

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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

South Carolina State Register

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2006 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	1/13	2/10	3/10	4/14	5/12	6/9	7/14	8/11	9/8	10/13	11/10	12/8
Publishing Date	1/27	2/24	3/24	4/28	5/26	6/23	7/28	8/25	9/22	10/27	11/24	12/22

REPRODUCING OFFICIAL DOCUMENTS

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PUBLIC INSPECTION OF DOCUMENTS

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 734-2145.

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

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REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

In order by General Assembly review expiration date
 The history, status, and full text of these regulations are available on the
 South Carolina General Assembly Home Page: www.scstatehouse.net

DOC No.	RAT FINAL No. ISSUE	SUBJECT	EXP. DATE	AGENCY
2955 R216	SR30-2	Motorist Insurance Identification Database (Repeal)	1/15/06	Department of Public Safety
2958	SR30-2	Voluntary Check-off Funds	1/17/06	Department of Revenue
2935	SR30-2	Property Tax (Repeal 117-8)	1/17/06	Department of Revenue
2915	SR30-2	Repeal of Bulk Sales Regulation	1/17/06	Department of Revenue
2936	SR30-2	Sales and Use Tax Exemption for Machines	1/17/06	Department of Revenue
2937	SR30-2	Alcoholic Beverages, Beer and Wine	1/17/06	Department of Revenue
2914	SR30-2	Electric Power Tax	1/17/06	Department of Revenue
2966	SR30-3	Repeal Annual Renewal Plan	2/19/06	Department of Insurance
2968	SR30-3	Workers' Compensation Assigned Risk Rates	2/19/06	Department of Insurance
2942	SR30-3	Graduation Requirements	2/20/06	Board of Education
2962	SR30-3	Implementation of Emergency Health Powers Act	2/20/06	Department of Health and Envir Control
2945	SR30-3	Standards for Licensing Tattoo Facilities	2/21/06	Department of Health and Envir Control
2973	SR30-4	Repeal of Duplicative Regulations Included in Nurse Practice Act	3/12/06	LLR: Board of Nursing
2971	SR30-4	Assessment Program	3/22/06	Board of Education
2972	SR30-4	Transportation of Unmanufactured Forest Products	3/22/06	Department of Public Safety
2975	SR30-4	211 Network Provider Certification Requirements	4/09/06	Budget and Control Board
2970	SR30-4	Seasons, Limits, Restrictions on WMA's, Turkey Hunting	4/11/06	Department of Natural Resources
2969	SR30-4	Wildlife Management Area Regulations	4/11/06	Department of Natural Resources
2978 R213	SR30-3	CSO Mortality Table	4/22/06	Department of Insurance
2974	SR30-5	Settlement, Proof of Compliance, Self-Ins, Financial, Audits	4/22/06	Workers' Compensation Commission
2976	SR30-5	Representation of Parties and Intervenors	5/10/06	LLR: Occupat Health and Safety Rev Bd
2982	SR30-5	Child Labor	5/10/06	LLR: Office of Labor Services
3014 R264	SR30-4	SC HOPE Scholarship Program	5/10/06	Commission on Higher Education
3015 R265	SR30-4	SC LIFE Scholarship Program	5/10/06	Commission on Higher Education
3016 R266	SR30-4	Lottery Tuition Assist Prog Two-Year Pub & Independ Instit.	5/10/06	Commission on Higher Education
3017 R267	SR30-4	Palmetto Fellows Scholarship Program	5/10/06	Commission on Higher Education
3018 R268	SR30-4	LIFE, HOPE, Palmetto Fellows Scholarships Appeals Regulations	5/10/06	Commission on Higher Education
2999	SR30-5	Additional Areas of Certification	5/10/06	Board of Education
2996	SR30-5	Displaying the Flag	5/10/06	Board of Education
2984	SR30-5	Denial, Revocation and Suspension of Credentials	5/10/06	Board of Education
2995 R279	SR30-5	Fees and Charges of Consumer Credit Counseling Org Licensees	5/10/06	Consumer Affairs
3012	SR30-5	Licensees, Ethics for Supervisors, Standards for Supervision	5/10/06	LLR: Counselors, Therapists, Psycho-Ed
3036	SR30-5	Instant Games, Online Games	5/11/06	SC Lottery Commission
3035	SR30-5	Nurse Licensure Compact	5/11/06	LLR: Board of Nursing
3030	SR30-5	Supervising Licensees	5/11/06	LLR: Board of Nursing
3031		License to Practice Dentistry	5/15/06	LLR: Board of Dentistry
3011		Intrastate Movement of Certain Animals - Sheep and Goats	5/17/06	Clemson University
3007		Imported Fire Ant Quarantine	5/18/06	Clemson University
3008		Soil Amendments	5/18/06	Clemson University
2983		Wired Music	5/20/06	Department of Revenue
3033		Sales and Use Tax - Interstate Commerce	5/20/06	Department of Revenue
2987		ABL - Records	5/20/06	Department of Revenue
3032		Sales and Use Tax - Warranty Agreements	5/20/06	Department of Revenue
2985		Sales and Use Tax - Manufactured and Modular Homes	5/20/06	Department of Revenue
3028		Types and Levels of Credential Classification (Repeal)	5/20/06	Board of Education
3029		Requirements for Credential Advancement (Repeal)	5/20/06	Board of Education
3006		Tidelands and Coastal Waters	5/20/06	Department of Health and Envir Control
3000		Emergency Medical Services	5/20/06	Department of Health and Envir Control
3005		Capacity Use Declar (Repeal);New Groundwater Use and Report	5/20/06	Department of Health and Envir Control
3002		Shellfish	5/20/06	Department of Health and Envir Control
3003		Hazardous Waste Management	5/20/06	Department of Health and Envir Control
3001		Environmental Protection Fees	5/20/06	Department of Health and Envir Control
3004		Prevention and Control of Lead Poisoning in Children	5/20/06	Department of Health and Envir Control

2 REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

Subject to Sine Die Expiration Date Revision

3027	Elementary Sch Food Service Meals and Competitive Foods	1/13/07	Board of Education
3040	Hunting in Wildlife Management Areas	1/21/07	Department of Natural Resources
3025	Classified Waters	1/28/07	Department of Health and Envir Control
3047	Milk Producers Tax Credit	1/28/07	Department of Agriculture
3043	State Recognition of Native American Indians	1/29/07	Commission for Minority Affairs
3044	Child Support Guidelines	2/10/07	Department of Social Services
3045	Securities	2/13/07	Office of Attorney General
3057	Retail Licenses And Partnerships	2/14/07	Department of Revenue
3056	End-of-Course Tests	2/14/07	Department of Education
3034	Boiler Safety Program	3/06/07	Dept of Labor, Licensing and Regulation
3059	Highway Advertising Control	3/19/07	Department of Transportation
3022	Licensing of Residential Group Care Organ for Children	3/20/07	Department of Social Services
3060	Professional Employer Organizations	3/20/07	Department of Consumer Affairs
3042	Practice and Procedures	4/02/07	Public Service Commission
3061	Termination of the SCAAIP Joint Underwriting Association	4/03/07	Department of Insurance
3064	Private Security and Private Investigation Businesses	4/14/07	Law Enforcement Division
3052	Telecommunications Utilities	4/22/07	Public Service Commission

Committee Requested Withdrawal:

3026	Maritime Security	SC Maritime Sec Comm	Naval Militia
3021	Penalties Noncompliance Regulated Child Care Settings	Department of Social Services	

Permanently Withdrawn: None

Resolution Introduced to Disapprove

2927	The Practice of Selling and Fitting Hearing Aids	Department of Health and Envir Control
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EXECUTIVE ORDER NO. 2006-04

WHEREAS, the Grand Jurors of the United States District Court, District of South Carolina, Florence Division, indicted Carl Larue Alford, Mayor of the City of Lake City, on April 26, 2006, for knowingly receiving counterfeited obligations of the United States with the intent that the same be passed, published and used as true and genuine in violation of Title 18 United States Code, Section 473; and

WHEREAS, South Carolina law recognizes that "an act in which fraud is an ingredient involves moral turpitude. . ." *State v. Horton*, 248 S.E.2d 263 (1978); and

WHEREAS, the above-referenced indictment is for a crime that involves moral turpitude; and

WHEREAS, Carl Larue Alford, is an officer of the State or its political subdivisions; and

WHEREAS, Article VI, Section 8 of the South Carolina Constitution provides that "[a]ny officer of the State or its political subdivisions . . ., who has been indicted by a grand jury for a crime involving moral turpitude or who has waived such indictment if permitted by law may be suspended by the Governor until he shall have been acquitted. . ."; and

WHEREAS, a certified true copy of the indictment against Carl Larue Alford has been provided to me; and

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby suspend Carl Larue Alford from the office of Mayor of Lake City. This suspension shall remain in effect until such time as he shall be formally acquitted or convicted.

This action in no manner addresses the question of the guilt or innocence of Mr. Alford and should not be construed as an expression of any opinion one way or another on such question.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 27TH DAY OF APRIL, 2006.**

MARK SANFORD
Governor

4 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Notice of General Public Interest
Public Notice #06-525-GP-N
May 26, 2006

The South Carolina Department of Health and Environmental Control (DHEC), Bureau of Air Quality, does hereby give notice of authorization being granted to the following sources who have requested coverage under General Conditional Major Operating Permit (GCMP-02) "Fuel Combustion Operations." This general permit was previously open for a thirty (30) day public comment period on December 20, 2005, with final issuance on April 1, 2006. Pursuant to South Carolina Regulation 61-62.1, Section II G(7)(a)&(b), DHEC may now grant coverage to any qualified sources seeking to operate under the terms and conditions of this general permit. The authorization of each facility's coverage shall be a final permit action for purposes of administrative review.

In accordance with the provisions of the Pollution Control Act, Sections 48-1-50(5) and 48-1-110(a), the 1976 Code of Laws of South Carolina, as amended, and Regulation 61-62.1 "Air Pollution Control Regulations and Standards," the following sources are hereby granted permission to discharge air contaminants into the ambient air. The Bureau of Air Quality authorizes the operation of these sources in accordance with the plans, specifications, and other information submitted by each facility in its General Conditional Major Permit application. Any facility operating under this permit seeks to limit its potential to emit below the thresholds which define a major source by complying with the federally enforceable conditions contained in the permit. Permit coverage is subject to and conditioned upon the terms, limitations, standards, and schedules contained in or specified on said permit.

Interested persons may review the final general permit, materials submitted by the applicant, and any written comments received, during normal business hours, at the following location: SC DHEC, Bureau of Air Quality, 2600 Bull Street, Columbia, South Carolina, 29201 at (803) 898-4123.

This notice is given pursuant to the requirements of South Carolina Regulation 61-62.1, Section II G(7)(c). Comments and questions concerning any of the following individual facility's coverage under this permit should be directed to: Mr. Carl W. Richardson, P.E., Director, Engineering Services Division, Bureau of Air Quality, SC DHEC, 2600 Bull Street, Columbia, South Carolina, 29201 at (803) 898-4123.

Beaufort County

Resort Services, Inc.
336 Buck Island Road
Bluffton, South Carolina
(Permit No. GCM02-0360-0046)

South Island Public Service District
2 Lawton Canal Road
Hilton Head Island, South Carolina
(Permit No. GCM02-0360-0061)

U.S. Naval Hospital
1 Pinckney Boulevard
Port Royal, South Carolina
(Permit No. GCM02-0360-0005)

Charleston County

Charleston Naval Hospital
3600 Rivers Avenue
North Charleston, South Carolina
(Permit No. GCM02-0560-0249)

Roper Hospital, Inc.
316 Calhoun Street
Charleston, South Carolina
(Permit No. GCM02-0560-0046)

Edgefield County

Federal Correctional Institution (Edgefield)
501 Gary Hill Road
Edgefield, South Carolina
(Permit No. GCM02-0980-0026)

Florence County

McLeod Regional Medical Center
555 East Cheves Street
Florence, South Carolina
(Permit No. GCM02-1040-0048)

Greenville County

Columbia Farms, Inc.
1354 Rutherford Road
Greenville, South Carolina
(Permit No. GCM02-1200-0232)

Lee County

South Carolina Department of Corrections (Lee Correctional Institute)
1204 East Church Street
Bishopville, South Carolina
(Permit No. GCM02-1540-0027)

Lexington County

House of Raeford / Columbia Farms, Inc. (West Columbia)
338 Sunset Boulevard
West Columbia, South Carolina
(Permit No. GCM02-1560-0121)

6 NOTICES

Orangeburg County

South Carolina State University
300 College Street Northeast
Orangeburg, South Carolina
(Permit No. GCM02-1860-0065)

Richland County

South Carolina Office of General Services FM Energy
1121 College Street
Columbia, South Carolina
(Permit No. 1900-0162)

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Notice of General Public Interest
Public Notice #06-526-GP-N
May 26, 2006

The South Carolina Department of Health and Environmental Control (DHEC), Bureau of Air Quality, does hereby give notice of authorization being granted to the following sources who have requested coverage under General Conditional Major Operating Permit (GCMP-03) "Hot Mix Asphalt Plants." This general permit was previously open for a thirty (30) day public comment period on March 28, 2001, with final issuance on February 1, 2002. Pursuant to South Carolina Regulation 61-62.1, Section II G(7)(a)&(b), DHEC may now grant coverage to any qualified sources seeking to operate under the terms and conditions of this general permit. The authorization of each facility's coverage shall be a final permit action for purposes of administrative review.

In accordance with the provisions of the Pollution Control Act, Sections 48-1-50(5) and 48-1-110(a), the 1976 Code of Laws of South Carolina, as amended, and Regulation 61-62.1 "Air Pollution Control Regulations and Standards," the following sources are hereby granted permission to discharge air contaminants into the ambient air. The Bureau of Air Quality authorizes the operation of these sources in accordance with the plans, specifications, and other information submitted by each facility in its General Conditional Major Permit application. Any facility operating under this permit seeks to limit its potential to emit to below the thresholds which define a major source by complying with the federally enforceable conditions contained in the permit. Permit coverage is subject to and conditioned upon the terms, limitations, standards, and schedules contained in or specified on said permit.

Interested persons may review the final general permit, materials submitted by the applicant, and any written comments received, during normal business hours, at the following location: SC DHEC, Bureau of Air Quality, 2600 Bull Street, Columbia, South Carolina, 29201 at (803) 898-4123.

This notice is given pursuant to the requirements of South Carolina Regulation 61-62.1, Section II G(7)(c). Comments and questions concerning any of the following individual facility's coverage under this permit should be directed to: Mr. Carl W. Richardson, P.E., Director, Engineering Services Division, Bureau of Air Quality, SC DHEC, 2600 Bull Street, Columbia, South Carolina, 29201 at (803) 898-4123.

Calhoun County

Carben Asphalt, Inc.
 155 Industrial Drive
 Frontage Road / I-26 Calhoun Rest Area
 Sandy Run, South Carolina
 (Permit No. GCM03-9900-0447)

Marion County

Weaver Company, Inc.
 6916 North Highway 501
 Marion, South Carolina
 (Permit No. GCM03-9900-0452)

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Notice of General Public Interest
 Public Notice #06-524-GP-N
 May 26, 2006

The South Carolina Department of Health and Environmental Control (DHEC), Bureau of Air Quality, does hereby give notice of authorization being granted to the following sources who have requested coverage under General Conditional Major Operating Permit (GCMP-01) "Textile Greige Operations." This general permit was previously open for a thirty (30) day public comment period on December 20, 2005, with final issuance on April 1, 2006. Pursuant to South Carolina Regulation 61-62.1, Section II G(7)(a)&(b), DHEC may now grant coverage to any qualified source seeking to operate under the terms and conditions of this general permit. The authorization of each facility's coverage shall be a final permit action for purposes of administrative review.

In accordance with the provisions of the Pollution Control Act, Sections 48-1-50(5) and 48-1-110(a), the 1976 Code of Laws of South Carolina, as amended, and Regulation 61-62.1 "Air Pollution Control Regulations and Standards," the following sources are hereby granted permission to discharge air contaminants into the ambient air. The Bureau of Air Quality authorizes the operation of these sources in accordance with the plans, specifications, and other information submitted by each facility in its General Conditional Major Permit application. Any facility operating under this permit seeks to limit its potential to emit below the thresholds which define a major source by complying with the federally enforceable conditions contained in the permit. Permit coverage is subject to and conditioned upon the terms, limitations, standards, and schedules contained in or specified on said permit.

Interested persons may review the final general permit, materials submitted by the applicant, and any written comments received, during normal business hours, at the following location: SC DHEC, Bureau of Air Quality, 2600 Bull Street, Columbia, South Carolina, 29201 at (803) 898-4123.

This notice is given pursuant to the requirements of South Carolina Regulation 61-62.1, Section II G(7)(c). Comments and questions concerning any of the following individual facility's coverage under this permit should be directed to: Mr. Carl W. Richardson, P.E., Director, Engineering Services Division, Bureau of Air Quality, SC DHEC, 2600 Bull Street, Columbia, South Carolina, 29201 at (803) 898-4123.

8 NOTICES

Abbeville County

WestPoint Home, Inc. (Calhoun Plant)
Main Street
Calhoun Falls, South Carolina
(Permit No. GCM01-0040-0003)

Anderson County

Mount Vernon Mills, Inc. (Williamston Plant)
15 Broad Street
Williamston, South Carolina
(Permit No. GCM01-0200-0045)

Cherokee County

Hamrick Mills (Hamrick Plant)
2526 Cherokee Avenue
Gaffney, South Carolina
(Permit No. GCM01-0600-0004)

Hamrick Mills (Musgrove Plant)
150 Hamrick Street
Gaffney, South Carolina
(Permit No. GCM01-0600-0062)

Springfield LLC (Limestone Plant)
1206 Cherokee Avenue
Gaffney, South Carolina
(Permit No. GCM01-0600-0014)

Greenwood County

Greenwood Mills (Harris Plant)
Calhoun Road
Greenwood, South Carolina
(Permit No. GCM01-1240-0024)

Greenwood Mills (Mathews Plant)
Kirksey Drive
Greenwood, South Carolina

Kershaw County

DeRoyal Textiles, Inc.
125 East York Street
Camden, South Carolina
(Permit No. GCM01-1380-0019)

Spartanburg County

Inman Mills (Ramey Plant)
 Highway 221
 Enoree, South Carolina
 (Permit No. GCM01-2060-0271)

Inman Mills (Saybrook Plant)
 1 First Street
 Inman, South Carolina
 (Permit No. GCM01-2060-0042)

Mount Vernon Mills, Inc. (Arkwright Plant)
 450 North Street
 Spartanburg, South Carolina
 (Permit No. GCM01-2060-0028)

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication May 26, 2006, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Aiken County

Addition of sixty (60) nursing home beds that do not participate in the Medicaid (Title XIX) Program for a total of one hundred ninety-two (192) nursing home beds.
 NHC HealthCare/North Augusta
 North Augusta, South Carolina
 Project Cost: \$6,403,500

Affecting Charleston County

Renovation for the replacement of a single-slice Computed Tomography (CT) scanner with a multi-slice CT scanner.
 Bon Secours St. Francis Xavier Hospital
 Charleston, South Carolina
 Project Cost: \$832,968

Purchase and installation of a 3.0T Magnetic Resonance Imaging (MRI) unit.
 Imaging Specialists of Charleston
 Mount Pleasant, South Carolina
 Project Cost: \$8,639,871

10 NOTICES

Affecting Fairfield County

Replacement of a single slice Computed Tomography (CT) scanner with a sixteen (16) slice CT scanner.
Fairfield Memorial Hospital
Winnsboro, South Carolina
Project Cost: \$724,089

Affecting Florence County

Addition of twelve (12) Long Term Acute Care Hospital (LTACH) beds at Regency Hospital of Florence through the lease and subsequent transfer of 12 general hospital beds from Carolinas Hospital System – Cedar Tower resulting from the conversion of six (6) inpatient substance abuse beds, four (4) detoxification beds, and two (2) hospital-based nursing home beds to general hospital beds at Carolinas Hospital System – Cedar Tower prior to the subsequent lease and transfer to Regency Hospital of Florence. Upon implementation, the project will result in a total licensed bed capacity of 12 inpatient substance abuse beds, 42 comprehensive rehabilitation beds and 24 hospital-based nursing home beds at Carolinas Hospital System – Cedar Tower and 40 LTACH beds at Regency Hospital of Florence.
Regency Hospital of Florence
Florence, South Carolina
Project Cost: \$852,925

Affecting Greenville County

Replacement of a single-slice Computed Tomography (CT) scanner with a multi-slice CT scanner.
HealthSouth Diagnostic Center of Greenville
Greenville, South Carolina
Project Cost: \$866,874

Affecting Horry County

Replacement of the existing Mobile Positron Emission Tomography (PET) unit with a Mobile Positron Emission Tomography/Computed Tomography (PET/CT) unit to be used one half day per week.
Conway Medical Center
Conway, South Carolina
Project Cost: \$217,500

Affecting York County

Construction of a diagnostic imaging center to include a 1.5T Magnetic Resonance Imaging (MRI) unit, sixty-four (64) slice Computed Tomography (CT) scanner, ultrasound, and digital radiography.
Piedmont Diagnostic Imaging Center at Baxter
Fort Mill, South Carolina
Project Cost: \$6,147,992

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning May 26, 2006. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

Affecting Beaufort County

Replacement of a 0.2T Magnetic Resonance Imaging (MRI) unit with a 0.35T MRI unit and construction to house the new unit.

Beaufort Open MRI, LLC
Port Royal, South Carolina
Project Cost: \$1,395,386

Affecting Charleston County

Renovation for the replacement of a single-slice Computed Tomography (CT) scanner with a multi-slice CT scanner

Bon Secours St. Francis Xavier Hospital
Charleston, South Carolina
Projected Cost: \$832,968

Affecting Charleston County

Purchase and installation of a 3.0T Magnetic Resonance Imaging (MRI) unit.

Imaging Specialists of Charleston
Mount Pleasant, South Carolina
Project Cost: \$8,639,871

Affecting Fairfield County

Replacement of a single-slice Computed Tomography (CT) scanner with a sixteen (16) slice CT scanner.

Fairfield Memorial Hospital
Winnsboro, South Carolina
Project Cost: \$724,089

Affecting Horry County

Renovation of existing facility for addition of sixteen (16) psychiatric beds and eight (8) inpatient substance abuse beds for a total of forty-four (44) psychiatric beds and eight (8) substance abuse beds.

Lighthouse Care Center of Conway
Conway, South Carolina
Project Cost: \$1,200,471

Affecting Spartanburg County

Construction of a twelve (12) bed inpatient hospice facility.

Hospice House of the Carolina Foothills
Landrum, South Carolina
Project Cost: \$5,525,761

12 NOTICES

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Bureau of Land and Waste Management
Blackberry Valley Landfill Superfund Site, Greenville County**

**NOTICE OF INTENT TO SETTLE
AND OPPORTUNITY FOR PUBLIC COMMENT**

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control ("SCDHEC") intends to enter into two separate Cost Recovery Settlement Agreements with Greater Greenville Sanitation District ("GGSD") and with PMC, Inc. Prior to final execution by SCDHEC, each Cost Recovery Settlement Agreement is subject to a 30-day public comment period, consistent with the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") Section 122, 42 U.S.C. Section 9622 and the South Carolina Hazardous Waste Management Act ("HWMA") S.C. Code Ann. Section 44-56-200 (2003).

Each Cost Recovery Settlement Agreement relates to the release, and threatened release, of hazardous substances, pollutants, or contaminants at the Blackberry Valley Landfill Site (the "Site"), located in Greenville County, South Carolina, on Groce Road, approximately 1.5 miles from the intersection of S-199 and S-132 and is approximately 4.5 miles northwest of the City of Greenville and approximately one mile east of Pickens County. Each Cost Recovery Settlement Agreement provides for recovery of costs of response from GGSD in the amount of \$25,000 and from PMC, Inc. in the amount of \$1,290 for the Department's past response actions at the Site.

Notice of the proposed Cost Recovery Settlement Agreements has been provided to all identified potentially responsible parties.

Copies of the Cost Recovery Settlement Agreements may be obtained by providing a written Freedom of Information request to the South Carolina Department of Health and Environmental Control at:

Mr. Jody Hamm
Freedom of Information Office
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201-1708

Any comments must be submitted in writing, postmarked no later than **June 26, 2006**, and addressed to:

Ms. Pat Vincent
Bureau of Land & Waste Management
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: S.C. Code Ann. Section 44-56-30 (2002)

R.61-79. Hazardous Waste Management Regulations

Notice of Drafting:

The South Carolina Department of Health and Environmental Control proposes to amend Regulation 61-79, *Hazardous Waste Management Regulations* to adopt federal amendments required for federal compliance for the period July 1, 2004, to June 30, 2005. The purpose of this notice is to replace and supercede the Notice of Drafting that was published in the State Register January 27, 2006, and invite interested persons to present their views in writing to David Scaturo, Division of Waste Management, Bureau of Land and Waste Management, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on Monday June 26, 2006, the close of the drafting comment period.

Synopsis:

The United States Environmental Protection Agency (USEPA) promulgates amendments to 40 CFR 124, 260 through 266, 268, 270, and 273 throughout each calendar year. Recent federal amendments affect certain wastewater dyes and the new Hazardous Waste Management Manifest Rule, as well as a correction to each of these initial federal rules. These rules were published in the Federal Register on February 24, 2005 at 70 FR 9138 with a correction on June 16, 2005 at 70 FR 35032, and on March 4, 2005 at 70 FR 10776 with a correction June 16, 2005 at 70 FR 35034. In addition, minor corrections will be made to achieve conformity with prior federal amendments.

The Department intends to amend R.61-79 to maintain conformity with federal requirements and ensure compliance with federal standards. Legislative review of this amendment will not be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: S.C. Code Ann. Section 44-56-30 (2002)

R.61-79. Hazardous Waste Management Regulations

Notice of Drafting:

The South Carolina Department of Health and Environmental Control proposes to amend Regulation 61-79, *Hazardous Waste Management Regulations*. The purpose of this notice is to replace and supercede the Notice of Drafting that was published in the State Register January 27, 2006, and invite interested persons to present their views in writing to David Scaturo, Division of Waste Management, Bureau of Land and Waste Management, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on Monday June 26, 2006, the close of the drafting comment period.

Synopsis:

The Department is proposing to amend R.61-79 in order to adopt two federal rules. One facilitates the recycling of mercury by including mercury-containing products as part of the Universal Waste Rule at R.61-79.273. This rule was published in the Federal Register at 70 FR 45507 on August 5, 2005. In addition, the Department is proposing to adopt a new federal Methods Rule, which will provide for the use of a broader selection of professionally peer-reviewed methods for testing. This rule was published in the Federal Register at 70 FR 34538

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on June 14, 2005, with a Final Update published at 70 FR 44150 on August 1, 2005. Each of these rules relaxes current regulation.

Legislative review of these proposed provisions will be required.

Document No. 2995
DEPARTMENT OF CONSUMER AFFAIRS
CHAPTER 28
Statutory Authority: 1976 Code Section 37-7-101 et seq.
Particularly Sections 37-7-112 and 37-7-121

28-700. Fees and Charges of Consumer Credit Counseling Organization Licensees

Synopsis:

The regulation states the fees credit counseling organizations licensed under 1976 Code Section 37-7-101 et seq. may charge the consumers. The regulation also addresses electronic record keeping.

28-700(A) defines “Fees and charges of licensees”.

28-700(B) addresses the fees that a credit counseling organization or credit counselor can charge a consumer, adding that fees will be adjusted via the Consumer Price Index.

28-700(C) addresses electronic databases being sufficient to satisfy requirements of the Consumer Credit Counseling Act under certain circumstances.

Instructions:

Add new R.28-700, Fees and Charges of Consumer Credit Counseling Organization Licensees, to Chapter 28 regulations.

Text:

R. 28-700. Fees and Charges of Consumer Credit Counseling Organization Licensees.
(Statutory Authority: 1976 Code Section 37-7-101, as amended)

A. Definitions.

(1) Definitions shall be those contained in the Consumer Credit Counseling Act, S.C. Code Ann. Section 37-7-101 et. seq. and the following:

(a) “Fees and charges of licensees” means the amount of money the credit counseling organization licensee may charge to the consumer.

B. Fees and Charges of Licensees.

(1) A licensee may not charge or receive from a consumer, directly or indirectly, a fee except the following:

- (a) an initial consultation fee, not to exceed fifty dollars for each consumer;
- (b) if the consumer enrolls in a DMP, a set-up fee, not to exceed thirty dollars;
- (c) additional maintenance fees, not to exceed forty dollars for each month;
- (d) a reinstatement fee, not to exceed twenty-five dollars;

(2) The fees will be adjusted based on the Consumer Price Index as referenced in S.C. Code Ann. Section 37-1-109.

C. Records and account systems maintained in whole or in part by electronic data processing may be used in lieu of the books, files and records required by S.C. Code Sections 37-7-111 and 37-7-114 if they contain equivalent information and such information is accessible to the Department.

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Fiscal Impact Statement:

The Department of Consumer Affairs estimates the costs incurred by the State in complying with the regulation will be approximately \$0. Licensing fees are intended to offset administrative costs to the State and are based on experience with similar industries.

Statement of Rationale:

Regulation 28-700 is necessary to effectuate the statutory authority granted in Section 37-7-112, which requires promulgation of the regulation.

Document No. 2999

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: S.C. Code Ann. § 59-5-60 and § 59-25-110

R 43-62. Additional Areas of Certification

Synopsis:

The State Department of Education recommends that the State Board of Education promulgate amendments to 24 S.C. Code Ann. Regs. 43-62 (Supp. 2004). The amendments are for the purpose of updating course requirements for additional certification in Family and Consumer Science and eliminating Speech and Drama as a certification option.

Notice of Drafting for the proposed amendments was published in the *State Register* on June 24, 2005.

Section-by-Section Discussion

43-62, Section II(Q)	Add-on certification requirements for Speech and Drama are deleted as a result of Theater add-on requirements now in place in Section II(R).
43-62, Section II(R)	Becomes Section II(Q)
43-62, Section IV(D)(4)	Add-on certification requirements for Family and Consumer Science have been updated to reflect current standards and terminology. The title will now be Family and Consumer Sciences.

Instructions: Amend R 43-62 as follows: in Section II(Q), delete add-on certification requirements for Speech and Drama; Section II(R) will become Section II(Q). Update Section IV(D)(4) to include add-on certification requirements for Family and Consumer Science to reflect current standards and terminology. Change the title to Family and Consumer Sciences.

Text:

R 43-62 REQUIREMENTS FOR ADDITIONAL AREAS OF CERTIFICATION

I. Text intentionally omitted. No changes.

II. REGULAR PROGRAM ADD-ON CERTIFICATION REQUIREMENTS

The following areas are included:

- (A) Art
- (B) Driver Education
- (C) Early Childhood Education
- (D) Elementary Education
- (E) English
- (F) English for Speakers of Other Languages (ESOL)
- (G) Foreign Languages
- (H) Gifted and Talented
- (I) Health Education
- (J) Mathematics
- (K) Middle Level Education
- (L) Music Education
- (M) Physical Education
- (N) Reading
- (O) Science
- (P) Social Studies
- (Q) Theater

(A)–(P) Text intentionally omitted. No changes.

(Q) THEATER

- (1) Bachelor’s degree
- (2) Temporary, initial, or professional certificate at the early childhood, elementary, middle, secondary, or pre-K–12 level
- (3) Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education

(4) Specialized preparation*	Semester Hours
Acting	3
Technical Theater (including stagecraft, lighting, costuming, makeup)	6
Directing	3
Dramatic Literature	6
History of the Theater	3
Creative Drama	3
Theater arts elective	3

*In meeting the above requirements, the applicant with training or experience in the professional theater may offer the following substitutions for the courses listed:

- (a) At least three (3) months full-time or twelve (12) months part-time acting training in a non-degree-granting professional acting school (provided that the school employs at least three different teachers) may be substituted for the acting course.

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(b) At least six (6) months of full-time employment in technical theater may be substituted for technical theater courses.

(c) Experience as director of at least five (5) full-length plays produced for a paying audience may be substituted for the directing course.

III. Text intentionally omitted. No changes.

IV. CAREER AND TECHNOLOGY ADD-ON CERTIFICATION

The following areas are included:

- (A) Agriculture
- (B) Business and Marketing Technology
- (C) Computer Programming
- (D) Family and Consumer Sciences
- (E) Industrial Technology

(A)–(C) Text intentionally omitted. No changes.

(D) FAMILY AND CONSUMER SCIENCES

- (1) Bachelor's degree
- (2) Temporary, initial, or professional certificate at the early childhood, elementary, middle, secondary, or pre-K–12 level
- (3) Minimum qualifying score(s) on the content-area examination(s) required by the State Board of Education.

(4) Specialized preparation	Semester Hours
Child Development or Human Growth and Development	3
Computer Technology or Introduction to Computers	3
Consumer Economics and Resource Management	3
Curriculum and Evaluation in Family and Consumer Sciences (FCS) or Instructional Strategies	3
Food Science or Food Composition	3
General Chemistry and Lab or Chemical Sciences and Lab	4
Housing: Design and Environment or Residential Technology	3
Human Sexuality	3
Introduction to the Exceptional Child or Introduction to Special Education	3
Marriage and Family Relations or Education for Parenthood	3
Professional Foundations of Family and Consumer Sciences or The Professional and the Family	3
One of the following courses	3
Human Nutrition	
Meal Management	
Nutrition and Food	

Quantity Food Production

One of the following courses	3
Clothing Design and Construction	
Contemporary Aspects of Clothing	
Creative Apparel Design	
Essentials of Textiles	
	40

(E) Text intentionally omitted. No changes.

Text intentionally omitted. No changes.

Fiscal Impact Statement:

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

Statement of Rationale:

The amendments are for the purpose of updating course requirements for additional certification in Family and Consumer Science and eliminating Speech and Drama as a certification option. A copy of the Statement of Rationale can be obtained by contacting Dr. Janice Poda, Deputy Superintendent, Division of Educator Quality and Leadership, 500 Landmark Building, 3700 Forest Drive, Columbia, South Carolina 29204 or by sending an e-mail to jpoda@scteachers.org.

Document No. 2984
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: S.C. Code Ann. § 59-1-445 (2004), § 59-5-60 (2004), § 59-5-65 (2004), § 59-25-110, *et seq.* (2004), § 59-25-530 (2004), § 59-26-40 (2004), and § 20-7-840, *et seq.* (Supp 2004)

43-58. Denial, Revocation and Suspension of Credentials

Synopsis:

Amendments to R 43-58 are necessary to consolidate in one regulation all of the possible grounds upon which the State Board of Education may take action on the educator’s certificate, pursuant to a number of various South Carolina code sections, and to clarify what actions on an educator certificate the Board may take. Additionally, the amendments change the title of the regulation to more accurately reflect the subject and content of the regulation.

Section-by-Section Discussion

Items 1, 4, 6, 15, & 16	Added to show all possible grounds upon which the State Board of Education may take action on an educator’s certificate.
Items 2, 3, 7, 8, 9, 10, 11, 12, & 17	Reworded and moved to be consistent with the grounds and their order as listed in the relevant statutes.
Items 5, 13, & 14	Moved to be consistent with the order of the grounds in the relevant statutes.

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Instructions: Amend in its entirety R 43-58, Denial, Revocation and Suspension of Credentials to Chapter 43 regulations. Change title of regulation from Denial, Revocation and Suspension of Credentials to Disciplinary Action on Educator Certificates to Chapter 43, Article 3 regulations.

Text:

R 43-58. Disciplinary Action on Educator Certificates

The State Board of Education has the legal authority to deny, revoke, or suspend a certificate, or issue a public reprimand for the following causes:

1. incompetence,
2. willful neglect of duty,
3. willful violation of the rules and regulations of the State Board of Education,
4. unprofessional conduct,
5. drunkenness,
6. cruelty,
7. crime against the law of this state or the United States,
8. immorality,
9. any conduct involving moral turpitude,
10. dishonesty,
11. evident unfitness for the position for which one is employed,
12. sale or possession of narcotics,
13. obtaining or attempting to obtain a certificate by fraudulent means or through misrepresentation of material facts,
14. failure to comply with the provisions of a contract without the written consent of the local school board,
15. test security violation,
16. failure to comply with a court order for child support, and
17. failure for a second time to complete successfully the formal evaluation process as an annual contract teacher.

Fiscal Impact Statement: None

Statement of Rationale:

The amendments will consolidate in one regulation all of the possible grounds upon which the State Board of Education may take action on the educator's certificate, pursuant to a number of various South Carolina code sections, and to clarify what actions on an educator certificate the Board may take. A copy of the detailed statement of rationale may be obtained by contacting Jane Turner, Deputy General Counsel, 1429 Senate Street, Room 1015, Rutledge Building, Columbia, South Carolina 29201.

Document No. 2996
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: S.C. Code Ann. § 59-5-60 (2004), § 59-1-320 (2004) and 4 U.S.C. Section 1, *et seq.*

43-188. Displaying the Flag

Synopsis:

The State Board of Education proposes to draft a new regulation that addresses the proper display of both the United States flag and the South Carolina flag.

The Notice of Drafting was published in the *State Register* March 25, 2005.

Section-by-Section Discussion

Sections I & II. Gives school districts guidance in the proper display of both the United States flag and the South Carolina flag.

Instructions: Add new R 43-188, Displaying the Flag, to Chapter 43 regulations.

Text:

43-188. Displaying the Flag

I. Display of the United States Flag

Schools shall display the United States flag each school day and shall fly the flag in accordance with the laws regulating the display of the United States flag as set forth in 4 U.S.C. § 6-10.

II. South Carolina Flag

The South Carolina flag shall be flown consistent with 4 U.S.C. § 6-10 as it applies to the flying of state flags with the United States flag.

Statement of Rationale: The proposed new regulation will address the proper display of both the United States flag and the South Carolina flag.

Fiscal Impact Statement: None

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Document No. 3012

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF EXAMINERS FOR LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE AND
FAMILY THERAPISTS, AND PSYCHO-EDUCATIONAL SPECIALISTS
CHAPTER 36**

Statutory Authority: 1976 Code Sections 40-1-40 and 40-75-60.

Synopsis:

The Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists, and Psycho-educational Specialists is amending Regulations 36-01, 36-04 through 36-09, 36-12 through 36-15; adding 36-07.1, 36-08.1, 36-10.1, 36-22, and 36-23; and deleting Appendix A, B, C and D.

Instructions:

The Title of Chapter 36 is amended to reflect the amended name of the Board
Replace Title of Board to reflect proper name as printed below.

36-01. Definitions.

Replace definitions 1, 2, 4 and 11 with text as printed below. Definitions numbered 3, 5, 6, 7, 8, 9, 10, 12 and 13 remain the same.

36-02. Officers of the Board

Remains the same.

36-03 Meetings

Remains the same

36-04. General Licensing Provisions for Professional Counselor Interns.

36-04(1) thru (3) remain the same

36-04(4) Add text as printed below

36-04.1. Specific training required for interns to assess and treat serious problems as categorized in standard diagnostic nomenclature.

Replace as printed below

36-05. General Licensing Provisions for Licensed Professional Counselors.

36-05(1), (2) and (4) remain the same.

36-05 (3) Replace as printed below.

36-05.1. Specific training required for persons licensed as Professional Counselors to assess and treat serious problems as categorized in standard diagnostic nomenclature.

Replace as printed below.

36-06. General Licensing Provisions for Licensed Professional Counselor Supervisors.

36-06(1) and (2) remain the same

36-06 (3), (4) and (5) Replace as printed below

36-07. General Licensing Provisions for Marriage and Family Therapy Interns.

36-07 (1), (2) and (3) remain the same.

36-07 (4) Replace as printed below

36-07.1. Specific training required for Licensed Marriage and Family Therapy Interns to assess and treat serious problems as categorized in standard diagnostic nomenclature.

New section, add as printed below

36-08. General Licensing Provisions for Marriage and Family Therapists.

36-08(1), (2) and (4) remain the same

36-08(3) Add as printed below

36-08.1. Specific training required for persons licensed as Marriage and Family Therapists to assess and treat serious problems as categorized in standard diagnostic nomenclature.

New section, add as printed below

36-09. General Licensing Provisions for Licensed Marriage and Family Therapy Supervisors.

36-09 (1) and (2) remain the same

36-09 (3), (4) and (5) add as printed below.

36-10 General Licensing Provisions for Psycho-educational Specialists

Remains the same

36-10.1. Specific training required for persons licensed as Psycho-educational Specialist to assess and treat serious problems as categorized in standard diagnostic nomenclature.

New section add as printed below

36-11 Licensure by Endorsement

Remains the same

36-12. Reactivation of Expired Licenses.

Replace as printed below

36-13. Continuing education requirements for Professional Counselors and Marriage and Family Therapists.

36-13(1) and (4) Replace as printed below

36-13 (2), (3) and (5) remain the same

36-14. Continuing education requirements for Psycho-Educational Specialists.

36-14 (1) and (2) Replace as printed below

36-15. Fees.

Replace as printed below

36-16 through 36-21 remains the same

36-22. Code of Ethics for All Supervisors

New section, add as printed below

36-23 Standards for Supervision.

New section, add as printed below

Appendix A, B, C and D

Delete

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Text:

CHAPTER 36.

DEPARTMENT OF LABOR, LICENSING AND REGULATION-- BOARD OF EXAMINERS FOR THE LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND PSYCHO-EDUCATIONAL SPECIALISTS

36-01. Definitions.

(1) "Supervision" means face-to-face contact between a supervisor and an intern or other person requiring supervision under this chapter during which time the person supervised appraises the supervisor of the diagnosis and treatment of each client, during the supervisory process. The supervisor provides the supervised person with oversight and guidance in diagnosing, treating, and dealing with clients, and the supervisor evaluates the supervised person's performance. The focus of a supervision session is on raw data from clinical work which is made directly available to the supervisor through such means as written clinical materials, direct (live) observation, co-therapy, audio and video recordings, and live supervision. Supervision is a process clearly distinguishable from personal psychotherapy and is contrasted in order to serve professional goals. The major focus in supervision of supervisors is on the development of supervisory abilities as opposed to an exclusive focus on clinical skills.

(2) "Group supervision" means a regularly scheduled meeting of not more than four (4) supervisees, and an approved supervisor, for a minimum of one and one half (1 1/2) hours.

(4) "Intern licensure" means an authorization to engage in a distinctly defined, post-degree, supervised experience intended to enable and to refine and enhance basic skills, develop more advanced therapy skills, and integrate professional knowledge and skills appropriate to the individual's initial professional placement. Intern licensure status provides an opportunity, under supervision, for the individual to perform all the activities that a regularly employed staff member in the setting would be expected to perform.

(11) "Qualified licensed mental health practitioner" means a person licensed as a Professional Counselor Supervisor, Marriage and Family Therapy Supervisor, Psychologist, or Medical Doctor, and approved by the Board, who possesses the knowledge and expertise necessary to provide a supervised person with guidance and direction, in a structured program, to gain knowledge and skills associated with the diagnosis and treatment of serious problems as categorized in standard diagnostic nomenclature.

36-04. General Licensing Provisions for Professional Counselor Interns.

(4) submit a supervision plan, satisfactory to the Board, designed to take effect after notice of licensure as a Licensed Professional Counselor Intern.

36-04.1. Specific training required for interns to assess and treat serious problems as categorized in standard diagnostic nomenclature.

In order for any person licensed as a Licensed Professional Counselor Intern to assess and treat serious problems as described in standard diagnostic nomenclature, a Licensed Professional Counselor Intern must have satisfied the following requirements in addition to the academic course requirements outlined in Section 36-04(2)(a-k):

(1) Completed a practicum as part of a degree program, as required in Section 36-04(2)(k) above, that dealt directly with the assessment and treatment of more serious problems as categorized in standard diagnostic nomenclature and

(2) Completed an internship, as part of a degree program, of at least six hundred (600) hours under the supervision of a qualified licensed mental health practitioner that included experience assessing and treating clients with the more serious problems as categorized in standard diagnostic nomenclature.

36-05. General Licensing Provisions for Licensed Professional Counselors.

(3) submit evidence satisfactory to the Board of a minimum of one thousand five hundred (1500) hours of supervised clinical experience in the practice of professional counseling performed over a period of not less than two (2) years under the supervision of a licensed professional counselor supervisor or other qualified licensed mental health practitioner as provided in Section 36-05.1. The experience must include a minimum of one thousand five hundred (1500) hours of direct counseling with individuals, couples, families, or groups of which a minimum of one hundred fifty (150) hours are to be spent in immediate supervision with the licensed professional counselor supervisor, including one hundred (100) hours of individual supervision and fifty (50) hours of either individual or group supervision; and

36-05.1. Specific training required for persons licensed as Professional Counselors to assess and treat serious problems as categorized in standard diagnostic nomenclature.

In order for any person licensed as a Licensed Professional Counselor to assess and treat serious problems as described in standard diagnostic nomenclature, a Licensed Professional Counselor must have satisfied the following requirements:

(A)(1) Completed a minimum of three (3) graduate semester hours in Psychopathology in academic training from a college or university approved by the Board. This course must provide the practitioner with an understanding of psychopathology, abnormal psychology, abnormal behavior, etiology dynamics, and treatment of abnormal behavior; and

(2) Completed a minimum of three (3) graduate semester hours in Diagnostics in academic training from a college or university approved by the Board. This course must provide the practitioner with an understanding of the diagnostics of psychopathology; and

(3) Completed a minimum of one thousand five hundred (1500) hours of post-degree supervised clinical experience performed over a period not less than two (2) years with an emphasis in the treatment of serious problems as categorized in standard diagnostic nomenclature, under the supervision of a qualified licensed mental health practitioner approved by the Board. The experience must include a minimum of one thousand five hundred hours of direct counseling with individuals, couples, families, or groups of which a minimum of one hundred fifty (150) hours are to be spent in immediate supervision with the supervisor, including one hundred (100) hours of individual supervision and fifty (50) hours of either individual or group supervision.

(B) Upon application to the Board and satisfactory proof of compliance with all applicable requirements to assess and treat serious problems as categorized in standard diagnostic nomenclature, the Board shall designate that the licensee is authorized to assess and treat the more serious problems as categorized in standard diagnostic nomenclature for which the licensee has met the requirements.

36-06. General Licensing Provisions for Licensed Professional Counselor Supervisors.

(3) submit evidence acceptable to the Board of at least five (5) years of continuous clinical experience immediately preceding the application. Continuous clinical experience is any counseling experience gained as in certification by the National Board for Certified Counselors (NBCC), National Association of Alcoholism and Drug Abuse Counselors (NAADAC), or South Carolina Association of Alcoholism and Drug Abuse Counselors (SCAADAC) or a licensed professional counselor. At least two years of the five years must be experience must be supervising the clinical casework of other NBCC, NAADAC, or SCAADAC certified counselors or licensed counselors; and

(4) submit evidence of a minimum of thirty-six (36) hours of individual supervision, by a Board licensed professional counselor supervisor, of the applicant's supervision of at least two (2) licensed professional counselor interns; and

(5) submit evidence of a minimum of three (3) semester hours of graduate study in supervision oriented to their discipline or training approved by the Board.

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36-07. General Licensing Provisions for Marriage and Family Therapy Interns.

(4) submit a supervision plan, satisfactory to the Board, designed to take effect after notice of licensure as a Licensed Marriage and Family Therapy Intern.

36-07.1. Specific training required for Licensed Marriage and Family Therapy Interns to assess and treat serious problems as categorized in standard diagnostic nomenclature.

In order for any person licensed as a Licensed Marriage and Family Therapy Intern to assess and treat serious problems as described in standard diagnostic nomenclature, a Licensed Marriage and Family Therapy Intern must have satisfied the following requirements in addition to the academic course requirements outlined in Section 36-07(2)(a-f):

- (1) Completed a practicum as part of a degree program, as required in Section 36-07(2)(f) above, that dealt directly with the assessment and treatment of more serious problems as categorized in standard diagnostic nomenclature; and
- (2) Completed an internship, as part of a degree program, of at least six hundred (600) hours under the supervision of a licensed marriage and family therapy supervisor that included experience assessing and treating clients with the more serious problems as categorized in standard diagnostic nomenclature.

36-08. General Licensing Provisions for Marriage and Family Therapists.

(3) submit evidence satisfactory to the Board of a minimum of one thousand five hundred (1500) hours of supervised clinical experience in the practice of marriage and family therapy performed over a period of not less than two (2) years under the supervision of a licensed marriage and family therapy supervisor or other qualified licensed mental health practitioner as approved by the Board. The experience must include a minimum of one thousand five hundred (1500) hours of direct client contact with individuals, couples, families, or groups of which a minimum of one hundred and fifty (150) hours are to be spent in immediate supervision with the licensed marriage and family therapy supervisor, including one hundred (100) hours of individual supervision and fifty (50) hours of either individual or group supervision; and

36-08.1. Specific training required for persons licensed as Marriage and Family Therapists to assess and treat serious problems as categorized in standard diagnostic nomenclature.

In order for any person licensed as a Licensed Marriage and Family Therapist to assess and treat serious problems as described in standard diagnostic nomenclature, a Licensed Marriage and Family Therapist must have satisfied the following requirements:

- (A) (1) Completed a minimum of three (3) graduate semester hours in Psychopathology in academic training from a college or university approved by the Board. This course must provide the practitioner with an understanding of psychopathology, abnormal psychology, abnormal behavior, etiology dynamics, and treatment of abnormal behavior; and
- (2) Completed a minimum of three (3) graduate semester hours in Diagnostics in academic training from a college or university approved by the Board. This course must provide the practitioner with an understanding of the diagnostics of psychopathology; and
- (3) Completed a minimum of one thousand five hundred (1500) hours of post-degree supervised clinical experience in the practice of marriage and family therapy performed over a period of not less than two (2) years with an emphasis in the treatment of serious problems as categorized in standard diagnostic nomenclature, under the supervision of a licensed marriage and family therapy supervisor approved by the Board. The experience must include a minimum of one thousand five hundred (1500) hours of direct client contact with individuals, couples, families, or groups of which a minimum of one hundred and fifty (150) hours are to be spent in immediate supervision with the licensed marriage and family therapist supervisor, including one hundred (100) hours of individual supervision and fifty (50) hours of individual or group supervision.

(B) A licensee engaged in the assessment and treatment of serious problems as categorized in standard diagnostic nomenclature prior to the effective date of these regulations shall be authorized to continue engaging in such practice provided that the licensee has made proper application to the Board for designation not later than one year after the effective date of these regulations; and:

(1) has completed, within three (3) years after the effective date of these regulations, a minimum of three graduate semester hours in Psychopathology in academic training from a college or university approved by the Board. This course must provide the practitioner with an understanding of psychopathology, abnormal psychology, abnormal behavior, etiology dynamics, and treatment of abnormal behavior; and

(2) has completed, within three (3) years after the effective date of these regulations, a minimum of three graduate semester hours in Diagnostics in academic training from a college or university approved by the Board. This course must provide the practitioner with an understanding of the diagnostics of psychopathology; and

(C) Upon application to the Board and satisfactory proof of compliance with all applicable requirements to assess and treat serious problems as categorized in standard diagnostic nomenclature, the Board shall designate that the licensee is authorized to assess and treat the more serious problems as categorized in standard diagnostic nomenclature for which the licensee has met the requirements.

36-09. General Licensing Provisions for Licensed Marriage and Family Therapy Supervisors.

(3) submit evidence acceptable to the Board of at least five (5) years of continuous clinical experience immediately preceding the application. Two years of the five years must be clinical supervision under a licensed Marriage and Family Therapy Supervisor; and

(4) submit evidence of a minimum of thirty-six (36) hours of individual supervision by a Board licensed marriage and family therapy supervisor of the applicant's supervision of at least two (2) marriage and family therapy interns; and

(5) submit evidence of a minimum of three (3) semester hours of graduate study in supervision or training approved by the Board.

36-10.1. Specific training required for persons licensed as Psycho-educational Specialist to assess and treat serious problems as categorized in standard diagnostic nomenclature.

In order for any person licensed as a Licensed Psycho-educational Specialist to assess and treat serious problems as described in standard diagnostic nomenclature, a Licensed Psycho-educational Specialist must have satisfied the following requirements:

(A) (1) Completed a minimum of three (3) graduate semester hours in Psychopathology in academic training from a college or university approved by the Board. This course must provide the practitioner with an understanding of psychopathology, abnormal psychology, abnormal behavior, etiology dynamics, and treatment of abnormal behavior; and

(2) Completed a minimum of three (3) graduate semester hours in Diagnostics in academic training from a college or university approved by the Board. This course must provide the practitioner with an understanding of the diagnostics of psychopathology; and

(3) Provide evidence satisfactory to the Board that the applicant has successfully served as a certified school psychologist for at least two (2) years in a school or comparable setting with one of the years being under the supervision of a licensed psycho-educational specialist with an emphasis in the treatment of serious problems as categorized in standard diagnostic nomenclature

(B) A licensee engaged in the assessment and treatment of serious problems as categorized in standard diagnostic nomenclature prior to the effective date of these regulations shall be authorized to continue engaging in such practice provided that the licensee has made proper application to the Board for designation not later than one year after the effective date of these regulations; and

(1) has completed, within three (3) years after the effective date of these regulations, a minimum of three graduate semester hours in Psychopathology in academic training from a college or university approved by the Board. This course must provide the practitioner with an understanding of psychopathology, abnormal psychology, abnormal behavior, etiology dynamics, and treatment of abnormal behavior; and

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(2) has completed, within three (3) years after the effective date of these regulations, a minimum of three graduate semester hours in Diagnostics in academic training from a college or university approved by the Board. This course must provide the practitioner with an understanding of the diagnostics of psychopathology; and
(C) Upon application to the Board and satisfactory proof of compliance with all applicable requirements to assess and treat serious problems as categorized in standard diagnostic nomenclature, the Board shall designate that the licensee is authorized to assess and treat the more serious problems as categorized in standard diagnostic nomenclature for which the licensee has met the requirements.

36-12. Reactivation of Expired Licenses.

(1) A licensed professional counselor, marriage and family therapist, psycho-educational specialist, professional counselor supervisor, or marriage and family therapist supervisor whose license has been expired for at least three (3) months, but less than two (2) years, may reactivate the license upon application, along with the required fee, and demonstration of evidence satisfactory to the Board on a form approved by the Board of the requisite continuing education hours for each year during which the license was expired. The Board for good cause may waive any part of this continuing education requirement upon appropriate conditions.

(2) A licensed professional counselor, marriage and family therapist, psycho-educational specialist, professional counselor supervisor, or marriage and family therapist supervisor whose license has been expired for more than two (2) years must re-apply and meet all of the requirements, at the time of application, for licensure.

(3) Any applicant for reactivation shall submit a notarized affidavit certifying that they have not been engaged in the practice of counseling, marriage and family therapy, psycho-education specialty outside of the school setting, professional counselor supervising or marriage and family therapy supervising during the period their license was not in an active status.

ARTICLE 4. CONTINUING EDUCATION

36-13. Continuing Education Requirements for Professional Counselors and Marriage and Family Therapists.

(1) Persons licensed as professional counselors or marriage and family therapists shall complete forty (40) hours of continuing education related to their respective professional license during every two-year licensure period. Persons licensed both as professional counselors and marriage and family therapists must complete fifty (50) hours of formal continuing education during every two-year licensure period as a condition of renewal of their licenses. Of the fifty (50) hours, at least twenty-five (25) hours must be related to each discipline. Persons licensed as professional counselor supervisors or marriage and family therapy supervisors must complete ten (10) hours of formal continuing education in supervision of their discipline during every two-year licensure period as a condition of renewal of their license. Persons licensed both as professional counselor supervisors and marriage and family therapy supervisors must complete ten (10) hours of formal continuing education in supervision, at least five (5) hours of which must be in supervision of each discipline. A maximum of fifteen (15) hours may be obtained through informal continuing education.

(4) The Board accepts informal continuing education using the following guidelines:

(a) a first time presentation of a paper, workshop, or seminar for a national, regional, statewide, or other professional meeting may be approved for a maximum of five (5) continuing education hours; and

(b) a published paper in a referred journal may be approved for a maximum of five (5) continuing education hours and may be used only once; and

(c) preparation of a new or related course for an educational institution or organization may be approved for a maximum of five (5) continuing education hours; and

(d) individual self-study to include use of on-line studies, audio-visual materials, reading of professional journals and books, and participation in professional study and discussion groups may be approved based on the number of hours recommended by the sponsoring organization or the number of hours engaged in the activity for a total of fifteen (15) hours during each two-year licensure period.

36-14. Continuing Education Requirements for Psycho-educational Specialists.

(1) Persons licensed as psycho-educational specialists shall complete forty (40) hours of continuing education related to their professional licensure during every two-year licensure period. Persons licensed as a psycho-educational specialist and licensed as a professional counselor and/or marriage and family therapist must complete at least twenty-five (25) hours of formal continuing education during every two-year licensure period for each license discipline as a condition of renewal of their licenses.

(2) Continuing education credit for psycho-educational specialists may be awarded for documented completion of the following activities:

(a) a minimum of twenty (20) continuing education hours in workshops, conferences, formal in-service training, college or university courses, and teaching and training activities. A maximum of ten (10) hours may be awarded for attendance at workshops, conferences, or in-service training. For teaching and training activities, credit may be awarded only for the first time the content is taught and limited to a maximum of ten (10) hours; or

(b) a maximum of twenty (20) continuing education hours in research and publications, supervision of interns, post-graduate supervised experiences, program planning/evaluation, self-study, and professional organizational leadership. A maximum of ten (10) hours may be awarded for unpublished research. A maximum of twenty (20) hours may be awarded for research and publication or presentation. A maximum of ten (10) hours may be awarded for articles published or posters presented. Each project may be claimed only once. A maximum of twenty (20) hours may be awarded for supervision of interns. No more than one (1) post-graduate supervised experience may be claimed in any renewal period. A maximum of fifteen (15) hours may be awarded for program planning/evaluation. A maximum of twenty (20) hours may be awarded for self-study. No more than one (1) activity may be counted per organization per year and a maximum of ten (10) hours may be awarded in professional organization leadership.

ARTICLE 5. FEES

36-15. Fees.

(A) Fees are as follows:

(1) Application Fee

(a) Intern Application \$150.00

(b) All other applications \$200.00

(2) After August 31, 2001 - Biennial license renewal

(a) Interns \$200.00

(b) Professional Counselors \$200.00

(c) Marriage and Family Therapists \$200.00

(d) Psycho-educational Specialists \$200.00

(e) Professional Counselor Supervisors \$150.00

(f) Marriage and Family Therapy Supervisors \$150.00

(3) Late Renewal Penalty (1 through 3 months) \$50.00

(4) Reactivation Fee \$300.00 + renewal

(5) Examination Fee \$300.00

(6) Examination Score Verification or License Verification \$15.00

(7) Application for Continuing Education sponsor \$100.00

(8) Continuing Education Sponsorship Renewal \$50.00 (annually)

(9) License verification to another state \$ 20.00

(10) Name change and new license \$ 25.00

(11) Duplication license \$25.00

(12) Returned check charge \$25.00

(or as otherwise established by law as administrative costs for returned checks)

(B) All fees are nonrefundable.

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36-22. Code of Ethics for all Supervisors

In addition to following the profession's Code of Ethics, supervisors and candidates for supervisor's license shall:

1. Ensure that supervisees inform clients of their professional status and of all conditions of supervision.

Supervisors need to ensure that supervisees inform their clients of any status other than being fully qualified for independent practice or licensed. For example, supervisees need to inform their clients if they are a student, intern, and trainee or, if licensed with restrictions, the nature of those restrictions. In addition, clients must be informed of the requirements of supervision (e.g., the audio taping of counseling sessions for purposes of supervision).

2. Ensure that clients have been informed of their rights to confidentiality and privileged communication when applicable. Clients also should be informed of the limits of confidentiality and privileged communication.

The general limits of confidentiality are when harm to self or others is threatened; when the abuse of children, elders or disabled persons is suspected and in cases when the court compels the counselor to testify and break confidentiality. These are generally accepted limits to confidentiality and privileged communication, but they may be modified by state or federal statute.

3. Inform supervisees about the process of supervision, including supervision goals, case management procedures, and the supervisor's preferred supervision model(s).

4. Keep and secure supervision records and consider all information gained in supervision as confidential.

5. Avoid all dual relationships with supervisees that may interfere with the supervisor's professional judgment or exploit the supervisee. Refrain from supervision of current or former clients.

Although all dual relationships are not in of themselves inappropriate, any sexual relationship is considered to be a violation. Sexual relationship means sexual contact, sexual harassment, or sexual bias toward a supervisee by a supervisor.

6. Establish procedures with their supervisees for handling crisis situations.

7. Provide supervisees with adequate and timely feedback as part of an established evaluation plan, including completion of all Board required forms regarding supervision of supervisees.

8. Render assistance to any supervisee who is unable to provide adequate counseling services to clients.

9. Intervene in any situation where the supervisee is impaired and the client is at risk.

10. Refrain from endorsing an impaired supervisee when it is unlikely that the supervisee can provide adequate counseling services.

11. Refrain from offering supervision outside of the supervisor's area(s) of competence.

12. Ensure that supervisees are aware of the current ethical standards related to their professional practice, as approved by the Board, as well as legal standards that regulate their professional practice.

13. Engage supervisees in an examination of cultural issues that might affect supervision and/or counseling.

14. Ensure that both supervisees and clients are aware of their rights and of due process procedures.

ARTICLE 8. STANDARDS FOR SUPERVISION

36-23

A. Supervision of Clinical Contact

The process of supervision shall encompass multiple strategies of supervision, including regularly scheduled live observation of counseling sessions or review of audiotapes and/or videotapes of counseling sessions. The process may also include discussion of the supervisee's self-reports, micro-training, interpersonal process recall, modeling, role-playing, and other supervisory techniques.

B. Acceptable Supervisor

1. Supervisees beginning their period of supervision shall be supervised by a supervisor authorized by this Board or a qualified licensed mental health practitioner approved by this Board.

2. A supervisor shall not be related to the supervisee in any of the following relationships: spouse, parent, child, sibling of the whole- or half-blood, grandparent, grandchild, aunt, uncle, present stepparent, or present stepchild.

C. Role of the Supervisor

1. The supervisor shall provide nurturance and support to the supervisee, explaining the relationship of theory to practice, suggesting specific actions, assisting the supervisee in exploring various models for practice, and challenging discrepancies in the supervisee's practice.

2. The supervisor shall ensure that the counseling clinical contact is completed in appropriate professional settings and with adequate administrative and clerical controls.

3. The supervisor shall ensure the supervisee's familiarity with important literature in the appropriate field of practice.

4. The supervisor shall model effective practice.

5. The supervisor shall supervise no more than eight supervisees for direct client contact hours in immediate supervision of individual or group supervision.

6. The supervisor shall provide written reports as required by the Board and shall be available for consultation with the Board or its committees regarding the supervisee's competence for licensure.

D. Supervision must occur in accordance with the following guidelines:

1. The Plan for Supervision shall be completed by each supervisor and submitted to the Board. Following the completion of supervision the Confirmation of Clinical Supervision form supported by a log of hours and any written confirmation that the Board may require to support the hours noted shall be completed and mailed to the Board.

2. The process of supervision shall be outlined in a contract for supervision written between the supervisor and supervisee. This contract must address supervision issues including, but not limited to, the following:

a. clarification of whether supervision will be individual, group or both; and

b. clarification of where, when and for what length of time supervision will occur and the consistency required; and

c. any fee for the supervision including cancellation policy for supervisor and supervisee; and

d. the availability of the supervisor in therapeutic emergencies and a clearly stated process for addressing suicidal or homicidal ideation or other high-risk situations; and

e. confidentiality issues and record keeping including the process for responding to subpoenas, requests for records or other client information and a clearly stated process for protecting client's confidentiality; and

f. knowledge of and commitment to abide by the code of ethics and applicable federal and state laws; and

g. boundary issues including but not limited to personal issues (i.e. dual relationships, gifts, self disclosure); and

h. release of information form for supervisor and the supervisee to exchange information with other supervisors of person supervised; and

i. clarification of the duties of the supervisor and the supervisee such as: caseload report; preparation for supervision; documentation of diagnosis, treatment plan and session notes; time of supervisory sessions to be spent listening or watching tapes and/or observing; homework assignments including familiarity with important literature in the field; appropriate professional settings with adequate administrative and clerical controls; and

j. the development of a learning plan addressing widely accepted treatment models and methodology; and

k. procedure and schedule to review performance including self-evaluation, client satisfaction surveys and feedback to the Supervisor and supervisee; and

l. procedure to review or amend contract and/or Plan for Supervision.

3. Acceptable modes for supervision of direct clinical contact are the following:

a. Individual supervision: an acceptable supervisor conducts the supervisory session with no more than two supervisees present for a period of at least one-hour. It is suggested that contracts for individual supervision occur in specified blocks of time.

b. Group supervision: an acceptable supervisor with no more than four supervisees present for a period of at least one and one half-hours conducts the supervisory session. It is suggested that contracts for group supervision occur in specified blocks of time.

4. The Board generally considers none of the following as appropriate for supervision:

a. any supervision conducted by a current or former family member or other person connected to the supervisee in such a way that would prevent or make difficult the establishment of a professional relationship.

b. peer supervision, consultation, or professional or staff development

c. administrative supervision

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- d. any process that is primarily didactic or involves teaching or training in a workshop, seminar or classroom format, including continuing education
- e. supervision of more than eight supervisees at any given time.

Fiscal Impact Statement:

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

Statement of Rationale:

The standards for supervision are included in order to ensure effective instruction of supervisees and to protect clients.

Document No. 2982
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF LABOR SERVICES
CHAPTER 71
Statutory Authority: 1976 Code Section 41-13-20.

Synopsis:

The Office of Labor Services is amending Regulations 71-3106 and 71-3107 regarding guidelines for child labor.

Instructions:

Regulation 71-3106. Employment of Minors Between 14 and 16 Years of Age.

Replace 71-3106(c)(7) and 71-3106(d)(10) as listed below.

Regulation 71-3107. List of Hazardous Occupations or Occupations Detrimental to Health of Minor; Exemptions.

Replace 71-3107(B)3.(b) as listed below.

Replace 71-3107(C)(2)(i) as listed below.

Add 71-3107(C)(3). Text defines "occasional and incidental" and "urgent, time-sensitive deliveries."

Replace 71-3107(J)(1)(i) as listed below.

Replace 71-3107(J)(3)(i) and (ii) with 71-3107 (J)(3)(i) thru (v) as listed below.

Replace 71-3107(J)(4) with 71-3107(J)(4)(i) and (ii) as listed below.

Replace 71-3107(N)(1) as listed below.

Replace 71-3107(N)(2) with 71-3107(N)(2)(i) and (ii) as listed below.

Statement of Rationale:

The state regulations for child labor are amended to conform with federal regulations as directed by 1976 Code Section 40-13-20.

Text:

71-3106. Employment of Minors Between 14 and 16 Years of Age.

(c)(7) Kitchen work and other work involved in preparing and serving food and beverages, including the operation of machines and devices used in the performance of such work, such as but not limited to, dish-washers, toasters, dumb-waiters, popcorn poppers, milk shake blenders, coffee grinders, automatic coffee machines, devices used to maintain the temperature of prepared foods (such as warmers, steam tables, and heat lamps), and microwave ovens that are used only to warm prepared food and do not have the capacity to warm above 140 degrees Fahrenheit. Minors are permitted to clean kitchen equipment (not otherwise prohibited), remove oil or grease filters, pour oil or grease through filters, and move receptacles containing hot grease or hot oil, but only when the equipment, surfaces, containers, and liquids do not exceed a temperature of 100 degrees Fahrenheit;

(d)(10) Cooking and baking except:

(a) Cooking is permitted with electric or gas grills which does not involve cooking over an open flame (Note: this provision does not authorize cooking with equipment such as rotisseries, broilers, pressurized equipment including fryolators, and cooking devices that operate at extremely high temperatures such as “Neico broilers”); and

(b) Cooking is permitted with deep fryers that are equipped with and utilize a device which automatically lowers the baskets into the hot oil or grease and automatically raises the baskets from the hot oil or grease;

Regulation 71-3107. List of Hazardous Occupations or Occupations Detrimental to Health of Minor; Exemptions.

(B)3.(b) The terms “explosives” and “articles containing explosive components” mean and include ammunition, black powder, blasting caps, fireworks, high explosives, primers, smokeless powder, and all goods classified and defined as explosives and explosive materials in 18 U.S.C. 841(c)-(f) and the implementing regulations at 27 CFR Part 555. The terms include any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, as well as all goods identified in the most recent list of explosive materials published by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice. This list is not intended to be all-inclusive and is updated and published annually in the Federal Register pursuant to 18 U.S.C. 841(d). A copy of the most recent version of the list may be found through the Bureau of Alcohol, Tobacco, Firearms, and Explosives’ website at <http://www.atf.gov>.

(C)(2)(i) Incidental and occasional driving. The finding and declaration in paragraph (1) of this section shall not apply to the operation of automobiles or trucks not exceeding 6,000 pounds gross vehicle weight if such driving is restricted to daylight hours: Provided, such operation is only occasional and incidental to the child’s employment; that the child holds a State license valid for the type of driving involved in the job which he performs, has no records of any moving violations at the time of hire, and has completed a State approved driver education course: And provided further, that the vehicle is equipped with a seat belt or similar device for the driver and for each helper, and the employer has instructed each child that such belts or other devices must be used: And provided further, that the driving performed by the child does not involve more than two trips away from the primary place of employment in any single day for the purpose of delivering goods of the child’s employer to a customer or of transporting passengers (other than the employees of the employer); and that the driving takes place within a thirty (30) mile radius of the minor’s place of employment. This paragraph shall not be applicable to any occupation of motor vehicle driver which involves the towing of vehicles; route deliveries or route sales; the transportation for hire of property, goods, or passengers; urgent, time-sensitive deliveries; or the transporting at any one time of more than three passengers, including the employees of the employer.

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(C)(3) Definitions. For the purpose of this paragraph:

(v) The term “occasional and incidental” shall mean no more than one-third of an employee’s worktime in any workday and no more than 20 percent of an employee’s worktime in any workweek.

(vi) The term “urgent, time-sensitive deliveries” shall mean trips which, because of such factors as customer satisfaction, the rapid deterioration of quality or change in temperature of the product, and/or economic incentives, are subject to time-lines, schedules, and/or turnaround times which might impel the driver to hurry in the completion of the delivery. Prohibited trips would include, but are not limited to, the delivery of pizzas and prepared foods to the customer; the delivery of materials under a deadline (such as deposits to a bank at closing); and the shuttling of passengers to and from transportation depots to meet transport schedules. “Urgent, time-sensitive deliveries” would not depend on the delivery’s points of origin and termination, and would include the delivery of people and things to the employer’s place of business as well as from that business to some other location.

(J)(1)(i) Arm-type wire stitcher or stapler, circular or band saw, corner cutter or mitering machines, corrugating and single-or-double-facing machine, envelope die-cutting press, guillotine paper cutter or shear, horizontal bar scorer, laminating or combining machine, sheeting machine, scrap-paper baler, paper box compactor, or vertical slotter.

(J)(3) Definitions.

(i) The term “applicable ANSI standard” shall mean the American National Standard Institute’s Standard ANSI Z245.5–1990 (“American National Standard for Refuse Collection, Processing, and Disposal—Baling Equipment—Safety Requirements”) for scrap paper balers or the American National Standard Institute’s Standard ANSI Z245.2–1992 (“American National Standard for Refuse Collection, Processing, and Disposal Equipment—Stationary Compactors—Safety Requirements”) for paper box compactors. Additional applicable standards are the American National Standard Institute’s Standard ANSI Z245.5–1997 (“American National Standard for Equipment Technology and Operations for Wastes and Recyclable Materials—Baling Equipment—Safety Requirements”) for scrap paper balers or the American National Standard Institute’s Standard ANSI Z245.2–1997 (“American National Standard for Equipment Technology and Operations for Wastes and Recyclable Materials—Stationary Compactors—Safety Requirements”) for paper box compactors, which the Secretary has certified to be at least as protective of the safety of minors as Standard ANSI Z245.5–1990 for scrap paper balers or Standard ANSI Z245.2–1992 for paper box compactors. The ANSI standards for scrap paper balers and paper box compactors govern the manufacture and modification of the equipment, the operation and maintenance of the equipment, and employee training. These ANSI standards are incorporated by reference in this paragraph and have the same force and effect as other standards in this section. Only the mandatory provisions (i.e., provisions containing the word “shall” or other mandatory language) of these standards are adopted as standards under this section. These standards are incorporated by reference as they exist on the date of approval; if any changes are made in these standards which the Secretary finds to be as protective of the safety of minors as the current standards, the Secretary will publish a Notice of the change of standards in the Federal Register. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies of these standards are available for purchase from the American National Standards Institute (ANSI), 23 West 43rd St., Fourth Floor, New York, NY, 10036. In addition, these standards are available for inspection at the National Archives and Records Administration (NARA) and at the Occupational Safety and Health Administration’s Docket Office, Room N2625, United States Department of Labor, 200 Constitution Avenue, NW, Washington, DC, 20210, or any of its regional offices. For information on availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(ii) The term “operating or assisting to operate” shall mean all work which involves starting or stopping a machine covered by this section, placing materials into or removing them from the machine, including clearing a machine of jammed paper or cardboard, or any other work directly involved in operating the machine. The term does not include the stacking of materials by an employee in an area nearby or adjacent to the machine where such employee does not place the materials into the machine.

(iii) The term “paper box compactor” shall mean a powered machine that remains stationary during operation, used to compact refuse, including paper boxes, into a detachable or integral container or into a transfer vehicle.

(iv) The term “paper-products machine” shall mean power-driven machines used in the remanufacture or conversion of paper or pulp into a finished product, including preparing such materials for recycling or used in preparing such materials for disposal. The term is understood to apply to such machines whether they are used in establishments that manufacture converted paper or pulp products, or in any other type of manufacturing or non-manufacturing establishment. The term is also understood to apply to those machines which, in addition to paper products, process other material for disposal.

(v) The term “scrap paper baler” shall mean a powered machine used to compress paper and possibly other solid waste, with or without binding, to a density or form that will support handling and transportation as a material unit without requiring a disposable or reusable container.

(J)(4) Exemptions.

(i) Loading a scrap paper baler or paper box compactor. Sixteen- and seventeen-year-old minors may load materials into, but not operate or unload, those scrap paper balers and paper box compactors that are safe for sixteen- and seventeen-year-old employees to load and cannot be operated while being loaded. For the purpose of this exemption, a scrap paper baler or a paper box compactor is considered to be safe for sixteen- and seventeen-year-olds to load only if all of the following conditions are met: the scrap paper baler or paper box compactor meets the applicable ANSI standard; the scrap paper baler or paper box compactor includes an on-off switch incorporating a key-lock or other system and the control of the system is maintained in the custody of employees who are eighteen years of age or older; the on-off switch of the scrap paper baler or paper box compactor is maintained in an off position when the machine is not in operation; and the employer posts a notice on the scrap paper baler or paper box compactor (in a prominent position and easily visible to any person loading, operating, or unloading the machine) that includes and conveys all of the following information: That the scrap paper baler or paper box compactor meets the industry safety standard applicable to the machine, completely identifying the appropriate ANSI standard; That sixteen- and seventeen-year-old employees may only load the scrap paper baler or paper box compactor; and that no employee under the age of eighteen may operate or unload the scrap paper baler or paper box compactor.

(ii) Apprentices or student-learners. This section shall not apply to the employment of apprentices or student-learners under the conditions prescribed in 71-3105(f) and (g).

(N)(1) Finding and declaration of fact. All occupations in roofing operations and all occupations on or about a roof are particularly hazardous for the employment of minors sixteen and seventeen years of age or detrimental to their health.

(N)(2) Definitions.

(i) The term “on or about a roof” shall mean all work performed upon or in close proximity to a roof, including carpentry and metal work, alterations, additions, maintenance and repair, including painting and coating of existing roofs; the construction of the sheathing or base of roofs (wood or metal), including roof trusses or joists; gutter and downspout work; the installation and servicing of television and communication equipment such as cable and satellite dishes; the installation and servicing of heating, ventilation and air conditioning equipment or similar appliances attached to roofs; and any similar work that is required to be performed on or about roofs.

(ii) The term “roofing operations” shall mean all work performed in connection with the application of weatherproofing materials and substances (such as tar or pitch, asphalt prepared paper, tile, slate, metal, translucent materials, and shingles of asbestos, asphalt, or wood) to roofs of buildings or other structures. The term shall also include all work performed in connection with: (1) the installation of roofs, including related metal work such as flashing and (2) alterations, additions, maintenance, and repair, including painting and coating, of existing roofs. The term shall also include all jobs on the ground related to roofing operations such as roofing laborer, roofing helper, materials handler, and tending a tar heater. The term shall not include gutter and downspout work; the construction of the sheathing or base of roofs; or the installation of television antennas, air conditioners, exhaust and ventilation equipment, or similar appliances attached to roofs.

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Fiscal Impact Statement:

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

Document No. 3065
DEPARTMENT OF LABOR, LICENSING AND REGULATION
CHAPTER 71
Statutory Authority: 1976 Code Section 41-15-210
Article I, Subarticles 6, 7, and 8
Occupational Safety and Health Standards

The South Carolina Department of Labor, Licensing and Regulation, Division of Labor, Office of Occupational Safety and Health, hereby promulgates the following changes to South Carolina Regulations:

In Subarticle 6 (General Industry and Shipyard Employment):

Minimum standard for Subarticle 6 shall be 1910.6, 1910.106, 1910.142, 1910.243, 1910.254, 1910.265, and 1915.8, as amended in FEDERAL REGISTER, Volume 70, Number 176, pages 53925-53929, dated September 13, 2005.

Minimum standard for Occupational Exposure to Hexavalent Chromium (Chromium (VI)) shall be 1910.1000, 1910.1026, 1915.1000, and 1915.1026 as amended in FEDERAL REGISTER, Volume 71, Number 39, pages 10099-10385, dated February 28, 2006.

Minimum standard for Fire Protection in Shipyard Employment shall be 1915.5, 1915.8, 1915.52 and 1915.501-508 as amended in FEDERAL REGISTER, Volume 69, Number 178, pages 55667-55708, dated September 15, 2004.

In Subarticle 7 (Construction):

Minimum standard for Roll-Over Protective Structures shall be 1926.1001, 1926.1002, and 1926.1003 as amended in FEDERAL REGISTER, Volume 71, Number 39, page 9909, dated February 28, 2006.

Minimum standard for Occupational Exposure to Hexavalent Chromium (Chromium (VI)) shall be 1926.55, and 1926.1126 as amended in FEDERAL REGISTER, Volume 71, Number 39, pages 10099-10385, dated February 28, 2006.

Minimum standard for Steel Erection; Slip Resistance of Skeletal Structural Steel shall be 1926.754 and Appendix B as amended in FEDERAL REGISTER, Volume 71, Number 11, pages 2879-2885, dated January 18, 2006.

In Subarticle 8(Agriculture Operations):

Minimum standard for Roll-Over Protective Structures shall be 1928.52 and 1928.53 as amended in FEDERAL REGISTER, Volume 71, Number 39, page 9909, dated February 28, 2006.

Copies of these final regulation changes can be obtained or reviewed at the South Carolina Department of Labor, Licensing and Regulation during normal business hours by contacting the OSHA Standards Office at (803) 896-7682.

Document No. 3035
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF NURSING
 CHAPTER 91

Statutory Authority: 1976 Code Sections 40-1-70, 40-33-1335(4) and 40-33-1345(C).

Synopsis:

The Board of Nursing is adding a new Regulation 91-2 to implement the Nurse Licensure Compact (Compact). The Compact was enacted by Act 87 of 2005, which provides for the promulgation of uniform regulations that are developed by the Compact administrators (40-33-1335(4)). Those uniform regulations will be new Regulation 91-2.

Instructions:

Regulation 91-2. Nurse Licensure Compact.
 Replace 91-2 with new text as printed below.

Statement of Rationale:

The uniform regulations will implement the Nurse Licensure Compact and assist in the recruitment of nurses in this State.

Text:

91-2. Nurse Licensure Compact.

A. Definition of Terms in the Compact.

For the Purpose of the Compact:

1. "Board" means party state's regulatory body responsible for issuing nurse licenses.
2. "Information system" means the coordinated licensure information system.
3. "Primary state of residence" means the state of a person's declared fixed permanent and principal home for legal purposes; domicile.
4. "Public" means any individual or entity other than designated staff or representatives of party state boards or the National Council of State Boards of Nursing, Inc.

Other terms used in these rules are to be defined as in the Interstate Compact.

B. Issuance of a License by a Compact Party State.

For the purpose of this Compact:

1. As of July 1, 2005, no applicant for initial licensure will be issued a compact license granting a multi-state privilege to practice unless the applicant first obtains a passing score on the applicable NCLEX examination or its predecessor examination used for licensure.
2. A nurse applying for a license in a home party state shall produce evidence of the nurse's primary state of residence. Such evidence shall include a declaration signed by the licensee. Further evidence that may be requested and may include but is not limited to:
 - a. Driver's license with a home address;
 - b. Voter registration card displaying a home address; or
 - c. Federal income tax return declaring the primary state of residence.
3. A nurse changing primary state of residence from one party state to another party state may continue to practice under the former home state license and multi-state licensure privilege during the processing of the nurse's licensure application in the new home state for a period not to exceed thirty (30) days.

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4. The licensure application in the new home state of a nurse under pending investigation by the former home state shall be held in abeyance and other applicable time periods shall be stayed until resolution of the pending investigation.

5. The former home state license shall no longer be valid upon the issuance of a new home state license.

6. If a decision is made by the new home state denying licensure, the new home state shall notify the former home state within ten (10) business days and the former home state may take action in accordance with that state's laws and rules.

C. Limitations on Multi-state Licensure Privilege.

Home state boards shall include in all licensure disciplinary orders and/or agreements that limit practice and/or require monitoring the requirement that the licensee subject to said order and/or agreement will agree to limit the licensee's practice to the home state during the pendency of the disciplinary order and/or agreement. This requirement may, in the alternative, allow the nurse to practice in other party states with prior written authorization from both the home state and such other party state boards.

D. Information System.

1. Levels of access

a. The public shall have access to nurse licensure information limited to:

- i. the nurse's name,
- ii. jurisdiction(s) of licensure,
- iii. license expiration date(s),
- iv. licensure classification(s) and status(es),
- v. public emergency and final disciplinary actions, as defined by contributing state authority, and
- vi. the status of multi-state licensure privileges.

b. Non-party state boards shall have access to all Information System data except current significant investigative information and other information as limited by contributing party state authority.

c. Party state boards shall have access to all Information System data contributed by the party states and other information as limited by contributing non-party state authority.

2. The licensee may request in writing to the home state board to review the data relating to the licensee in the Information System. In the event a licensee asserts that any data relating to him or her is inaccurate, the burden of proof shall be upon the licensee to provide evidence that substantiates such claim. The Board shall verify and within ten (10) business days correct inaccurate data to the Information System.

3. The Board shall report to the Information System within ten (10) business days

a. disciplinary action, agreement or order requiring participation in alternative programs or which limit practice or require monitoring (except agreements and orders relating to participation in alternative programs required to remain nonpublic by contributing state authority),

b. dismissal of complaint, and

c. changes in status of disciplinary action, or licensure encumbrance.

d. Current significant investigative information shall be deleted from the Information System within ten (10) business days upon report of disciplinary action, agreement or order requiring participation in alternative programs or agreements which limit practice or require monitoring or dismissal of a complaint.

e. Changes to licensure information in the Information System shall be completed within ten (10) business days upon notification by a board.

Fiscal Impact Statement:

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

Document No. 3030
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF NURSING
CHAPTER 91
Statutory Authority: 1976 Code Sections 40-1-70, 40-33-10(E), and 40-33-10(I)

Synopsis:

The Board of Nursing is adding a new Regulation 91-1 regarding the supervision of other persons.

Instructions:

Regulation 91-1. Active, Unrestricted Practice of Nursing Required to Supervise Others. Replace with new text as printed below.

Statement of Rationale:

Regulation 91-1 needs to be added to clarify statutory provisions included in the Nurse Practice Act (Act 225 of 2004). There was no scientific or technical basis relied upon in the development of this regulation.

Text:

Regulation 91-1. Active, Unrestricted Practice of Nursing Required to Supervise Others

Any licensee who supervises another person must hold an active, unrestricted authorization to practice in this state and be currently engaged in the active practice of nursing.

Fiscal Impact Statement:

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

Document No. 2976
DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA OCCUPATIONAL HEALTH AND SAFETY REVIEW BOARD
CHAPTER 127
Statutory Authority: 1976 Code Section 41-15-610(a)

R.127-1.5 Representation of Parties and Intervenors.

Synopsis:

The Occupational Health and Safety Review Board is amending Regulation 127-1.5 to reflect changes since its promulgation.

Instructions:

R.127-1.5 Representation of Parties and Intervenors
Replace R. 127-1.5 as written below.

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Text:

127-1.5. Representation of Parties and Intervenors

Any protesting party or intervenor may appear in person or through a representative. Parties may choose an officer or a full time employee as a representative. If a party chooses an attorney as a representative, the attorney must comply with all requirements of the South Carolina Supreme Court, including provisions for appearance pro hac vice. The representative of a party or intervenor shall be deemed to control all matters respecting the interest of such party or intervenor in the proceeding. It shall be the duty of the party or intervenor to notify, in writing, the Administrative Law Clerk of the Occupational Health and Safety Review Board and the Board member to whom the matter is assigned of the address of record of the party or intervenor or of the representative appearing for the party or intervenor.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

There were no scientific or technical basis relied upon in developing the regulation. The South Carolina Supreme Court has recently amended its Rule 404 governing the practice of law in this state, particularly concerning the conditions under which attorneys licensed in other states can appear before administrative tribunals. The Supreme Court action requires that this Board amend its rules to avoid misleading parties which appear before it and which choose to be represented by counsel not licensed in South Carolina.

Document No. 3036
SOUTH CAROLINA LOTTERY COMMISSION
CHAPTER 44
Statutory Authority: 1976 Code, Section 59-150-70.

R44-40.10. *Instant Games*

R44-50.10. *Online Games*

Synopsis:

Regulation 44-40.10, Section B(2) provides for the payment of prizes for winning instant game tickets in excess of \$500. The amendment adds language authorizing the Executive Director to designate certain lottery retailers to validate and pay claims in excess of \$500 but less than \$4,999. It also conforms certain provisions of R.44-40.10, Section B(2) to be consistent with R.44.50.10, Section F. The other provisions of R.44.40.10 remain unchanged by this amendment.

Regulation 44-50.10, Section F provides for the payment of prizes for winning online games in excess of \$500. The amendment adds language authorizing the Executive Director to designate certain lottery retailers to validate and pay claims in excess of \$500 but less than \$4,999. It also conforms certain provisions of R.44-50.10, Section F to be consistent with R.44.4 0.10, Section B(2). The other provisions of R.44.50.10 remain unchanged by this amendment.

Instructions:

The following regulation will replace in its entirety R.44-40.10.B(2).

Text:

R.44-40.10.B.(2) Subject to the limitations herein, the claimant of a prize of more than five hundred dollars (\$500) shall complete a claim form as provided by the Executive Director, and submit it with the winning ticket to SCEL or its agent. The Commission may authorize the Executive Director to designate a limited number of lottery retailers to act as agents to validate claims and pay a winning prize in excess of \$500 but not more than \$4,999 or the amount authorized by statute. Upon validation, SCEL or its agent shall pay the claimant by check or other manner approved by SCEL, the amount due, less any applicable federal and state income tax withholdings and any withholding required by Section 59-150-330. In the event that the claim is not validated, the claim shall be denied and the claimant shall be promptly notified that the claim is denied. Nonwinning tickets shall not be returned to the claimant.

Instructions:

The following regulation will replace in its entirety R.44-50.10.F.

Text:

R.44-50.10.F. Subject to the limitations herein, to claim an online prize of more than five hundred dollars (\$500), within the limit of one hundred eighty (180) days after the date of the drawing, the claimant shall obtain and complete a claim form, as provided by the Executive Director, and submit it with the winning ticket to SCEL or its agent. The Commission may authorize the Executive Director to designate a limited number of lottery retailers to act as agents to validate claims and pay a winning prize in excess of \$500 but not more than \$4,999 or the amount authorized by statute. Upon validation, SCEL or its agent shall pay the claimant, by check or other manner approved by SCEL, the amount due, less any applicable federal and state income tax withholdings and any withholdings required by Section 59-150-330. In the event that the claim is not validated, the claim shall be denied and the claimant shall be promptly notified. Nonwinning tickets shall not be returned to the claimant.

Fiscal Impact Statement: There will be no fiscal impact to the State or its political subdivisions.

Statement of Rationale: Revisions to these regulations are necessary to effectuate the statutory authority granted in Section 59-150-70(D) which requires the promulgation of a regulation.

Document No. 2974

WORKERS' COMPENSATION COMMISSION**CHAPTER 67**

Statutory Authority: 1976 Code Section 42-3-30

- 67-803. Settlement by Agreement and Final Release.
- 67-1503. Proof of Compliance, Excess Insurance.
- 67-1505. Proof of Compliance, Surety Bond.
- 67-1506. Proof of Compliance, Securities Pledge.
- 67-1507. Proof of Compliance, Irrevocable Letter of Credit.
- 67-1509. The Self-Insurance Program, Amendments to and Renewal of.
- 67-1510. Financial Analysis and Reports.
- 67-1511. Audits.

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Synopsis:

The Commission proposes to amend these regulations in order to update, improve current practice, and further streamline operations. The amendments will reflect changes in settlements by Agreement and Final Release and self-insured filing deadlines for annual audited financial statements and other self-insured regulations.

Instructions:

R.67-803 will be amended to make grammatical and procedural changes.

R.67-1503A and R.67-1503B(1) will be amended to provide grammatical and cosmetic changes to reflect changes in workplace procedures regarding self-insurance.

R.67-1505C(3) will be amended to provide grammatical and cosmetic changes to reflect changes in workplace procedures regarding self-insurance.

R.67-1506A, R.67-1506B, R.67-1506D, 67-1506D(1), and R.67-1506D(2) will be amended to provide grammatical and cosmetic changes to reflect changes in workplace procedures regarding self-insurance.

R.67-1507A will be amended to provide grammatical and cosmetic changes to reflect changes in workplace procedures regarding self-insurance.

R.67-1509A(2), R.67-1509B(1), and R.67-1509B(4) will be amended to provide grammatical and cosmetic changes to reflect changes in workplace procedures regarding self-insurance.

R.67-1509C will be amended to provide grammatical and cosmetic changes to reflect changes in workplace procedures regarding self-insurance.

R.67-1510A, R.67-10B, and R.67-1510C will be amended to provide grammatical and cosmetic changes and to change self-insured filing deadlines.

R.67-1511A and 1511B will be amended to provide grammatical and cosmetic changes to reflect changes in workplace procedures regarding self-insurance.

Text:

67-803. Settlement by Agreement and Final Release.

A. If the parties agree to the terms of a settlement by entering into an Agreement and Final Release, the document shall include the following:

- (1) the caption of the claim;
- (2) a statement of the facts at issue;
- (3) the date and nature of the alleged injury coinciding with the date and nature of each injury on the Form 12A, Form 50, or Form 52;
- (4) the amount of the settlement and terms of payment; and
- (5) the signature of the claimant, his or her attorney if any, and the attorney for the employer's representative.

B. An Agreement and Final Release is approved when signed by the Commissioner assigned to the claim, or by another Commissioner if the assigned Commissioner is unavailable. An approved Agreement and Final Release is binding. The employer's representative pays compensation according to its terms.

(1) If the claimant is not represented by an attorney, the Agreement and Final Release must be approved at an informal conference as follows:

(a) The employer's representative must request an informal conference by filing an updated Form 18 showing status of payment of temporary compensation, if any, and medical expenses with the Commission's Judicial Department. The claimant may request an informal conference by writing to the Judicial Department.

(b) The attorney for the employer's representative and the claimant attend the informal conference. If the parties reach an agreement at the informal conference that the Commissioner approves, the Agreement and Final Release is signed by the claimant, the attorney for the employer's representative, and the Commissioner.

(c) The attorney for the employer's representative must provide three copies of the Agreement and Final Release to the Commissioner at the informal conference. The Commission returns an official copy to the attorney for the employer's representative, and the attorney for the employer's representative shall provide the claimant a copy of the approved and official Agreement and Final Release.

(d) If the Commissioner does not approve the Agreement and Final Release, the Agreement and Final Release is neither approved nor binding. The Commission will set the claim for hearing according to R.67-804 I.

(2) If the claimant is represented by an attorney, the claimant, his or her attorney, and the attorney for the employer's representative sign the Agreement and Final Release. The Agreement and Final Release may then be approved by the Commissioner assigned the claim without an appearance before a Commissioner as follows:

(a) The attorney for the employer's representative files the original and one copy of the proposed Agreement and Final Release with the Claims Department.

(b) The claim is assigned to the Commissioner who last issued an order in the case, or if an order has not been issued, to the Commissioner assigned to the claim, or to any other Commissioner if the assigned Commissioner is unavailable.

(c) The Commissioner reviews the Agreement and Final Release and he or she may sign and approve it.

(d) An approved copy of the Agreement and Final Release is returned to the attorney for the employer's representative.

(e) The employer's representative must provide the claimant a copy of the approved Agreement.

C. Commissioners will not approve an Agreement and Final Release that is not fairly made and in accordance with the Act. If the Agreement and Final Release is not approved, the Commissioner assigned the claim may schedule an informal conference or hearing according to R.67-804 I.

67-1503. Proof of Compliance, Excess Insurance.

A. Each self-insurer shall purchase specific excess insurance in an amount determined by the Commission. The Commission may also require a self-insurer to purchase aggregate excess insurance, in addition to specific excess insurance, depending on the self-insurer's financial condition, size, loss history, and exposure. The Self-Insurance Division will notify the self-insurer of the amount and type of excess insurance required.

B. Provide proof of excess insurance by filing a copy of the excess insurance policy with the Self-Insurance Division.

(1) The self-insurer may file an acceptable certificate of insurance, as proof of excess insurance coverage, in lieu of a policy, for the first forty-five days following approval to self-insure or a change in excess insurance carriers.

(2) The applicant shall file a copy of the excess insurance policy within the period in R.67-1502B.

C. The following provisions shall apply to excess insurance.

(1) The excess insurance shall be issued by a carrier licensed by the South Carolina Department of Insurance.

(2) The policy shall include as a named insured each subsidiary company in a parent company's self-insurance program, if any.

(3) The excess insurance policy shall include an endorsement that cancellation shall not be effective until after sixty days written notice to the Commission's Self-Insurance Division.

(4) Excess insurance shall be deemed continuous.

(5) Excess insurance may be cancelled only upon sixty days written notice to the Self-Insurance Division.

67-1505. Proof of Compliance, Surety Bond.

A. File a Form 8, Proof of Compliance, Surety Bond, with the Self-Insurance Division within the time provided in R.67-1502B. The amount of the bond is determined by the Commission based on an analysis of the total self-insurance program including but not limited to an analysis of the applicant's excess insurance, loss history, and financial condition.

B. The minimum bond amount is two hundred and fifty thousand dollars.

C. The following provisions shall apply to a bond.

(1) The bonding company must be licensed by the South Carolina Department of Insurance.

(2) The bond shall be deemed continuous beginning with the date of contingent approval of the self-insurance program and continuing until sixty days after a written notice of cancellation is reviewed by the Self-Insurance Division.

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(3) When the Self-Insurance Division receives a bond cancellation notice, the self-insured is notified to replace the bond before the expiration of the original bond. The Commission shall institute revocation proceedings upon the failure to renew or replace the bond as described in R.67-1513.

D. When a self-insurer loses or withdraws its privilege of self-insurance, the bond remains with the Commission to guarantee payment of any claims occurring during the self-insured period.

(1) The Commission may release the bond, or any part thereof, when the Commission determines that all contingent liability arising during the period of self-insurance has expired.

(2) The employer or fund may request the release of a bond, or any part thereof, by writing to the Self-Insurance Division. The Self-Insurance Division shall notify the employer or fund of its administrative determination. If the employer or fund disagrees with the administrative determination, the employer or fund may request a hearing by filing a motion for a hearing according to R.67-215. The parties shall proceed according to Article 6.

67-1506. Proof of Compliance, Securities Pledge.

A. The Commission in its discretion may accept a pledge of securities issued by this State or the federal government as proof of compliance instead of a bond or letter of credit.

B. The Commission shall determine the amount of securities required by R.67-1505A and shall notify the self-insurer of the amount.

C. The securities shall be held by a trust department of a South Carolina bank and pledged to the South Carolina Workers' Compensation Commission.

D. To pledge securities, the bank shall provide an acceptable safekeeping receipt.

(1) The bank safekeeping receipt must outline the details of the securities, and pledges the securities to the South Carolina Workers' Compensation Commission.

(2) File the bank safekeeping receipt with the Self-Insurance Division within the time provided in R.67-1502B.

E. When a self-insurer loses or withdraws its privilege of self-insurance, the securities remain pledged to the Commission to guarantee payment of any claim occurring during the self-insured period.

(1) The Commission may release the securities, or any part thereof, when the Commission determines that all contingent liability arising during the period of self-insurance has expired.

(2) The Commission may release the securities, or any part thereof, by notifying the bank holding the securities in trust to release the pledged securities.

(3) Request the release of securities or any part thereof by writing to the Self-Insurance Division.

(a) The Self-Insurance Division will notify the employer or fund of its administrative determination.

(b) If the employer or fund disagrees with the Commission's determination, the employer or fund may request a hearing by filing a motion for hearing, according to R. 67-215. The parties proceed according to Article 6.

67-1507. Proof of Compliance, Irrevocable Letter of Credit.

A. The Commission in its discretion may accept a Form 8B, Proof of Compliance, Memorandum of Understanding and Irrevocable Letter of Credit, as proof of compliance instead of a surety bond or securities. The Commission will determine the amount as provided by R.67-1505A.

B. The applicant for self-insurance shall file the Form 8B with the Commission's Self-Insurance Division within the time provided in R.67-1502B.

C. The following provisions shall apply to a letter of credit.

(1) The letter of credit must be issued by a bank chartered in this State or a federally chartered bank with a branch office in this State.

(2) The bank shall offer the irrevocable letter of credit by completing a Form 8B.

(3) The South Carolina Workers' Compensation Commission shall be the named beneficiary.

(4) A proposed letter of credit must be approved by the Commission before the Commission issues a Form 9, Certificate for Self-Insurance.

D. Once an irrevocable letter of credit is established, it may be revoked only with the consent of the Commission.

(1) The Self-Insurance Division may grant consent only when the self-insurer offers proof of the purchase of a surety bond, pledges securities or obtains another irrevocable letter of credit.

- (2) Expiration or cancellation of a letter of credit is effective only after sixty days written notice filed with the Self-Insurance Division.
- (3) The self-insurer shall file notice of the replacement to the Self-Insurance Division in writing by certified mail.
- (4) When the self-insurer fails to replace the letter of credit with another accepted proof of compliance, the Commission may demand payment of the letter of credit and deposit the proceeds in the South Carolina State Treasurer's Office to guarantee payment of any claim occurring during the self-insured period.
- (5) The Commission may exercise the letter of credit at any time if the proceeds are needed for payment of a claim that occurred during the self-insured period.

67-1509. The Self-Insurance Program, Amendments to and Renewal of.

A. The Commission may amend the self-insurance program when analysis of the program shows a significant change in the number of employees in the state, the financial condition, losses, the excess insurance program, management of funds, or in material conditions of the self-insured program.

- (1) The self-insurer is notified in writing of the Commission's proposed amendment.
- (2) If the self-insurer does not comply within a time period determined by the Self-Insurance Division, but not less than thirty days, the Self-Insurance Division may institute revocation proceedings according to R.67-1513.

B. The self-insurer shall report any proposed changes to its self-insurance program to the Self-Insurance Division.

(1) A change includes, but is not limited to, altering an endorsement or amending an excess insurance policy, any change to retention or limits of an excess insurance policy, any change in the carrier of a surety bond, pledged securities, or letter of credit, any change regarding a letter of credit, replacement of matured securities, or changes in the by-laws of a fund.

(2) The Self-Insurance Division may administratively approve a proposed change determined not a material or substantial change to the program.

(3) If a change in a self-insurance program is determined to affect the self-insurance program materially, the Self-Insurance Division may request the self-insurer to comply with the program as approved. The self-insured may request the Commission's approval of a change in the program by writing the Self-Insurance Division.

(4) If the self-insurer refuses or neglects to continue a self-insurance program according to the terms approved by the Commission, the Self-Insurance Division may institute revocation proceedings according to R.67-1513.

C. The self-insurer shall report a renewal of existing excess insurance policies to the Self-Insurance Division. When the renewal is with the same carrier, the self-insurer may report the change by filing an acceptable certificate of insurance. When the self-insurer changes carriers, the self-insurer shall file a copy of the policy as required in R.67-1503B(1).

67-1510. Financial Analysis and Reports.

A. A self-insured employer shall file audited financial statements, prepared in accordance with generally accepted accounting principles, or the United States Securities & Exchange Commission's Form 10K with the Self-Insurance Division within ninety days following the close of each fiscal year for analysis of the self-insurer's financial condition. In lieu of audited financial statements, a self-insured employer may provide the sworn statement or affidavit from an independent auditor as provided in R.67-1501A(2).

B. Each self-insurance fund shall file with the Self-Insurance Division a Form 11, Self-Insurer's Quarterly Financial Report, or equivalent financial report, immediately after each quarter of its fiscal year. Each self-insurance fund also shall file with the Self-Insurance Division audited financial statements, prepared in accordance with generally accepted accounting principles within one hundred twenty days following the close of each fiscal year.

C. A sixty day extension of time in which to file a Quarterly Financial Report or Annual Audited Financial Statements may be requested by writing the Self-Insurance Division.

D. Failure to file timely the forms referred to above may result in the institution of revocation proceedings.

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67-1511. Audits.

A. The Self-Insurance Division or its representative may audit the self-insured employer and self-insurance fund. The audit may include examination of evidence supporting the information filed on the Form 10, Self-Insurance Tax Return, Form 11, Self-Insurer's Quarterly Financial Report, Form 11A, Self-Insurer's Annual Financial Report, financial reports, claims administration, fund membership, and an evaluation of the financial condition of the self-insurer.

B. The Commission may request additional documentation to support the information reported on the above referenced forms. If the Commission determines that the self-insured or self-insurance fund is financially unqualified to continue its privilege of self-insurance, the Commission may institute revocation proceedings in accordance with R.67-1513.

Fiscal Impact Statement:

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

Statement of Rationale:

There have been no scientific or technical studies conducted with regard to these regulations. Changes are requested based on staff recommendations.