equipment within buildings, approaches to buildings, and parking lots. (II)

B. The Facility shall have artificial light to include sufficient illumination for reading, observation, and activities per code requirements.

## **SECTION 2700 - SEVERABILITY**

In the event that any portion of these regulations is construed by a court of competent jurisdiction to be invalid, or otherwise unenforceable, such determination shall in no manner affect the remaining portions of these regulations, and they shall remain in effect as if such invalid portions were not originally a part of these regulations.

**SECTION 2800 - GENERAL**

Conditions that have not been addressed in these regulations shall be managed in accordance with the best practices as interpreted by the Department.

**Fiscal Impact Statement:**

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

**Statement of Need and Reasonableness:**

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

DESCRIPTION OF REGULATION: 61-75, Standards for Licensing Day Care Facilities for Adults.

Purpose: The Department amends R.61-75 to update provisions in accordance with current practices and standards. The Department further revises R.61-75 for clarity and readability, grammar, references, codification, and overall improvement to the text of the regulation.

Legal Authority: 1976 Code Sections 44-7-260 et seq.

Plan for Implementation: The DHEC Regulation Development Update (accessible at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>) will provide a summary of and link to a copy of the amendments. Additionally, printed copies are available for a fee from the Department's Freedom of Information Office. Upon taking legal effect, Department personnel will take appropriate steps to inform the regulated community of the amended regulation and any associated information.

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

The amendments are necessary to update provisions in accordance with current practices and standards. The amendments include updated language for facilities applying for licensure and incorporate provisions delineating new requirements in training staff members, as well as new nursing and medical staff requirements. The amendments revise and incorporate requirements regarding maintenance of policies and procedures, Department inspections and investigations, maintenance of accurate and current contact and training information for staff members, and other requirements for licensure. The amendments also update the structure of the regulation throughout for consistency with other Department regulations.

**DETERMINATION OF COSTS AND BENEFITS:**

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

**UNCERTAINTIES OF ESTIMATES:**

None.

**EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:**



## **50 FINAL REGULATIONS**

The amendments to R.61-75 seek to support the Department's goals relating to the protection of public health through implementing updated requirements for day care facilities for adults. There are no anticipated effects on the environment.

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

There is no anticipated detrimental effect on the environment. If the amendments are not implemented, the regulation will be maintained in its current form without realizing the benefits of the amendments herein.

### **Statement of Rationale:**

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

The Department of Health and Environmental Control amends R.61-75 to update provisions in accordance with current practices and standards. The amendments include updated language for facilities applying for licensure and incorporate provisions delineating new requirements for training staff members and new nursing and medical staff requirements. The amendments revise and incorporate requirements regarding maintenance of policies and procedures, Department inspections and investigations, maintenance of accurate and current contact and training information for staff members, and other requirements for licensure.